

H B

287

COMMITTEE REPORT  
SENATE

5/11/81

FURTHER: None

Date: JUNE 3, 1981

Mr. President:

The Committee on JUDICIARY has had CSHE 287(Jud)  
domestic violence

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 287 (Jud)  same title  
 new title
- and recommends WITH INDIVIDUAL RECOMMENDATIONS
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CHAIRMAN

...ability clause shall be construed as though it contained the following language, "If any provision of this Act, or application thereof to any person or circumstance is held inapplicable, the remainder of this Act and the application to other persons or circumstances shall not be effected thereby." (§ 1 ch 98 SLA 1949)

Quoted in *State v Baker*, Sup Ct. Op. No. 584 (File No. 1014), 460 P.2d 77 (1969).  
 No. 227 (File No. 428), 393 P.2d 77 (1969).  
 1963 (1964); *Speidel v. State*, Sup.

Sec. 01.10.040. Words and phrases. Words and phrases shall be construed according to the rules of grammar and according to their common and approved usage. Technical words and phrases and those which have acquired a peculiar and appropriate meaning, whether by legislative definition or otherwise, shall be construed according to the peculiar and appropriate meaning. (§ 2 ch 62 SLA 1962)

Judicial construction.—The court is required to construe words and phrases according to their "common and approved usage" unless such words and phrases have acquired a peculiar meaning by virtue of statutory definition or judicial construction. *Smith v. McCann*, Sup. Ct. Op. No. 659 (File No. 1142), 478 P.2d 836 (1970).  
 Quoted in *Employment Sec. Comm'n v. Wilson*, Sup. Ct. Op. No. 587 (File No. 1084), 461 P.2d 425 (1969); *Thorsheim v. State*, Sup. Ct. Op. No. 611 (File No. 1090), 469 P.2d 383 (1970).

Sec. 01.10.050. Tense, number, and gender. (a) Words in the present tense include the past and future tenses, and words in the future tense include the present tense.

(b) Words in the singular number include the plural, and words in the plural number include the singular.

(c) Words of the masculine gender include the feminine and the neuter and when the sense so indicates, words of the neuter gender may refer to any gender. (§ 3 ch 62 SLA 1962)

Sec. 01.10.060. Definitions. In the laws of the state, unless the context otherwise requires,

- (1) "action" includes any matter or proceeding in a court, civil or criminal;
- (2) "daytime" means the period between sunrise and sunset;
- (3) "month" means a calendar month unless otherwise expressed;
- (4) "nighttime" means the period between sunset and sunrise;
- (5) "oath" includes affirmation or declaration;
- (6) "peace officer" means any officer of the state troopers, members of the police force of any incorporated city or borough, United States marshals and their deputies, and other officers whose duty it is to enforce and preserve the public peace;
- (7) "person" includes a corporation, company, partnership,

Title 3  
Agriculture and Animals

Title 4  
Alcoholic Beverages

Title 5  
Vocational and Sports

Title 2  
Aeronautics

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

"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. 1 (b) (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.						
TOTAL		-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

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

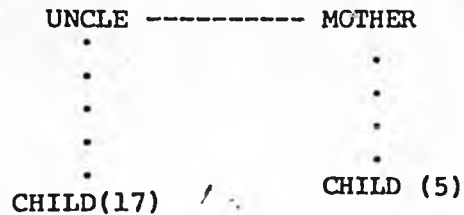
[Signature]

Date

5/6/81

RELATIONSHIP BY BLOOD DEGREE

(64) GREAT AUNT -----GRANDMOTHER -----GREAT UNCLE(63)



Each degree of blood relationship is represented by a dotted line; for example Mother and Grandmother are within one degree, Uncle and Grandmother are within two degrees, and Child(5) and Great Uncle is within three degrees.

Under the PRESENT statute, none of these people could get protective orders against the other unless they were living in the same house.

Under the proposed definition (second degree of blood) the following situations could arise and the persons still not qualify for a restraining order:

The Great Uncle visits regularly and sexually assaults the 5 year old child.

