

SENATE BILL NO. 211

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

BY SENATOR GARY STEVENS

Introduced: 1/9/06

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to domestic violence protective orders."**

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

3 * **Section 1.** AS 18.66.100(c) is amended to read:

4 (c) A protective order under this section may

5 (1) prohibit the respondent from threatening to commit or committing
6 domestic violence, stalking, or harassment;

7 (2) prohibit the respondent from telephoning, contacting, or otherwise
8 communicating directly or indirectly with the petitioner;

9 (3) remove and exclude the respondent from the residence of the
10 petitioner, regardless of ownership of the residence;

11 (4) direct the respondent to stay away from the residence, school, or
12 place of employment of the petitioner or, **if notice and hearing procedures specified**
13 **under (f) of this section are met, to stay away from** any specified place frequented
14 by the petitioner or any designated household member;

15 (5) prohibit the respondent from entering a propelled vehicle in the

1 possession of or occupied by the petitioner;

2 (6) prohibit the respondent from using or possessing a deadly weapon
3 if the court finds the respondent was in the actual possession of or used a weapon
4 during the commission of domestic violence;

5 (7) direct the respondent to surrender any firearm owned or possessed
6 by the respondent if the court finds that the respondent was in the actual possession of
7 or used a firearm during the commission of the domestic violence;

8 (8) request a peace officer to accompany the petitioner to the
9 petitioner's residence to ensure that the petitioner

10 (A) safely obtains possession of the petitioner's residence,
11 vehicle, or personal items; and

12 (B) is able to safely remove a vehicle or personal items from
13 the petitioner's residence;

14 (9) award temporary custody of a minor child to the petitioner and may
15 arrange for visitation with a minor child if the safety of the child and the petitioner can
16 be protected; if visitation is allowed, the court may order visitation under the
17 conditions provided in AS 25.20.061;

18 (10) give the petitioner possession and use of a vehicle and other
19 essential personal items, regardless of ownership of the items;

20 (11) prohibit the respondent from consuming controlled substances;

21 (12) require the respondent to pay support for the petitioner or a minor
22 child in the care of the petitioner if there is an independent legal obligation of the
23 respondent to support the petitioner or child;

24 (13) require the respondent to reimburse the petitioner or other person
25 for expenses associated with the domestic violence, including medical expenses,
26 counseling, shelter, and repair or replacement of damaged property;

27 (14) require the respondent to pay costs and fees incurred by the
28 petitioner in bringing the action under this chapter;

29 (15) order the respondent, at the respondent's expense, to participate in
30 (A) a program for the rehabilitation of perpetrators of domestic violence that meets the
31 standards set by, and that is approved by, the Department of Corrections under

1 AS 44.28.020(b), or (B) treatment for the abuse of alcohol or controlled substances, or
2 both; a protective order under this section may not require a respondent to participate
3 in a program for the rehabilitation of perpetrators of domestic violence unless the
4 program meets the standards set by, and that is approved by, the Department of
5 Corrections under AS 44.28.020(b);

6 (16) order other relief the court determines necessary to protect the
7 petitioner or any household member.

8 * **Sec. 2.** AS 18.66.100 is amended by adding a new subsection to read:

9 (f) Before a court may direct the respondent to stay away from any specified
10 place frequented by the petitioner or other designated household member under (c)(4)
11 of this section, the petitioner shall provide at least 3 days' notice to the owner of the
12 specified place of the date and time of the hearing on the petition for the protective
13 order. The court shall consider relevant evidence offered by the owner or the owner's
14 designee on whether the place specified by the respondent should be included in the
15 order.