

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

May 8, 2024

7:19 p.m.

MEMBERS PRESENT

Representative Sarah Vance, Chair
Representative Jamie Allard, Vice Chair
Representative Ben Carpenter
Representative Craig Johnson
Representative Jesse Sumner
Representative Andrew Gray
Representative Cliff Groh

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CS FOR SENATE BILL NO. 28(FIN)

"An Act relating to workplace violence protective orders; relating to the crime of violating a protective order; relating to the powers of district judges and magistrates; amending Rules 4 and 65, Alaska Rules of Civil Procedure, and Rule 9, Alaska Rules of Administration; and providing for an effective date."

- MOVED HCS CSSB 28(JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 28

SHORT TITLE: WORKPLACE VIOLENCE PROTECTIVE ORDERS

SPONSOR(s): SENATOR(s) CLAMAN

01/18/23	(S)	PREFILE RELEASED 1/9/23
01/18/23	(S)	READ THE FIRST TIME - REFERRALS
01/18/23	(S)	STA, JUD
02/23/23	(S)	STA AT 3:30 PM BELTZ 105 (TSBldg)
02/23/23	(S)	Heard & Held
02/23/23	(S)	MINUTE(STA)
03/23/23	(S)	STA AT 3:30 PM BELTZ 105 (TSBldg)
03/23/23	(S)	Moved SB 28 Out of Committee
03/23/23	(S)	MINUTE(STA)
03/24/23	(S)	STA RPT 1DP 3NR 1AM
03/24/23	(S)	NR: KAWASAKI, MERRICK, BJORKMAN

03/24/23 (S) DP: WIELECHOWSKI
 03/24/23 (S) AM: CLAMAN
 04/12/23 (S) JUD AT 1:30 PM BUTROVICH 205
 04/12/23 (S) Heard & Held
 04/12/23 (S) MINUTE(JUD)
 01/17/24 (S) JUD AT 1:30 PM BUTROVICH 205
 01/17/24 (S) Heard & Held
 01/17/24 (S) MINUTE(JUD)
 02/19/24 (S) JUD AT 1:30 PM BUTROVICH 205
 02/19/24 (S) Moved CSSB 28(JUD) Out of Committee
 02/19/24 (S) MINUTE(JUD)
 02/21/24 (S) JUD RPT CS 3DP 1NR SAME TITLE
 02/21/24 (S) DP: CLAMAN, GIESSEL, KAUFMAN
 02/21/24 (S) NR: TOBIN
 02/21/24 (S) FIN REFERRAL ADDED
 04/03/24 (S) FIN AT 9:00 AM SENATE FINANCE 532
 04/03/24 (S) Heard & Held
 04/03/24 (S) MINUTE(FIN)
 04/25/24 (S) FIN AT 1:30 PM SENATE FINANCE 532
 04/25/24 (S) Moved CSSB 28(FIN) Out of Committee
 04/25/24 (S) MINUTE(FIN)
 04/26/24 (S) FIN RPT CS 1DP 4NR SAME TITLE
 04/26/24 (S) DP: OLSON
 04/26/24 (S) NR: WILSON, KIEHL, MERRICK, BISHOP
 05/06/24 (S) TRANSMITTED TO (H)
 05/06/24 (S) VERSION: CSSB 28(FIN)
 05/07/24 (H) READ THE FIRST TIME - REFERRALS
 05/07/24 (H) JUD
 05/08/24 (H) JUD AT 1:00 PM GRUENBERG 120

WITNESS REGISTER

SENATOR MATT CLAMAN
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented CSSB 28(FIN).

CLAIRE LUBKE, Staff
 Senator Matt Claman
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Presented the sectional analysis for CSSB 28(FIN), on behalf of Senator Claman, prime sponsor.

BRENDA STANFILL, Executive Director
 Alaska Network on Domestic Violence and Sexual Assault
 Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 28.

BOB BALLINGER, Staff
Representative Sarah Vance
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided a summary of changes in the proposed HCS for CSSB 28(FIN), Version N, on behalf of Representative Vance.

