

Original sponsors: Clocksin and Malone

Offered: 4/9/81  
Referred: Judiciary

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 287 (HESS)

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 09.50.020 is amended by adding a new subsection to read:

9 (b) Notwithstanding (a) of this section, disobedience of an order  
10 issued under AS 09.55.600 or 09.55.610 is a class B misdemeanor.

11 \* Sec. 2. AS 09.55.600(b) is amended by adding new paragraphs to read:

12 (7) direct the respondent to engage in personal or family  
13 counseling;

14 (8) restrain the respondent from entering a propelled  
15 vehicle of the petitioner.

16 \* Sec. 3. AS 09.55.600(c) is amended to read:

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

1 \* Sec. 4. AS 09.55.610(c) is amended to read:

2 (c) An order issued under this section may include a provision  
3 described in AS 09.55.600(b). The order shall be endorsed with the  
4 date and hour of issuance, shall be filed in the clerk's office and  
5 entered in the records of the court, and shall state the reason that it  
6 was granted without notice. The order shall remain in effect for a  
7 period not to exceed 20 [10] days, unless extended by the court for  
8 good cause. The reasons for the extension shall be entered in the  
9 records of the court.

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

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

16 \* Sec. 6. AS 09.55.640 is amended to read:

17 Sec. 09.55.640. DEFINITIONS. For the purposes of AS 09.55.600 -  
18 09.55.640, "domestic violence" means a crime under AS 11.41 committed  
19 against a spouse or [,] a former spouse of the respondent, [OR] a  
20 member of the social unit comprised of those living together in the  
21 same dwelling as the respondent, or a person related within the second  
22 degree by blood or marriage to the respondent.

23 \* Sec. 7. AS 11.46.350(a) is amended by adding a new paragraph to read:

24 (3) enter or remain upon premises or in a propelled vehicle  
25 in violation of a provision in an order issued under AS 09.55.600(b) or  
26 09.55.610.

27 \* Sec. 8. AS 11.61.120(a) is amended by adding a new paragraph to read:

28 (6) violates a provision of an order issued under AS 09.55.-  
29 600(b) or 09.55.610 restraining the respondent from communicating

1 directly or indirectly with the petitioner.

2 \* Sec. 9. AS 12.25.030(b) is amended to read:

3 (b) In addition to the authority granted under (a) of this sec-  
4 tion, a peace officer without a warrant may arrest a person when he has  
5 reasonable cause for believing that the person has committed a crime  
6 under AS 11.41, AS 11.46.330, or AS 11. 61.120 and the victim is a  
7 spouse or former spouse of the person, a member of the social unit  
8 comprised of those living together in the same dwelling as the person,  
9 or another person related within the second degree by blood or marriage  
10 to the person [ASSAULT IN THE FOURTH DEGREE UNDER AS 11.41.230(a)(1)  
11 AGAINST A MEMBER OF THE PERSON'S HOUSEHOLD].

12 \* Sec. 10. AS 12.30.025(b) is amended to read:

13 (b) As used in this section, "domestic violence" means a crime  
14 specified in AS 11.41 when the victim is [COMMITTED AGAINST] a spouse  
15 or [,] a former spouse of the defendant, [OR] a member of the social  
16 unit comprised of those living together in the same dwelling as the  
17 defendant, or a person related within the second degree by blood or  
18 marriage to the defendant.

19 \* Sec. 11. AS 12.55.135(c) is amended to read:

20 (c) A defendant convicted of assault in the fourth [THIRD] degree  
21 committed in violation of the provisions of an order issued under  
22 AS 09.55.600 or 09.55.610 shall be sentenced to a minimum term of  
23 imprisonment of 10 days. The execution of sentence may not be suspended  
24 and probation or parole may not be granted until the minimum term of  
25 imprisonment has been served. Imposition of sentence may not be sus-  
26 pended, except upon condition that the defendant be [BY] imprisoned for  
27 no less than the minimum term of imprisonment provided in this section,  
28 and the minimum sentence provided for in this section may not be other-  
29 wise reduced.

1 \* Sec. 12. AS 18.65.520(a) is amended to read:

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

6 As a victim of domestic violence you should be aware of the follow-  
7 ing:

8 (1) In some places in Alaska there are organizations that  
9 provide aid and shelter to victims of domestic violence. The nearest  
10 such organization is located at \_\_\_\_\_.

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

14 (3) Alaska law provides that you may file an application  
15 with the nearest court for a court order protecting you and your chil-  
16 dren from further harm. The forms to obtain the order are available at  
17 the court. It is not necessary to have an attorney to obtain a court  
18 order but one may be of help to you. If you cannot afford to hire an  
19 attorney, you should contact the nearest Alaska Legal Services office  
20 which is located at \_\_\_\_\_.

21 (4) Additionally, the victim/witness assistance program of  
22 the Department of Law may be able to help you. The nearest district  
23 attorney's office is located at \_\_\_\_\_.

24 \* Sec. 13. AS 18.65.520(c) is amended to read:

25 (c) As used in this section

26 (1) "domestic violence" means a crime under AS 11.41 com-  
27 mitted when the victim is [AGAINST] a spouse or [,] a former spouse  
28 of the person who committed the crime, [OR] a member of the social unit  
29 comprised of those living together in the same dwelling as the person

1 who committed the crime, or another person related within the second  
2 degree by blood or marriage to the person who committed the crime;

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

7 \* Sec. 14. AS 22.20.130 is amended by adding a new subsection to read:

8 (c) Process issued under AS 09.55.600 or 09.55.610 shall be  
9 promptly served and executed. The commissioner may designate a peace  
10 officer to serve and execute process issued under AS 09.55.600 or  
11 09.55.610. A person designated to serve process under this section has  
12 the same authority and duty granted to the commissioner in the service  
13 of the process and is subject to orders of the courts of the state in  
14 the same manner as the commissioner. The commissioner is responsible  
15 on his official bond for the acts of a person designated by him under  
16 this section which are committed in the course of his designated duty.

17 \* Sec. 15. AS 22.20.140 is amended by adding a new paragraph to read:

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

22 \* Sec. 16. AS 09.55.620(b) and AS 12.25.030(c) are repealed.  
23  
24  
25  
26  
27  
28  
29