

REC'D AFTER  
BILL REP. OUT

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CCS HB 287  
 Title Relating to Displaced Homemakers  
 Requested by CLOCKSIN/MALONE Date 3/23/82

II. FISCAL DETAIL

Agency Affected Department of Public Safety  
 Program Category Affected Administration of Justice  
 BRU, Program, Or Subprogram(s) Affected Council on Domestic Violence & Sexual Assault  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section 1)

IV. DATE 3/23/82 PREPARED BY Betsy W. McGuire, Exec. Director  
 AGENCY Council on Domestic Violence & Sexual Assault  
 Original: Legislative Finance PHONE 465-4356  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 33-001 (Rev. 12/81)

*Blum*

POSITION PAPER  
ON  
CS FOR HOUSE BILL NO. 287 (Judiciary)

Rec'd 5/18/81  
after bill was  
reported out  
of HFC

"An Act relating to domestic violence."

The Department of Health and Social Services supports the amendments to House Bill No. 287. During the 1980 legislative session, the Department supported House Bill No. 392 which eventually became the present statute. Since that time, the local programs of Domestic Violence and Sexual Assault have coordinated closely with the public safety and police officers of each major community. The Alaska Network on Domestic Violence and Sexual Assault has assisted in preparing training for police officers at the Academy; and victims of domestic violence are beginning to use the right for restraining orders. Each of the domestic violence programs has had an increase in number of clients during the year; perhaps some of this has been due to the obligation now placed on a police/public safety officer to inform a victim of the availability of a protected environment.

Adding Sec. (h) (7) which directs the respondent to engage in personal or family counseling will presumably be a constructive move in an effort to provide further prevention of violence by requiring treatment.

It has become evident with the use of the current statute that complex living situations do exist in Alaska and that violence frequently occurs within those interrelated "families" - no matter what the definition of family. According to the publication "Crime in Alaska," published by CJPA, in 1980, of 39 murders in the state, 12 victim/offenders were family members.

The Department is also aware that for many victims a period of 45 days to "solve problems" and make decisions about life decisions is frequently too short a time; if the perpetrator chooses to seek help, in order to help solve the relationship problem, a period of 45 days is by no means long enough to help learn new methods and techniques of handling stress. Therefore, the Department supports the extension of the restraining order as well as an extension of 45 days.

Recommended by: Elizabeth Muktarian  
Elizabeth Muktarian  
Director  
Div. of Adult and  
Aging Services

Date: 5/5/81

Approved by: Helen D. Beirne  
Helen D. Beirne  
Commissioner  
Dept. of Health and  
Social Services

Date: 5-12-81

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for House Bill No. 287 (Judiciary)  
Title "An Act relating to domestic violence."  
Requested by The Judiciary Committee Date May 5, 1981

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services  
Program Category Affected Social and Economic Assistance for the General Population  
BRU, Program, or Subprogram(s) Affected Division of Adult and Aging Services - Adult Services  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		-0-				

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Zero Impact

IV. DATE 5-5-81 PREPARED BY Dorothy Walt  
AGENCY Division of Adult and Aging Services  
PHONE 465-3250  
Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named) M&B Approval [Signature] Date 5/8/81

Original sponsors: Clocksin and Malone

Offered: 4/28/81  
Referred: Rules

Betty  
P + 10 =

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 287 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST 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  
9 read:

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

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

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

15 (c) An order issued under this section remains in effect for a  
16 period of time not to exceed 90 [45] days. However, the petitioner may  
17 petition the superior court for an extension [EXTENSIONS] of a provision  
18 of the order if the provision is described in (b)(1), (b)(2) or (b)(3)  
19 of this section. If the superior court, after notice to the respondent  
20 of and a hearing on the petition for the extension in accordance with  
21 the procedures described in (b) of this section, finds that an extension  
22 of the provision of the order is necessary for the protection of the  
23 health, safety or welfare of the petitioner or of a minor child in the  
24 care of the petitioner [TO PROTECT THE PETITIONER FROM DOMESTIC VIO-  
25 LENCE], the superior court may extend the provision of the order for a  
26 period of time not to exceed 45 days. The court may not grant more  
27 than one extension under this subsection.

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

29 (c) An order issued under this section may include a provision

1 described in AS 09.55.600(b). The order shall be endorsed with the  
2 date and hour of issuance, shall be filed in the clerk's office and  
3 entered in the records of the court, and shall state the reason that it  
4 was granted without notice. The order shall remain in effect for a  
5 period not to exceed 20 [10] days, unless extended by the court for  
6 good cause. The reasons for the extension shall be entered in the  
7 records of the court.

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

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

14 \* Sec. 5. AS 09.55.640 is amended to read:

15 Sec. 09.55.640. DEFINITIONS. For the purposes of AS 09.55.600 -  
16 09.55.640, "domestic violence" means a crime under AS 11.41 committed  
17 against a spouse or [,] a former spouse of the respondent, [OR] a  
18 member of the social unit comprised of those living together in the  
19 same dwelling as the respondent, or a person related within the second  
20 degree by blood or marriage to the respondent.