The 17 year old child visits great aunt and physically assaults her.

We believe that the familial and social relationships between these persons is such that they also would be loath to seek criminal sanctions against their family member and thus would greatly benefit by access to the restraining order process.



# Alaska Network on Domestic Violence and Sexual Assault

AWAIC, Inc.  
Anchorage  
Shelter  
274-4561  
Community Office  
279-9581  
Male Awareness Project  
279-9581

AWARE, Inc.  
Juneau  
586-6623

Arctic Women's Group  
Barrow

Bering Sea Women's Group  
Nome  
443-5144

Family Violence Counselor,  
Police Dept.  
Kodiak  
486-3221

Kenai Soldotna  
Women's Resource Center  
Soldotna  
262-9378

Kodiak Women's Resource Center  
Kodiak  
486-5038

WICCA, Inc.  
Fairbanks  
452-2293

Women in Safe Homes  
Ketchikan, Alaska  
225-2730

Tundra Women's Coalition  
Bethel  
543-3455

## January 1981 in Anchorage

15 petitions were filed:

9 married

1 separated

2 divorced

2 household

1 family (daughter was petitioner against father)

2 incidents involved weapons

11 incidents resulted in injuries

15 incidents included threats by the respondent

of the 15 petitions filed;

3 were denied emergency treatment and no further date was set

2 both parties absent at hearing

2 were withdrawn because of reconciliation

3 the petitioner was present but there had been no return of service on respondent.

5 went to full hearing

1 was the daughter/father both represented themselves

2 were divorced from each other

2 were married to each other

One of these was dismissed because the woman's attorney informed the court that the USAF has flown her home.



# Alaska Network on Domestic Violence and Sexual Assault

## February 1981 in Anchorage

28 petitions were filed. We have information on 24 of them:

AWAIC, Inc.  
Anchorage  
Shelter  
274-4561  
Community Office  
279-9581  
Male Awareness Project  
279-9581

AWARE, Inc.  
Juneau  
586-6623

Arctic Women's Group  
Barrow

Bering Sea Women's Group  
Nome  
443-5444

Family Violence Counselor,  
Police Dept.  
Kodiak  
486-3221

Kenai-Soldotna  
Women's Resource Center  
Soldotna  
262-9378

Kodiak Women's Resource Center  
Kodiak  
486-5038

WICCA, Inc.  
Fairbanks  
452-2293

Women in Safe Homes  
Ketchikan, Alaska  
225-2730

Tundra Women's Coalition  
Bethel  
543-3455

13 married

4 separated

3 divorced

2 living together

2 ex-boyfriends

1 family widow being assaulted by her teen-age son

5 incidents involved weapons

15 incidents resulted in injuries

21 incidents included threats by the respondent

Of the 24 petitions that we have information on:

5 were denied emergency treatment and no further date was set

2 proceeded on to divorce and were either withdrawn or consolidated

1 withdrawn because the petitioner also pursued criminal charges and the respondent had a bail condition ordering no contact

1 respondent was not served

1 petitioner requested withdrawal because the respondent entered both alcoholic and psychiatric counseling

4 petitioner withdrew without explanation

10 went to a full hearing:

4 married

2 divorced

2 separated

1 living together

1 family

MEMORANDUM

May 20, 1981


To: Senate Judiciary Committee  
Senator Rodey, Chairman  
Senator Bennett  
Senator Hohman  
Senator Parr  
Senator Ray

From: Grant Callow, General Counsel  
Alaska Court System

Subject: CSHB 287 (HESS) - An Act Relating to Domestic  
Violence

The Alaska Court System respectfully requests that CSHB 287 be amended to make it clear that municipal law enforcement officers are required to serve and enforce restraining orders in domestic violence cases when so ordered by the court.

Attached is a short memorandum explaining the reasons for this proposed amendment and offering suggested amendatory language.