CLAIRE RADFORD, Attorney
Legislative Legal Services
Legislative Affairs Agency
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on the proposed HCS for CSSB 28(FIN), Version N.

LISA PURINTON, Director
Statewide Services Division
Department of Public Safety
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on the proposed HCS for CSSB 28(FIN), Version N.

ACTION NARRATIVE

[7:19:41 PM](#)

CHAIR VANCE called the House Judiciary Standing Committee meeting to order at 7:19 p.m. Representatives Carpenter, C. Johnson, Gray, Allard, and Vance were present at the call to order. Representatives Sumner and Groh arrived as the meeting was in progress.

SB 28-WORKPLACE VIOLENCE PROTECTIVE ORDERS

[7:20:08 PM](#)

CHAIR VANCE announced that the only order of business would be CS FOR SENATE BILL NO. 28(FIN), "An Act relating to workplace violence protective orders; relating to the crime of violating a protective order; relating to the powers of district judges and magistrates; amending Rules 4 and 65, Alaska Rules of Civil Procedure, and Rule 9, Alaska Rules of Administration; and providing for an effective date."

[7:20:31 PM](#)

SENATOR MATT CLAMAN, Alaska State Legislature, prime sponsor, presented CSSB 28(FIN). He paraphrased the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

When individuals make credible threats of violence against an employer's worksite or an employee, the attorney representing the employer may need to file a civil lawsuit and ask for a temporary restraining order to protect the business. It can take several days to complete and obtain the order. In contrast, people seeking a domestic violence restraining order can usually get the court order within one day.

Senate Bill 28, modeled after Alaska's domestic violence protective order process, allows an employer to file a petition for a protective order against an individual who the employer reasonably believes committed an act of violence against the employer or an employee, or made a threat of violence against the employer or an employee that can reasonably be construed as a threat that may be carried out at the employer's workplace.

Senate Bill 28 will provide employers with a more effective way to protect their workplace and their employees from violence carried out by individuals who pose a known threat. A 2019 report from the US Bureau of Justice found that 13% of all nonfatal workplace violence was carried out by someone well-known to the victim. This rate was up to 20% of nonfatal workplace violence incidents that involved a female victim. Additionally, the victim and offender had a current or prior professional relationship in 25% of all nonfatal workplace violence incidents.

Eleven states have laws providing for the issuance of protective or restraining orders that are specific to workplace violence. Utah is the most recent addition to this list, which passed a workplace violence protective order law in 2023.

[7:22:48 PM](#)

CLAIRE LUBKE, Staff, Senator Matt Claman, Alaska State Legislature, on behalf of Senator Claman, prime sponsor of CSSB 28(FIN), presented the sectional analysis [included in the committee packet], which read as follows [original punctuation provided]:

Section 1 AS 11.56.740. Violating a protective order. Amends AS 11.56.740(a) by adding a new subsection (4) to specify that a person commits the crime of violating a protective order if the person knowingly commits or attempts to commit an act that violates the provisions listed under the workplace violence protective order statutes.

Section 2 AS 11.56.740. Violating a protective order. Amends AS 11.56.740(c) by adding the workplace violence protective order statutes to the meaning of "protective order."

Section 3 AS 18.65.530. Mandatory arrest for crimes involving domestic violence, violation of protective orders, and violation of conditions of release. Amends AS 18.65.530(a) by clarifying that the mandatory arrest statute for crimes involving domestic violence, violation of protective orders, and violation of conditions of release is subject to the requirements of section 1 of this bill.

Section 4 AS 18.65.540. Central registry of protective orders. Amends AS 18.65.540(a) to add the workplace violence protective order statutes to the central registry of protective orders maintained by the Department of Public Safety.

Section 5 AS 18.65.540. Central registry of protective orders. Amends AS 18.65.540(b) to add the workplace violence protective order statutes to the list of protective orders a peace officer enters into the central registry within 24 hours of receiving.

Section 6 Amends AS 18.65 to add new section: "Article 12A. Workplace Violence Protective Orders."

Sec. 18.65.875. Protective orders; eligible petitioners; relief.

