

# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

Fiscal Note Number: 8  
 Bill Version: CSSB 54(FIN)  
 (S) Publish Date: 1/25/06

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Pubic Safety  
 Title An Act Relating to protective orders RDU Statewide Support  
for crimes involving sexual assault... Component Criminal Records and ID  
 Sponsor Senator Dyson  
 Requester Senate Finance Committee Component No. 1190

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

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual	4.2					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>4.2</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	4.2					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>4.2</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 (FY2006) 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)

This bill allows victims of sexual assaults to obtain protective orders under the statute that currently allows protective orders for victims of stalking, which are available in circumstances when domestic violence protective orders are not available because there are no "household member" relationships between perpetrators and victims. The bill also expands mandatory arrest provisions, expands the crime of violating a protective order, adds to the notice of victims' rights for stalking victims, and increases the information that must be provided to the court when stalking/sexual assault orders are requested or in effect.

Prepared by: Director David Schade Phone 907-269-0202  
 Division Statewide Services Date/Time 1/24/06 10:23 AM  
 Approved by: Commissioner William Tandeske Date 1/24/2006  
 Agency Department of Public Safety

**ANALYSIS CONTINUATION**

Section 1 expands AS 11.56.740, the crime of violating a protective order, to include in subsection (2) violations of protective orders issued under AS 18.65.850, 18.65.855, or 18.65.860. (AS 18.65 orders, which were previously available to victims of stalking, are in this bill made available to victims of sexual assaults.) The crime is committed by violating any of the provisions authorized by AS 18.65.850 (c) (1)-(3) in a stalking/sexual assault protective order (including original, ex parte order, emergency, and modified orders). (In contrast, only violations of the first 7 of the possible 16 provisions of a domestic violence order are crimes.) This will require the Department of Public Safety (DPS) to modify the Uniform Offense Citation Table to add violations of sexual assault orders to this crime in the table, but will have no fiscal impact on the Statewide Support Results Delivery Unit (RDU) of the DPS.

Section 2 amends AS 18.65.530(a), which requires mandatory arrest (when the officer has probable cause and the crime occurred within the previous 12 hours). There is no change to subsection (a)(1), which requires arrest for certain crimes involving domestic violence. Subsection (a)(2) is expanded to include the crime of violating stalking/assault orders. Subsection (a)(3) expands the crime of violating conditions of release to add violations of AS 12.30.025, release before trial in cases involving stalking and of AS 12.30.029, release in sexual abuse and sexual assault cases. This section will have no fiscal impact on the Statewide Support RDU of the DPS.

Sections 3, 4, and 5 amend AS 18.65.850 to allow victims of sexual assault to obtain the protective orders that are currently available to stalking victims. New subsection 18.65.850(c)(4) provides that the court may order other relief determined to be necessary to protect the petitioner or the designated household member. The addition of sexual assault orders to stalking orders (in sections 3, 4, 5, and also 7, below) will require the DPS to make modifications to the Alaska Public Safety Information Network (APSIN) programming regarding the central registry and individual records, which will require \$4,200 for contractual services.

Section 6 adds AS 18.65.850(e) to provide that a stalking/sexual assault order may not be denied solely because of a lapse of time between the act and the filing of the petition. This section will have no fiscal impact on the Statewide Support RDU of the DPS.

Section 7 adds language to AS 18.65.855(a) and (b) to allow victims of sexual assault to obtain ex parte and emergency protective orders under the statute that allows protective orders for victims of stalking. The DPS has concerns about one change in this section - the addition of subsection (4) to AS 18.65.855(b). AS 18.65.540(a) requires the DPS to maintain a central registry of Domestic Violence (DV) and stalking protective orders. This section will have no fiscal impact on the Statewide Support RDU of the DPS.

Section 8 amends AS 18.65.865(c) to add information for sexual assault victims to the DPS notice about rights and services for stalking victims. This will require changes to the notice booklet that the DPS is responsible for drafting, printing, and distributing (see the Alaska State Trooper's (AST) fiscal note for their fiscal impact).

Section 9 adds subsection (d) to AS 18.65.865 in regard to the information that parties must provide to the court when a stalking/sexual assault protective order petition is filed, pending, or in effect. The petition must include a statement of known civil or criminal actions involving either party, and both parties are subject to a continuing duty to inform the court of civil or criminal actions. This section will have no fiscal impact on the Statewide Support RDU of the DPS.

Section 10 adds a reference to the definition of "sexual assault" as it applies to the stalking/sexual assault protective order provisions.

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**ANALYSIS CONTINUATION**

Section 11 provides that sections 4 and 5 have the effect of modifying Civil Rule 65 regarding temporary restraining orders.

Section 12 provides a title change for Article 11 of AS 18.65.