MEMORANDUM

TO: Grant Callow  
General Counsel

May 19, 1981

FROM: Lucinda McBurney *LM*  
Judicial Education Coordinator

RE: Domestic Violence Orders: Service of Process

At present, the Alaska State Troopers serve the bulk of domestic violence orders in Anchorage. Judicial Services handles the paperwork during regular court system hours, and the Troopers send someone to pick up the paperwork after regular hours. The only time the Anchorage Municipal Police will assist with serving process is when a petitioner has also signed a criminal complaint against a respondent. The police will then take the civil and criminal paperwork together.

Since September 28, 1980, the effective date of the Domestic Violence Act, approximately 145 petitions have been filed in Anchorage, 100 of which were filed in 1981. Although the State Troopers have attempted to serve process as expeditiously as possible, there have been occasions when service of emergency paperwork was delayed because no trooper was available. This has happened primarily after regular court system working hours.

The Anchorage police have taken the position that they are not required by law to serve domestic violence paperwork. I would, therefore, recommend that language be added to the amended bill which would broaden the responsibility for service of process of domestic violence orders to include municipal police. A proposed amendment is attached to this memorandum.

The Troopers may still be expected to carry the biggest burden in terms of serving process, but the municipal police could provide the necessary backup if an emergency occurred. The effectiveness of a domestic violence order depends in part upon how quickly it can be served. In addition, domestic violence legislation was designed to give victims a civil remedy, and petitioners should not have to sign a criminal complaint in order to get their process served if a manpower crisis arises.

It is my impression that the difficulty with service of process (in terms of number of petitions filed, trooper activity, and interpretation by the police of their role) is confined to Anchorage.

LMB: jm  
Enclosure

CURRENT STATUTE:

Sec. 09.55.630. Notification to law enforcement agencies. If a superior court, district court, or magistrate issues an order under AS 09.55.600 or 09.55.610 restraining a respondent from subjecting a petitioner to domestic violence, the superior court, district court, or magistrate shall transmit a copy of the order to the appropriate local law enforcement agency. Each law enforcement agency shall establish procedures to inform their peace officers of copies of the orders received by the law enforcement agency under this section. Peace officers shall use every reasonable means to enforce an order issued under AS 09.55.600 or 09.55.610. (Sec. 1 ch 139 SLA 1980)

SUGGESTED CHANGE:

Sec. 09.55.630. Notification to law enforcement agencies. If a superior court, district court, or magistrate issues an order under AS 09.55.600 or 09.55.610 restraining a respondent from subjecting a petitioner to domestic violence, the superior court, district court, or magistrate shall transmit a copy of the order to the appropriate local law enforcement agency. Each law enforcement agency shall establish procedures to inform their peace officers of copies of the orders received by the law enforcement agency under this section. Peace officers, including municipal law enforcement officers, shall use every reasonable means to serve and enforce an order issued under AS 09.55.600 or 09.55.610. (Sec. 1 ch 139 SLA 1980)

POSITION PAPER  
ON  
HOUSE BILL NO. 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

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

*Dorothy Walt*  
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 3/20/81

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 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)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
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.

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)

## Article 9. Domestic Violence.

Section	Section
600. Injunctive relief in case involving domestic violence	620. Forms for filing petition
610. Emergency injunctive relief in cases involving domestic violence	630. Notification to law enforcement agencies
	640. Definitions

**Cross reference.** -- As to domestic violence police training, see AS 18.65, art. 6.

**Editor's note.** -- Section 5, ch. 139, SLA 1980, provides: "Section 1 of this Act has the effect of changing Rule 3, Rules of Civil Procedure, by enacting a provision that allows a court to proceed upon the filing of a petition rather than a complaint,

and Rule 76, Rules of Civil Procedure, by enacting a provision that allows a court to accept for filing petitions which are handwritten in part. Section 1 of this Act also has the effect of changing Rule 65, Rules of Civil Procedure, by enacting a provision that establishes an alternate procedure for obtaining orders for relief from domestic violence."

**Sec. 09.55.600. Injunctive relief in cases involving domestic violence.** (a) A person who is subjected to domestic violence may petition a superior court for injunctive relief restraining the infliction of further domestic violence against the petitioner by the respondent.

