

Original sponsors: Clocksin and Malone

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1 IN THE HOUSE

BY THE CONFERENCE COMMITTEE

2 CONFERENCE CS FOR HOUSE BILL NO. 287

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to providing protection and assistance  
7 in domestic crises; and providing for an effective  
8 date."

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

10 \* Section 1. LEGISLATIVE FINDINGS AND INTENT. (a) The legislature finds  
11 that there is an increasing number of persons in the state who, after having  
12 fulfilled the role of homemaker for a number of years, find themselves  
13 "displaced" through the death of a spouse, divorce, separation, desertion, or  
14 loss of family income. The legislature finds that displaced homemakers are  
15 often without any source of income, face continuing discrimination in employ-  
16 ment because they frequently have no recent work experience and may be older  
17 than other applicants for employment, are subject to high rates of unemploy-  
18 ment and are ineligible for unemployment insurance because they have been  
19 engaged in unsalaried labor in the home, may be ineligible for categorical  
20 welfare assistance, are ineligible for social security if they have been  
21 divorced from the family wage earner, may have lost their rights as benefi-  
22 ciaries under employers' pension and health plans through death of a spouse  
23 or divorce despite the contribution of years to the well-being of the family,  
24 and may be ineligible for Medicaid and unable to purchase private health  
25 insurance because of age and lack of income. The legislature further finds  
26 that homemakers are an unrecognized part of the work force of the state who  
27 have made an invaluable contribution to the welfare of society.

28 (b) It is the intent of sec. 2 of this Act to

29 (1) provide the necessary counseling, aptitude testing, training,

1 employment placement opportunities, and other services for displaced home-  
2 makers through contracts with private profit and nonprofit corporations and  
3 by using existing state programs;

4 (2) improve the health and welfare of this growing group of mem-  
5 bers of the community; and

6 (3) assist displaced homemakers in achieving independence and  
7 economic security vital to a productive life.

8 \* Sec. 2. AS 47 is amended by adding a new chapter to read:

9 CHAPTER 90. DISPLACED HOMEMAKERS.

10 Sec. 47.90.010. PROGRAM ESTABLISHED. (a) The commissioner, in  
11 consultation with state and local government agencies, community groups,  
12 and groups concerned with displaced homemakers, may

13 (1) contract with eligible private profit and nonprofit corpo-  
14 rations for multipurpose service centers for displaced homemakers; and

15 (2) coordinate existing state programs for displaced home-  
16 makers.

17 (b) The commissioner shall adopt regulations prescribing the  
18 standards to be met by each multipurpose service center for displaced  
19 homemakers in accordance with the policies established in this chapter.

20 (c) The commissioner shall establish a contract procedure that  
21 insures open competition for carrying out programs established in this  
22 chapter.

23 (d) To be eligible for an award of a contract under this chapter a  
24 private profit or nonprofit corporation must be governed by a board of  
25 directors whose membership is broadly representative of the community in  
26 which it operates as determined by the commissioner.

27 Sec. 47.90.020. MULTIPURPOSE SERVICE CENTERS. (a) A multipurpose  
28 service center for displaced homemakers established under AS 47.90.010  
29 may provide the following services:

- 1 (1) job counseling services that shall  
2 (A) be specifically designed for displaced homemakers;  
3 (B) counsel displaced homemakers regarding job oppor-  
4 tunities; and  
5 (C) consider and build on the skills and experience of a  
6 homemaker and emphasize job readiness as well as skill development;
- 7 (2) job training and job placement services that shall  
8 (A) emphasize short-term training programs that expand  
9 upon homemaking skills and volunteer experience and that lead to  
10 gainful employment;  
11 (B) develop through cooperation with state and local  
12 government agencies and private employers training and placement  
13 programs for jobs in the public and private sector;  
14 (C) assist displaced homemakers in gaining admission to  
15 existing public and private job-training programs and opportunities  
16 including vocational education, reentry into secondary and post-  
17 secondary education, and apprenticeship training programs; and  
18 (D) assist in identifying community needs and creating  
19 new jobs for displaced homemakers in the public and private sector;
- 20 (3) health counseling services including referral to existing  
21 health programs with respect to  
22 (A) general principles of preventive health care;  
23 (B) health care consumer education, particularly in the  
24 selection of physicians and health care services including health  
25 maintenance organizations and health insurance;  
26 (C) mental health care and transitional counseling;  
27 (D) family health care and nutrition;  
28 (E) alcohol and drug abuse, including the abuse of pre-  
29 scription drugs; and

