

Introduced: 3/9/81
Referred: Health, Education &
Social Services and Judiciary

1 IN THE HOUSE

BY CLOCKSIN

2 HOUSE BILL NO. 287

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to domestic violence."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 09.55.600(b) is amended by adding a new paragraph to
9 read:

10 (7) direct the respondent to engage in personal or family
11 counseling.

12 * Sec. 2. AS 09.55.600(c) is amended to read:

13 (c) An order issued under this section remains in effect for a
14 period of time not to exceed 90 [45] days. However, the petitioner may
15 petition the superior court for extensions of a provision of the order
16 if the provision is described in (b)(1), (b)(2) or (b)(3) of this
17 section. If the superior court, after notice to the respondent of and
18 a hearing on the petition for the extension in accordance with the
19 procedures described in (b) of this section, finds that an extension of
20 the provision of the order is necessary for the protection of the
21 health, safety or welfare of the petitioner or of a minor child in the
22 care of the petitioner [TO PROTECT THE PETITIONER FROM DOMESTIC VIO-
23 LENCE], the superior court may extend the provision of the order for a
24 period of time not to exceed 90 [45] days.

25 * Sec. 3. AS 09.55.610(c) is amended to read:

26 (c) An order issued under this section may include a provision
27 described in AS 09.55.600(b). The order shall be endorsed with the
28 date and hour of issuance, shall be filed in the clerk's office and
29 entered in the records of the court, and shall state the reason that it

1 was granted without notice. The order shall remain in effect for a
2 period not to exceed 20 [10] days, unless extended by the court for
3 good cause. The reasons for the extension shall be entered in the
4 records of the court.

5 * Sec. 4. AS 09.55.610(e) is amended to read:

6 (e) On three [TWO] days notice to the petitioner, or on shorter
7 notice as the superior court may prescribe, the respondent may make a
8 motion to the superior court for the dissolution or modification of an
9 order for emergency injunctive relief under this section. The superior
10 court shall hear and rule on the motion in an expeditious manner.

11 * Sec. 5. AS 09.55.640 is amended to read:

12 Sec. 09.55.640. DEFINITIONS. For the purposes of AS 09.55.600 -
13 09.55.640, "domestic violence" means a crime under AS 11.41 committed
14 against a spouse or [,] a former spouse of the person who committed
15 the crime or a person who lives in the same household as the person
16 who committed the crime and is a

17 (A) parent of the person who committed the crime;

18 (B) son or daughter of the person who committed the
19 crime;

20 (C) brother or sister of the person who committed the
21 crime;

22 (D) person who has sexual relations with another house-
23 hold member or with the person who committed the crime;

24 (E) child under 18 years of age; or

25 (F) person 65 years of age or older [MEMBER OF THE
26 SOCIAL UNIT COMPRISED OF THOSE LIVING TOGETHER IN THE SAME DWELLING
27 AS THE RESPONDENT].

28 * Sec. 6. AS 11.46.350(a) is amended by adding a new paragraph to read:

29 (3) enter or remain upon premises in violation of a provision

1 in an order issued under AS 09.55.600(b) or 09.55.610 directing the
2 respondent to vacate the home of the petitioner.

3 * Sec. 7. AS 11.61.120(a) is amended by adding a new paragraph to read:

4 (6) Violates a provision of an order issued under AS 09.55.-
5 600(b) or 09.55.610 restraining the respondent from communicating
6 directly or indirectly with the petitioner.

7 * Sec. 8. AS 12.30.025(b) is amended to read:

8 (b) As used in this section, "domestic violence" means a crime
9 specified in AS 11.41 committed against a spouse or [,] a former spouse
10 of the person who committed the crime, or a person who lives in the
11 same household as the person who committed the crime and is a

12 (A) parent of the person who committed the crime;

13 (B) son or daughter of the person who committed the
14 crime;

15 (C) brother or sister of the person who committed the
16 crime;

17 (D) person who has sexual relations with another house-
18 hold member or with the person who committed the crime;

19 (E) child under 18 years of age; or

20 (F) person 65 years of age or older [MEMBER OF THE
21 SOCIAL UNIT COMPRISED OF THOSE LIVING TOGETHER IN THE SAME DWELLING
22 AS THE DEFENDANT].

23 * Sec. 9. AS 18.65.520(a) is amended to read:

24 (a) During the course of responding to an offense involving
25 domestic violence, a peace [POLICE] officer shall orally and [OR] in
26 writing inform the victim of services available to the victim and the
27 rights of the victim, substantially as follows:

28 As a victim of domestic violence you should be aware of the follow-
29 ing:

1 (1) In some places in Alaska there are organizations that
2 provide aid and shelter to victims of domestic violence. The nearest
3 such organization is located at _____.

4 (2) If you feel that there is a continuing danger to your
5 safety, please let me know and I will make all possible efforts to
6 insure your safety.

7 (3) Alaska law provides that you may file an application
8 with the nearest court for a court order protecting you and your chil-
9 dren from further harm. The forms to obtain the order are available at
10 the court. It is not necessary to have an attorney to obtain a court
11 order but one may be of help to you. If you cannot afford to hire an
12 attorney, you should contact the nearest Alaska Legal Services office
13 which is located at _____.

14 (4) Additionally, the victim/witness assistance program of
15 the Department of Law may be able to help you. The nearest district
16 attorney's office is located at _____.

17 * Sec. 10. AS 18.65.520(c) is amended to read:

18 (c) As used in this section

19 (1) "domestic violence" means a crime under AS 11.41 com-
20 mitted against a spouse or [,] a former spouse of the person who com-
21 mitted the crime, or a person who lives in the same household as the
22 person who committed the crime and is a

23 (A) parent of the person who committed the crime;

24 (B) son or daughter of the person who committed the
25 crime;

26 (C) brother or sister of the person who committed the
27 crime;

28 (D) person who has sexual relations with another house-
29 hold member or with the person who committed the crime;

1 (E) child under 18 years of age; or

2 (F) person 65 years of age or older; [MEMBER OF THE
3 SOCIAL UNIT COMPRISED OF THOSE LIVING TOGETHER IN THE SAME DWELLING
4 AS THE PERSON WHO COMMITTED THE CRIME.]

5 (2) "peace officer" means a public servant vested by law
6 with a duty to maintain public order or to make arrests, whether the
7 duty extends to all offenses or is limited to a specific class of
8 offenses or offenders.

9 * Sec. 11. AS 22.20.130 is amended by adding a new subsection to read:

10 (c) Process issued under AS 09.55.610 shall be promptly served
11 and executed. The commissioner may designate a peace officer to serve
12 and execute process issued under AS 09.55.610. A person designated to
13 serve process under this section has the same authority and duty granted
14 to the commissioner in the service of the process and is subject to
15 orders of the courts of the state in the same manner as the commis-
16 sioner. The commissioner is responsible on his official bond for the
17 acts of a person designated by him under this section which are com-
18 mitted in the course of his designated duty.

19 * Sec. 12. AS 22.20.140 is amended by adding a new paragraph to read:

20 (4) "peace officer" means a public servant vested by law
21 with a duty to maintain public order or to make arrests, whether the
22 duty extends to all offenses or is limited to a specific class of
23 offenses or offenders.

24 * Sec. 13. AS 09.55.620(b) is repealed.
25
26
27
28
29