

CS FOR HOUSE BILL NO. 44 (HES)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 2/22/91  
Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES ULMER, Parnell, B.Davis

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to domestic violence."

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

3 \* Section 1. AS 11.61.120(a) is amended to read:

4 (a) A person commits the crime of harassment if

5 (1) [,] with intent to harass or annoy another person, that person

6 (A) [(1)] insults, taunts, or challenges another person in a manner likely  
7 to provoke an immediate violent response;

8 (B) [(2)] telephones another and fails to terminate the connection with  
9 intent to impair the ability of that person to place or receive telephone calls;

10 (C) [(3)] makes repeated telephone calls at extremely inconvenient hours;

11 (D) [(4)] makes an anonymous or obscene telephone call or a telephone  
12 call that threatens physical injury; or

13 (E) [(5)] subjects another person to offensive physical contact; or

14 (2) that person knowingly [(6)] violates a provision of an order issued under

1 AS 25.35.010(b) or 25.35.020 restraining the respondent from communicating directly or  
2 indirectly with the petitioner.

3 \* Sec. 2. AS 11.61.200(a) is amended to read:

4 (a) A person commits the crime of misconduct involving weapons in the first degree if  
5 the person

6 (1) knowingly possesses a firearm capable of being concealed on one's person after  
7 having been convicted of a felony by a court of this state, a court of the United States, or a court  
8 of another state or territory;

9 (2) knowingly sells or transfers a firearm capable of being concealed on one's  
10 person to a person who has been convicted of a felony by a court of this state, a court of the  
11 United States, or a court of another state or territory;

12 (3) manufactures, possesses, transports, sells, or transfers a prohibited weapon;

13 (4) knowingly sells or transfers a firearm to another whose physical or mental  
14 condition is substantially impaired as a result of the introduction of an intoxicating liquor or drug  
15 into that other person's body;

16 (5) removes, covers, alters, or destroys the manufacturer's serial number on a  
17 firearm with intent to render the firearm untraceable;

18 (6) possesses a firearm on which the manufacturer's serial number has been  
19 removed, covered, altered, or destroyed, knowing that the serial number has been removed,  
20 covered, altered, or destroyed with the intent of rendering the firearm untraceable;

21 (7) violates AS 11.46.320 and, during the violation, possesses on the person a  
22 firearm while under the influence of an intoxicating liquor or drug;

23 (8) violates AS 11.46.320 or 11.46.330 by entering or remaining unlawfully on  
24 premises or in a propelled vehicle in violation of a provision of an order issued under  
25 AS 25.35.010(b) or 25.35.020 and, during the violation, possesses on the person a deadly  
26 weapon, other than an ordinary pocketknife; or

27 (9) communicates in person with another in violation of AS 11.61.120(a)(2)  
28 [AS 11.61.120(a)(6)] and, during the communication, possesses on the person a deadly weapon,  
29 other than an ordinary pocketknife.

30 \* Sec. 3. AS 12.30.025 is amended to read:

31 Sec. 12.30.025. RELEASE BEFORE TRIAL IN CASES INVOLVING DOMESTIC "An

1 Act VIOLENCE. (a) In determining the conditions of release under AS 12.30.020 in cases  
2 involving domestic violence, the court shall consider the following conditions and impose one  
3 or more conditions it considers reasonably necessary to protect the alleged victim of the domestic  
4 violence, including ordering the defendant

5 (1) not to subject the victim to further domestic violence;

6 (2) to vacate the home of the victim;

7 (3) not to contact the victim other than through counsel;

8 (4) to engage in personal [OR FAMILY] counseling; if the court directs the  
9 defendant to engage in personal counseling, the court shall provide in the order that the  
10 counseling must propose alternatives to aggression if that type of counseling is available;

11 (5) to refrain from the consumption of alcohol or the use of drugs.

12 (b) As used in this section, "domestic violence" means a crime specified in AS 11.41  
13 when the victim is a spouse or a former spouse of the defendant; a parent, grandparent, child,  
14 or grandchild of the defendant; [,] a member of the social unit comprised of those living  
15 together in the same dwelling as the defendant; [,] or a person who is not a spouse or former  
16 spouse of the defendant but who previously lived in a spousal relationship with the defendant or  
17 is in or has been in a dating, courtship, or engagement relationship with the defendant.

18 \* Sec. 4. AS 12.55.155(d) is amended by adding a new paragraph to read:

19 (17) in a conviction for assault or attempted assault under AS 11.41.200 -  
20 11.41.220 or for homicide or attempted homicide under AS 11.41.100 - 11.41.130, the defendant  
21 acted in response to domestic violence perpetrated by the victim against the defendant or a minor  
22 child of the defendant and the domestic violence consisted of aggravated or repeated instances  
23 of assaultive behavior.