1 (F) other related health care matters;

2 (4) financial management services that provide information  
3 and assistance relating to insurance, taxes, estate and probate matters,  
4 mortgages, loans, and related financial matters;

5 (5) educational services including

6 (A) information relating to courses offering credit  
7 through secondary or postsecondary education programs and reentry  
8 programs, including bilingual programs if appropriate, and infor-  
9 mation relating to the availability of financial assistance; and

10 (B) information about other programs of benefit to  
11 displaced homemakers;

12 (6) legal counseling and referral services;

13 (7) information services with respect to federal and state  
14 employment, education, health, public assistance, and unemployment  
15 assistance programs that the commissioner determines to be of benefit to  
16 displaced homemakers.

17 (b) A multipurpose center for displaced homemakers may provide  
18 assistance in obtaining child care, temporary babysitting expenses, and  
19 transportation when it will aid a displaced homemaker to receive ser-  
20 vices under (a) of this section.

21 Sec. 47.90.030. EMPLOYMENT OF DISPLACED HOMEMAKERS. The staff  
22 positions of multipurpose centers established under AS 47.90.010, in-  
23 cluding supervisory, technical, and administrative positions, shall to  
24 the maximum extent possible be filled by displaced homemakers.

25 Sec. 47.90.040. CONSULTATION AND COORDINATION. The commissioner  
26 shall consult and cooperate with the Department of Health and Social  
27 Services; the Department of Education, including the division of voca-  
28 tional rehabilitation; the University of Alaska, community colleges and  
29 other colleges as appropriate; the Department of Labor, including the

1 division of employment security; and other persons or agencies that the  
2 commissioner considers appropriate in the implementation of this chapter.

3 Sec. 47.90.050. STATE EMPLOYMENT ASSISTANCE. Contractors operat-  
4 ing programs under AS 47.90.010 shall, to the maximum extent possible,  
5 provide displaced homemakers with assistance in qualifying on state  
6 employment registers under regulations of the commissioner.

7 Sec. 47.90.060. REGULATIONS. The commissioner may adopt regula-  
8 tions to implement this chapter.

9 Sec. 47.90.070. DEFINITIONS. In this chapter

10 (1) "commissioner" means the commissioner of community and  
11 regional affairs;

12 (2) "displaced homemaker" means a person who

13 (A) has worked as a homemaker providing unsalaried  
14 services for the family for a period of at least seven years;

15 (B) faces a significant reduction in family income or  
16 support through divorce, death, separation, desertion, or dis-  
17 ability; and

18 (C) has encountered difficulty in finding employment.

19 \* Sec. 3. AS 09.55.600(b) is amended by adding new paragraphs to read:

20 (7) direct the respondent to engage in personal or family  
21 counseling;

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

24 \* Sec. 4. AS 09.55.600(c) is amended to read:

25 (c) An order issued under this section remains in effect for a  
26 period of time not to exceed 90 [45] days. However, the petitioner may  
27 petition the superior court for an extension [EXTENSIONS] of a provision  
28 of the order if the provision is described in (b)(1), (b)(2), [OR]  
29 (b)(3), (b)(7), or (b)(8) of this section. If the superior court, after

1 notice to the respondent of and a hearing on the petition for the exten-  
2 sion in accordance with the procedures described in (b) of this section,  
3 finds that an extension of the provision of the order is necessary to  
4 protect the petitioner or a minor child in the care of the petitioner  
5 from domestic violence, the superior court may extend the provision of  
6 the order for a period of time not to exceed 45 days. The court may not  
7 grant more than one extension under this subsection.

8 \* Sec. 5. AS 09.55.610(c) is amended to read:

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

17 \* Sec. 6. AS 09.55.610(e) is amended to read:

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

23 \* Sec. 7. AS 09.55 is amended by adding a new section to read:

24 Sec. 09.55.625. SERVICE OF PROCESS. Process issued under AS 09.-  
25 55.600 or 09.55.610 shall be promptly served and executed. If a state  
26 peace officer is not available, a superior court, district court, or  
27 magistrate may designate any other peace officer to serve and execute  
28 process issued under AS 09.55.600 or 09.55.610. A peace officer shall  
29 use every reasonable means to serve process issued under AS 09.55.600 or

1 09.55.610.

