

CS FOR SENATE BILL NO. 308(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 4/8/04

Referred: Finance

Sponsor(s): SENATORS FRENCH, Dyson, Wagoner, Davis, Elton, Stedman, Ellis, Lincoln

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to warnings on domestic violence and stalking forms; and increasing**
2 **the duration of certain provisions of domestic violence protective orders from six**
3 **months to up to one year."**

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

5 * **Section 1.** AS 18.65.865(b) is amended to read:

6 (b) The Alaska Court System shall prepare forms for petitions and protective
7 orders and instructions for their use by a person seeking a protective order under
8 AS 18.65.850 - 18.65.860. The forms must conform to the Alaska Rules of Civil
9 Procedure, except that information on the forms may be filled in by legible
10 handwriting. Filing fees may not be charged in any action seeking only the relief
11 provided in AS 18.65.850 - 18.65.870. Each protective order form must contain the
12 following warning in boldface type: "Violation of this order may be a misdemeanor,
13 punishable by up to one year of incarceration and a fine of up to \$5,000." **Forms and**
14 **instructions for petitions and requests to modify petitions must contain a**

1 **conspicuous warning that the petitions and requests are submitted under oath**
 2 **under penalty of perjury and that a person making a false statement may be**
 3 **prosecuted for perjury and, if found guilty, may be punished for violation of a**
 4 **felony.**

5 * **Sec. 2.** AS 18.66.100(b) is amended to read:

6 (b) When a petition for a protective order is filed, the court shall schedule a
 7 hearing and provide at least 10 days' notice to the respondent of the hearing and of the
 8 respondent's right to appear and be heard, either in person or by an attorney. If the
 9 court finds by a preponderance of evidence that the respondent has committed a crime
 10 involving domestic violence against the petitioner, regardless of whether the
 11 respondent appears at the hearing, the court may order any relief available under (c) of
 12 this section. The provisions of a protective order issued under

13 (1) (c)(1) of this section are effective until further order of the court;

14 (2) (c)(2) - (16) of this section are effective for **a minimum of** six
 15 months **or up to one year** unless earlier dissolved by court order.

16 * **Sec. 3.** AS 18.66.150 is amended by adding a new subsection to read:

17 (e) Forms and instructions for petitions and requests to modify petitions must
 18 contain a conspicuous warning that the petitions and requests are submitted under oath
 19 under penalty of perjury and that a person making a false statement may be prosecuted
 20 for perjury and, if found guilty, may be punished for violation of a felony.