24 \* Sec. 5. AS 12.55.185 is amended by adding a new paragraph to read:

25 (12) "domestic violence" has the meaning given in AS 25.35.060.

26 \* Sec. 6. AS 18.65.520(c)(1) is amended to read:

27 (c) As used in this section

28 (1) "domestic violence" means a crime under AS 11.41 when the victim is a  
29 spouse or a former spouse of the person who committed the crime; a parent, grandparent,  
30 child, or grandchild of the person who committed the crime; [,] a member of the social unit  
31 comprised of those living together in the same dwelling as the person who committed the crime;

1       [.] or another person who is not a spouse or former spouse of the person who committed the  
2       crime but who previously lived in a spousal relationship with the person who committed the  
3       crime **or is in or has been in a dating, courtship, or engagement relationship with the person**  
4       **who committed the crime:**

5       \* Sec. 7. AS 18.66.900(3) is amended to read:

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

12       \* Sec. 8. AS 25.35.010(b) is amended to read:

13               (b) Upon receiving a petition under (a) of this section, the court shall schedule a hearing  
14       and shall provide at least 10 **days'** [DAYS] notice to the respondent of the hearing and of the  
15       respondent's right to appear and to be heard either in person or by attorney. If, at the hearing,  
16       the court finds that the petitioner has been subjected to domestic violence by the respondent, the  
17       court may issue any order it determines to be necessary for the protection of the health, safety,  
18       or welfare of the petitioner or of a minor child in the care of the petitioner. An order under this  
19       subsection may include provisions that

- 20               (1) restrain the respondent from subjecting the petitioner to domestic violence;  
21               (2) direct the respondent to vacate the home of the petitioner;  
22               (3) restrain the respondent from communicating directly or indirectly with the  
23       petitioner;  
24               (4) direct the respondent to pay support for the petitioner or for a minor child in  
25       the care of the petitioner if there is an independent legal obligation of the respondent to support  
26       the petitioner or the child;  
27               (5) award temporary custody of a minor child to the petitioner;  
28               (6) direct the respondent to pay medical expenses incurred by the petitioner as  
29       a result of the domestic violence;  
30               (7) direct the respondent to engage in personal **counseling; if the court directs**  
31       **the respondent to engage in personal counseling, the court shall provide in the order that**

1           **the counseling must propose alternatives to aggression if that type of counseling is available:**  
2           **[OR FAMILY COUNSELING OR MEDIATION];**

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

5   \* Sec. 9. AS 25.35.010 is amended by adding a new subsection to read:

6                           (e) The court may not issue an order restraining a petitioner under this section unless the  
7                           court finds that the respondent has been subjected to domestic violence by the petitioner.

8   \* Sec. 10. AS 25.35.020(c) is amended to read:

9                           (c) An order issued under this section may include a provision described in  
10                          AS 25.35.010(b). **The court may not issue an order restraining a petitioner under this**  
11                          **section unless the court finds that the respondent has been subjected to domestic violence**  
12                          **by the petitioner** [, EXCEPT AN ORDER FOR MEDIATION]. The order shall be endorsed  
13                          with the date and hour of issuance, shall be filed in the clerk's office and entered in the records  
14                          of the court, and shall state the reason that it was granted without notice. The order shall remain  
15                          in effect for a period not to exceed 20 days, unless extended by the court for good cause. The  
16                          reasons for the extension shall be entered in the records of the court.

17   \* Sec. 11. AS 25.35.060 is amended to read:

18                          Sec. 25.35.060. DEFINITIONS. In this chapter, "domestic violence" means a crime  
19                          under AS 11.41 when the victim is a spouse or a former spouse of the respondent; a parent,  
20                          grandparent, child, or grandchild of the respondent; a member of the social unit comprised of  
21                          those living together in the same dwelling as the respondent; or a person who is not a spouse or  
22                          former spouse of the respondent but who previously lived in a spousal relationship with the  
23                          respondent **or is in or has been in a dating, courtship, or engagement relationship with the**  
24                          **respondent.**

25   \* Sec. 12. AS 33.30.161(b) is amended to read:

26                          (b) To be eligible to serve time in a correctional restitution center, the prisoner

27                                       (1) must be employable or eligible to work on community service projects  
28                                       approved by the commissioner and agree to secure employment or participate in community  
29                                       service projects and obey the rules of the center;

30                                       (2) may not be serving a sentence for conviction of an offense

31   (A) involving violence or the use of force;

1 (B) under AS 11.41.320, 11.41.330, or AS 11.61.120(a)(2)  
2 [AS 11.61.120(a)(6)];

3 (3) may not have been convicted of a felony offense, in the state or another  
4 jurisdiction, involving violence or the use of force; and

5 (4) may not have been convicted of an offense under AS 11.41.410 - 11.41.470  
6 or an offense in the state or another jurisdiction having elements substantially identical to an  
7 offense under AS 11.41.410 - 11.41.470.