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STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907.465.3800

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May, 1988

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

Mary Van Nimwegen

House Rules 5-10-85 8:37 AM

COMMITTEE REPORT

HOUSE

(7)

4/15/85

FURTHER:

Date: 5-10-85

The Committee on RULES has had CSSB 29(Jud)am
"An Act relating to domestic violence and domestic sexual offenses."

under consideration and recommends:

do pass [] do not pass

[] do pass with attached amendments(s)

[] replace with ^HCS for CS SB 29(Rules) same title
[] new title
and recommends _____

[] AND attaches a "Letter of Intent" [] New Fiscal Note

[] reports it back without recommendation [] Zero Fiscal Note Attached

[] referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Fuller Josh Fuller
M.W. Miller M.W. Miller
Grussendorf Ben Grussendorf

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Terry Martin - No rec. Martin
Noty - No rec Pignalberi

M.W. Miller
CHAIRMAN



Official Business

Alaska State Legislature

House of Representatives

Committee on Rules

Pouch V
Juneau, Alaska 99811

Phone:
(907) 465-3764
465-3765

CALL THE MEETING TO ORDER:
HOUSE RULES STANDING COMMITTEE
FRIDAY, MAY 10, 1985
T I M E: _____

INDICATE MEMBERS PRESENT: Chairman M.W. Miller
V.-Chair Wallis
Speaker Grussendorf
Rep. Fuller
Rep. Martin
Rep. Davis
Rep. Pignalberi

COMMITTEE CALENDAR FOR TODAY:

CSSB 29 (JUD) am - "An Act relating to domestic violence and domestic sexual offenses."

(by Senator Faiks)

In the packets is a memo from Representative Gruenberg and Senator Faiks regarding the changes we have proposed in the House Rules CS.

NOTE: ELIZABETH HICKERSON, FROM SENATE ADVISORY COUNCIL WILL BE HERE TO DISCUSS CHANGES ALSO DEBRA NEIDERMEYER IS AVAILABLE TO ANSWER ANY QUESTIONS.

Move - "HCS CSSB 29 (Rules)"
MOVE BILL FROM COMMITTEE WITH INDIVIDUAL RECOMMENDATIONS.

** Indicate time Adjourned*



Official Business

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Juneau, Alaska 99811

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HOUSE RULES STANDING COMMITTEE

FRIDAY, MAY 10, 1985

A G E N D A

CSSB 29(Judiciary)am - "An Act relating to domestic violence and domestic sexual offenses."
(By Senator Faiks)

- I. Proposed HCS CSSB 29(RULES)
- II. Memo dated May 8, 1985 regarding changes on CS(RULES)
- III. Senate Passed Version - CSSB 29(Judiciary)am
- IV. Bill History

Original sponsors: Faiks, Sturgulewski,
Halford, et al

1 IN THE SENATE

BY THE RULES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 29 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to domestic violence and domestic
7 sexual offenses."

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

9 * Section 1. AS 11.41 is amended by adding a new section to read:

10 Sec. 11.41.443. SPOUSAL RELATIONSHIP NO DEFENSE. In a prose-
11 cution under AS 11.41.410 or 11.41.420, it is not a defense that the
12 victim was, at the time of the alleged offense, the legal spouse of
13 the defendant.

14 * Sec. 2. AS 11.41.445(a) is amended to read:

15 (a) In a prosecution under AS 11.41.434 - 11.41.440 [AS 11.41.-
16 410 - 11.41.440] it is an affirmative defense that, at the time of the
17 alleged offense, the victim was the legal spouse of the defendant
18 unless the offense was committed without the consent of the victim

19 [(1) THE SPOUSES WERE LIVING APART; OR

20 (2) THE DEFENDANT CAUSED PHYSICAL INJURY TO THE VICTIM].

21 * Sec. 3. AS 12.25.030(b) is amended to read:

22 (b) In addition to the authority granted under (a) of this
23 section, a peace officer without a warrant may arrest a person when
24 the peace officer has reasonable cause for believing that the person
25 has committed a crime under AS 11.41, AS 11.46.330, or AS 11.61.120
26 when the victim is a spouse or former spouse of the person who commit-
27 ted the crime; a parent, grandparent, child, or grandchild of the
28 person who committed the crime; [,] a member of the social unit com-
29 prised of those living together in the same dwelling as the person who

1 committed the crime; [,] or another person who is not a spouse or
2 former spouse of the person who committed the crime but who previously
3 lived in a spousal relationship with the person who committed the
4 crime.