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

- (1) restrain the respondent from subjecting the petitioner to domestic violence;
- (2) direct the respondent to vacate the home of the petitioner;
- (3) restrain the respondent from communicating directly or indirectly with the petitioner;
- (4) direct the respondent to pay support for the petitioner or for a minor child in the care of the petitioner if there is an independent legal obligation of the respondent to support the petitioner or the child;
- (5) award temporary custody of a minor child to the petitioner;
- (6) direct the respondent to pay medical expenses incurred by the petitioner as a result of the domestic violence.

(c) An order issued under this section remains in effect for a period of time not to exceed 45 days. However, the petitioner may petition the superior court for extensions of a provision of the order if the provision is described in (b)(1), (b)(2) or (b)(3) of this section. If the superior court, after notice to the respondent of and a hearing on the petition for the extension in accordance with the procedures described in (b) of this section, finds that an extension of the provision of the order is necessary to protect the petitioner from domestic violence, the superior court may extend the provision of the order for a period of time not to exceed 45 days.

(d) Proceedings under this section do not preclude any other available civil or criminal remedies. (§ 1 ch 139 SLA 1980)

**Cross reference.** -- As to release before trial in cases involving domestic violence, see AS 12.30.025.

**Sec. 09.55.610. Emergency injunctive relief in cases involving domestic violence.** (a) A person who has been subjected to domestic violence may petition the superior court for a temporary order providing for emergency injunctive relief restraining the infliction of further domestic violence against the petitioner by the respondent. If there is no superior court within 50 road miles of the residence of the person subjected to domestic violence, the person may petition the nearest district court for a temporary emergency injunctive relief order. If there is no district court within 50 road miles of the residence of the person subjected to domestic violence, the person may petition the nearest magistrate for a temporary emergency injunctive relief order. The district court or magistrate shall notify the superior court immediately upon issuance of an order granting emergency injunctive relief under this section.

(b) An order under this section may be granted without written or oral notice to the respondent if the court finds that the petitioner has been subjected to domestic violence and

(1) it clearly appears that there is a substantial likelihood of immediate danger from the respondent to the health, safety, or welfare

of the petitioner or of a minor child in the care of the petitioner; and

(2) the petitioner or the petitioner's attorney certifies to the court in writing the efforts, if any, which have been made to provide notice to the respondent and the reasons supporting the claim that notice should not be required.

(c) An order issued under this section may include a provision described in AS 09.55.600(b). The order shall be endorsed with the date and hour of issuance, shall be filed in the clerk's office and entered in the records of the court, and shall state the reason that it was granted without notice. The order shall remain in effect for a period not to exceed 10 days, unless extended by the court for good cause. The reasons for the extension shall be entered in the records of the court.

(d) If an order under this section is granted without notice, a hearing before the superior court for injunctive relief under AS 09.55.600 shall be scheduled by the superior court at the earliest possible time consistent with the notice provisions of AS 09.55.600. If at the hearing the petitioner does not proceed with the petition for injunctive relief, the superior court shall dissolve the emergency injunctive relief order.

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

(f) Proceedings under this section do not preclude other available civil or criminal remedies. (§ 1 ch 139 SLA 1990)

**Cross reference.** — As to release before trial in cases involving domestic violence, see AS 12.30.025.

**Sec. 09.55.620. Forms for filing petition.** (a) The Alaska court system, in cooperation with interested persons and organizations, shall prepare forms and instructions for the use of persons seeking an order for relief under AS 09.55.600 or 09.55.610, including forms for waiving filing fees on the basis of indigency. The forms shall conform to the requirements of AS 09.55.600 and 09.55.610 and the Alaska Rules of Civil Procedure, except that information on the forms may be filled in by legible handwriting. The office of the clerk of each superior and district court shall make the forms and instructions available to the public.

