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STATE OF ALASKA
THE LEGISLATURE

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JUNEAU, ALASKA 99811
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May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary 4/26/86

8:30 AM
(Teleconference)

HOUSE

COMMITTEE REPORT

(7)

Date referred: 3/7/86

FURTHER REFERRALS:

DATE: _____

The JUDICIARY Committee has considered CSSB 67(Jud)

"An Act relating to arrest by a peace officer without a warrant and service of process in cases of domestic violence."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with _____ same title
- new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Chairman



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 21, 1985

The Honorable Don Bennett
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that will transfer primary responsibility for the service of process for domestic violence injunctions from the state troopers to local police departments. Current law places primary responsibility for service of these court orders on the state troopers, but provides that a court may order any other peace officer to serve them if a state trooper is not available. AS 25.35.040. This bill would require local officers to serve the orders if the person to be served is present or resides within the local department's jurisdiction. If a local officer is not available, the court may direct a state trooper to serve the court order.

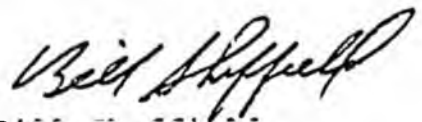
This change in the law is needed because the number of domestic violence orders issued by courts each year has increased dramatically since AS 25.35.010 -- 25.35.060 (formerly AS 09.55.600 -- 09.55.640) took effect in September of 1980. In Anchorage alone, the number of domestic violence orders that must be served has climbed from an average of 15 to an average of 100 a month. The vast majority of these orders (approximately 90 percent) is directed to persons who reside within municipalities that have local police departments.

In many cases, a local police officer was called to the domestic disturbance that gave rise to the need to obtain a domestic violence injunction. The officer may even have transported the victim of the assault to the local magistrate or judge to obtain the order. To require that the resulting court order be served by a state trooper whose primary patrol area is often outside of the city or borough and who has had no previous contact with the victim or the case is not an efficient use of law enforcement

resources, and may cause a delay in the service of the order. In the larger cities, service of these injunctions is made by officers in the judicial services section of the state troopers. The need to ensure adequate security in courtrooms, transport prisoners, and serve criminal arrest warrants and subpoenas severely limits the amount of time and effort a judicial services officer may devote to service of domestic violence injunctions.

In the interests of providing the quickest and best possible protection for victims of domestic violence, and of making the wisest possible use of available law enforcement resources, I urge your prompt passage of this bill.

Sincerely,



Bill Sheffield
Governor

Prepared for Tony Knowles, Mayor

Municipality of Anchorage

Prepared by the Special Committee

on Domestic Violence,

Anchorage Women's Commission

16. Service of domestic violence restraining orders in the Municipality of Anchorage should be by the Anchorage Police Department. (Adopted 6/14/85)

The Committee adopted the philosophy that protection of victims should be the primary consideration in the Municipality of Anchorage's domestic violence intervention system. Restraining orders are civil orders and are currently served by the Alaska State Troopers as charged by State Statutes.

The APD is charged with enforcement of criminal violations. Violations of restraining orders is a criminal offense and must therefore be enforced by the Anchorage Police Department.

The system works in the following manner: APD responds to the initial abuse incident. APD often transports the victim to the court for a restraining order, and then returns to enforce violations of the restraining orders. It appears to the Committee that the same police officer should serve the domestic violence restraining order since he/she is already familiar with the subjects involved. It does not appear efficient for the officer nor for the victims to have a different officer, an Alaska State Trooper, involved in only the third of four police officer contacts.

In making this recommendation the Committee also considered the following facts: 1) of the 1300-1400 domestic violence restraining orders served in 1984, over 90% originated within the Municipality. 2) APD received 5-7 calls of domestic violence each day. 3) The APD has a backlog of 9,000 citations, if parking and traffic warrants are included. 4) The current APD contract does not allow contracting out police services such as service of subpoenas. 5) The average cost for private service of a subpoena is \$26. 6) The Alaska State Troopers received an 8 person reduction to the Anchorage post since 1985.



