

HB

317

*Adopted
4-8-02*

CS FOR HOUSE BILL NO. 317(JUD)

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION**

BY THE HOUSE JUDICIARY COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES CRAWFORD, Guess, Dyson

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to stalking and to violating a protective order; and amending Rules 4**
2 **and 65, Alaska Rules of Civil Procedure, and Rule 9, Alaska Rules of Administration."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1. AS 11.56.740(a) is amended to read:**

5 (a) A person commits the crime of violating a protective order if the person is
6 subject to a protective order

7 (1) issued or filed under AS 18.66 and containing a provision listed
8 in AS 18.66.100(c)(1) - (7) and knowingly commits or attempts to commit an act in
9 violation of that provision; or

10 (2) issued under AS 18.65.850, 18.65.855, or 18.65.860 and
11 knowingly commits or attempts to commit an act in violation of the order.

12 *** Sec. 2. AS 18.65.530(a) is amended to read:**

13 (a) Except as provided in (b) or (c) of this section, a peace officer, with or
14 without a warrant, shall arrest a person if the officer has probable cause to believe the

1 person has, either in or outside the presence of the officer, within the previous 12
2 hours,

3 (1) committed domestic violence, except an offense under
4 AS 11.41.100 - 11.41.130, whether the crime is a felony or a misdemeanor;

5 (2) committed the crime of violating a protective order in violation of
6 AS 11.56.740(a)(1) [AS 11.56.740];

7 (3) violated a condition of release imposed under AS 12.30.027.

8 * Sec. 3. AS 18.65 is amended by adding new sections to read:

9 **Article 11. Stalking Protective Orders and Notifications to Stalking Victims.**

10 **Sec. 18.65.850. Protective orders for stalking.** (a) A person who reasonably
11 believes that the person is a victim of stalking that is not a crime involving domestic
12 violence may file a petition in the district or superior court for a stalking protective
13 order against a respondent who is alleged to have committed the stalking. A parent or
14 guardian may file a petition on behalf of a minor.

15 (b) When a petition for a protective order is filed, the court shall schedule a
16 hearing and provide at least 10 days' notice to the respondent of the hearing and of the
17 respondent's right to appear and be heard, either in person or through an attorney. If
18 the court finds by a preponderance of evidence that the respondent has committed
19 stalking against the petitioner, regardless of whether the respondent appears at the
20 hearing, the court may order any relief available under (c) of this section. The
21 provisions of a protective order issued under this section are effective for six months
22 unless earlier dissolved by the court.

23 (c) A protective order issued under this section may

24 (1) prohibit the respondent from threatening to commit or committing
25 stalking;

26 (2) prohibit the respondent from telephoning, contacting, or otherwise
27 communicating directly or indirectly with the petitioner or a designated household
28 member of the petitioner specifically named by the court;

29 (3) direct the respondent to stay away from the residence, school, or
30 place of employment of the petitioner, or any specified place frequented by the
31 petitioner; however, the court may order the respondent to stay away from the

1 respondent's own residence, school, or place of employment only if the respondent has
2 been provided actual notice of the opportunity to appear and be heard on the petition.

3 (d) If the court issues a protective order under this section, the court shall

4 (1) make reasonable efforts to ensure that the order is understood by
5 the petitioner and by the respondent, if present; and

6 (2) have the order delivered to the appropriate local law enforcement
7 agency for expedited service.

8 **Sec. 18.65.855. Ex parte and emergency protective orders for stalking.** (a)

9 A person who reasonably believes that the person is a victim of stalking that is not a
10 crime involving domestic violence may file a petition under AS 18.65.850 and request
11 an ex parte protective order. If the court finds that the petition establishes probable
12 cause that the crime of stalking has occurred, that it is necessary to protect the
13 petitioner from further stalking, and that the petitioner has certified to the court in
14 writing the efforts, if any, that have been made to provide notice to the respondent, the
15 court shall ex parte and without notice to the respondent issue a protective order. An
16 ex parte protective order under this section may grant the protection provided by
17 AS 18.65.850(c). An ex parte protective order expires 20 days after it is issued unless
18 dissolved earlier by the court at the request of either the petitioner or the respondent
19 after notice and, if requested, a hearing. If the court issues an ex parte protective
20 order, the court shall have the order delivered to the appropriate law enforcement
21 agency for expedited service.