21 \* Sec. 6. AS 11.46.350(a) is amended by adding a new paragraph to read:

22 (3) enter or remain upon premises or in a propelled vehicle  
23 in violation of a provision in an order issued under AS 09.55.600(b) or  
24 09.55.610.

25 \* Sec. 7. AS 11.61.120(a) is amended by adding a new paragraph to read:

26 (6) violates a provision of an order issued under AS 09.55.-  
27 600(b) or 09.55.610 restraining the respondent from communicating  
28 directly or indirectly with the petitioner.

29 \* Sec. 8. AS 12.25.030(b) is amended to read:

1 (b) In addition to the authority granted under (a) of this sec-  
2 tion, a peace officer without a warrant may arrest a person when he has  
3 reasonable cause for believing that the person has committed a crime  
4 under AS 11.41, AS 11.46.330, or AS 11. 61.120 and the victim is a  
5 spouse or former spouse of the person, a member of the social unit  
6 comprised of those living together in the same dwelling as the person,  
7 or another person related within the second degree by blood or marriage  
8 to the person [ASSAULT IN THE FOURTH DEGREE UNDER AS 11.41.230(a)(1)  
9 AGAINST A MEMBER OF THE PERSON'S HOUSEHOLD].

10 \* Sec. 9. AS 12.30.025(b) is amended to read:

11 (b) As used in this section, "domestic violence" means a crime  
12 specified in AS 11.41 when the victim is [COMMITTED AGAINST] a spouse  
13 or [,] a former spouse of the defendant, [OR] a member of the social  
14 unit comprised of those living together in the same dwelling as the  
15 defendant, or a person related within the second degree by blood or  
16 marriage to the defendant.

17 \* Sec. 10. AS 12.55.135(c) is amended to read:

18 (c) A defendant convicted of assault in the fourth [THIRD] degree  
19 committed in violation of the provisions of an order issued under  
20 AS 09.55.600 or 09.55.610 shall be sentenced to a minimum term of  
21 imprisonment of 10 days. The execution of sentence may not be suspended  
22 and probation or parole may not be granted until the minimum term of  
23 imprisonment has been served. Imposition of sentence may not be sus-  
24 pended, except upon condition that the defendant be imprisoned for no  
25 less than the minimum term of imprisonment provided in this section,  
26 and the minimum sentence provided for in this section may not be other-  
27 wise reduced.

28 \* Sec. 11. AS 18.65.520(a) is amended to read:

29 (a) During the course of responding to an offense involving

1 domestic violence, a peace [POLICE] officer shall orally and [OR] in  
2 writing inform the victim of services available to the victim and the  
3 rights of the victim, substantially as follows:

4 As a victim of domestic violence you should be aware of the follow-  
5 ing:

6 (1) In some places in Alaska there are organizations that  
7 provide aid and shelter to victims of domestic violence. The nearest  
8 such organization is located at \_\_\_\_\_.

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

12 (3) Alaska law provides that you may file an application  
13 with the nearest court for a court order protecting you and your chil-  
14 dren from further harm. The forms to obtain the order are available at  
15 the court. It is not necessary to have an attorney to obtain a court  
16 order but one may be of help to you. If you cannot afford to hire an  
17 attorney, you should contact the nearest Alaska Legal Services office  
18 which is located at \_\_\_\_\_.

19 (4) Additionally, the victim/witness assistance program of  
20 the Department of Law may be able to help you. The nearest district  
21 attorney's office is located at \_\_\_\_\_.

22 \* Sec. 12. AS 18.65.520(c) is amended to read:

23 (c) As used in this section

24 (1) "domestic violence" means a crime under AS 11.41 com-  
25 mitted when the victim is [AGAINST] a spouse or [,] a former spouse  
26 of the person who committed the crime, [OR] a member of the social unit  
27 comprised of those living together in the same dwelling as the person  
28 who committed the crime, or another person related within the second  
29 degree by blood or marriage to the person who committed the crime;

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

\* Sec. 13. AS 22.20.130 is amended by adding a new subsection to read:

(c) Process issued under AS 09.55.600 or 09.55.610 shall be promptly served and executed. The commissioner may designate a peace officer to serve and execute process issued under AS 09.55.600 or 09.55.610. A person designated to serve process under this section has the same authority and duty granted to the commissioner in the service of the process and is subject to orders of the courts of the state in the same manner as the commissioner. The commissioner is responsible on his official bond for the acts of a person designated by him under this section which are committed in the course of his designated duty.

\* Sec. 14. AS 22.20.140 is amended by adding a new paragraph to read:

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

\* Sec. 15. AS 09.55.620(b) and AS 12.25.030(c) are repealed.



THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 287  
 Title An Act relating to domestic violence  
 Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Department of Public Safety  
 Program Category Affected Admin. of Justice, Public Protection  
 BRU, Program, or Subprogram(s) Affected Detachments & C.I.B./Academy  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)  
EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		Ø				
200 TRAVEL		Ø				
300 CONTRACTUAL		Ø				
400 COMMODITIES		Ø				
500 EQUIPMENT		Ø				
600 LAND & STRUCTURES		Ø				
700 GRANTS, CLAIMS, ETC.		Ø				
<b>TOTAL</b>		Ø				

FUNDING (Thousands of Dollars)

GENERAL FUND		Ø				
FEDERAL FUNDS		Ø				
OTHER (Specify Fund Source)		Ø				

POSITIONS

FULL TIME		Ø				
PART TIME		Ø				
TEMPORARY		Ø				

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

*Oral Freeman*

Oral Freeman, Vice Chairman  
House Finance Committee

IV. DATE May 6, 1981 PREPARED BY \_\_\_\_\_  
 AGENCY \_\_\_\_\_  
 PHONE 465-3757  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

Original sponsors: Clocksin and Malone

Offered: 4/28/81  
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 287 (Judiciary)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - FIRST SESSION

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A BILL

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3 rights of the victim, substantially as follows:

4 As a victim of domestic violence you should be aware of the follow-  
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6 (1) In some places in Alaska there are organizations that  
7 provide aid and shelter to victims of domestic violence. The nearest  
8 such organization is located at \_\_\_\_\_.

9 (2) If you feel that there is a continuing danger to your  
10 safety, please let me know and I will make all possible efforts to  
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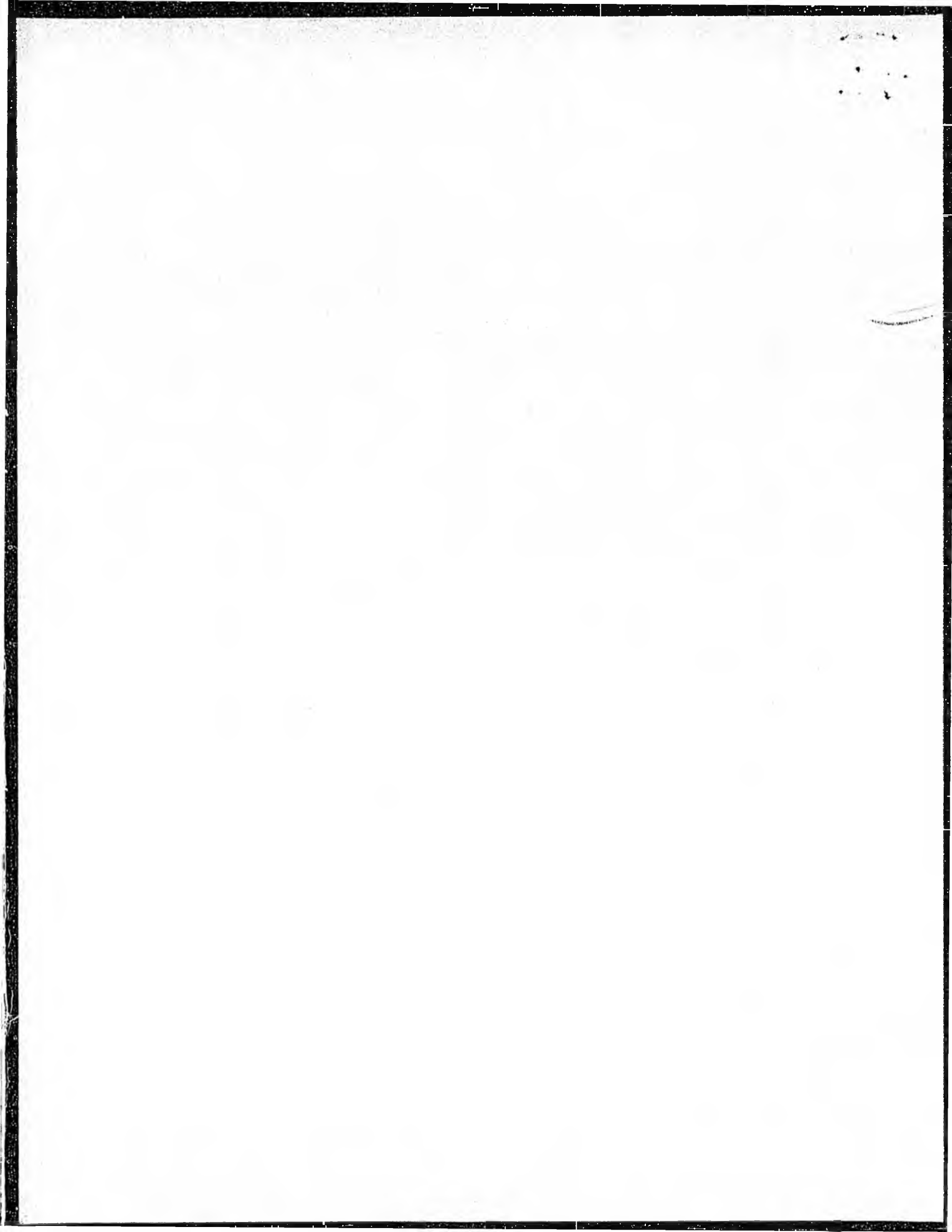
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10 the same authority and duty granted to the commissioner in the service  
11 of the process and is subject to orders of the courts of the state in  
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Original sponsors: Clocksin and Malone