(b) The form for a petition prepared under (a) of this section shall include a notice that a false statement made in it stating that the respondent has subjected the petitioner to domestic violence constitutes the crime of unsworn falsification under AS 11.56.210, which is punishable by a maximum term of imprisonment of one year and a \$5,000 fine. (§ 1 ch 139 SLA 1980)

**Sec. 09.55.630. Notification to law enforcement agencies.** If a superior court, district court, or magistrate issues an order under AS 09.55.600 or 09.55.610 restraining a respondent from subjecting a petitioner to domestic violence, the superior court, district court, or magistrate shall transmit a copy of the order to the appropriate local law enforcement agency. Each law enforcement agency shall establish procedures to inform their peace officers of copies of the orders received by the law enforcement agency under this section. Peace officers shall use every reasonable means to enforce an order issued under AS 09.55.600 or 09.55.610. (§ 1 ch 139 SLA 1980)

**Sec. 09.55.640. Definitions.** For the purposes of AS 09.55.600 — 09.55.640, "domestic violence" means a crime under AS 11.41 committed against a spouse, a former spouse, or a member of the social unit comprised of those living together in the same dwelling as the respondent. (§ 1 ch 139 SLA 1980)

Sec. 11.46.350. Definition. (a) As used in §§ 300 — 350 of this chapter, unless the context requires otherwise, "enter or remain unlawfully" means to

(1) enter or remain in or upon premises or in a propelled vehicle when the premises or propelled vehicle, at the time of the entry or remaining, is not open to the public and when the defendant is not otherwise privileged to do so; or

(2) fail to leave premises or a propelled vehicle that is open to the public after being lawfully directed to do so personally by the person in charge.

(b) For purposes of this section, a person who, without intent to commit a crime on the land, enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, is privileged to do so unless

(1) notice against trespass is personally communicated to him by the owner of the land or some other authorized person; or

(2) notice against trespass is given by posting in a reasonably conspicuous manner under the circumstances. (§ 4 ch 166 SLA 1978)

Sec. 11.61.120. Harassment. (a) A person commits the crime of harassment if, with intent to harass or annoy another person, he

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

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

(3) makes repeated telephone calls at extremely inconvenient hours;

(4) makes an anonymous or obscene telephone call or a telephone call that threatens physical injury; or

(5) subjects another person to offensive physical contact.

(b) Harassment is a class B misdemeanor. (§ 7 ch 166 SLA 1978)

For case construing former AS Ct. Op. No. 732 (File No. 1231), 489 P.2d 1143,35 relating to illegal use of telephones, see Anniskette v. State, Sup.

Sec. 12.25.030. Grounds for arrest by private person or peace officer without warrant. (a) A private person or a peace officer without a warrant may arrest a person

(1) for a crime committed or attempted in his presence;

(2) when the person has committed a felony, although not in his presence;

(3) when a felony has in fact been committed, and he has reasonable cause for believing the person to have committed it.

(b) In addition to the authority granted under (a) of this section, a peace officer without a warrant may arrest a person when he has reasonable cause for believing that the person has committed assault in the fourth degree under AS 11.41.230(a)(1) against a member of the person's household.

(c) As used in this section "household" means the social unit comprised of those living together in the same dwelling. (§ 2.04 ch 34 SLA 1962; am § 11 ch 166 SLA 1978; am § 33 ch 102 SLA 1980)

Sec. 12.30.025. Release before trial in cases involving domestic violence. (a) In determining the conditions of release under AS 12.30.020 in cases involving domestic violence, the court shall consider the following conditions and impose one or more conditions it considers reasonably necessary to protect the alleged victim of the domestic violence, including ordering the defendant

- (1) not to subject the victim to further domestic violence;
- (2) to vacate the home of the victim;
- (3) not to contact the victim other than through counsel;
- (4) to engage in personal or family counseling;
- (5) to refrain from the consumption of alcohol or the use of drugs.

(b) As used in this section, "domestic violence" means a crime specified in AS 11.41 committed against a spouse, a former spouse, or a member of the social unit comprised of those living together in the same dwelling as the defendant. (§ 35 ch 102 SLA 1980)

Sec. 12.55.135. Sentences of imprisonment for misdemeanors. (a) A defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than one year.