22 (b) A peace officer, on behalf of and with the consent of a victim of stalking
23 that is not a crime involving domestic violence, may request an emergency protective
24 order from a judicial officer. The request may be made orally or in writing based on
25 the sworn statement of a peace officer, and in person or by telephone. If the court
26 finds probable cause to believe that the petitioner is in immediate danger of stalking
27 based on an allegation of the recent commission of stalking, the court ex parte shall
28 issue an emergency protective order. An emergency protective order may grant the
29 protection provided in AS 18.65.850(c). An emergency protective order expires 72
30 hours after it is issued unless dissolved earlier by the court at the request of the
31 petitioner. A peace officer who obtains an emergency protective order under this

1 section shall

2 (1) place the provisions of an oral order in writing on a form provided
3 by the court and file the written order with the issuing court by the end of the judicial
4 day after the order is issued;

5 (2) provide a copy of the order to the petitioner; and

6 (3) serve a copy of the order on the respondent.

7 **Sec. 18.65.860. Modification of protective orders for stalking.** (a) Either
8 the petitioner or the respondent may request modification of a protective order issued
9 under AS 18.65.850 or 18.65.855(a). If a request is made for modification of

10 (1) a protective order, after notice and hearing under AS 18.65.850, the
11 court shall schedule a hearing within 20 days after the date the request is made, except
12 that, if the court finds that the request is meritless on its face, the court may deny the
13 request without a hearing; or

14 (2) an ex parte protective order under AS 18.65.855(a), the court shall
15 schedule a hearing on three days' notice or on shorter notice as the court may
16 prescribe.

17 (b) If the court modifies a protective order under this section, the court shall
18 issue a modified order and shall

19 (1) make reasonable efforts to ensure that the order is understood by
20 the petitioner and by the respondent, if present at the hearing, and

21 (2) have the order delivered to the appropriate local law enforcement
22 agency for expedited service.

23 **Sec. 18.65.865. Service of process; forms for petitions and orders; fees;
24 warnings; and notification.** (a) Service of process of an order issued by the court
25 under AS 18.65.850 - 18.65.860 shall be as provided in AS 18.66.160 for service of
26 process of domestic violence protective orders.

27 (b) The Alaska Court System shall prepare forms for petitions and protective
28 orders and instructions for their use by a person seeking a protective order under
29 AS 18.65.850 - 18.65.860. The forms must conform to the Alaska Rules of Civil
30 Procedure, except that information on the forms may be filled in by legible
31 handwriting. Filing fees may not be charged for filing the petition. Each protective

1 order form must contain the following warning in boldface type: "Violation of this
2 order may be a misdemeanor punishable by up to one year of incarceration and a fine
3 of up to \$5,000."

4 (c) The Department of Public Safety shall develop and make available to law
5 enforcement agencies in the state a notice that details the rights of victims of stalking
6 and the services available to them. The form must be similar to that provided to
7 victims of domestic violence under AS 18.65.520. A peace officer investigating a
8 stalking offense shall provide the form to the victim.

9 **Sec. 18.65.870. Definitions.** In AS 18.65.850 - 18.65.870,

10 (1) "crime involving domestic violence" has the meaning given in
11 AS 18.66.990;

12 (2) "household member" has the meaning given in AS 18.66.990;

13 (3) "stalking" means a violation of AS 11.41.260 or 11.41.270.

14 * **Sec. 4.** AS 18.66.990(3) is amended to read:

15 (3) "domestic violence" and "crime involving domestic violence" mean
16 one or more of the following offenses or an offense under a law or ordinance of
17 another jurisdiction having elements similar to these offenses, or an attempt to commit
18 the offense, by a household member against another household member:

19 (A) a crime against the person under AS 11.41;

20 (B) burglary under AS 11.46.300 - 11.46.310;

21 (C) criminal trespass under AS 11.46.320 - 11.46.330;

22 (D) arson or criminally negligent burning under AS 11.46.400 -
23 11.46.430;

24 (E) criminal mischief under AS 11.46.480 - 11.46.486;

25 (F) terroristic threatening under AS 11.56.810;