Offered: 4/28/81  
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 287 (Judiciary)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

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TWELFTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act relating to domestic violence."

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25 \* Sec. 7. AS 11.61.120(a) is amended by adding a new paragraph to read:

26 (6) violates a provision of an order issued under AS 09.55.-  
27 600(b) or 09.55.610 restraining the respondent from communicating  
28 directly or indirectly with the petitioner.

29 \* Sec. 8. AS 12.25.030(b) is amended to read:

1 (b) In addition to the authority granted under (a) of this sec-  
2 tion, a peace officer without a warrant may arrest a person when he has  
3 reasonable cause for believing that the person has committed a crime  
4 under AS 11.41, AS 11.46.330, or AS 11. 61.120 and the victim is a  
5 spouse or former spouse of the person, a member of the social unit  
6 comprised of those living together in the same dwelling as the person,  
7 or another person related within the second degree by blood or marriage  
8 to the person [ASSAULT IN THE FOURTH DEGREE UNDER AS 11.41.230(a)(1)  
9 AGAINST A MEMBER OF THE PERSON'S HOUSEHOLD].

10 \* Sec. 9. AS 12.30.025(b) is amended to read:

11 (b) As used in this section, "domestic violence" means a crime  
12 specified in AS 11.41 when the victim is [COMMITTED AGAINST] a spouse  
13 or [,] a former spouse of the defendant, [OR] a member of the social  
14 unit comprised of those living together in the same dwelling as the  
15 defendant, or a person related within the second degree by blood or  
16 marriage to the defendant.

17 \* Sec. 10. AS 12.55.135(c) is amended to read:

18 (c) A defendant convicted of assault in the fourth [THIRD] degree  
19 committed in violation of the provisions of an order issued under  
20 AS 09.55.600 or 09.55.610 shall be sentenced to a minimum term of  
21 imprisonment of 10 days. The execution of sentence may not be suspended  
22 and probation or parole may not be granted until the minimum term of  
23 imprisonment has been served. Imposition of sentence may not be sus-  
24 pended, except upon condition that the defendant be imprisoned for no  
25 less than the minimum term of imprisonment provided in this section,  
26 and the minimum sentence provided for in this section may not be other-  
27 wise reduced.

28 \* Sec. 11. AS 18.65.520(a) is amended to read:

29 (a) During the course of responding to an offense involving

1 domestic violence, a peace [POLICE] officer shall orally and [OR] in  
2 writing inform the victim of services available to the victim and the  
3 rights of the victim, substantially as follows:

4 As a victim of domestic violence you should be aware of the follow-  
5 ing:

6 (1) In some places in Alaska there are organizations that  
7 provide aid and shelter to victims of domestic violence. The nearest  
8 such organization is located at \_\_\_\_\_.

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

12 (3) Alaska law provides that you may file an application  
13 with the nearest court for a court order protecting you and your chil-  
14 dren from further harm. The forms to obtain the order are available at  
15 the court. It is not necessary to have an attorney to obtain a court  
16 order but one may be of help to you. If you cannot afford to hire an  
17 attorney, you should contact the nearest Alaska Legal Services office  
18 which is located at \_\_\_\_\_.

19 (4) Additionally, the victim/witness assistance program of  
20 the Department of Law may be able to help you. The nearest district  
21 attorney's office is located at \_\_\_\_\_.

22 \* Sec. 12. AS 18.65.520(c) is amended to read:

23 (c) As used in this section

24 (1) "domestic violence" means a crime under AS 11.41 com-  
25 mitted when the victim is [AGAINST] a spouse or [,] a former spouse  
26 of the person who committed the crime, [OR] a member of the social unit  
27 comprised of those living together in the same dwelling as the person  
28 who committed the crime, or another person related within the second  
29 degree by blood or marriage to the person who committed the crime;

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

5 \* Sec. 13. AS 22.20.130 is amended by adding a new subsection to read:

6                   (c) Process issued under AS 09.55.600 or 09.55.610 shall be  
7 promptly served and executed. The commissioner may designate a peace  
8 officer to serve and execute process issued under AS 09.55.600 or  
9 09.55.610. A person designated to serve process under this section has  
10 the same authority and duty granted to the commissioner in the service  
11 of the process and is subject to orders of the courts of the state in  
12 the same manner as the commissioner. The commissioner is responsible  
13 on his official bond for the acts of a person designated by him under  
14 this section which are committed in the course of his designated duty.

