

HOUSE BILL NO. 118

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE RAMRAS

Introduced: 1/28/05

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to an address confidentiality program for victims of stalking, domestic**
2 **violence, or sexual assault."**

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

4 *** Section 1.** AS 18.65.520(a) is amended to read:

5 (a) A peace officer investigating a crime involving domestic violence shall
6 orally and in writing inform the victim of the rights of victims of domestic violence
7 and the services available to them. The notice must be in substantially the following
8 form:

9 If you are the victim of domestic violence and you believe that law
10 enforcement protection is needed for your physical safety, you have the
11 right to request that the officer assist in providing for your safety,
12 including asking for an emergency protective order.

13 You may also request the officer to assist you in obtaining your
14 essential personal belongings and locating and taking you to a safe

1 place, including a designated meeting place or shelter, the residence of
 2 a household member or friend, or a similar place of safety. In some
 3 places in Alaska there are organizations that provide aid and shelter to
 4 victims of domestic violence. The nearest organization is located at
 5 _____.

6 If you are in need of medical treatment, you may request that the
 7 officer assist you in obtaining medical treatment.

8 **You may be entitled to participate in the address confidentiality**
 9 **program provided by the Council on Domestic Violence and Sexual**
 10 **Assault. The council may be contacted at _____.**

11 You may obtain information about whether the prosecuting attorney
 12 will file a criminal complaint about the domestic violence.

13 Additionally, the victim/witness assistance program of the Department
 14 of Law may be able to help you. This information is available from the
 15 district attorney's office, which is located at _____.

16 You also have the right to file a petition in court requesting a protective
 17 order that may include any of the following provisions:

18 (1) prohibit your abuser from threatening to commit or
 19 committing further acts of domestic violence;

20 (2) prohibit your abuser from stalking, harassing,
 21 telephoning, contacting, or otherwise communicating with you, directly
 22 or indirectly;

23 (3) remove your abuser from your residence;

24 (4) order your abuser to stay away from your residence,
 25 school, place of employment, or any other specified place frequented
 26 by you or another designated household member;

27 (5) prohibit your abuser from entering your vehicle or a
 28 vehicle you occupy;

29 (6) prohibit your abuser from using or possessing a
 30 deadly weapon if the court finds your abuser was in the actual
 31 possession of or used a weapon during the commission of your abuse;

1 (7) direct your abuser to surrender any firearm owned
2 or possessed by that person if the court finds your abuser was in the
3 actual possession of or used a firearm during the commission of your
4 abuse;

5 (8) request a peace officer to accompany you to your
6 residence to ensure your safe possession of the residence, vehicle, or
7 other items, or to ensure your safe removal of personal items from the
8 residence;

9 (9) award temporary custody of a minor child to the
10 petitioner and may arrange for visitation with a minor child if the safety
11 of the child and the petitioner can be protected;

12 (10) grant you possession and use of a vehicle and other
13 essential personal effects;

14 (11) prohibit your abuser from consuming controlled
15 substances;

16 (12) require your abuser to pay support for you or a
17 minor child in your care if there is an independent legal obligation of
18 your abuser to support you or the child;

19 (13) require your abuser to reimburse you for your
20 expenses caused by domestic violence, including medical bills, or for
21 your costs in getting a protective order;

22 (14) order your abuser to participate in an intervention
23 program for batterers; and

24 (15) other relief the court determines to be necessary for
25 your safety.

26 The forms you need to obtain a protective order are available from the
27 nearest court. It is not necessary to have an attorney to obtain a
28 protective order, but you may consult an attorney if you choose. If you
29 would like help obtaining a protective order, you may contact the
30 nearest domestic violence program located at _____. The program
31 can also tell you about other resources available in this community for

1 information about domestic violence, treatment of injuries, and places
2 of safety and shelter.

3 You may also qualify for compensation from the Violent Crimes
4 Compensation Board. The board may be contacted at

5 _____.

6 * **Sec. 2.** AS 18.66 is amended by adding new sections to read:

7 **Article 5A. Address Confidentiality Program.**

8 **Sec. 18.66.500. Address confidentiality program.** The council shall
9 establish an address confidentiality program for victims of stalking, domestic violence,
10 and sexual assault. The program must allow victims of stalking, domestic violence,
11 and sexual assault to use an address designated by the council as the victims' address,
12 allow victims to designate the council to receive mail, legal process, and voter
13 registration or absentee ballots on behalf of victims, and provide that the council shall
14 forward the mail, process, or voter materials to the victims' true addresses.