26 (G) violating a protective [DOMESTIC VIOLENCE] order
27 under AS 11.56.740; or

28 (H) harassment under AS 11.61.120(a)(2) - (4);

29 * **Sec. 5.** AS 22.15.100(9) is amended to read:

30 (9) to issue a protective order in cases involving

31 (A) domestic violence as provided in AS 18.66.100 -

1 18.66.180; or

2 (B) stalking as provided in AS 18.65.850 - 18.65.870;

3 * Sec. 6. The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 INDIRECT COURT RULE AMENDMENTS. (a) AS 18.65.865, added by sec. 3 of
6 this Act, has the effect of amending Rule 4, Alaska Rules of Civil Procedure, and Rule 9,
7 Alaska Rules of Administration, relating to fees and service of process for protective orders
8 for victims of stalking.

9 (b) AS 18.65.850 - 18.65.870, added by sec. 3 of this Act, have the effect of
10 amending Rule 65, Alaska Rules of Civil Procedure, relating to temporary restraining orders,
11 the method of obtaining those orders, and the timing of those orders.

Rolled into a — All the amendments
CS

AMENDMENT 1

OFFERED IN THE HOUSE

BY REPRESENTATIVE CRAWFORD

TO: CSHB 317 (L&C), Draft Version "J"

- 1 Page 4, line 17:
- 2 Remove:
- 3 (2) a temporary
- 4
- 5 Insert:
- 6 (2) an ex-parte

AMENDMENT 2

OFFERED IN THE HOUSE

BY REPRESENTATIVE CRAWFORD

TO:CSHB 317 (L&C), Draft Version "J"

1 Page 5, line 5:

2 Add:

3 (D) When a petition is filed under this paragraph,
4 the court shall schedule a hearing and provide at least 10 days'
5 notice to the respondent of the hearing and of the respondent's right to
6 appear and be heard, either in person or by any attorney.

7

AMENDMENT 3

OFFERED IN THE HOUSE

BY REPRESENTATIVE CRAWFORD

TO:CSHB 317 (L&C), Draft Version "J"

- 1 Page 4, line 9
2 Delete:
3 (b) [AFTER RECEIVING A PETITION UNDER (a) OF THIS
4 SECTION, a] court may grant
5
6 Add:
7 (b) A court may grant
8
9 Page 4, line 10
10 Add:
11 (1) an emergency protective order if [THE COURT FINDS], upon
12 a sworn oral or written application by a peace officer with the
13 consent of the alleged victim, that
14
15
16 Page 4, line 14:
17 Add:
18 (B) the protective order is necessary to protect the petitioner
19 from **immediate danger of further stalking**

AMENDMENT 4

OFFERED IN THE HOUSE

BY REPRESENTATIVE CRAWFORD

TO:CSHB 317 (L&C), Draft Version "J"

1 Page 5, line 10:

2 Remove:

3 (d) a parent or guardian may file a petition for a protective order
4 under this section on behalf of a minor. [A PEACE OFFICER MAY
5 MAKE A WRITTEN OR ORAL APPLICATION FOR AN
6 EMERGENCY PROTECTIVE ORDER UNDER THIS SECTION ON
7 BEHALF OF, AND WITH THE CONSENT OF, THE STALKING
8 VICTIM].

AMENDMENT 5

OFFERED IN THE HOUSE

BY REPRESENTATIVE CRAWFORD

TO:CSHB 317 (L&C), Draft Version "J"

- 1 Page 4, line 28
- 2 Remove:
- 3 (3) [an extended] protective order
- 4
- 5 Insert:
- 6 (2) a protective order

*Adopted
3.6.02*

22-LS1258J
Luckhaupt
3/5/02

*Crawford
3502*

CS FOR HOUSE BILL NO. 317()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION**

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES CRAWFORD, Guess

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to stalking and to violating a protective order or injunction; and**
2 **amending Rule 4, Alaska Rules of Civil Procedure, and Rule 9, Alaska Rules of**
3 **Administration."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1. AS 04.11.494 (e) is amended to read:**

6 (e) A person is disqualified as described under (b)(9) of this section due to the
7 person's criminal record if less than