15 \* Sec. 14. AS 22.20.140 is amended by adding a new paragraph to read:

16                   (4) "peace officer" means a public servant vested by law  
17 with a duty to maintain public order or to make arrests, whether the  
18 duty extends to all offenses or is limited to a specific class of  
19 offenses or offenders.

20 \* Sec. 15. AS 09.55.620(b) and AS 12.25.030(c) are repealed.  
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Introduced: 3/9/81  
Referred: Health, Education &  
Social Services and Judiciary

1 IN THE HOUSE

BY CLOCK SIN

2 HOUSE BILL NO. 287

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST 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 a new paragraph to  
9 read:

10 (7) direct the respondent to engage in personal or family  
11 counseling.

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

13 (c) An order issued under this section remains in effect for a  
14 period of time not to exceed 90 [45] days. However, the petitioner may  
15 petition the superior court for extensions of a provision of the order  
16 if the provision is described in (b)(1), (b)(2) or (b)(3) of this  
17 section. If the superior court, after notice to the respondent of and  
18 a hearing on the petition for the extension in accordance with the  
19 procedures described in (b) of this section, finds that an extension of  
20 the provision of the order is necessary for the protection of the  
21 health, safety or welfare of the petitioner or of a minor child in the  
22 care of the petitioner [TO PROTECT THE PETITIONER FROM DOMESTIC VIO-  
23 LENCE], the superior court may extend the provision of the order for a  
24 period of time not to exceed 90 [45] days.

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

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

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

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

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

11 \* Sec. 5. AS 09.55.640 is amended to read:

12 Sec. 09.55.640. DEFINITIONS. For the purposes of AS 09.55.600 -  
13 09.55.640, "domestic violence" means a crime under AS 11.41 committed  
14 against a spouse or [,] a former spouse of the person who committed  
15 the crime or a person who lives in the same household as the person  
16 who committed the crime and is a

17 (A) parent of the person who committed the crime;

18 (B) son or daughter of the person who committed the

19 crime;

20 (C) brother or sister of the person who committed the

21 crime;

22 (D) person who has sexual relations with another house-  
23 hold member or with the person who committed the crime;

24 (E) child under 18 years of age; or

25 (F) person 65 years of age or older [MEMBER OF THE

26 SOCIAL UNIT COMPRISED OF THOSE LIVING TOGETHER IN THE SAME DWELLING  
27 AS THE RESPONDENT].

28 \* Sec. 6. AS 11.46.350(a) is amended by adding a new paragraph to read:

29 (3) enter or remain upon premises in violation of a provision

1 in an order issued under AS 09.55.600(b) or 09.55.610 directing the  
2 respondent to vacate the home of the petitioner.

3 \* Sec. 7. AS 11.61.120(a) is amended by adding a new paragraph to read:

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

7 \* Sec. 8. AS 12.30.025(b) is amended to read:

8 (b) As used in this section, "domestic violence" means a crime  
9 specified in AS 11.41 committed against a spouse or [,] a former spouse  
10 of the person who committed the crime, or a person who lives in the  
11 same household as the person who committed the crime and is a

12 (A) parent of the person who committed the crime;

13 (B) son or daughter of the person who committed the

14 crime;

15 (C) brother or sister of the person who committed the

16 crime;

17 (D) person who has sexual relations with another house-  
18 hold member or with the person who committed the crime;

19 (E) child under 18 years of age; or

20 (F) person 65 years of age or older [MEMBER OF THE

21 SOCIAL UNIT COMPRISED OF THOSE LIVING TOGETHER IN THE SAME DWELLING  
22 AS THE DEFENDANT].

23 \* Sec. 9. AS 18.65.520(a) is amended to read:

24 (a) During the course of responding to an offense involving  
25 domestic violence, a peace [POLICE] officer shall orally and [OR] in  
26 writing inform the victim of services available to the victim and the  
27 rights of the victim, substantially as follows:

28 As a victim of domestic violence you should be aware of the follow-  
29 ing:

1 (1) In some places in Alaska there are organizations that  
2 provide aid and shelter to victims of domestic violence. The nearest  
3 such organization is located at \_\_\_\_\_.

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

7 (3) Alaska law provides that you may file an application  
8 with the nearest court for a court order protecting you and your chil-  
9 dren from further harm. The forms to obtain the order are available at  
10 the court. It is not necessary to have an attorney to obtain a court  
11 order but one may be of help to you. If you cannot afford to hire an  
12 attorney, you should contact the nearest Alaska Legal Services office  
13 which is located at \_\_\_\_\_.

14 (4) Additionally, the victim/witness assistance program of  
15 the Department of Law may be able to help you. The nearest district  
16 attorney's office is located at \_\_\_\_\_.

