

HB

340

BILL NO: HB 340

DATE: February 15, 1990

TITLE: Assault in violation of a
restraining order

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DEPARTMENT OF
PUBLIC SAFETY
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The Council on Domestic Violence and Sexual Assault supports HB 340 which makes possession of a weapon by a person who harasses or trespasses in violation of a domestic violence restraining order a Class C felony. The legislation accomplishes this by including two new provisions in the crime of misconduct involving weapons in the first degree: possessing a weapon while trespassing or harassing a person in violation of a restraining order. This change in statute is important because domestic violence situations can be very dangerous; the possession of a gun escalates the possibility of serious injury or death. Making these circumstances felony crimes reinforces the seriousness of these situations and provides greater scrutiny and control over the offender through various means, including supervised probation.

The need for this legislation is well documented. In 1988, firearms were used in 62% of the murders in Alaska. Forty-three percent of the murders in Alaska were either family members or in boyfriend-girlfriend relationships. Nationally, in 1988, firearms were used in 61% of the murders; 19% of the murders were committed by family members or a boyfriend-girlfriend. For female murder victims nationwide, 31% were slain by husband or boyfriends, and 5% of the male victims were killed by wives or girlfriends. These figures demonstrate both how frequently guns are used in murders, and how often the victims are people who are in a relationship where a domestic violence restraining order could be used.

The Council supports the passage of HB 340.

Arthur English

ARTHUR ENGLISH
Commissioner