8 (1) two years has elapsed from the person's unconditional discharge
9 due to a conviction or adjudication as a delinquent for any of the following offenses or
10 a law or ordinance from another jurisdiction with similar elements:

11 (A) driving while intoxicated under AS 28.35.030 or refusal to
12 submit to a chemical test under AS 28.35.032; or

13 (B) a crime involving domestic violence, as that term is defined
14 under AS 18.66.990, or violating a protective order or iniunction under

1 AS 11.56.740;

2 (2) five years has elapsed from the person's unconditional discharge
3 due to a conviction or adjudication as a delinquent for any of the following offenses or
4 a law or ordinance from another jurisdiction with similar elements:

5 (A) a felony violation or a felony attempt to commit a violation
6 of AS 11.41; or

7 (B) a misdemeanor violation of or a misdemeanor attempt to
8 violate a provision in this title; or

9 (3) 10 years has elapsed from the person's unconditional discharge due
10 to a conviction or adjudication as a delinquent for a felony violation or a felony
11 attempt to violate a provision of this title or a law or ordinance from another
12 jurisdiction with similar elements.

13 * Sec. 2. AS 11.56.740(a) is amended to read:

14 (a) A person commits the crime of violating a protective order or injunction
15 if the person

16 (1) is subject to a

17 (A) protective order

18 (i) issued or filed under AS 18.66 and containing a
19 provision listed in AS 18.66.100(c)(1) - (7); or

20 (ii) issued under AS 18.65.850; or

21 (B) protective injunction issued under AS 47.17.069; and

22 (2) knowingly commits or attempts to commit an act in violation of a
23 [THAT] provision of the protective order or injunction.

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

25 (b) In addition to the authority granted by (a) of this section, a peace officer

26 (1) shall make an arrest under the circumstances described in
27 AS 18.65.530;

28 (2) without a warrant, may arrest a person if the officer has probable
29 cause to believe the person has, either in or outside the presence of the officer,

30 (A) committed a crime involving domestic violence, whether
31 the crime is a felony or a misdemeanor; in this subparagraph, "crime involving

1 domestic violence" has the meaning given in AS 18.66.990;

2 (B) committed the crime of violating a protective order or
3 injunction in violation of AS 11.56.740; or

4 (C) violated a condition of release imposed under
5 AS 12.30.025 or 12.30.027;

6 (3) without a warrant, may arrest a person when the peace officer has
7 reasonable cause for believing that the person has

8 (A) committed a crime under or violated conditions imposed as
9 part of the person's release before trial on misdemeanor charges brought under
10 AS 11.41.270;

11 (B) violated AS 04.16.050 or an ordinance with similar
12 elements; however, unless there is a lawful reason for further detention, a
13 person who is under the age of 18 and who has been arrested for violating
14 AS 04.16.050 or an ordinance with similar elements shall be cited for the
15 offense and released to the person's parent, guardian, or legal custodian; or

16 (C) violated conditions imposed as part of the person's release
17 before trial on felony charges brought under AS 11.41.410 - 11.41.458.

18 * Sec. 4. AS 18.65.530(a) is amended to read:

19 (a) Except as provided in (b) or (c) of this section, a peace officer, with or
20 without a warrant, shall arrest a person if the officer has probable cause to believe the
21 person has, either in or outside the presence of the officer, within the previous 12
22 hours,

23 (1) committed domestic violence, except an offense under
24 AS 11.41.100 - 11.41.130, whether the crime is a felony or a misdemeanor;

25 (2) committed the crime of violating a protective order or injunction
26 in violation of AS 11.56.740;

27 (3) violated a condition of release imposed under AS 12.30.027.

28 * Sec. 5. AS 18.65 is amended by adding new sections to read:

29 **Article 11. Stalking Protective Orders and Notifications to Stalking Victims.**

30 **Sec. 18.65.850. Protective orders for stalking.** (a) A person who reasonably
31 believes that the crime of stalking, that is not a crime involving domestic violence, is

1 being committed against the person by another may petition the district or superior
2 court for a protective order directing the person who is allegedly committing the
3 stalking to

4 (1) stay away from the home, school, business, or place of employment
5 of the petitioner and any other location specifically named by the court;

6 (2) refrain from contacting, intimidating, threatening, or otherwise
7 interfering with the petitioner or a family member of the petitioner specifically named
8 by the court.