17 \* Sec. 10. AS 18.65.520(c) is amended to read:

18 (c) As used in this section

19 (1) "domestic violence" means a crime under AS 11.41 com-  
20 mitted against a spouse or [,] a former spouse of the person who com-  
21 mitted the crime, or a person who lives in the same household as the  
22 person who committed the crime and is a

23 (A) parent of the person who committed the crime;

24 (B) son or daughter of the person who committed the  
25 crime;

26 (C) brother or sister of the person who committed the  
27 crime;

28 (D) person who has sexual relations with another house-  
29 hold member or with the person who committed the crime;

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(E) child under 18 years of age; or

(F) person 65 years of age or older; [MEMBER OF THE SOCIAL UNIT COMPRISED OF THOSE LIVING TOGETHER IN THE SAME DWELLING AS THE PERSON WHO COMMITTED THE CRIME.]

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

\* Sec. 11. AS 22.20.130 is amended by adding a new subsection to read:

(c) Process issued under AS 09.55.610 shall be promptly served and executed. The commissioner may designate a peace officer to serve and execute process issued under AS 09.55.610. A person designated to serve process under this section has the same authority and duty granted to the commissioner in the service of the process and is subject to orders of the courts of the state in the same manner as the commissioner. The commissioner is responsible on his official bond for the acts of a person designated by him under this section which are committed in the course of his designated duty.

\* Sec. 12. AS 22.20.140 is amended by adding a new paragraph to read:

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

\* Sec. 13. AS 09.55.620(b) is repealed.



# Alaska State Legislature

## House of Representatives

Committee on

Health, Education & Social Services

Rep. Don Clocksin, Chairman  
465-3797

Pouch V  
State Capitol  
Juneau, Alaska 99811

TO: Rep. Sam Cotten, Chair  
House Finance Committee

FROM: Rep. Don Clocksin, Chair  
House HESS Committee

RE: HB 287

DATE: April 29, 1981

*Ch. w/*  
*V. Wright*  
*Wines*  
*Tash*  
*June*  
*Handwritten signature*

This legislation makes certain changes to the domestic violence law enacted in the 1980 legislative session. Originally, there was no fiscal note from any department. However, late in the consideration of this bill, the Department of Public Safety presented the attached fiscal note for \$200,013. The law makes no changes which would require an appropriation. In fact, by allowing the Commissioner to appoint municipal police officers to serve and execute process, (page 5, lines 6-7) we are saving the department time and money.

Since this bill is a high priority of mine, I am asking that you concur with the waiver of any finance referral (there was none in the original bill) so we can schedule the bill for floor action. We would like to schedule this bill on Monday, May 4.

Thank you for your prompt attention.

DC:sp  
Attachment

*Clackson's office says this bill is a "0" fiscal note - They don't need this \$ - (259,670) - The bill should pass with no funds added.*

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HOUSE BILL #287  
 Title DOMESTIC VIOLENCE  
 Requested by REPRESENTATIVE DONALD E. CLOCKSIN Date MARCH 9, 1981

II. FISCAL DETAIL

Agency Affected DEPARTMENT OF PUBLIC SAFETY  
 Program Category Affected ADMINISTRATION OF JUSTICE, PUBLIC PROTECTION  
 BRU, Program, or Subprogram(s) Affected DETACHMENTS AND C.I.B. / ACADEMY  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)  
EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		123,061	135,367	148,903	163,793	180,172
200 TRAVEL		8,000	8,800	9,680	10,648	11,713
300 CONTRACTUAL		28,418	27,256	29,982	32,980	36,278
400 COMMODITIES		6,214	6,380	7,018	7,720	8,492
500 EQUIPMENT		34,320	17,292	19,021	20,923	23,015
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>200,013</b>	<b>195,095</b>	<b>214,604</b>	<b>236,064</b>	<b>259,670</b>

FUNDING (Thousands of Dollars)

GENERAL FUND		200,013	195,095	214,604	236,064	259,670
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		2	2	2	2	2
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The Division's initial review of the potential impact of this bill upon its operations indicates that it would require the services of one additional trooper in the Anchorage area, one additional trooper in the Fairbanks area and would result in the need for additional overtime in the Juneau area. Since the majority of process serving time would be expected to take place in the evening hours, shift differential and overtime have been included for the Anchorage and Fairbanks positions also.

\*\* Please see attached sheets for additional supporting cost information.

