

Offered: 5/10/85
For Today's Calendar

Original sponsors: Faiks, Sturgulewski,
Halford, et al

1 IN THE SENATE BY THE RULES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 29 (Rules)

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 11.41.-
16 410 - 11.41.440] it is an affirmative defense that, at the time of the
17 alleged offense, the victim was the legal spouse of the defendant
18 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, child, or grandchild of the
28 person who committed the crime; [,] a member of the social unit com-
29 prised of those living together in the same dwelling as the person who

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

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

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

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

14 (a) A person who is subjected to domestic violence may petition
15 a superior court for injunctive relief restraining the infliction of
16 further domestic violence against the petitioner by the respondent.
17 The court may appoint a guardian ad litem or attorney to represent a
18 minor who is subject to this chapter in the same manner as an attorney
19 may be appointed under AS 25.24.310.

20 * Sec. 6. AS 25.35.060 is amended to read:

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