5 * Sec. 4. AS 18.66.900(3) is amended to read:

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

13 * Sec. 5. AS 25.35.010(a) is amended to read:

14 (a) A person who is subjected to domestic violence may petition
15 a superior court for injunctive relief restraining the infliction of
16 further domestic violence against the petitioner by the respondent.
17 The court may appoint a guardian ad litem or attorney to represent a
18 minor who is subject to this chapter in the same manner as an attorney
19 may be appointed under AS 25.24.310.

20 * Sec. 6. AS 25.35.060 is amended to read:

21 Sec. 25.35.060. DEFINITIONS. In this chapter, "domestic vio-
22 lence" means a crime under AS 11.41 when the victim is a spouse or a
23 former spouse of the respondent; a parent, grandparent, child, or
24 grandchild of the respondent; [,] a member of the social unit com-
25 prised of those living together in the same dwelling as the respon-
26 dent; [,] or a person who is not a spouse or former spouse of the
27 respondent but who previously lived in a spousal relationship with the
28 respondent.

State of Alaska

COMMITTEES

HOUSE HEALTH, EDUCATION
AND SOCIAL SERVICES
(Co-Chairman)
HOUSE JUDICIARY
HOUSE COMMUNITY AND
REGIONAL AFFAIRS



FOURTH
FLOOR, JUNEAU, ALASKA 99801
(907) 465-2908

914 CLAY COURT
ANCHORAGE, ALASKA 99503
(907) 276-6844

Representative Max F. Gruenberg, Jr.
District 11
Spenard, Upper Midtown Anchorage

MEMORANDUM

TO: REPRESENTATIVE MIKE MILLER, CHAIR
HOUSE RULES COMMITTEE

FROM: SENATOR JAN FAIKS, CO-CHAIR *Jan Fais*
SENATE FINANCE COMMITTEE

REPRESENTATIVE MAX GRUENBERG, CO-CHAIR *Max*
HOUSE HESS COMMITTEE

DATE: MAY 8, 1985

RE: SB 29, RELATING TO DOMESTIC VIOLENCE AND DOMESTIC SEXUAL
OFFENSES

The purpose of this memo is to request that the House Rules Committee hold a hearing on SB 29 this Friday for the purpose of considering the attached amendments. This is a very important bill which has received widespread support in the Senate and House, and should be brought to the House for a vote.

Thank you for your consideration.

AMENDMENTS

IN THE HOUSE

FOR CSSB 29 - AN ACT RELATING TO DOMESTIC VIOLENCE AND DOMESTIC
SEXUAL OFFENSES.

BY: FAIKS AND GRUENBERG

1. Page 1, line 27:

after "grandparent," DELETE "or", and after "child" ADD:
"or grandchild".

2. Page 2, line 7:

after "grandparent," DELETE "or", and after "child" ADD:
"or grandchild".

3. Page 2, lines 15-17:

DELETE the sentence "a minor child seeking relief available
under this chapter must petition the court by or through a parent,
guardian or legal custodian."

And ADD in its place the following language: "The court may
appoint a guardian ad litem or attorney to represent a minor who is
subject to this chapter in the same manner as an attorney may be
appointed under AS 25.24.310."

4. Page 2, line 21:

After "grandparent," DELETE "or", and after "child" ADD:
"or grandchild".

Offered: 3/13/85
Referred: Rules

Original sponsors: Faiks, Sturgulewski,
Halford, et al

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 29 (Judiciary) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to domestic violence and domestic
7 sexual offenses."

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

9 * Section 1. AS 11.41 is amended by adding a new section to read.

10 Sec. 11.41.443. SPOUSAL RELATIONSHIP NO DEFENSE. In a prose-
11 cution under AS 11.41.410 or 11.41.420, it is not a defense that the
12 victim was, at the time of the alleged offense, the legal spouse of
13 the defendant.