Section (a) gives employers the ability to file a petition for a protective order against an individual who the employer reasonably believes: (1) committed an act of violence against the employer; (2) committed an act of violence against an employee at the employer's workplace; (3) made a threat of violence against the employer; or (4) made a threat of violence against an employee that can reasonably be construed as a threat that may be carried out at the employer's workplace.

Section (b) specifies that the court shall schedule a hearing and provide at least 10 days' notice to the respondent.

Section (c) details prohibited behavior of the respondent after the protective order is issued.

Section (d) describes the court's responsibilities related to issuing a protective order.

Section (e) clarifies a court may not deny a petition for a protective order solely because of a lapse of time between an act of violence or a threat of violence and the filing of the petition.

Sec. 18.65.877. Ex parte protective orders for workplace violence. Gives employers the ability to file a petition for an ex parte protective order—a temporary order that would grant immediate protection.

Sec. 18.65.880. Modification of workplace violence protective order. Creates a process for either the petitioner or the respondent to request modification of a protective order.

Sec. 18.65.885. Specific protective orders. Specifies that an invitation by the petitioner or a named designated employee of the petitioner to have the prohibited contact or to be present at or enter the workplace, residence, vehicle, or other place does not in any way invalidate or nullify the protective order.

Sec. 18.65.890. Forms for petitions and orders; fees. Clarifies that the court system will prepare forms for petitions, protective orders, and instructions for their use by an employer seeking a protective order.

Sec. 18.65.895. Service of process. Clarifies that protective orders should be promptly served and executed.

Sec. 18.65.897. Civil liability Creates civil liability provisions.

Sec. 18.65.899. Definitions Makes the definitions of "course of conduct," "employee," "employer," "threat of violence," "violence," and "workplace" apply to the workplace violence protective statutes.

Section 7 AS 22.15.100. Functions and powers of district judge and magistrate. Amends AS 22.15.100(9) by adding a new section (C) to give district judges and magistrates the power to issue a protective order in cases involving workplace violence.

Section 8 Uncodified law - Indirect court rule amendments Specifies amendments to: Rule 4, Alaska Rules of Civil Procedure, and Rule 9, Alaska Rules of Administration, relating to fees and service of process for a workplace violence protective order; and Rule 65, Alaska Rules of Civil Procedure, by changing the method for obtaining and the timing of temporary restraining orders.

Section 9 Uncodified law - applicability Makes section 8 conditional on approval by the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

Section 10 Effective Date If section 9 takes effect, it takes effect on January 1, 2025.

CHAIR VANCE asked Ms. Lubke to describe the court rule changes.

[7:25:03 PM](#)

SENATOR CLAMAN clarified that these amendments would add section numbers into court rules and wouldn't change any procedures.

[7:26:14 PM](#)

REPRESENTATIVE ALLARD sought to clarify whether the bill sponsor was speaking to the original bill or the 58-page bill.

SENATOR CLAMAN said the version of the bill that passed the Senate [Version Y] was 9 pages. He clarified that he had not requested the additional pages in the forthcoming CS [Version N].

[7:27:47 PM](#)

CHAIR VANCE opened public testimony on SB 28.

[7:28:03 PM](#)

BRENDA STANFILL, Executive Director, Alaska Network on Domestic Violence and Sexual Assault, said ANDVSA asked to be included in the bill because its rural programs are often located in places with limited law enforcement. She explained that people sometimes stand right outside shelter property lines to intimidate staff and victims without technically trespassing or breaking the law. She said the bill would allow workers to get a protective order on behalf of their workplace to keep these people away from their buildings. She said the bill would be of great benefit to ANDVSA's programs that serve victims of domestic violence and sexual assault to help provide workplace safety.

[7:30:18 PM](#)

REPRESENTATIVE CARPENTER asked whether a protective order could be sought if someone were standing near a business without blocking the entrance or behaving violently.

MS. STANFILL stated that people in the business would need to feel threatened [to warrant the protective order].

[7:31:25 PM](#)

REPRESENTATIVE CARPENTER pointed out that someone who experienced domestic violence may be afraid of most things. He asked whether a judge would adjudicate the validity of a protective order based on a victim's fear.