(b) A defendant convicted of a class B misdemeanor may be sentenced to a definite term of imprisonment of not more than 90 days unless otherwise specified in the provision of law defining the offense.

(c) A defendant convicted of assault in the third degree committed in violation of the provisions of an order issued under AS 09.55.600 or 09.55.610 shall be sentenced to a minimum term of imprisonment of 10 days. The execution of sentence may not be suspended and probation or parole may not be granted until the minimum term of imprisonment has been served. Imposition of sentence may not be suspended, except upon condition that the defendant be imprisoned for no less than the minimum term of imprisonment provided in this section, and the minimum sentence provided for in this section may not be otherwise reduced. (§ 12 ch 166 SLA 1978; am § 2 ch 139 SLA 1980)

**Sec. 18.65.520. Notification to victims of domestic violence.** (a) During the course of responding to an offense involving domestic violence, a police officer shall orally or in writing inform the victim of services available to the victim and the rights of the victim, substantially as follows:

As a victim of domestic violence you should be aware of the following:

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

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

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

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

(b) If the victim of domestic violence does not understand English, the police officer shall make reasonable efforts to inform the victim of the services and rights specified in (a) of this section in a language the victim understands.

(c) As used in this section "domestic violence" means a crime under AS 11.41 committed against a spouse, a former spouse, or a member of the social unit comprised of those living together in the same dwelling as the person who committed the crime. (§ 3 ch 139 SLA 1980)

**Sec. 22.20.130. Commissioner to be aided by the members of the division of state troopers and Alaska state constabulary.** (a) The commissioner shall be assisted in the execution of the authority and duty vested in him by §§ 100—140 of this chapter by such members of the division of state troopers or Alaska state constabulary as the commissioner designates. The commissioner is responsible on his official bond for the acts of all persons so designated by him. The persons so designated have the same authority and duty granted to the commissioner and are subject to orders of the courts of the state in the same manner as the commissioner. They are responsible to the commissioner and to the courts, and shall be executive officers of the courts.

(b) The commissioner has the responsibility of providing sufficient personnel to effectively execute the authority and duty vested in him by §§ 100 — 140 of this chapter, and shall adopt the necessary rules and regulations within his department for the efficient direction, control and discipline of the members designated by the commissioner to assist him. (§ 5 ch 95 SLA 1960; am § 10 ch 117 SLA 1968)

**Sec. 22.20.140. Definitions.** In §§ 100 — 140 of this chapter

- (1) "commissioner" means the commissioner of public safety;
- (2) "district courts" includes sessions presided over by a magistrate;
- (3) "process" means any summons, writ, process, order or subpoena.

(§ 1 ch 95 SLA 1960; am § 34 ch 8 SLA 1971)

# Domestic violence bill, OK'd

By The Associated Press

House lawmakers passed nearly a dozen bills Friday, including a measure aimed at increasing protection for victims of domestic violence and a bill funding a new school in Wasilla.

The House voted unanimously to approve \$6.2 million to rebuild the Iditarod Elementary School in Wasilla. The school was destroyed by fire in January. The appropriation bill (CSHB188 2nd Finance) sponsored by Rep. Pat Carney, D-Wasilla, would require the borough to turn over to the state any proceeds from insurance on the school.

The measure now goes to the Senate.

Legislation to strengthen a year-old law dealing with victims of domestic violence won approval on a 38-0 ballot. Under the law, a victim of domestic violence can get a speedy court order restricting the alleged offender from contact with the victim.

The bill (CSHB287 Judiciary) approved Friday would allow a judge to issue an order for 90 days, rather than the 45 days allowed now, and a victim could request an extension of up to 45 days. The bill also would give the court authority to order counseling for offenders.

The House also voted final legislative approval to a Senate resolution urging the Hammond administration to delay the planned transfer of about 30 Department of Transportation employees from Valdez to Anchorage and Fairbanks.