14 * Sec. 2. AS 11.41.445(a) is amended to read:

15 (a) In a prosecution under AS 11.41.434 - 11.41.440 [AS
16 11.41.410 - 11.41.440] it is an affirmative defense that, at the time
17 of the alleged offense, the victim was the legal spouse of the defend-
18 ant unless the offense was committed without the consent of the victim

19 [(1) THE SPOUSES WERE LIVING APART; OR

20 (2) THE DEFENDANT CAUSED PHYSICAL INJURY TO THE VICTIM].

21 * Sec. 3. AS 12.25.030(b) is amended to read:

22 (b) In addition to the authority granted under (a) of this
23 section, a peace officer without a warrant may arrest a person when
24 the peace officer has reasonable cause for believing that the person
25 has committed a crime under AS 11.41, AS 11.46.330, or AS 11.61.120
26 when the victim is a spouse or former spouse of the person who commit-
27 ted the crime; a parent, ^{deletes} grandparent, ^{adding grandchild} [or] child of the person who
28 committed the crime; [,] a member of the social unit comprised of
29 those living together in the same dwelling as the person who committed

1 the crime; [,] or another person who is not a spouse or former spouse
2 of the person who committed the crime but who previously lived in a
3 spousal relationship with the person who committed the crime.

4 * Sec. 4. AS 18.66.900(3) is amended to read:

5 (3) "domestic violence" means a crime specified in AS 11.41
6 when the victim is a spouse or a former spouse of the defendant; a
7 parent, grandparent ^{delete} or child ^{add or grandchild} of the defendant; [, OR] a member of the
8 social unit comprised of those living together in the same dwelling as
9 the defendant; or a person who is not a spouse or former spouse of the
10 defendant but who previously lived in a spousal relationship with the
11 defendant;

12 * Sec. 5. AS 25.35.010(a) is amended to read:

13 (a) A person who is subjected to domestic violence may petition
14 a superior court for injunctive relief restraining the infliction of
15 further domestic violence against the petitioner by the respondent. ^{delete} A
16 minor child seeking relief available under this chapter must petition
17 the court by or through a parent, guardian, or legal custodian. ^{* Add}

18 * Sec. 6. AS 25.35.060 is amended to read:

19 Sec. 25.35.060. DEFINITIONS. In this chapter, "domestic vio-
20 lence" means a crime under AS 11.41 when the victim is a spouse or a
21 former spouse of the respondent; a parent, grandparent, or child of
22 the respondent; [,] a member of the social unit comprised of those
23 living together in the same dwelling as the respondent; [,] or a
24 person who is not a spouse or former spouse of the respondent but who
25 previously lived in a spousal relationship with the respondent.

* Add

The court may appoint a guardian ad litem or attorney to represent a minor who is subject to this chapter in the same manner as an attorney may be appointed under AS 25.24.310.

BILL HISTORY

SB 29HOUSE CALENDAR:

BILL SB0029
 PAGE 00016
 DATE 01/14/85
 CHAMBER SENATE
 TEXT SENATE BILL NO. 29 by Senators Faiks, Sturgulewski, Halford, Kelly, DeVries, Josephson and Kerttula, entitled:
 "An Act relating to domestic violence."
 was read the first time and referred to the Health, Education and Social Services Committee and Judiciary Committee.

BILL SB0029
 PAGE 00194
 DATE 02/01/85
 CHAMBER SENATE
 TEXT The Health, Education and Social Services Committee considered SENATE BILL NO. 29 (domestic violence) and recommended it be replaced with
 CS FOR SENATE BILL NO. 29 (HESS)
 and do pass. The report was signed by Senator Fahrenkamp, Chairman and concurred in by Senators Josephson, Sturgulewski, DeVries and Paul Fischer.
 SENATE BILL NO. 29 was referred to the Judiciary Committee.

BILL SB0029
 PAGE 00529
 DATE 03/13/85
 CHAMBER SENATE
 TEXT The Judiciary Committee considered SENATE BILL NO. 29 (domestic violence) and recommended it be replaced with
 CS FOR SENATE BILL NO. 29 (JUD)
 with a majority do pass. The report was signed by Senator Rodey, Chairman and concurred in by Senators Halford, Faiks and Kelly.
 SENATE BILL NO. 29 was referred to the Rules Committee.

