

HB

317

HFIN

FILE

# HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 9, 2002

FURTHER REFERRALS:

Date of Committee Action: ~~4/9~~ 4/16/02

The FINANCE Committee considered:

HB 317

HOUSE BILL NO. 317

STALKING & PROTECTIVE ORDERS

"An Act relating to stalking and amending Rule 4, Alaska Rules of Civil Procedure, and Rule 9, Alaska Rules of Administration."

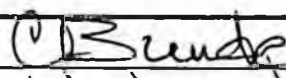
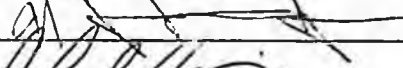
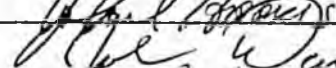
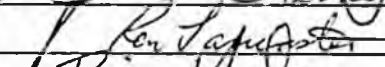
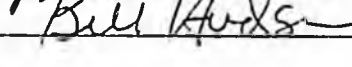
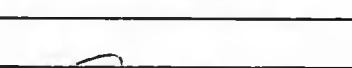
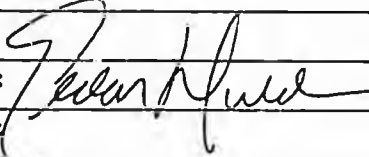
Recommends it be replaced with CS HB 317 (FIN) [ ] Same Title [ ] New Title  
 For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR \_\_\_\_\_

- [ ] attach amendments
- [ ] add new referral to \_\_\_\_\_ Committee
- [ ] Letter of Intent \_\_\_\_\_ Committee

List of Abbrev. for Depts.:  
 ADM  
 CED  
 COR  
 CRT  
 EED  
 DEC  
 DFG  
 GOV  
 HSS  
 LAA  
 LAW  
 LWF  
 MYA  
 DNR  
 DPS  
 REV  
 DOT  
 UA

<u>NEW FISCAL NOTES</u>				
*For Chief Clerk's Office Use Only				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
DPS				✓

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
LAW	#1			✓
DOC	#2		✓	
DOA	#3		✓	

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Bunde	✓			
	Whitaker	✓			
	HARRIS	✓			
	DAVIES	✓			
	Lancaster	✓			
	Hudson	✓			
Chair: 	Mulder	✓			
Chair:					

# FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: CSHB 317(JUD)  
(H) Publish Date: 4/9/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
Title: "An Act relating to stalking and amending Rule BRU Criminal Division  
4, Alaska Rules of Civil Procedure, and Rule 9 . . ." Component 1st-4th Judicial Districts; Crminal  
Sponsor: Representative Crawford Appeals/Special Litigation  
Requester: House Judiciary Committee Component No. 2198-99:2201/03/61/79

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

HB 317 would allow a person who believes they are a stalking victim to petition the court to grant a protective order to keep the alleged stalker away from them.

While passage of this bill will create new prosecutions, the Department of Law does not anticipate a significant fiscal impact.

Prepared by: Joan M. Kasson Phone (907) 465-5370  
Division: Attorney General's Office Date/Time 3/1/02 1:18 PM  
Approved by: Kathryn Daughhetea for Bruce M. Botelho, Attorney General Date 3/1/2002  
Agency: Department of Law

# FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

Fiscal Note Number: 2  
Bill Version: CSHB 317(JUD)  
(H) Publish Date: 4/9/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Corrections  
Title An Act relating to stalking and amendi BRU Administration and Operations  
Rule 4, Alaska Rules of Civil Procedure..... Component All  
Sponsor Representative Crawford  
Requester House Judiciary Component No. 64

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Heal'h						
Other (Specify Type-Do not abbreviate)						
<b>TOTAL</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>	<b>***</b>

Estimate of any current year (FY2002) cost: 0.0  
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This legislation creates a new provision to include protective orders related to non-domestic violence stalking. In addition, it includes a violation of this protective order to AS 11.56.740(a). That creates a new provision to the crime of "violating a protective order".

It is expected that there will be relatively few stalking protective orders. In order to obtain a stalking protective order, the victim essentially has to prove that the stalking occurred, and then the stalker can be arrested which will probably be the preferred response. We do not currently have the availability of the protective orders so we do not know how many will be issued, and then subsequently violated, therefore, we are submitting an indeterminate fiscal note.

Prepared by: Candace Brower Phone 465-4652  
Division: Commissioner's Office Date/Time 3/5/02 2:33 PM  
Approved by: Margaret Pugh, Commissioner Date 3/5/02  
Agency: Department of Corrections.

# FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

Fiscal Note Number: 3  
Bill Version: CSHB 317(JUD)  
(H) Publish Date: 4/9/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
Title: "An Act relating to stalking..." BRU: Legal and Advocacy Services  
Component: Public Defender Agency  
Sponsor: Rep. Crawford  
Requester: (H) JUD Component No.: 1631

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	.	.	.	.	.	.
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	.	.	.	.	.	.

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	.	.	.	.	.	.
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	.	.	.	.	.	.

Estimate of any current year (FY2002) cost: 0.0  
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
See attached.

Prepared by: Barbara Brink, Director Phone (907) 334-4416  
Division: Public Defender Agency Date/Time 3/6/02 11:18 AM  
Approved by: Jim Duncan, Commissioner Date 3/6/2002  
Agency: Department of Administration

FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

BILL NO. CSHB 317(JUD) - FN#3

**ANALYSIS CONTINUATION**

This legislation would create a new section in the protective order statutes to provide for the application and issuance of a protective order for victims of the crime of stalking, that is not a crime of domestic violence. Under the proposed legislation, if a person allegedly violates the protective order, they may be prosecuted for the crime of violating a protective order, a class A misdemeanor.

This legislation will likely have a fiscal impact on the Public Defender Agency, because it broadens the scope of the crime of violating a protective order, which will likely result in more cases, handled by the Agency, charging a violation of this crime. However it is not possible to predict with any certainty the number of new cases this bill will generate, therefore an indeterminate fiscal note is submitted.

# FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: CSHB 317(JUD)  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DPS  
Title An Act relating to stalking . . . BRU Statewide Support  
Component APSIN  
Sponsor Representative Crawford  
Requester House Finance Component No. 528

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2002) cost: 0.0  
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill will have no fiscal impact on the department.

Prepared by: Diane Schenker, Administrative Manager, CJIS Phone (907) 269-5092  
Division Administrative Services Date/Time 4/15/02 2:26 PM  
Approved by: Commissioner Glenn Godfrey Date 4/15/2002  
Agency Department of Public Safety

2700

Amendment #1

OFFERED IN THE HOUSE FINANCE COMMITTEE BY: REP. DAVIES

TO: CSHB 317 (JUD)

adopted  
u/c.

10  
Page 3, lines 17 after "(c)" insert  
"1 & 2" *Protection*  
*delete "Provided"*  
*insert "allowed"*

Page 3, lines 29 after "(c)" insert  
"1 & 2" *Protection*  
*delete "Provided"*  
*insert "allowed"*

Page 5, line 27 after "AS 11.56.740" insert  
"(a)(1)"

N10  
adopted

4-16-02

Amendment #1

OFFERED IN THE HOUSE FINANCE COMMITTEE BY: REP. DAVIES

TO: CSHB 317 (JUD)

change Page 3, lines 17 after "(c)" insert  
~~"1 & 2"~~

change Page 3, lines 29 after "(e)" insert  
~~"1 & 2"~~

okay Page 5, line 27 after "AS 11.56.740" insert  
"(a)(1)"

NO  
adopted

4-16-02

Amendment #2

OFFERED IN THE HOUSE FINANCE COMMITTEE BY: REP. DAVIES

TO: CSHB 317 (JUD)

Page 4, lines 31 after "charged."

Delete: "for filing the petition."

Insert: "in any action seeking only the relief provided in this chapter."

1

Alaska State Legislature  
House of Representatives

Alaska State Capitol  
Juneau, Alaska 99801-1182  
1-907-465-3438 (phone)  
1-888-478-3438 (toll free)  
1-907-465-4565 (fax)



Interim Address  
716 West Fourth Avenue  
Anchorage, Alaska 99501-2133  
(phone) 1-907-269-0100  
(fax) 1-907-269-0105

Representative Harry Crawford  
District 22

**REPRESENTATIVE HARRY CRAWFORD  
SPONSOR STATEMENT FOR HB 317**

HB 317 closes a dangerous loophole in the Alaska statutes, by allowing unacquainted victims of stalking to enjoy the security of a judicial protective order. Current law provides protection to those in domestic situations and minor children, but enjoins the victims of strangers from equal protection of the law. HB 317 allows the victims of stalking to seek and obtain a protective order in cases of stalking that are not crimes involving domestic violence. The bill streamlines the process for public safety and judicial practitioners by harmonizing the arrest and notification procedures to mirror those already in place for domestic violence situations. The bill adds the crime of violation of a child protective order and of a violation of a stalking protective order, these changes also reflect existing practitioner procedures.