9 (b) After receiving a petition under (a) of this section, a court may grant

10 (1) an emergency protective order if the court finds that

11 (A) the petition establishes probable cause that the respondent
12 has committed the crime of stalking against the petitioner;

13 (B) the protective order is necessary to protect the petitioner
14 from further stalking; and

15 (C) the petition does not order the respondent to stay away
16 from the respondent's own home, school, business, or place of employment;

17 (2) a temporary protective order if the court finds that

18 (A) the petition establishes probable cause that the respondent
19 has committed the crime of stalking against the petitioner;

20 (B) the protective order is necessary to protect the petitioner
21 from further stalking;

22 (C) the respondent has been served with or otherwise provided
23 notice of the petition; and

24 (D) the petition does not order the alleged stalker to stay away
25 from the alleged stalker's own home, school, business, or place of employment
26 unless the alleged stalker has been provided an opportunity to be heard on the
27 petition; or

28 (3) an extended protective order if the court finds, after a hearing, that

29 (A) by a preponderance of evidence, the respondent has
30 committed the crime of stalking against the petitioner;

31 (B) the protective order is necessary to protect the petitioner

1 from further stalking; and

2 (C) the respondent has been provided at least 10 days' notice of
3 the hearing and of the alleged stalker's right to appear and be heard, either in
4 person or by an attorney.

5 (c) A protective order is not effective until served upon the respondent. An
6 emergency protective order expires 72 hours after the date the order is issued. A
7 temporary protective order expires 20 days after the date the order is served on the
8 respondent. An extended protective order expires six months after the order is served
9 on the respondent.

10 (d) A parent or guardian may file a petition for a protective order under this
11 section on behalf of a minor. A peace officer may make a written or oral application
12 for an emergency protective order under this section on behalf of, and with the consent
13 of, the stalking victim.

14 (e) Either the petitioner or the respondent may request modification of a
15 protective order. The court may not grant a modification unless notice of the request
16 has been provided to the adverse party and the adverse party has been granted a
17 reasonable opportunity to be heard. A modified order issued under this subsection
18 replaces the protective order it modifies.

19 (f) A protective order issued by a court under this section shall be delivered to
20 the appropriate law enforcement agency for service on the respondent. Service of
21 process shall be as provided in AS 18.66.160 for service of process of domestic
22 violence protective orders.

23 (g) The Alaska Court System shall prepare forms for petitions and protective
24 orders and instructions for their use by a person seeking a protective order under this
25 section. Each protective order form must contain the following warning in boldface
26 type: "Violation of this order may be a misdemeanor, punishable by up to one year of
27 incarceration and up to a \$5,000 fine." Filing fees may not be charged for the filing of
28 a petition under this section."

29 (h) In this section, "crime involving domestic violence" has the meaning given
30 in AS 18.66.990.

31 **Sec. 18.65.855. Notification to stalking victims.** The Department of Public

1 Safety shall develop and make available to law enforcement agencies in the state a
2 notice that details the rights of victims of stalking, that is not a crime involving
3 domestic violence, and the services available to them. The form must be similar to
4 that provided to victims of domestic violence under AS 18.65.520. A peace officer
5 investigating a stalking offense shall provide the form to the victim. In this section,
6 "crime involving domestic violence" has the meaning given in AS 18.66.990.

7 * Sec. 6. AS 18.66.990(3) is amended to read:

8 (3) "domestic violence" and "crime involving domestic violence" mean
9 one or more of the following offenses or an offense under a law or ordinance of
10 another jurisdiction having elements similar to these offenses, or an attempt to commit
11 the offense, by a household member against another household member:

12 (A) a crime against the person under AS 11.41;

13 (B) burglary under AS 11.46.300 - 11.46.310;

14 (C) criminal trespass under AS 11.46.320 - 11.46.330;

15 (D) arson or criminally negligent burning under AS 11.46.400 -

16 11.46.430;

17 (E) criminal mischief under AS 11.46.480 - 11.46.486;

18 (F) terroristic threatening under AS 11.56.810;

19 (G) violating a protective [DOMESTIC VIOLENCE] order or

20 injunction under AS 11.56.740; or

21 (H) harassment under AS 11.61.120(a)(2) - (4);

22 * Sec. 7. The uncodified law of the State of Alaska is amended by adding a new section to
23 read:

24 INDIRECT COURT RULE AMENDMENTS. AS 18.65.850(f), added by sec. 5 of
25 this Act, has the effect of amending Rule 4, Alaska Rules of Civil Procedure, and Rule 9,
26 Alaska Rules of Administration, relating to service of process for protective orders for victims
27 of stalking.