BILL SB0029
 PAGE 00590
 DATE 03/20/85
 CHAMBER SENATE
 TEXT SENATE BILL NO. 29 (domestic violence) was read the second time.
 Senator Rodey moved and asked unanimous consent for the adoption of the Judiciary Committee Substitute offered on page 529. Without objection, SCS FOR SENATE BILL NO. 29 (JUD) ¶ was adopted.
 CS FOR SENATE BILL NO. 29 (JUD) was read the second time.
 Senator Halford offered Amendment No. 1:
 Page 1, line 6 : after "violence" insert "and domestic sexual offenses"
 Page 1, following line 7: Insert new section to read:
 "*Section 1. AS 11.41 is amended by adding a new section to read:
 Sec. 11.41.443. SPCUSAL RELATIONSHIP NO DEFENSE. In a prosecution under AS 11.41.410

or 11.41.420, it is not a defense that the victim was, at the time of the alleged offense, the legal spouse of the defendant.

*Sec. 2. AS 11.41.445(a) is amended to read:

(a) In a prosecution under §AS 11.41.434 - §11.41.440 ¶-AS 11.41.410 - 11.41.440- it is an affirmative defense that, at the time of the alleged offense, the victim was the legal spouse of the defendant unless §the offense was committed¶ without the consent of the victim¶

BILL SB0029
PAGE 00591
DATE 03/20/85
CHAMBER SENATE
TEXT

- (1) THE SPOUSES WERE LIVING APART; OR
- (2) THE DEFENDANT CAUSE PHYSICAL INJURY TO THE VICTIM-

Renumber succeeding sections accordingly
Senator Halford moved and asked unanimous consent that Amendment No. 1 be adopted. Senator Ray objected. The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

CS SB 29 JUD AM 1

Yeas: 18 Abood, Bennett, Coghill, Eliason, Fahrenkamp, Faiks, Ferguson, Fischer Vic, Halford, Josephson, Kelly, Kerttula, Ray, Rodey, Sackett, Sturgulewski, Zharoff, Ziegler

Nays: 2 DeVries, Fischer Paul

and so, Amendment No. 1 was adopted.

Senator Halford moved and asked unanimous consent that the title change be adopted. Without objection, the title change was adopted.

Senator Halford moved and asked unanimous consent that §CS FOR §SENATE BILL NO. 29 (JUD) am ¶be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 29 (JUD) am was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 29 (JUD) am (domestic violence and domestic sexual offenses) pass the Senate?" The roll was taken with the following result:

CS SB 29 JUD AM 3RD

Yeas: 19 Abood, Bennett, Coghill, Eliason, Fahrenkamp, Faiks, Ferguson, Fischer Paul, Fischer Vic, Halford, Josephson, Kelly, Kerttula, Ray, Rodey, Sackett, Sturgulewski, Zharoff, Ziegler

Nays: 1 DeVries

and so, CS FOR SENATE BILL NO. 29 (JUD) am passed the Senate and was referred to the Secretary for engrossment.

BILL SB0029
 PAGE 00595
 DATE 03/20/85
 CHAMBER SENATE
 TEXT SCS FOR SENATE BILL NO. 29 (JUD) am was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

BILL SB0029
 PAGE 00659
 DATE 03/22/85
 CHAMBER HOUSE
 TEXT COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 29 (Judiciary) amended, by the Judiciary Committee, entitled:
 "An Act relating to domestic violence
 and domestic sexual offenses."
 was read the first time and referred to the Health, Education & Social Services and Judiciary Committees.

BILL SB0029
 PAGE 00898
 DATE 04/12/85
 CHAMBER HOUSE
 TEXT The Health, Education & Social Services Committee has considered COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 29 (Judiciary) amended (relating to domestic violence and domestic sexual offenses) and reports it back as follows: Koponen and Gruenberg (Co-chairs), Hurley and Thompson recommend do pass; Taylor has no recommendation.
 CSSB 29(Jud)am was referred to the Judiciary Committee.

BILL SB0029
 PAGE 00917
 DATE 04/15/85
 CHAMBER HOUSE
 TEXT The Judiciary Committee has considered COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 29 (Judiciary) amended (relating to domestic violence and domestic sexual offenses) and reports it back as follows: M.M. Miller (Chairman), Clocksin, Sund and Gruenberg recommend do pass; Phillips and Taylor have no recommendation.
 CSSB 29(Jud)am was referred to the Rules Committee for placement on the calendar.