IV. DATE APRIL 1, 1981 PREPARED BY Francis C. Allan  
 AGENCY ADMINISTRATIVE SERVICES/AST  
 PHONE 269-5691  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

FY 82 COSTS

CODE	DESCRIPTION	[-----AST BRU-----]		JUNEAU O/T*	ACADEMY BRU COSTS	TOTAL
		ANCHORAGE TROOPER	FAIRBANKS TROOPER			
100	Personal Services	54399	62769	5893		123061
200	Travel	4000	4000			8000
300	Contratual	12389	12389		3640	28418
400	Commodities	2900	2900		414	6214
500	Equipment	17160	17160			34320
TOTAL		90848	99218	5893	4054	200013

\* Work load in the Juneau area is expected to include four hours of overtime per week for one trooper. (208 hours X \$28.30 OT/rate)

Assumptions made in calculating the above cost analysis include: that the bill would become effective on July 1, 1981, that two new troopers would be hired (thus incurring Academy training costs the first year only), that initial patrol vehicle costs would be incurred in the first year only and that costs would be subject to a 10% inflation factor in FY 83 and each year thereafter.

ANCHORAGE TROOPER COSTS

PERSONAL SERVICES - 100

TROOPER 76-A-(Anchorage)		
\$2,732 x 12 months =	\$32,784	
+ 208 hours OT @ \$25.22	5,246	
Shift Differential 3.75%	<u>1,229</u>	
Sub Total	\$39,259	
+ 27.33% Benefits	10,729	
+ 6.65% FICA	2,611	
+ \$150 per month - Health Benefits	<u>1,800</u>	
TOTAL PERSONAL SERVICES		\$54,399

TRAVEL & PER DIEM - 200

Average - This will vary.		
TOTAL TRAVEL & PER DIEM		4,000

CONTRACTURAL - 300

Telephone/Postage \$60 per month X 12	720	
Photo Processing, \$25 per month X 12	300	
PSEA Physical Exam, Average	300	
Uniform PSEA Cleaning Allowance	425	
HWCF Vehicle - Monthly Cost Replacement \$347 month + 2,000 miles X .27 cents 887 X 12	10,644	
TOTAL CONTRACTUAL		12,389

COMMODITIES - 400

Uniforms/with all accessories; jacket, hats, handcuffs, etc.	1,600	
Film Supplies + Office Supplies	700	
Vehicle Accessories - Blankets, tire chains, snow tires, flares, etc.	600	
TOTAL COMMODITIES		2,900

EQUIPMENT - 500

Patrol Vehicle - initial cost	9,300	
Portable Light	200	
Underhood Speaker	200	
Car Radio	3,000	
Siren/Amplifier	200	
MX 360 Radio-Portable w/charger	3,000	
Moving Radar Gun	600	
Firearms (revolver, shotgun & rifle)	660	
TOTAL EQUIPMENT		17,160

TOTAL TROOPER COST TO THE BRU

\$90,848

FAIRBANKS TROOPER COSTS

PERSONAL SERVICES - 100

TROOPER 76-E-(Fairbanks)		
\$3,164 x 12 months =	\$37,968	
+ 208 hours OT @ \$28.33	5,893	
Shift Differential 3.75%	<u>1,645</u>	
Sub Total	\$45,506	
+ 27.33% Benefits	12,437	
+ 6.65% FICA	3,026	
+ \$150 per month - Health Benefits	<u>1,800</u>	
TOTAL PERSONAL SERVICES		\$62,769

TRAVEL & PER DIEM - 200

Average - This will vary.		
TOTAL TRAVEL & PER DIEM		4,000

CONTRACTURAL - 300

Telephone/Postage \$60 per month X 12	720	
Photo Processing, \$25 per month X 12	300	
PSEA Physical Exam, Average	300	
Uniform PSEA Cleaning Allowance	425	
HWCf Vehicle - Monthly Cost Replacement		
\$347 month + 2,000 miles X .27 cents		
887 X 12	10,644	
TOTAL CONTRACTUAL		12,389

COMMODITIES - 400

Uniforms/with all accessories; jacket, hats, handcuffs, etc.	1,600	
Film Supplies + Office Supplies	700	
Vehicle Accessories - Blankets, tire chains, snow tires, flares, etc.	600	
TOTAL COMMODITIES		2,900

EQUIPMENT - 500

Patrol Vehicle - initial cost	9,300	
Portable Light	200	
Underhood Speaker	200	
Car Radio	3,000	
Siren/Amplifier	200	
MX 360 Radio-Portable w/charger	3,000	
Moving Radar Gun	600	
Firearms (revolver, shotgun & rifle)	660	
TOTAL EQUIPMENT		17,160

TOTAL TROOPER COST TO THE BRU

\$99,218

POSITION PAPER  
ON  
CS FOR HOUSE BILL NO. 287 (HESS)

"An Act relating to domestic violence."

The Department of Health and Social Services supports the amendments to House Bill No. 287. During the 1980 legislative session, the Department supported House Bill No. 392 which eventually became the present statute. Since that time, the local programs of Domestic Violence and Sexual Assault have coordinated closely with the public safety and police officers of each major community. The Alaska Network on Domestic Violence and Sexual Assault has assisted in preparing training for police officers at the Academy; and victims of domestic violence are beginning to use the right for restraining orders. Each of the domestic violence programs has had an increase in number of clients during the year; perhaps some of this has been due to the obligation now placed on a police/public safety officer to inform a victim of the availability of a protected environment.