ALASKA BAR ASSOCIATION

P.O. BOX 100279, ANCHORAGE, ALASKA 99510, (907) 272-7489

FAMILY LAW SECTION

April 22, 1985

Senator Rodey
Alaska Senate
Senate Judiciary Committee
Juneau AK 99811

RE: Senate Bill No. 67

Dear Senator Rodey:

The Family Law Committee of the Alaska Bar Association strongly urges your support of Senate Bill 67. The Domestic Violence Act is one of the most effective legal tools available to victims of family violence. However, the effectiveness of domestic violence orders is seriously undercut when there are delays in the service of these orders upon the perpetrator of the violence. This is particularly true with domestic violence orders which are not enforceable against the respondent until the respondent has actually been served with the papers. As practitioners and judges in the area of family violence, we have seen too many occasions when the issuance of emergency restraining orders has been delayed because of the unavailability of Alaska State Troopers Judicial Services Branch to serve the papers in a timely fashion. Local law enforcement personnel are the logical people to serve the domestic violence orders. Local law enforcement personnel are also charged with enforcing the domestic violence restraining orders and therefore their service of the orders would not only assure prompter delivery of these critical papers but would also increase enforcement of the orders by alerting the officers to the orders existence from the very beginning.

Please pass Senate Bill 67 so that victims of family violence and their children can receive reliable service and enforcement of the domestic violence restraining orders.

While the Family Law Committee is encouraged by the Municipality of Anchorage's recent formation of a committee to study the multi-faceted issue of domestic violence and the Municipality's responses to domestic violence; it is still the firm belief of the Family Law Committee that the needs of the victims of family violence would be best served by the immediate passage of SB 67. The municipalities of the state



ALASKA BAR ASSOCIATION

P.O. BOX 100279, ANCHORAGE, ALASKA 99510, (907) 272-7469

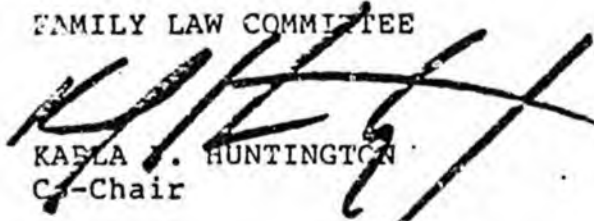
FAMILY LAW SECTION

April 22, 1985
Page Two

could be given time to prepare for the onset of this new burden if the bill was given a late effective date. This would give Anchorage several months for its taskforce to assemble a total response that would increase the speed and effectiveness of the service of domestic violence papers.

Sincerely,

FAMILY LAW COMMITTEE


KARLA J. HUNTINGTON
Co-Chair

KFH/trc

cc: Full Committee

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HCSCSSB67(HESS)
 Title : "An Act relating to arrest by a peace officer without a warrant and service of process..."
 Sponsor : Rules/Finance
 Requestor : H Judiciary
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Alaska State Troopers

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

F. Allan
 Prepared by : Francis C. Allan *F.C.A.* Phone : 269-5691
 Division : Alaska State Troopers Date : 3/18/86
 Approved by Commissioner : *[Signature]* Date : 3/15/86
 Agency : Public Safety

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER - HCS CSSB 67(HESS)

Support

March 18, 1986


HCSCSSB67(HESS) - "An act relating to the service of domestic violence injunctions."

It is our interpretation that this legislation will require municipal police agencies to serve domestic violence injunctions that are initiated as a result of their investigations within their jurisdiction. It will also allow peace officers to make arrests without warrants in certain cases related to domestic violence and other felonies.

Domestic violence injunctions are served by Troopers assigned to the Judicial Services section of the Alaska State Troopers. This section is also responsible for courtroom security, prisoner transportation and the service of subpoenas and warrants. The Alaska State Troopers have never received funding to cover the costs associated with the service of domestic violence orders. Thus, this increased work load falls on an already overloaded unit and the service of these orders must sometimes be subordinated to other law enforcement demands.