Domestic
Violence
(definition)

SENATE BILL NO. 29, by Senators Faiks, Sturgulewski, Halford, Kelly, DeVries, Josephson and Kerttula. Expands definition of domestic violence under AS 25.35 (Domestic Violence) to include assault against a "parent, grandparent, or child" of the offender. Presently it only includes violence against "a spouse or a former spouse of the respondent, a member of the social unit comprised of those living together in the same dwelling as the respondent, or a person who is not a spouse or former spouse of the respondent but who previously lived in a spousal relationship with the respondent." Would make it easier to obtain restraining orders against offenders in cases involving children and old people. (Amends AS 25.35.060--Definitions.) Does not provide for an effective date.

Introduced January 14 and referred to Health, Education & Social Services and Judiciary.

SENATE BILL NO. 29, (see page 12). Reported back to the Senate on February 1 by Health, Education & Social Services with the committee recommending it be replaced with a HESS CS and that it do pass. Concurring: Fahrenkamp (Chairman), Josephson, Sturgulewski, DeVries and Paul Fischer. To Judiciary.

The HESS CS adds new Secs. 1 - 2 which conform other laws relating to domestic violence to the revised definition:

--AS 12.25.030(b) (grounds for arrest without a warrant; peace officer may arrest without a warrant if officer has reasonable cause for believing it to be a case of domestic violence).

--AS 18.66.900(3) (definition of "domestic violence" under AS 18.66, Council on Domestic Violence & Sexual Assault.

New Sec. 3 amends AS 25.35.010(a) (Injunctive Relief in Cases Involving Domestic Violence) by adding: "A child seeking relief available under this chapter must petition the court by or through a parent, guardian, or legal custodian."

SENATE BILL NO. 29, (see pages 12;177). Reported back to the Senate on March 12 by Judiciary with the committee recommending it be replaced with a Judiciary CS and that it do pass. Concurring: Rodey (Chairman), Halford, Faiks and Kelly. To Rules.

The Judiciary CS makes one change to the HESS version (p. 177). Under new Sec. 3, language added to AS 25.35.010(a) reads: "A minor child seeking relief available under this chapter must petition the court by or through a parent, guardian, or legal custodian." "Minor" added.

CS FOR SENATE BILL NO. 29 (JUD)(AM), (see pages 12;177;435;494).
Before the Senate on March 20. The Judiciary CS was adopted.

Amendment No. 1 by Sen. Rodey was adopted, 18-2 (DeVries & P. Fischer, Nay).

The amendment adds new Secs. 1 & 2 which repeal the spousal defense to rape. Sec. 1 adds new AS 11.41.443: "In a prosecution under AS 11.41.410 or 11.41.420, it is not a defense that the victim was, at the time of the alleged offense, the legal spouse of the defendant."

Sec. 2 amends AS 11.41.445(a), the existing spousal defense. Presently it is an affirmative defense to rape that, at the time of the offense, the victim was the legal spouse of the defendant "unless (1) the spouses were living apart; or (2) the defendant caused physical injury to the victim." Amended to provide that it is an affirmative defense that the victim was the legal spouse "unless the offense was committed without the consent of the victim."

Amends title to read: "An Act relating to domestic violence and domestic sexual offenses." The title change was adopted.

The bill then passed, 19-1. Nays: DeVries.

CS FOR SENATE BILL NO. 29 (JUD)(AM), (see pages 12;177;435; 482). Received in the House March 22 and referred to Health, Education & Social Services, Judiciary.

CS FOR SENATE BILL NO. 29 (JUD)(AM), (see pages 12;177;435; 482;494). Reported back to the House April 12 by Health, Education & Social Services recommending it do pass. Concurring: Koponen and Gruenberg (Co-Chairs), Hurley and Thompson. Not concurring: Taylor has no recommendation. To Judiciary.

CS FOR SENATE BILL NO. 29 (JUD)(AM), (see pages 12;177;435; 482;494;617). Reported back to the House April 15 by Judiciary recommending it do pass. Concurring: M. M. Miller (Chair), Clocksin, Sund and Gruenberg. Not concurring: Phillips and Taylor have no recommendation. To Rules.

