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COMMITTEE REPORT
SENATE

FURTHER: HESS
JUDICIARY

1/21/85

Date MARCH 12, 1985

Mr. President

The Committee on STATE AFFAIRS considered SB 67
service of domestic violence injunctions.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 67
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Bill Ray

MEMBERS HAVING
OTHER RECOMMENDATIONS

W. J. ...
T. ...

W. J. ...
Chairman

...
Chairman recommendation

Edwards
2/22/85 ✓

Original sponsor: Rules/Governor

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 67 (State Affairs)

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 the service of domestic violence
7 injunctions."

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

9 * Section 1. AS 22.20.110 is amended to read:

10 Sec. 22.20.110. DUTY OF THE COMMISSIONER IN THE COURT OF AP-
11 PEALS, THE SUPERIOR COURT AND DISTRICT COURTS. When required by the
12 supreme court, and except as otherwise provided in AS 25.35.040, the
13 commissioner shall serve and execute all process issued by the court
14 of appeals, the superior court, and the district courts; [,] attend to
15 and wait upon grand and petit juries; [,] maintain order; [,] attend
16 the sessions of the courts; [,] and exercise the power and perform the
17 duties concerning all matters within the jurisdiction of the courts as
18 may be assigned. The commissioner is the executive officer of the
19 court of appeals, the superior court, and district courts.

20 * Sec. 2. AS 25.35.040 is amended to read:

21 Sec. 25.35.040. SERVICE OF PROCESS. Process issued under
22 AS 25.35.010 or 25.35.020 shall be promptly served and executed. If
23 process is to be served upon a person believed to be present or resid-
24 ing in a municipality, as defined in AS 29.78.010, or in an
25 unincorporated community, process shall be served by a peace officer
26 of that municipality or unincorporated community. If a peace officer
27 of that municipality or unincorporated community [A STATE PEACE
28 OFFICER] is not available, a superior court, district court, or
29 magistrate may designate any other peace officer to serve and execute

1 process issued under AS 25.35.010 or 25.35.020. A peace officer shall
2 use every reasonable means to serve process issued under AS 25.35.010
3 or 25.35.020.
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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.

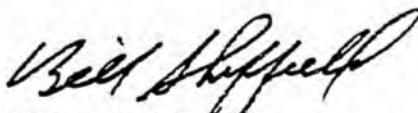
In many cases, a local police officer was called to the domestic disturbance that gave rise to the need to obtain a domestic violence injunction. The officer may even have transported the victim of the assault to the local magistrate or judge to obtain the order. To require that the resulting court order 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

~~John H. ...~~ 8567

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

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: 67
 Title: SERVICE OF DOMESTIC
 VIOLENCE INJUNCTIONS
 Sponsor: _____
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: PUBLIC SAFETY
 Program Category Affected: _____
ALASKA STATE TROOPERS
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

NO FISCAL IMPACT

Prepared By: PAUL CONGER Phone: 465-4338
 Division: ADMINISTRATIVE SERVICES Date: 12-6-84
 Approved by Commissioner: [Signature] Date: 12/11/84
 Agency: PUBLIC SAFETY

Distribution (by Agency preparing fiscal note):

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

7/1/84

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH N
JUNEAU, ALASKA 99811
PHONE: 465-4322

February 28, 1985

The Honorable Mitch Abood
Chairman, Senate Transportation Committee
Alaska State Senate
Pouch V
Juneau, AK 99811

Dear Senator Abood:

During the hearing on Senate Bill 67 "Service of Domestic Violence Injunctions", you had asked this Department to provide the cost factor directly attributed to the service of Domestic Violence Injunctions in Anchorage.

Based on the 1094 injunctions served in that community in 1984, the computation is as follows:

1755 man hours are available for one Trooper year.

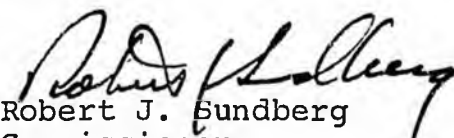
The average service of an injunction is 1.5 hours. This equates to 1641 man hours or 93.5% of one Trooper's time. Thus it would take one man year.

One Trooper costs (included are benefits and personal equipment) \$52,426.00.

One vehicle (included is radio and emergency equipment) \$16,000.00.

The total sum is \$68,426.00.

Sincerely,


Robert J. Sundberg
Commissioner

RECEIVED
MAR 1 1985

~~Position Paper Dept of Public Safety~~

Sec. 44.66.050. Legislative oversight. (a) Before the termination, dissolution, continuation or reestablishment of a board or commission under AS 08.03.010 or AS 44.66.010, or of an agency program under AS 44.66.020 and 44.66.030, a committee of reference of each house, which shall be the standing committee of legislative jurisdiction as provided in the Uniform Rules of the Legislature, shall hold one or more hearings to receive testimony from the public, the commissioner of the department having administrative responsibility for each named board, commission, or agency program, and the members of the board or commission involved. The hearings may be joint hearings. The committee shall also consider the proposed budget of the board, commission, or agency program, prepared in accordance with AS 37.07.050(f), and the performance audit of the activities of the board, commission, or agency program, prepared by the legislative audit division as prescribed in AS 24.20.271(1). The committee may consider any other report of the activities of the board, commission or program, including but not limited to annual reports, summaries prepared by the Legislative Affairs Agency, and any evaluation or general report of the manner of conduct of activities of the board, commission, or agency program prepared by the office of the ombudsman.

(b) During a public hearing, the board, commission or agency shall have the burden of demonstrating a public need for its continued existence or the continuation of the program, and the extent to which any change in the manner of exercise of its functions or activities may increase efficiency of administration or operation consistent with the public interest.

(c) A determination as to whether a board or commission or agency program has demonstrated a public need for its continued existence shall take into consideration the following factors:

(1) the extent to which the board, commission or program has operated in the public interest;

(2) the extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters;

(3) the extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest;

(4) the extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided;

(5) the extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions;

Statute Reference

3 amendment, substituted
2" in paragraph (a)(3).
1983 amendment, added

3 amendment, substituted
3" in paragraph (a)(2).
1983 amendment, substi-
or "1983" in paragraph

94 amendment repealed
, which provided a ter-
or the Alaska Resources

1984 amendment substi-
"1984" in paragraph (1) of

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Senate Journal, p. 1424,
Journal, p. 1939.

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natural resources
January, 1983.

(a) of this section
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