During the last several years the tremendous increase in the number of domestic violence orders to be served has placed a severe drain upon the manpower of the Alaska State Troopers and has caused some delay in the service of these orders. This legislation transfers the primary responsibility for the service of these injunctions from the State Troopers to local police departments. State Troopers would continue to serve these orders when local officers are not available.

The majority of domestic violence orders are served within the boundaries of political subdivisions which have their own police agencies. The local police are often more familiar with the locations and individuals involved in domestic violence situations and therefore can more safely and efficiently serve the orders.


Robert J. Sundberg
Commissioner

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : Hse CSCSSB67 (HESS)
 Title : "An Act relating to arrest by a peace officer without a warrant and service of process in cases of dv"
 Sponsor : HESS Committee
 Requestor : House Judiciary
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : Council on Domestic Violence and Sexual Assault
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Barbara Miklos, Exed. Dir.
 Division : Council on DV & SA

Phone : 465-4356
 Date : 3/18/86

Approved by Commissioner : [Signature]
 Agency : Department of Public Safety

Date : 3/19/86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - HOUSE CS FOR CS FOR SB 67 (HESS)

March 18, 1986

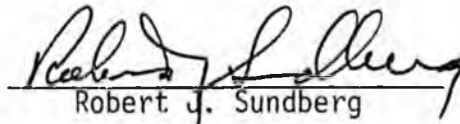
Support

HOUSE CS for CS FOR SB 67 (HESS) - "An Act relating to arrest by a peace officer without a warrant and service of process in cases of domestic violence."

The Council on Domestic Violence and Sexual Assault supports HOUSE CS for CS SB 67 (HESS).

Section 1 amends AS 12.25.030(b) to allow warrantless arrests for certain domestic violence cases under municipal ordinance. It is already permissible under state statute. This change is important for the larger communities so police officers may arrest and municipal prosecutors may prosecute under municipal code.

Section 3 amends AS 25.35.040 so municipal police officers of a specific jurisdiction have the responsibility to serve domestic violence restraining orders in their jurisdiction. The Council on Domestic Violence and Sexual Assault is concerned about the rights of victims to be protected as soon as a domestic violence restraining order is issued. When available, local police officers are in the best position to respond quickly to the need to serve orders. Delays in service of the orders could mean that specific orders of no violence, no contact, etc. are not given as quickly as possible and therefore the victim is kept in jeopardy of harm for longer than necessary. If there are no local peace officers in a municipality, this revision in the legislation enables the court to designate any other peace officer as the server. Thus state peace officers could concentrate on areas with no other police protection.


Robert J. Sundberg

DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER -CSSB 67(HESS)

Support

April 26, 1985

CSSB 67(HESS) - "An act relating to the service of domestic violence injunctions."

This legislation will require municipal police agencies to serve domestic violence injunctions that are initiated as a result of their investigations within their jurisdiction.

Domestic violence injunctions are served by Troopers assigned to the Judicial Services section of the Alaska State Troopers. This section is also responsible for courtroom security, prisoner transportation and the service of subpoenas and warrants. The Alaska State Troopers have never received funding to cover the costs associated with the service of domestic violence orders. Thus this increased work load falls on an already overloaded unit and the service of these orders must sometimes be subordinated to other law enforcement demands.

The majority of domestic violence orders are served within the boundaries of political subdivisions which have their own police agencies. The local police are often more familiar with the locations and individuals involved in domestic violence situations and therefore can more safely and efficiently serve the orders.

During the last two years the tremendous increase in the number of domestic violence orders to be served has placed a severe drain upon the manpower of the Alaska State Troopers and has caused some delay in the service of these orders. This legislation transfers the primary responsibility for the service of these injunctions from the State Troopers to local police departments. State Troopers would continue to serve these orders when local officers are not available.


Robert J. Sundberg
Commissioner