The resolution (SCR27 am) asks DOT Commissioner Bob Ward to delay by at least one year the transfer of DOT's design and construction unit from Valdez. The resolution, which carries no weight

of law, passed on a 32-4 vote.

Rep. Terry Martin, R-Anchorage, opposed the measure. He said lawmakers have criticized the DOT for administrative problems and having a huge backlog of capital projects.

"Now that the man (Ward) has made a major decision in trying to straighten up his department ... here we are asking him to wait 12 months," Martin said.

But Rep. Russ Meekins, D-Anchorage, said "there is a tremendous problem in DOT, but the problem is not with the design unit in Valdez." Rep. Bette Cato, D-Valdez, said the delay would allow lawmakers time to help DOT officials with their reorganization plans.

The House also approved:

—A bill (CSHB34 H SS) requiring the state Postsecondary Education Commission to prepare an annual "course transferability guide." It would include a list of all courses offered by postsecondary institutions in Alaska, and would state which courses could be transferred for credit from one school to another.

—A bill (HB485) to continue the life of the state Alcoholic Beverage Control board until July, 1982. The board regulates bars and liquor stores in the state.

—A resolution (HJR44) urging the federal government to speed processing of applications for forest land promised to Alaska Natives under a 1906 federal law. The law, which allowed natives to apply for 160 acres of national forest land, was repealed in 1971. Since then, the outstanding applications have not been processed, lawmakers said.

# House OKs domestic violence bill

The Associated Press

JUNEAU — House lawmakers passed nearly a dozen bills Friday, including a measure aimed at increasing protection for victims of domestic violence and a bill funding a new school in Wasilla.



The House voted unanimously to approve \$6.2 million to rebuild the Iditarod Elementary School in Wasilla. The school was destroyed by fire in January. The appropriation bill (CSHB188 2nd Finance) sponsored by Rep. Pat Carney, D-Wasilla, would require the borough to turn over to the state any proceeds from insurance on the school.

The measure now goes to the Senate.

Legislation to strengthen a year-old law dealing with victims of domestic violence won approval on a 38-0 ballot. Under the law, a victim of domestic violence can get a speedy court order restricting the alleged offender from contact with the victim.

The bill (CSHB287 Judiciary) approved Friday would allow a judge to issue an order for 90 days, rather than the 45 days allowed now and a victim could request an extension of up to 45 days. The bill also would give the court authority to order counseling for offenders.

The House also voted final legislative approval to a Senate resolution urging the Hammond administration to delay the planned transfer of about 30 Department of Transportation employees from Valdez to Anchorage and Fairbanks.

The resolution asks DOT Commissioner Bob Ward to de-

lay by at least one year the transfer of DOT's design and construction unit from Valdez. The resolution, which carries no weight of law, passed on a 32-4 vote.

Rep. Terry Martin, R-Anchorage, opposed the measure. He said lawmakers have criticized the DOT for administrative problems and having a huge backlog of capital projects.

"Now that the man (Ward) has made a major decision in trying to straighten up his department ... here we are asking him to wait 12 months," Martin said.

But Rep. Russ Meekins, D-Anchorage, said "there is a tremendous problem in DOT, but the problem is not with the design unit in Valdez." Rep. Bette Cato, D-Valdez, said the delay would allow lawmakers time to help DOT officials with their reorganization plans.

The House also approved:

- A bill (CSHB34 HESS) requiring the state Postsecondary Education Commission to prepare an annual "course transferability guide." It would include a list of all courses offered by postsecondary institutions in Alaska and would say which courses could be transferred for credit from one school to another.

- A bill (HB485) to continue the life of the state Alcoholic Beverage Control board until July, 1982. The board regulates bars and liquor stores in the state.

- A resolution (HJR44) urg-

ing the federal government to speed processing of applications for forest land promised to Alaska Natives under a 1906 federal law. The law, which allowed natives to apply for 160 acres of national forest land, was repealed in 1971. Since then, the outstanding applications have not been processed, lawmakers said.