It has become evident with the use of the current statute that complex living situations do exist in Alaska and that violence frequently occurs within those interrelated "families" - no matter what the definition of family. According to the publication "Crime in Alaska," published by CJPA, in 1980, of 39 murders in the state, 12 victim/offenders were family members.

The Department is also aware that for many victims a period of 45 days to "solve problems" and make decisions about life decisions is frequently too short a time; if the perpetrator chooses to seek help, in order to help solve the relationship problem, a period of 45 days is by no means long enough to help learn new methods and techniques of handling stress. Therefore, the Department supports the extension of the restraining order as well as an extension of 45 days.

Recommended by: Elizabeth Muktarian  
Elizabeth Muktarian  
Director  
Div. of Adult and  
Aging Services

Date: 4/16/81

Approved by: HeLen D. Beirne  
HeLen D. Beirne  
Commissioner  
Dept. of Health and  
Social Services

Date: 4/20/81

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS For House Bill No. 287 (HESS)

Title "An Act relating to domestic violence."

Requested by \_\_\_\_\_ Date April 16, 1981

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services

Program Category Affected Social and Economic Assistance for the General Population

BRU, Program, or Subprogram(s) Affected Division of Adult and Aging Services - Adult Services

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		-0-				

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Zero Impact

IV. DATE

4-16-81

PREPARED BY Dorothy Wait  
AGENCY Division of Adult and Aging Services  
PHONE 465-3250

Original: Legislative Finance  
cc: Budget and Management

Prime Sponsor (First Legislator Named) \_\_\_\_\_ M&B Approval [Signature] Date 4/20/81

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

HB 287

I. REQUEST

Bill/Resolution No. HB 287  
Title "An Act relating to domestic violence."  
Requested by Representative Clocksin Date March 17, 1981

II. FISCAL DETAIL

Agency Affected Department of Law  
Program Category Affected Administration of Justice/General Government  
BRU, Program, or Subprogram(s) Affected Prosecution/Legal Services  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The proposed bill, in Sec. 9, speaks to services already provided by the Department's Criminal Division. Likewise, the Department's Civil Division is already providing legal services for the Division of Social Services to such extent as that division may be involved in protecting minor children as provided by Sec. 2 of the proposed Act. Therefore, no additional fiscal impact will be felt by the department by the enactment of this legislation.

*Richard I. Pegues*

IV. DATE March 18, 1981 PREPARED BY Richard I. Pegues, Admin. Officer  
AGENCY Department of Law  
PHONE 465-3695

Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

POSITION PAPER  
ON  
HOUSE BILL NO. 287

HB 287

"An Act relating to domestic violence."

The Department of Health and Social Services supports the amendments to House Bill No. 287. During the 1980 legislative session, the Department supported House Bill No. 392 which eventually became the present statute. Since that time, the local programs of Domestic Violence and Sexual Assault have coordinated closely with the public safety and police officers of each major community. The Alaska Network on Domestic Violence and Sexual Assault has assisted in preparing training for police officers at the Academy; and victims of domestic violence are beginning to use the right for restraining orders. Each of the domestic violence programs has had an increase in number of clients during the year; perhaps some of this has been due to the obligation now placed on a police/public safety officer to inform a victim of the availability of a protected environment.

It has become evident with the use of the current statute that complex living situations do exist in Alaska and that violence frequently occurs within those interrelated "families" - no matter what the definition of family. According to the publication "Crime in Alaska," published by CJPA, in 1980, of 39 murders in the state, 12 victim/offenders were family members.

The Department is also aware that for many women a period of 45 days to "solve her problems" and make decisions about life decisions is frequently too short a time; if the perpetrator chooses to seek help, in order to help solve the relationship problem, a period of 45 days is by no means long enough to help him learn new methods and techniques of handling stress. Therefore, the Department supports the extension of the restraining order.

Recommended by: Elizabeth Muktarian  
Elizabeth Muktarian  
Director  
Div. of Adult and  
Aging Services

Date: 3/24/81

Approved by: Helen D. Beirne  
Helen D. Beirne  
Commissioner  
Dept. of Health and  
Social Services

Date: 3/26/81

POSITION PAPER/Department of Health & Social Services

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 287

Title "An Act Relating to domestic violence."

Requested by \_\_\_\_\_

Date March 17, 1981

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services

Program Category Affected Social & Economic Assistance for the General Population

BRU, Program, or Subprogram(s) Affected Division of Adult & Aging Services - Adult Services

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		-0-				

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Zero Impact

IV. DATE 3-17-81

PREPARED BY Dorothy Walt

AGENCY Division of Adult and Aging Services

PHONE 465-3250

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named) M&B Approval [Signature]

Date 3/24/81