

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: 4  
 Bill Version: CSSB 54(STA)  
 (S) Publish Date: 3/16/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title An Act relating to sexual assault, RDU Statewide Support  
protective orders, and arrests Component Criminal Records and ID  
 Sponsor Senator Dyson, Guess  
 Requester \_\_\_\_\_ Component No. 1190

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual	7.5					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>7.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	7.5					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>7.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2005) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

Section 1 adds a new section to AS 18.65.525 requiring peace officers to provide notice of rights and services to victims of sexual assault. This will require the publication of a new notice booklet, or the modification of the existing domestic violence notice booklet, for dissemination by the Department of Public Safety (DPS).

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Prepared by: Director David Schade Phone 269-0202  
 Division: Statewide Services Date/Time 2/16/05 12:24 PM  
 Approved by: Commissioner William Tandeske Date 2/16/2005  
 Agency: Department of Public Safety

## FISCAL NOTE #4

STATE OF ALASKA  
2005 LEGISLATIVE SESSION

BILL NO. CSSB 54(STA)

### ANALYSIS CONTINUATION

Section 1 continued: The notice must tell victims that they have the right to ask for officer assistance including asking for an emergency protective order. However, emergency protective orders are not available to victims of sexual assault according to this bill: see section 5, which adds sexual assault to AS 18.6.110(a) for ex parte orders, but not to AS 18.66.110(b) for emergency orders. Also, the notice provision excludes certain provisions in the protective order that are authorized under the bill (see section 4). Also, the notice is required to provide the name and location of the nearest sexual assault program, which may lead to confusion depending on whether the nearest victim advocacy program (of which there are approximately two dozen) is to be considered a sexual assault program, or whether the notice refer only to the one program that specializes in sexual assault, which is in Anchorage.

Section 2 provides for mandatory arrest but fails to provide a critical exception to mandatory arrest that can be approved by the district attorney to facilitate investigations, Sexual Assault Response Team (SART) exams, Glass warrants, etc. (Absent exigent circumstances, the Alaska Constitution requires police to obtain a warrant prior to the surreptitious seizure (by recording) of a conversation. This is commonly referred to as a **Glass** warrant, the name taken from the case that mandates this type of warrant). It also fails to provide for immunity from civil action (as do other mandatory arrest statutes).

Section 3 adds the definition of "sexual assault" to AS 18.65.590.

Section 4 provides that victims of sexual assault may petition for protective orders under AS 18.66.100, the domestic violence protective order statute, and adds prohibitions against further sexual assault to several specific protection provisions in that statute. There is a potential for confusion in that a victim of a sexual assault by a household member could petition for either a domestic violence order or a sexual assault order (or possibly both) under this provision. This section provides that sexual assault perpetrators may be ordered to attend domestic violence rehabilitation programs, which may be a problem in that programs for perpetrators of domestic violence programs may be distinctly different than programs for perpetrators of sexual assault. Also this section appears to exclude sexual assault orders from the domestic violence registry (under AS 18.65.540) although it does not amend AS 18.65.540, which requires the entry of any order issued pursuant to AS 18.66 to be entered in the registry, which would include sexual assault orders. (This inconsistency appears to exist in section 5 as well.) In order to remain in compliance with AS 18.65.540, DPS will enter sexual assault orders into the registry. This will require modifications to the Alaska Public Safety Information Network (APSIN) to create new 'Sexual Assault' protective order file and allow for sexual assault protective orders and sexual assault ex parte orders. These modifications will take approximately two weeks of a contract programmer's time at \$100 per hour.

Section 5 adds that a person who is a victim of "sexual assault" (as well as domestic violence) may obtain an ex parte protective order under AS 18.65.110 (a). It does not add "sexual assault" to the emergency protective order provision of AS 18.65.110 (b). Costs for the programming necessary to APSIN are described in section 4, above.

Section 6 amends AS 18.66.150(b) to add that petitions for protective orders must include statements about pending sexual assault criminal actions involving the petitioner or respondent. (Previously the statute said "domestic violence criminal actions").