

Offered: 3/13/85  
Referred: Rules

Original sponsors: Faiks, Sturgulewski,  
Halford, et al

1 IN THE SENATE BY THE JUDICIARY COMMITTEE  
2 CS FOR SENATE BILL NO. 29 (Judiciary) am  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to domestic violence and domestic  
7 sexual offenses."

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

9 \* Section 1. AS 11.41 is amended by adding a new section to read:

10 Sec. 11.41.443. SPOUSAL RELATIONSHIP NO DEFENSE. In a prose-  
11 cution under AS 11.41.410 or 11.41.420, it is not a defense that the  
12 victim was, at the time of the alleged offense, the legal spouse of  
13 the defendant.

14 \* Sec. 2. AS 11.41.445(a) is amended to read:

15 (a) In a prosecution under AS 11.41.434 - 11.41.440 [AS  
16 11.41.410 - 11.41.440] it is an affirmative defense that, at the time  
17 of the alleged offense, the victim was the legal spouse of the defend-  
18 ant unless the offense was committed without the consent of the victim

19 [(1) THE SPOUSES WERE LIVING APART; OR

20 (2) THE DEFENDANT CAUSED PHYSICAL INJURY TO THE VICTIM].

21 \* Sec. 3. AS 12.25.030(b) is amended to read:

22 (b) In addition to the authority granted under (a) of this  
23 section, a peace officer without a warrant may arrest a person when  
24 the peace officer has reasonable cause for believing that the person  
25 has committed a crime under AS 11.41, AS 11.46.330, or AS 11.61.120  
26 when the victim is a spouse or former spouse of the person who commit-  
27 ted the crime; a parent, grandparent, or child of the person who  
28 committed the crime; [,] a member of the social unit comprised of  
29 those living together in the same dwelling as the person who committed

1 the crime; [,] or another person who is not a spouse or former spouse  
2 of the person who committed the crime but who previously lived in a  
3 spousal relationship with the person who committed the crime.

4 \* Sec. 4. AS 18.66.900(3) is amended to read:

5 (3) "domestic violence" means a crime specified in AS 11.41  
6 when the victim is a spouse or a former spouse of the defendant; a  
7 parent, grandparent, or child of the defendant; [, OR] a member of the  
8 social unit comprised of those living together in the same dwelling as  
9 the defendant; or a person who is not a spouse or former spouse of the  
10 defendant but who previously lived in a spousal relationship with the  
11 defendant;

12 \* Sec. 5. AS 25.35.010(a) is amended to read:

13 (a) A person who is subjected to domestic violence may petition  
14 a superior court for injunctive relief restraining the infliction of  
15 further domestic violence against the petitioner by the respondent. A  
16 minor child seeking relief available under this chapter must petition  
17 the court by or through a parent, guardian, or legal custodian.

18 \* Sec. 6. AS 25.35.060 is amended to read:

19 Sec. 25.35.060. DEFINITIONS. In this chapter, "domestic vio-  
20 lence" means a crime under AS 11.41 when the victim is a spouse or a  
21 former spouse of the respondent; a parent, grandparent, or child of  
22 the respondent; [,] a member of the social unit comprised of those  
23 living together in the same dwelling as the respondent; [,] or a  
24 person who is not a spouse or former spouse of the respondent but who  
25 previously lived in a spousal relationship with the respondent.