

CS FOR HOUSE BILL NO. 398(JUD) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 2/23/04

Offered: 2/12/04

Sponsor(s): REPRESENTATIVES DAHLSTROM, Stoltze, Samuels, McGuire, Wilson, Masek, Gruenberg, Kookesh, Holm, Gara, Stepovich, Meyer, Croft, Lynn

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to domestic violence fatality review teams."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 18.66 is amended by adding a new section to read:

4 **Article 4A. Domestic Violence Fatality Review Teams.**

5 **Sec. 18.66.400. Domestic violence fatality review teams.** (a) The
6 commissioner of public safety may establish domestic violence fatality review teams
7 in areas of the state. A municipality may establish a domestic violence fatality review
8 team in a municipality. When the investigation of fatal incidents of domestic violence
9 and incidents of domestic violence involving serious physical injury has been
10 completed or adjudicated by law enforcement or at an earlier appropriate time, a
11 domestic violence fatality review team may review those incidents for the purpose of
12 preventing domestic violence-related fatalities, improving the response of law
13 enforcement and other agencies to domestic violence, and providing consultation and
14 coordination for agencies involved in the prevention and investigation of domestic
15 violence. The review may include a review of events leading up to the domestic

1 violence incident, available community resources, current laws and policies, actions
 2 taken by agencies and persons related to the incident and persons involved in the
 3 incident, and other information the team determines to be relevant to the review. The
 4 confidential and other records of a department or agency of the state or a municipality
 5 relating to the domestic violence incident may be examined by the domestic violence
 6 fatality review team or a member of the team. The domestic violence fatality review
 7 team and each member of the team shall preserve the confidentiality of any records
 8 examined. In this subsection, "serious physical injury" has the meaning given in
 9 AS 11.81.900.

10 (b) The membership of a domestic violence fatality review team shall be
 11 determined by the commissioner of public safety or the municipality, as appropriate.
 12 Membership may include representatives from

- 13 (1) law enforcement agencies within the area or municipality;
- 14 (2) the district attorney for the area or municipality and municipal
 15 prosecutor if created by a municipality;
- 16 (3) the office of the chief medical examiner;
- 17 (4) the department of corrections;
- 18 (5) employees of the Department of Health and Social Services who
 19 deal with domestic violence;
- 20 (6) local agencies and organizations involved with crime victim and
 21 domestic violence protection, reporting, and counseling and assistance;
- 22 (7) other organizations, departments, and agencies determined to be
 23 appropriate.

24 (c) The victims' advocate under AS 24.65 is an ex officio member of each
 25 domestic violence fatality review team created under this section and may attend any
 26 meeting and review any information available to or considered by a team.

27 (d) Except for a public report issued by a domestic violence fatality review
 28 team that does not contain confidential information, records or other information
 29 collected by a team or any member of a team related to duties under this section are
 30 confidential and not subject to public disclosure under AS 40.25.100 and 40. 25.110.
 31 Meetings of a domestic violence fatality review team are closed to the public and are

1 not subject to the provisions of AS 44.62.310 and 44.62.312.

2 (e) The determinations, conclusions, and recommendations of a domestic
3 violence fatality review team or its members are not admissible in a civil or criminal
4 proceeding. A member may not be compelled to disclose a determination, conclusion,
5 recommendation, discussion, or thought process through discovery or testimony in a
6 civil or criminal proceeding. Records and information collected by the team are not
7 subject to discovery or subpoena in connection with a civil or criminal proceeding.

8 (f) Notwithstanding (e) of this section, an employee of a state or a municipal
9 agency may testify in a civil or criminal proceeding concerning cases reviewed by a
10 domestic violence fatality review team even though the agency's records were
11 reviewed by a team and formed the basis of that employee's testimony and the team's
12 report.

13 (g) A person who serves on a domestic violence fatality review team is not
14 liable for damages or other relief in an action brought by the reason of the
15 performance of a duty, function, or activity of the team.

16 (h) The office of victims' rights shall annually publish a report that
17 summarizes the activities of teams established under this section. The report must
18 include conclusions, recommendations, and general trends and shall be distributed to
19 the governor, the legislature, and the Alaska Judicial Council.