

Offered: 3/7/86
Referred: Judiciary

Original sponsor: Rules/Governor

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 67 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to arrest by a peace officer without
7 a warrant and service of process in cases of domestic
8 violence."

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

10 * Section 1. AS 12.25.030(b) is amended to read:

11 (b) In addition to the authority granted under (a) of this
12 section, a peace officer without a warrant may arrest a person when
13 the peace officer has reasonable cause for believing that the person
14 has committed a crime under AS 11.41, AS 11.46.330, or AS 11.61.120,
15 or has violated an ordinance with elements substantially similar to
16 the elements of a crime under AS 11.41, AS 11.46.330, or AS 11.61.120,
17 when the victim is a spouse or former spouse of the person who commit-
18 ted the crime; a parent, grandparent, child, or grandchild of the
19 person who committed the crime; a member of the social unit comprised
20 of those living together in the same dwelling as the person who com-
21 mitted the crime; or another person who is not a spouse or former
22 spouse of the person who committed the crime but who previously lived
23 in a spousal relationship with the person who committed the crime.

24 * Sec. 2. AS 22.20.110 is amended to read:

25 Sec. 22.20.110. DUTY OF THE COMMISSIONER IN THE COURT OF AP-
26 PEALS, THE SUPERIOR COURT AND DISTRICT COURTS. When required by the
27 supreme court, and except as otherwise provided in AS 25.35.040, the
28 commissioner shall serve and execute all process issued by the court
29 of appeals, the superior court, and the district courts; [,] attend to

1 and wait upon grand and petit juries; [,] maintain order; [,] attend
2 the sessions of the courts; [,] and exercise the power and perform the
3 duties concerning all matters within the jurisdiction of the courts as
4 may be assigned. The commissioner is the executive officer of the
5 court of appeals, the superior court, and district courts.

6 * Sec. 3. AS 25.35.040 is amended to read:

7 Sec. 25.35.040. SERVICE OF PROCESS. Process issued under
8 AS 25.35.010 or 25.35.020 shall be promptly served and executed. If
9 process is to be served upon a person believed to be present or resid-
10 ing in a municipality, as defined in AS 29.78.010, or in an unincor-
11 porated community, process shall be served by a peace officer of that
12 municipality or unincorporated community who has jurisdiction within
13 the area of service. If a peace officer of the municipality or unin-
14 corporated community who has jurisdiction [A STATE PEACE OFFICER] is
15 not available, a superior court, district court, or magistrate may
16 designate any other peace officer to serve and execute process issued
17 under AS 25.35.010 or 25.35.020. A state peace officer shall serve
18 process in any area that is not within the jurisdiction of a peace
19 officer of a municipality or unincorporated community. A peace offi-
20 cer shall use every reasonable means to serve process issued under AS
21 25.35.010 or 25.35.020.

22 * Sec. 4. AS 25.35.040 is amended by adding a new subsection to read:

23 (b) Service of process required under this section does not
24 preclude a petitioner from using any other available means to serve
25 process issued under AS 25.35.010 or 25.35.020.