22-LS1258F
Luckhaupt
2/14/02

Crawford
2-14-02

CS FOR HOUSE BILL NO. 317()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

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Sponsor(s): REPRESENTATIVES CRAWFORD, Guess

A BILL

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1 **"An Act relating to stalking and to violating a protective order or injunction; and**
2 **amending Rule 4, Alaska Rules of Civil Procedure and Rule 9, Alaska Rules of**
3 **Administration."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1. AS 04.11.494 (e) is amended to read:**

6 (e) A person is disqualified as described under (b)(9) of this section due to the
7 person's criminal record if less than

8 (1) two years has elapsed from the person's unconditional discharge
9 due to a conviction or adjudication as a delinquent for any of the following offenses or
10 a law or ordinance from another jurisdiction with similar elements:

11 (A) driving while intoxicated under AS 28.35.030 or refusal to
12 submit to a chemical test under AS 28.35.032; or

13 (B) a crime involving domestic violence, as that term is defined
14 under AS 18.66.990, or violating a protective order or injunction under

1 AS 11.56.740;

2 (2) five years has elapsed from the person's unconditional discharge
3 due to a conviction or adjudication as a delinquent for any of the following offenses or
4 a law or ordinance from another jurisdiction with similar elements:

5 (A) a felony violation or a felony attempt to commit a violation
6 of AS 11.41; or

7 (B) a misdemeanor violation of or a misdemeanor attempt to
8 violate a provision in this title; or

9 (3) 10 years has elapsed from the person's unconditional discharge due
10 to a conviction or adjudication as a delinquent for a felony violation or a felony
11 attempt to violate a provision of this title or a law or ordinance from another
12 jurisdiction with similar elements.

13 * Sec. 2. AS 11.56.740(a) is amended to read:

14 (a) A person commits the crime of violating a protective order or injunction
15 if the person

16 (1) is subject to a

17 (A) protective order

18 (i) issued or filed under AS 18.66 and containing a
19 provision listed in AS 18.66.100(c)(1) - (7); or

20 (ii) issued under AS 18.65.850; or

21 (B) protective injunction issued under AS 47.17.069; and

22 (2) knowingly commits or attempts to commit an act with reckless
23 disregard that the act violates or would violate a [IN VIOLATION OF THAT]
24 provision of the protective order or injunction.

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

26 (b) In addition to the authority granted by (a) of this section, a peace officer

27 (1) shall make an arrest under the circumstances described in
28 AS 18.65.530;

29 (2) without a warrant, may arrest a person if the officer has probable
30 cause to believe the person has, either in or outside the presence of the officer,

31 (A) committed a crime involving domestic violence, whether

1 the crime is a felony or a misdemeanor; in this subparagraph, "crime involving
2 domestic violence" has the meaning given in AS 18.66.990;

3 (B) committed the crime of violating a protective order or
4 injunction in violation of AS 11.56.740; or

5 (C) violated a condition of release imposed under
6 AS 12.30.025 or 12.30.027;

7 (3) without a warrant, may arrest a person when the peace officer has
8 reasonable cause for believing that the person has

9 (A) committed a crime under or violated conditions imposed as
10 part of the person's release before trial on misdemeanor charges brought under
11 AS 11.41.270;

12 (B) violated AS 04.16.050 or an ordinance with similar
13 elements; however, unless there is a lawful reason for further detention, a
14 person who is under the age of 18 and who has been arrested for violating
15 AS 04.16.050 or an ordinance with similar elements shall be cited for the
16 offense and released to the person's parent, guardian, or legal custodian; or

17 (C) violated conditions imposed as part of the person's release
18 before trial on felony charges brought under AS 11.41.410 - 11.41.458.