MS. STANFILL answered yes. She explained that typically, victims of domestic violence must petition for a protective order and explain what happened to them. Similarly, should the bill pass, the director of a domestic violence shelter, for example, would petition for a protective order on behalf of the organization and explain the threatening behavior they've witnessed. The judge would then determine whether that behavior

rose to the reasonable standard in the protective order statutes.

7:33:09 PM

CHAIR VANCE closed public testimony on SB 28.

7:33:41 PM

REPRESENTATIVE ALLARD moved to adopt the proposed house committee substitute (HCS) for CSSB 28(FIN), Version 33-LS024\N, C. Radford, 5/7/24, as the working document.

REPRESENTATIVE GRAY objected.

7:34:03 PM

The committee took a brief at-ease at 7:34 p.m.

7:35:07 PM

BOB BALLINGER, Staff, Representative Sarah Vance, Alaska State Legislature, on behalf of Representative Vance, provided a summary of changes in the proposed HCS for CSSB 28(FIN), ("Version N") [included in the committee packet], which read as follows [original punctuation provided]:

House Judiciary Committee: Version Y to Version P

SB 28 WORKPLACE VIOLENCE PROTECTIVE ORDERS is designed to mirror Alaska's domestic violence protective order process, enabling employers to seek protection against individuals who pose a threat of violence to their workplace or employees. SB 28 version Y is maintained intact in version P.

HB 68 CRIME OF SEX/HUMAN TRAFFICKING

Which increases penalties for trafficking offenses, prioritizes the prosecution of those exploiting minors, and establishes new crimes to target individuals who patronize or facilitate sex trafficking. Moreover, it introduces mechanisms to vacate convictions for victims of sex trafficking, recognizing their status as victims rather than criminals.

HB 259 COUNCIL ON HUMAN AND SEX TRAFFICKING

Which establishes the Alaska Council on Human and Sex Trafficking permanently through state statute. This council, initially established by Administrative Order 328, plays a crucial role in raising awareness, conducting research, and proposing solutions to combat human trafficking.

HB 358 PROHIBIT AI-ALTERED REPRESENTATIONS

This language prohibits the dissemination of virtual sexual images of children (Child Sexual Abuse Material) and was part of HB 358 v.B.

REPRESENTATIVE GRAY removed his objected.

REPRESENTATIVE ALLARD objected.

[7:38:33 PM](#)

REPRESENTATIVE ALLARD said she was not prepared to move this 58-page bill forward tonight.

REPRESENTATIVE C. JOHNSON asked whether everything in Version N fits within the single subject rule.

[7:39:37 PM](#)

The committee took an at-ease from 7:39 p.m. to 7:43 p.m.

[7:43:30 PM](#)

CHAIR VANCE asked whether Version N complies with the subject rule.

REPRESENTATIVE C. JOHNSON questioned whether the inclusion of the three additional bills in Version N fits within the single subject rule.

[7:44:04 PM](#)

CLAIRE RADFORD, Attorney, Legislative Legal Services, Legislative Affairs Agency (LAA), confirmed that everything in Version N would fit within the single subject of crime and criminal procedure or public safety.

REPRESENTATIVE ALLARD maintained that she needed more time to review the 58 pages thoroughly.

[7:45:24 PM](#)

The committee took a brief at-ease at 7:45 p.m.

[7:45:49 PM](#)

CHAIR VANCE noted that the previous fiscal notes would be updated.

[7:45:55 PM](#)

A roll call vote was taken. Representatives Carpenter, C. Johnson, Allard, and Vance voted in favor of adopting Version N as the working document. Representatives Gray and Groh voted against it. Therefore, Version N was adopted by a vote of 4-2.

[7:46:35 PM](#)

REPRESENTATIVE GRAY moved to adopt Amendment 1 Version N, labeled 33-LS0242\N.1, C. Radford, 5/8/24, which read:

Page 47, following line 22:

Insert a new subsection to read:

"(d) At least four of the public members appointed to the council under (a)(1) of this section must have previously received or have been qualified to receive services from an organization wholly or partially funded by the Council on Domestic Violence and Sexual Assault."

