

Original sponsors: Clocksin and Malone

Offered: 6/4/81
Referred: Rules

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 287 (Judiciary)
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 new paragraphs to
9 read:

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

12 (8) restrain the respondent from entering a propelled
13 vehicle in the possession of or occupied by the petitioner.

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

15 (c) An order issued under this section remains in effect for a
16 period of time not to exceed 90 [45] days. However, the petitioner may
17 petition the superior court for an extension [EXTENSIONS] of a provision
18 of the order if the provision is described in (b)(1), (b)(2), [OR]
19 (b)(3), (b)(7), or (b)(8) of this section. If the superior court,
20 after notice to the respondent of and a hearing on the petition for the
21 extension in accordance with the procedures described in (b) of this
22 section, finds that an extension of the provision of the order is
23 necessary to protect the petitioner or a minor child in the care of the
24 petitioner from domestic violence, the superior court may extend the
25 provision of the order for a period of time not to exceed 45 days.
26 The court may not grant more than one extension under this subsection.

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

28 (c) An order issued under this section may include a provision
29 described in AS 09.55.600(b). The order shall be endorsed with the

1 date and hour of issuance, shall be filed in the clerk's office and
2 entered in the records of the court, and shall state the reason that it
3 was granted without notice. The order shall remain in effect for a
4 period not to exceed 20 [10] days, unless extended by the court for
5 good cause. The reasons for the extension shall be entered in the
6 records of the court.

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

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

13 * Sec. 5. AS 09.55 is amended by adding a new section to read:

14 Sec. 09.55.625. SERVICE OF PROCESS. Process issued under AS 09.-
15 55.600 or 09.55.610 shall be promptly served and executed. If a state
16 peace officer is not available, a superior court, district court, or
17 magistrate may designate any other peace officer to serve and execute
18 process issued under AS 09.55.600 or 09.55.610. A peace officer shall
19 use every reasonable means to serve process issued under AS 09.55.600
20 or 09.55.610.

21 * Sec. 6. AS 09.55.640 is amended to read:

22 Sec. 09.55.640. DEFINITIONS. For the purposes of AS 09.55.600 -
23 09.55.640, "domestic violence" means a crime under AS 11.41 when the
24 victim is [COMMITTED AGAINST] a spouse or [,] a former spouse of the
25 respondent, [OR] a member of the social unit comprised of those living
26 together in the same dwelling as the respondent, or a person who pre-
27 viously lived with the respondent.

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

29 (3) enter or remain upon premises or in a propelled vehicle

1 in violation of a provision in an order issued under AS 09.55.600(b) or
2 09.55.610.

3 * Sec. 8. 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. 9. AS 12.25.030(b) is amended to read:

8 (b) In addition to the authority granted under (a) of this sec-
9 tion, a peace officer without a warrant may arrest a person when he has
10 reasonable cause for believing that the person has committed a crime
11 under AS 11.41, AS 11.46.330, or AS 11.61.120 when the victim is a
12 spouse or former spouse of the person who committed the crime, a member
13 of the social unit comprised of those living together in the same
14 dwelling as the person who committed the crime, or another person who
15 previously lived with the person who committed the crime [ASSAULT IN
16 THE FOURTH DEGREE UNDER AS 11.41.230(a)(1) AGAINST A MEMBER OF THE
17 PERSON'S HOUSEHOLD].

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

19 (b) As used in this section, "domestic violence" means a crime
20 specified in AS 11.41 when the victim is [COMMITTED AGAINST] a spouse
21 or [,] a former spouse of the defendant, [OR] a member of the social
22 unit comprised of those living together in the same dwelling as the
23 defendant, or a person who previously lived with the defendant.

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

25 (c) A defendant convicted of assault in the fourth [THIRD] degree
26 committed in violation of the provisions of an order issued under
27 AS 09.55.600 or 09.55.610 shall be sentenced to a minimum term of
28 imprisonment of 10 days. The execution of sentence may not be suspended
29 and probation or parole may not be granted until the minimum term of

1 imprisonment has been served. Imposition of sentence may not be sus-
2 pended, except upon condition that the defendant be imprisoned for no
3 less than the minimum term of imprisonment provided in this section,
4 and the minimum sentence provided for in this section may not be other-
5 wise reduced.

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

7 (a) During the course of responding to an offense involving
8 domestic violence, a peace [POLICE] officer shall orally or in writing
9 inform the victim of services available to the victim and the rights of
10 the victim, substantially as follows:

11 As a victim of domestic violence you should be aware of the follow-
12 ing:

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

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

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

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

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

1 (c) As used in this section

2 (1) "domestic violence" means a crime under AS 11.41 when
3 the victim is [COMMITTED AGAINST] a spouse or [,] a former spouse
4 of the person who committed the crime, [OR] a member of the social unit
5 comprised of those living together in the same dwelling as the person
6 who committed the crime, or another person who previously lived with
7 the person who committed the crime;

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

12 * Sec. 14. AS 09.55.620(b) and AS 12.25.030(c) are repealed.
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