19 * Sec. 4. AS 18.65.530(a) is amended to read:

20 (a) Except as provided in (b) or (c) of this section, a peace officer, with or
21 without a warrant, shall arrest a person if the officer has probable cause to believe the
22 person has, either in or outside the presence of the officer, within the previous 12
23 hours,

24 (1) committed domestic violence, except an offense under
25 AS 11.41.100 - 11.41.130, whether the crime is a felony or a misdemeanor;

26 (2) committed the crime of violating a protective order or injunction
27 in violation of AS 11.56.740;

28 (3) violated a condition of release imposed under AS 12.30.027.

29 * Sec. 5. AS 18.65 is amended by adding new sections to read:

30 **Article 11. Stalking Protective Orders and Notifications to Stalking Victims.**

31 **Sec. 18.65.850. Protective orders for stalking.** (a) A person who reasonably

1 believes that the crime of stalking, that is not a crime involving domestic violence, is
2 being committed against the person by another may petition the district or superior
3 court for an order directing the person who is allegedly committing the stalking to

4 (1) stay away from the home, school, business, or place of employment
5 of the petitioner and any other location specifically named by the court;

6 (2) refrain from contacting, intimidating, threatening, or otherwise
7 interfering with the petitioner or a family member of the petitioner specifically named
8 by the court.

9 (b) After receiving a petition under (a) of this section, a court may grant

10 (1) an emergency protective order if the court finds that

11 (A) the petition establishes probable cause that the respondent
12 has committed the crime of stalking against the petitioner;

13 (B) the protective order is necessary to protect the petitioner
14 from further stalking; and

15 (C) the petition does not order the respondent to stay away
16 from the respondent's own home, school, business, or place of employment;

17 (2) a temporary protective order if the court finds that

18 (A) the petition establishes probable cause that the respondent
19 has committed the crime of stalking against the petitioner;

20 (B) the protective order is necessary to protect the petitioner
21 from further stalking;

22 (C) the respondent has been served with or otherwise provided
23 notice of the petition; and

24 (D) the petition does not order the alleged stalker to stay away
25 from the alleged stalker's own home, school, business, or place of employment
26 unless the alleged stalker has been provided an opportunity to be heard on the
27 petition; or

28 (3) an extended protective order if the court finds, after a hearing, that

29 (A) by a preponderance of evidence, the respondent has
30 committed the crime of stalking against the petitioner;

31 (B) the protective order is necessary to protect the petitioner

1 from further stalking; and

2 (C) the respondent has been provided at least 10 days' notice of
3 the hearing and of the alleged stalker's right to appear and be heard, either in
4 person or by an attorney.

5 (c) A protective order is not effective until served upon the respondent. An
6 emergency protective order expires 72 hours after the date the order is issued. A
7 temporary protective order expires 20 days after the date the order is served on the
8 respondent. An extended protective order expires six months after the order is served
9 on the respondent.

10 (d) A parent or guardian may file a petition for a protective order under this
11 section on behalf of a minor. A peace officer may make a written or oral application
12 for an emergency protective order under this section on behalf of, and with the consent
13 of, the stalking victim.

14 (e) Either the petitioner or the respondent may request modification of a
15 protective order. The court may not grant a modification unless notice of the request
16 has been provided to the adverse party and the adverse party has been granted a
17 reasonable opportunity to be heard. A modified order issued under this subsection
18 replaces the protective order it modifies.

19 (f) A protective order issued by a court under this section shall be delivered to
20 the appropriate law enforcement agency for service on the respondent. Service of
21 process shall be as provided in AS 18.66.160 for service of process of domestic
22 violence protective orders.

23 (g) The Alaska Court System shall prepare forms for petitions and protective
24 orders and instructions for their use by a person seeking a protective order under this
25 section. Each protective order form must contain the following warning in boldface
26 type: "Violation of this order may be a misdemeanor, punishable by up to one year of
27 incarceration and up to a \$5,000 fine." Filing fees may not be charged for the filing of
28 a petition under this section."

29 (h) In this section, "crime involving domestic violence" has the meaning given
30 in AS 18.66.990.