I urge your support for this necessary change in the law.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101


State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

February 20, 2002

**SUBJECT:** Sectional Summary (CSHB 317( ), "F" Version, Draft,  
Dated 2/14/02, Work Order No. 22-LS1258\F)

**TO:** Representative Harry Crawford  
Attn: Dave

**FROM:** Gerald P. Luckhaupt   
Legal Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1. Amends AS 04.11.494(e)(1)(B) to provide a conforming change to the change made in sec. 2 of the CS( ).

Section 2. Amends the existing crime of violating a protective order, AS 11.56.740(a), by adding violations of stalking protective orders, sec. 5 of the CS( ), and child protective injunctions under AS 47.17.069 as alternative ways to commit this crime.

Section 3. Amends AS 12.25.030(b) to provide a conforming change to the change made in sec. 2 of the CS( ).

Section 4. Amends AS 18.65.530(a) to provide a conforming change to the change made in sec. 2 of the CS( ).

Section 5. Amends AS 18.65 by adding new sections that provide for the issuance of protective orders in cases of stalking, that are not crimes involving domestic violence.

Section 6. Amends AS 18.65.990(3) to provide a conforming change to the change made in sec. 2 of the CS( ).

Section 7. Provides notice that sec. 5 includes an indirect amendment to a court rule.

GPL:lmb  
02-029.lmb

1 **Approved**

Submitted by: Assemblymembers TAYLOR, Tesche,  
Von Gemmingen

Prepared by: Department of Assembly

For reading: March 19, 2002

2  
3 Date: 3/19/02

4  
5  
6 ANCHORAGE, ALASKA  
7 AR NO. 2002-85  
8

9 A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY SUPPORTING HOUSE BILL  
10 NO. 317, "AN ACT RELATING TO STALKING AND AMENDING RULE 4, ALASKA RULES OF  
11 CIVIL PROCEDURE, AND RULE 9, ALASKA RULES OF ADMINISTRATION."  
12

13  
14 WHEREAS, according to the Anchorage Police Department, there were 22 reported cases  
15 of stalking in the year 2000 which may not reflect the number of possible other victims who were  
16 too fearful to come forward; and

17  
18 WHEREAS, current law provides protection to those in domestic situations and minor  
19 children, but does not protect victims who are stalked by strangers; and

20  
21 WHEREAS, House Bill No. 317 (HB 317), introduced by Representative Crawford, proposes  
22 to close a dangerous loophole in the current Statutes by providing equal protection to those being  
23 stalked by a stranger; and

24  
25 WHEREAS, HB 317 would allow the victims of stalking to seek and obtain a protective order  
26 in cases of stalking that are not crimes involving domestic violence, and would also streamline the  
27 process by integrating the arrest and notification procedures to mirror the current law for domestic  
28 violence situations; and

29  
30 WHEREAS, upon passage, HB 317 would provide three different types of protective orders  
31 to include an emergency order for three days, another order for 20 day, and one for six months and  
32 longer; and

33  
34 WHEREAS, HB 317 represents a long overdue law and it is only fair that any citizen who  
35 believes that their life is threatened, whether by the known or the unknown, are protected and  
36 provided a sense of security within the community.

37  
38 NOW, THEREFORE, the Anchorage Assembly resolves:

39  
40 Section 1: That the Anchorage Assembly supports and urges passage of House Bill No.  
41 317.

42  
43 Section 2: That copies of this resolution be forwarded to the Alaska State Legislature and  
44 the Governor immediately upon passage and approval.

45  
46 PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_,  
47 2002.

48  
49  
50 \_\_\_\_\_  
51 Chair

52 ATTEST:

53  
54  
55 \_\_\_\_\_  
56 Municipal Clerk

Fwd: HB 317 Re: Stalking]

**Subject:** [Fwd: HB 317 Re: Stalking]

**Date:** Tue, 26 Feb 2002 08:10:32 -0900

**From:** Representative Norman Rokeberg <Representative\_Norman\_Rokeberg@legis.state.ak.us>

**Organization:** Alaska State Legislature

**To:** Heather\_Nobrega@legis.state.ak.us

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**Subject:** HB 317 Re: Stalking

**Date:** Mon, 25 Feb 2002 17:22:11 -0900

**From:** "Fay Von Gemmingen" <fayvong@alaska.com>

**To:** <Representative\_Norman\_Rokeberg@legis.state.ak.us>

**CC:** <Representative\_Scott\_Ogan@legis.state.ak.us>

Representative Rokeberg:

I am writing in support of HB 317 and urge you to schedule it for a public hearing in Judiciary Committee. In Anchorage, we call it the "Mary Wells Law" because of the terror she and her family went through. She works for a non profit organization, and one of the clients pursued her and terrorized her and her family.