CHAIR VANCE objected.

[7:46:41 PM](#)

REPRESENTATIVE GRAY reminded the committee that Version N would establish a council on sex trafficking. He said Amendment 1 would ensure that at least four of the 17-member council had lived experience with domestic violence or sexual assault to ensure that they are informed by personal experience.

[7:48:47 PM](#)

REPRESENTATIVE CARPENTER questioned how this provision would be enforced. He asked whether members would be required to share personal information to comply with the statute.

REPRESENTATIVE GRAY shared his belief that it would be something discussed in private with the director, and that people serving on this type of commission should feel comfortable talking about their lived experience. He said his hope was to ensure that 17 people with no lived experience were not dictating policy in this particular realm.

CHAIR VANCE pointed members to page 46 of Version N, which spoke to the membership on the 17-member council. She shared her understanding that lived experience was already sought after on these councils.

[7:52:46 PM](#)

REPRESENTATIVE ALLARD opined that it would be cruel and insensitive to ask a person whether he/she had been violated or abused, and to require that for board eligibility.

REPRESENTATIVE GRAY explained that his intent was to ensure that the most important voices are heard, as opposed to executive branch officials who were assigned to the committee.

[7:55:34 PM](#)

REPRESENTATIVE ALLARD pointed out that sexual assault and abuse does not discriminate against people in high positions. She said she would not be supporting Amendment 1.

REPRESENTATIVE GRAY withdrew Amendment 1.

CHAIR VANCE asked Ms. Purinton to describe the council's current membership and function.

[7:58:00 PM](#)

LISA PURINTON, Director, Statewide Services Division, Department of Public Safety (DPS), explained that because of its large membership, some members would be more participatory than others. Nonetheless, she said the group is a committed group that has done a significant amount of work to put together recommendations and listen to advocacy groups and trafficking victims.

CHAIR VANCE said as an ex officio member of the governor's Council on Human and Sex Trafficking, she was impressed with members' engagement. She assured the committee that the intent

of Amendment 1 had already been woven into the direction of the council.

[8:02:03 PM](#)

The committee took an at-ease from 8:02 p.m. to 8:05 p.m.

[8:05:40 PM](#)

CHAIR VANCE moved to adopt Conceptual Amendment [2] to Version N to replace subsection "(f)" with the letter "(g)" on page 29, line 26.

REPRESENTATIVE CARPENTER objected for purposes of discussion.

[8:06:21 PM](#)

MR. BALLINGER explained that Conceptual Amendment [2] would fix an error in current statute to reference the penalties in subsection (g) instead of (f).

REPRESENTATIVE CARPENTER removed his objection. There being no further objection, Conceptual Amendment [2] was adopted.

[8:07:03 PM](#)

CHAIR VANCE moved to adopt Conceptual Amendment [3].

REPRESENTATIVE CARPENTER objected for purposes of discussion.

CHAIR VANCE said Conceptual Amendment [3] would delete the reference to AS 12.40.110 on page 50, line 15 of Version N, as there are no references to grand juries in the underlying bill.

MR. BALLINGER credited the Department of Law (DOL) for this change, which would remove a repealer that's not addressed in the proposed legislation.

REPRESENTATIVE CARPENTER removed his objection. There being no further objection, Conceptual Amendment [3] was adopted.

[8:08:23 PM](#)

CHAIR VANCE sought further questions on Version N, as amended.

[8:08:36 PM](#)

The committee took a brief at-ease at 8:08 p.m.

[8:09:43 PM](#)

CHAIR VANCE requested a motion from Vice Chair Allard.

[8:10:04 PM](#)

The committee took a brief at-ease at 8:10 p.m.

[8:10:47 PM](#)

REPRESENTATIVE CARPENTER moved to report HCS CSSB 28(FIN), Version 33-LS024\N, C. Radford, 5/7/24, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCS CSSB 28(JUD) was reported from the House Judiciary Standing Committee.

[8:11:46 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 8:11 p.m.