

Introduced: 1/29/82
Referred: Health, Education &
Social Services and Judiciary

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 SENATE BILL NO. 694

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 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 read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (3) enter or remain upon premises or in a propelled vehicle
29 in violation of a provision in an order issued under AS 09.55.600(b) or

1 09.55.610.

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

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

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

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

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

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

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

24 (c) A defendant convicted of assault in the fourth [THIRD] degree
25 committed in violation of the provisions of an order issued under AS 09.-
26 55.600 or 09.55.610 shall be sentenced to a minimum term of imprisonment
27 of 10 days. The execution of sentence may not be suspended and probation
28 or parole may not be granted until the minimum term of imprisonment has
29 been served. Imposition of sentence may not be suspended, except upon

1 condition that the defendant be imprisoned for no less than the minimum
2 term of imprisonment provided in this section, and the minimum sentence
3 provided for in this section may not be otherwise reduced.

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

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

9 As a victim of domestic violence you should be aware of the follow-
10 ing:

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

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

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

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

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

28 (c) As used in this section

29 (1) "domestic violence" means a crime under AS 11.41 when

1 the victim is [COMMITTED AGAINST] a spouse or [,] a former spouse of
2 the person who committed the crime, [OR] a member of the social unit
3 comprised of those living together in the same dwelling as the person
4 who committed the crime, or another person who previously lived with
5 the person who committed the crime;

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

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