She wanted to file a domestic relations order to try to keep him away, but the judge said she couldn't because there was no relationship. The judge, municipal prosecutors, and Police Chief Monegan urged her to try to get the law changed.

That's how I got involved. She brought her story to me as co-chair of Alaska Municipal League's Local Government and Public Services subcommittee. This committee listened to her story and agreed that something must be done to prevent this horror story from happening again. We added a section to our AML policy to support this legislation.

I'm asking you to give it a chance, give it a public hearing. This issue is too important to women and their families.

Thank you,

Fay

Fay Von Gemmingen

fayvong@alaska.com

**Subject:** [Fwd: Stalking HB 317]

**Date:** Tue, 26 Feb 2002 08:11:09 -0900

**From:** Representative Norman Rokeberg <Representative\_Norman\_Rokeberg@legis.state.ak.us>

**Organization:** Alaska State Legislature

**To:** Heather\_Nobrega@legis.state.ak.us

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**Subject:** Stalking HB 317

**Date:** Mon, 25 Feb 2002 23:40:27 -0900

**From:** "gary l. wells" <wells1@gci.net>

**To:** Representative\_Norman\_Rokeberg@legis.state.ak.us

Norm, I am a registered Republican and so is the rest of my family on both sides (this, my husband Gary, told me to tell you)!

I work for Bean's Cafe in Anchorage as the Development Director. We provide basic services such as food, day shelter, emergency services, etc. for the Anchorage's poorest, homeless and children between the average age of 7-11 years. I do about two presentations a week from 35 to 1500 people. So I'm always in the public's eye. As such, it took even a long time to figure out who this guy was, where he came from and then to find no one could help. In over 26 years in nonprofit, I have never experienced anything like this. It was a scary time for my husband and kids. As a family, we made a commitment to work through this, not just for us but for all who have committed their life's work to human services. After doing all the research, this stuff happens to a lot of people, good people. And, they can't do anything about it.

There is nothing worse than knowing that I, as their Mom, the police man and the judges could not make the fear go away. My 5 year old became incontinent when the phone or door bell rang. The boys slept in my bed, would not take shower or go to the bathroom unless I was there physically holding them. I discovered that my 12 year old carried a little knife for "just in case" and didn't want me to know about. This guy tried to befriend my boys on top of that to try to get to me. In the end, I've spent the money in therapy for them and they have come out of it OK.

They also know that a bill is in progress. My hope is that I can tell them that aside from Harry Crawford, Norm Rokeberg is their other hero who will also co-sponsor the bill, a person who cares about other people and to the many other little "gals & guys" that stalking affects.

So, I'm sending you a copy of the letter I sent to everyone and this one is specially for you!

---

Mary A. Wells  
3665 Burl Court  
Anchorage, AK 99504  
Email: wells1@gci.net

February 25, 2002

Representative Norman Rokeberg  
State Capital  
Juneau, AK 99801

Dear Representative Rokeberg:

I want YOU to be a member of a group of HEROES that is together in Juneau to approve a stalking bill (HB 317) so it includes ALL VICTIMS. Currently, Protective Orders (Restraining Orders) are only applicable to member(s) of family(s) or, lived or living under the same roof or, dated or have dated or, have or have had a sexual relationship. This current law excluded my 5 and 12-year sons and myself - he was a stranger.

For almost three months my family was stalked and I kept calling the police. In November of 2001, something in the stalker's behavior, tone and actions changed. The increase in telephone calls day and night, his statements to us of "he was coming, on his way, going to have me, my children and for us to be ready" frightened us. The very day he said my children's names, I lost all fear and I started to prepare for what I needed to do to protect my babies - my sword, my friends, the police and the law.

Judge Murphy denied my boys and I the Protective Order from this person because the law didn't apply to us. His resolution was to protect us by police escort to AWAIC until things could be worked out. Further, Judge Murphy said in court "the law has to change." Fortunately, the Prosecuting Office did their job in identifying other laws broken to obtain sufficient information to arrest him. He pleaded guilty to all charges and was given four years.

Our Governor, Municipal League, Chief of Police, Prosecuting Office and so many folks, supports this bill. But I am learning this is not enough. We need you to immediately and urgently call, write or contact in any way:

Norm Rokeberg, Judiciary & Finance Committee Chair  
Members of the Judiciary & Finance Committee

And say, "We need to pass HB 317"

If you are in public, going shopping, giving public presentations, standing in a public line, perhaps it's someone in your Family, one of your Friends, your Neighbor, this can happen to them and to you too! Please be their HERO too!

Sincerely yours,

Mary A. Wells