2 \* Sec. 8. AS 09.55.640 is amended to read:

3 Sec. 09.55.640. DEFINITIONS. For the purposes of AS 09.55.600 -  
4 09.55.640, "domestic violence" means a crime under AS 11.41 when the  
5 victim is [COMMITTED AGAINST] a spouse or [,] a former spouse of the  
6 respondent, [OR] a member of the social unit comprised of those living  
7 together in the same dwelling as the respondent, or a person who is not  
8 a spouse or former spouse of the respondent but who previously lived in  
9 a spousal relationship with the respondent.

10 \* Sec. 9. AS 11.46.350(a) is amended by adding a new paragraph to read:

11 (3) enter or remain upon premises or in a propelled vehicle  
12 in violation of a provision in an order issued under AS 09.55.600(b) or  
13 09.55.610.

14 \* Sec. 10. AS 11.61.120(a) is amended by adding a new paragraph to read:

15 (6) violates a provision of an order issued under AS 09.55.-  
16 600(b) or 09.55.610 restraining the respondent from communicating  
17 directly or indirectly with the petitioner.

18 \* Sec. 11. AS 12.25.030(b) is amended to read:

19 (b) In addition to the authority granted under (a) of this sec-  
20 tion, a peace officer without a warrant may arrest a person when he has  
21 reasonable cause for believing that the person has committed a crime  
22 under AS 11.41, AS 11.46.330, or AS 11.61.120 when the victim is a  
23 spouse or former spouse of the person who committed the crime, a member  
24 of the social unit comprised of those living together in the same  
25 dwelling as the person who committed the crime, or another person who  
26 is not a spouse or former spouse of the person who committed the crime  
27 but who previously lived in a spousal relationship with the person who  
28 committed the crime [ASSAULT IN THE FOURTH DEGREE UNDER AS 11.41.230-  
29 (a)(1) AGAINST A MEMBER OF THE PERSON'S HOUSEHOLD].

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

2 (b) As used in this section, "domestic violence" means a crime  
3 specified in AS 11.41 when the victim is [COMMITTED AGAINST] a spouse or  
4 [,) a former spouse of the defendant, [OR] a member of the social unit  
5 comprised of those living together in the same dwelling as the defendant,  
6 or a person who is not a spouse or former spouse of the defendant but who  
7 previously lived in a spousal relationship with the defendant.

8 \* Sec. 13. AS 12.55.135(c) is amended to read:

9 (c) A defendant convicted of assault in the fourth [THIRD] degree  
10 committed in violation of the provisions of an order issued under  
11 AS 09.55.600 or 09.55.610 shall be sentenced to a minimum term of impris-  
12 sonment of 10 days. The execution of sentence may not be suspended and  
13 probation or parole may not be granted until the minimum term of impris-  
14 sonment has been served. Imposition of sentence may not be suspended,  
15 except upon condition that the defendant be imprisoned for no less than  
16 the minimum term of imprisonment provided in this section, and the  
17 minimum sentence provided for in this section may not be otherwise  
18 reduced.

19 \* Sec. 14. AS 18.65.520(a) is amended to read:

20 (a) During the course of responding to an offense involving domes-  
21 tic violence, a peace [POLICE] officer shall orally and [OR] in writing  
22 inform the victim of services available to the victim and the rights of  
23 the victim, substantially as follows:

24 As a victim of domestic violence you should be aware of the follow-  
25 ing:

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

29 (2) If you feel that there is a continuing danger to your

1 safety, please let me know and I will make all possible efforts to  
2 insure your safety.

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

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

13 \* Sec. 15. AS 18.65.520(c) is amended to read:

14 (c) As used in this section

15 (1) "domestic violence" means a crime under AS 11.41 when  
16 the victim is [COMMITTED AGAINST] a spouse or [,] a former spouse  
17 of the person who committed the crime, [OR] a member of the social unit  
18 comprised of those living together in the same dwelling as the person  
19 who committed the crime, or another person who is not a spouse or former  
20 spouse of the person who committed the crime but who previously lived  
21 in a spousal relationship with the person who committed the crime;

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

25 \* Sec. 16. AS 09.55.620(b) and AS 12.25.030(c) are repealed.

26 \* Sec. 17. This Act takes effect July 1, 1982.  
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