31 **Sec. 18.65.855. Notification to stalking victims.** The Department of Public

1 Safety shall develop and make available to law enforcement agencies in the state a
 2 notice that details the rights of victims of stalking, that is not a crime involving
 3 domestic violence, and the services available to them. The form must be similar to
 4 that provided to victims of domestic violence under AS 18.65.520. A peace officer
 5 investigating a stalking offense shall provide the form to the victim. In this section,
 6 "crime involving domestic violence" has the meaning given in AS 18.66.990.

7 * Sec. 6. AS 18.66.990(3) is amended to read:

8 (3) "domestic violence" and "crime involving domestic violence" mean
 9 one or more of the following offenses or an offense under a law or ordinance of
 10 another jurisdiction having elements similar to these offenses, or an attempt to commit
 11 the offense, by a household member against another household member:

- 12 (A) a crime against the person under AS 11.41;
- 13 (B) burglary under AS 11.46.300 - 11.46.310;
- 14 (C) criminal trespass under AS 11.46.320 - 11.46.330;
- 15 (D) arson or criminally negligent burning under AS 11.46.400 -
 16 11.46.430;
- 17 (E) criminal mischief under AS 11.46.480 - 11.46.486;
- 18 (F) terroristic threatening under AS 11.56.810;
- 19 (G) violating a protective [DOMESTIC VIOLENCE] order or
 20 injunction under AS 11.56.740; or
- 21 (H) harassment under AS 11.61.120(a)(2) - (4);

22 * Sec. 7. The uncodified law of the State of Alaska is amended by adding a new section to
 23 read:

24 **INDIRECT COURT RULE AMENDMENTS.** AS 18.65.850(f), added by sec. 5 of
 25 this Act, has the effect of amending Rule 4, Alaska Rules of Civil Procedure, and Rule 9,
 26 Alaska Rules of Administration, relating to service of process for protective orders for victims
 27 of stalking.

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 18.66.990(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

Sec. 47.17.069. Protective injunctions.

(a) A court may enjoin or limit a person from contact with a child if the attorney general establishes by a preponderance of the evidence that the person

(1) has sexually abused a child;

(2) has physically abused a child; or

(3) has engaged in conduct that constitutes a clear and present danger to the mental, emotional, or physical welfare of a child.

(b) This section does not limit the authority of the attorney general or the court to act to protect a child.

(§ 14 ch 39 SLA 1985)

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 317
 () Publish Date: _____

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; Criminal
 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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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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)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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 Daughhettee 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: _____
Bill Version: HB 317
() Publish Date: _____

Revision Date/Title (Note if correction): _____ Dept. Affected: DPS
Title An Act relating to stalking . . . BRU Statewide Support
Component APSIN
Sponsor Representative Crawford
Requester House Judiciary 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	7.6	0.0	0.0	0.0	0.0	0.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	7.6	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	7.6	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	7.6	0.0	0.0	0.0	0.0	0.0

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)
The bill requires police to enter a new type of protective order ("non-domestic") into a central registry maintained by DPS. DPS will contract for programming services to modify the Alaska Public Safety Information Network (APSIN) to allow entry of the new type of protective order and archival and retrieval of expired orders:

90 hours programming X \$84 per hour = \$7,560.

Prepared by: Diane Schenker, Administrative Manager, CJIS Phone (907) 269-5092
Division Administrative Services Date/Time 3/1/02 4:09 PM
Approved by: Commissioner Glenn Godfrey Date 3/1/2002
Agency Department of Public Safety

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

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

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 it. This guy tried to befriend my boys on top of that so 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

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 317
 () Publish Date: _____

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						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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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)						
TOTAL	*	*	*	*	*	*

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. HB 317

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: HB 317
() Publish Date: _____

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						
TOTAL OPERATING	***	***	***	***	***	***

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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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)						
TOTAL	***	***	***	***	***	***

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.

1 **Approved**

2 Submitted by: Assemblymembers TAYLOR, Tesche,
3 Von Gemmingen

4 Date: 3/19/02

5 Prepared by: Department of Assembly
6 For reading: March 19, 2002

7 ANCHORAGE, ALASKA
8 AR NO. 2002-85

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 Statues 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 _____
52 Chair

53 ATTEST:

54
55 _____
56 Municipal Clerk

57
58 EGJ/2002/RESOLUTIONS/AR26

MAR 21 2002