15 **Sec. 18.66.510. Application.** (a) An adult person, a parent or guardian acting
16 on behalf of a minor, or a guardian acting on behalf of an incapacitated person, as
17 defined in AS 13.26.005, may apply to the executive director of the council to have an
18 address designated by the council serve as the person's address or the address of the
19 minor or incapacitated person. The council shall approve an application if it is filed in
20 the manner and on the form prescribed by the council and if it contains

21 (1) a sworn statement by the applicant that the applicant

22 (A) believes that the applicant, the applicant's child, or the
23 minor or incapacitated person on whose behalf the application is made, is a
24 victim of domestic violence, sexual assault, or stalking; and

25 (B) fears for the safety of applicant, the applicant's child, or the
26 minor or incapacitated person on whose behalf the application is made;

27 (2) a designation of the council as agent for purposes of service of
28 process and for the purpose of receipt of mail;

29 (3) the mailing address where the applicant can be contacted by the
30 council, and the phone number or numbers where the applicant can be called by the
31 council;

1 (4) the new address or addresses that the applicant requests not be
2 disclosed for the reason that disclosure will increase the risk of domestic violence,
3 sexual assault, or stalking;

4 (5) The signature of the applicant and of any individual or
5 representative of any office designated in writing who assisted in the preparation of
6 the application and the date on which the applicant signed the application.

7 (b) Applications shall be filed with the office of the council.

8 (c) Upon filing a properly completed application, the council shall certify the
9 applicant as a program participant. Applicants shall be certified for four years
10 following the date of filing unless the certification is withdrawn or invalidated before
11 that date. An application may be renewed.

12 (d) A person who falsely attests in an application that disclosure of the
13 applicant's address would endanger the safety of the applicant, the applicant's children,
14 or the minor or incapacitated person on whose behalf the application is made, or who
15 knowingly provides false or incorrect information upon making an application, may be
16 prosecuted for perjury.

17 **Sec. 18.66.520. Cancellation; loss of certification.** (a) If a victim
18 participating in the program obtains a name change, the victim loses certification as a
19 participant in the program and must be removed from the program.

20 (b) The council may cancel the certification of a victim participating in the
21 program if there is a change in the residential address from the one listed on the
22 application, unless the victim provides the council with seven days' prior notice of the
23 change of address.

24 (c) The council may cancel certification of a victim participating in the
25 program if mail forwarded by the director to the victim's address is returned as
26 nondeliverable or the contact telephone number for the victim is disconnected, not
27 provided, or not kept current.

28 (d) The council shall cancel certification of a victim participating in the
29 program who knowingly applies using false information.

30 **Sec. 18.66.530. Council's use of address.** (a) A victim participating in the
31 program may request that state and local agencies use the address designated by the

1 council as the victim's address. When creating a new public record, state and local
 2 agencies shall accept the address designated by the council as the victim's substitute
 3 address, unless the council has determined that

4 (1) the agency has a bona fide statutory or administrative requirement
 5 for the use of the address that would otherwise be confidential under AS 18.66.500 -
 6 18.66.570; and

7 (2) the address may be used only for those statutory and administrative
 8 purposes.

9 (b) A victim participating in the program may use the address designated by
 10 the council as the victim's work address.

11 (c) The council shall forward all first class mail received to a victim
 12 participating in the program.

13 **Sec. 18.66.540. Voting.** Notwithstanding a provision of AS 15 or AS 29, the
 14 division of elections and a municipality shall forward absentee ballots for a victim
 15 participating in the program to the council, and the council shall forward the ballots to
 16 the victim. Neither the name nor the address of a victim participating in the program
 17 shall be included in any list of registered voters available to the public and may not be
 18 disclosed unless

19 (1) requested by a law enforcement agency; or

20 (2) directed by a court order.

21 **Sec. 18.66.550. Confidentiality.** Applications, addresses, names of
 22 participants, and other information compiled by the council under AS 18.66.500 -
 23 18.66.570 is confidential, is not a public record, and may only be disclosed to the
 24 victim, a law enforcement agency, or in response to a court order.

25 **Sec. 18.66.560. Assistance for participants.** The council shall provide
 26 information concerning the program to law enforcement agencies, victims' groups, and
 27 groups providing counseling or shelter services to victims of stalking, domestic
 28 violence, or sexual assault.

29 **Sec. 18.66.570. Definition.** In AS 18.66.500 - 18.66.570, "program" means
 30 the address confidentiality program established in AS 18.66.500.