

HB

1

Conforming Amendment ^{#1} by Rep. McGuire

AS ~~11.56~~ ^{11.56}.740(c) is amended to read:

(c) In this section, "protective order" means an order issued or filed under AS 18.65.850-18.65.870 or 18.66.100-18.66.180.

Amendment for HB 1. *Amendment #2* *Adopted*

offered by Rep. McGuire

- 1 AS 18.65.540(a) is amended to read:
- 2 (a) The Department of Public Safety shall maintain a central registry of
- 3 protective orders issued by or filed with a court of this state under AS 18.65.850 -
- 4 18.65.870 or 18.66.100 - 18.66.180. The registry must include for each protective order the
- 5 names of the petitioner and respondent, their dates of birth, and the conditions and
- 6 duration of the order. The registry shall retain a record of the protective order after it
- 7 has expired.

Subject: HB1 Clarifications

Date: Fri, 07 Feb 2003 18:38:54 -0900

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

To: Representative_Harry_Crawford@legis.state.ak.us,
Representative_Lesil_McGuire@legis.state.ak.us

*Vanessa,
FYI,
-J*

Representatives Harry & Lesil,

Thank you for being there.

1. Would someone please fax/email the amendments - my fax is 333-2174.

2. I would like to go back a few steps. With last year's bill, it was my understanding that the following would occur:

We the victim, would go to the courthouse and/or talk to a police officer, complete a form "Petition for Protective Order (DV-100 (12/99) (st.4))" and be given a time to meet with a judge and state why we need the restraining order.

If this is true and utilizing the above form, under HB1,

a. Page "3 of 6, item e", addresses the issue of the stalker following the vehicle in my possession or occupied by me and/or my family members. The petitioner is given the option of prohibiting him/her from following their vehicle by marking the box "X".

b. Page "4 of 6, items a & b", addresses the issue of the stalker to "a) respondent not to use or possess a deadly weapon (including a firearm)". "b) respondent to surrender any firearm owned or possessed by respondent". The petitioner is given this option by marking the box "X".

c. Page "4 of 6, item e" addresses the issue of rehabilitation and treatment for drug of controlled substance." The petitioner is given the option by marking the box "X".

3. Found my notes from my meeting with Mark Avery on why he decided NOT to use the harassment charge/process.

a. AK statutes "Harassment Sec. 11.61.120 1-5" did not address the issue of this guy "visiting my boys at school" and arriving at my home to give us "presents" - mostly covers annoyance, insults, taunts, challenges to provoke an immediate violent response, repeated telephone and calls and calls at inconvenient times. [any unmarked boxes left on our front door during this period went directly into the dumpster - safety came first]

Since, the bill looked different from last year, Bruce asked me to refrain from making any comments about the above, especially not having the statutes in front of him.

A thought. We are not breaking new legal grounds here. We are following suit from other states who have had similar issues. So, to carry the thought further, if the law is working in other states without problems, what legal history would demonstrate Alaska would be different than the other states?

Thank you again.

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 21

Memorandum

TO: Representative Lesil McGuire
Chair House Judiciary Committee

FROM: Representative Harry T. Crawford

DATE: January, 22nd 2003

RE: House Bill 1

I respectfully request that House Bill 1 be scheduled for hearing in the House Judiciary Committee at your earliest possible convenience. I have attached a sponsor statement, and a copy of the bill. Hard copies of background information will follow.

Alaska State Legislature
House of Representatives

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Juneau, Alaska 99801-1182
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Representative Harry Crawford
District 21

SPONSOR STATEMENT: HOUSE BILL 1

HB 1 closes a dangerous loophole in the Alaska statutes by allowing victims of stalking unacquainted with their stalkers to enjoy the security of a judicial protective order. Current law provides protection to those in domestic situations and minor children, but does not provide the victims of strangers equal protection under the law.

HB 1 allows the victims of stalking to seek and obtain a protective order in cases of stalking that are not crimes involving domestic violence. This bill streamlines the process for public safety and judicial practitioners by mirroring the arrest and notification procedures to 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 stalking protective order, these changes also reflect existing practitioner procedures.

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

January 21, 2003

SUBJECT: Sectional Summary - HB 1 (Work Order No. 23-LS0005\D)

TO: Representative Harry Crawford
Attn: Jay

FROM: Gerald P. Luckhaupt *JPL*
Legislative 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 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 2. Amends AS 18.65.530(a) to provide a conforming change to the change made in sec. 2 of the CS().

Section 3. 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 4. Amends AS 18.66.990(3) to provide a conforming change to the change made in sec. 2 of the CS().

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

GPL:med
03-042.med

Municipality
of
Anchorage



P.O. Box 196650
Anchorage, Alaska 99519-6650
Telephone: (907) 343-4250
Fax: (907) 274-6689
<http://www.ci.anchorage.ak.us>

George P. Wuerch, Mayor

DEPARTMENT OF LAW
Office of the Prosecutor
420 L Street, Suite 100

April 18, 2002

Representative Harry Crawford
State Capitol Building, Room 426
Juneau, Alaska 99801

FAX: 907-465-4565
Hard copy will follow by mail.

Dear Representative Crawford:

I am writing on behalf of the Municipal Department of Law regarding HB 317. You may recall I testified telephonically from Anchorage on March 6, 2002, in support of the bill. We continue to support the bill, as amended, and are pleased it left committee with unanimous support.

While we were able to help Ms. Wells in ultimately resolving the problem, it was only after some delay in process because of the lack of a procedural safeguard which your bill covers. When your bill becomes law, a victim of stalking-type conduct will be able to seek judicial intervention and protection at an earlier phase of the criminal justice process, which provides an additional law enforcement tool and greater victim safety.

Thank you for allowing us to participate and provide input into this issue. If you have any further questions, please do not hesitate to contact me.

Sincerely,

R. Bruce Roberts
Deputy Municipal Attorney
Department of Law
Criminal Division

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355



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Wrangell
Pres. Wrangell Chapter

January 14, 2003

Representative Harry Crawford
State Capitol
Juneau AK 99801-1182

Dear Representative Crawford:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing House Bill No. 1, an act relating to stalking and to violating a protective order.

The APOA State Board of Directors recently met and after discussing this proposed legislation, decided to unanimously support this bill.

Your legislative amendment will help to close the gap on those who are victims of stalking, without the occurrence having been a crime involving domestic violence or involving a household member. We believe that this proposed legislation will be of benefit to both citizens and law enforcement.

Please contact the APOA office in Anchorage at 277-0515 if there is anything our organization can do to assist in the passage of this bill.

Sincerely,

Leo J. Brandlen
State President

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 1
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act relating to stalking and protective BRU Criminal Division
orders; amending Rules 4 and 65, Alaska Rules of . . ." Component 1st-4th Judicial Districts; Criminal
 Sponsor Representative Crawford Appeals/Special Litigation
 Requester House Judiciary Committee Component : o. 2198-99;2201/03/61/79

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
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 (FY2003) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 1 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 2/5/03 8:50 AM
 Approved by: Kathryn Daughhetee for Gregg D. Renkes, Attorney General Date 2/5/2003
 Agency Department of Law

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 1
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title An act relating to stalking and to violating a BRU AST Detachment
protective order Component AST Detachment
 Sponsor Representative Crawford
 Requester House Judiciary Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
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 ()						
-------------------------------	--	--	--	--	--	--

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)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Lieutenant Matthew Leveque Phone 907 269-0390
 Division: Alaska State Troopers Date/Time 2/5/03 4:05 PM
 Approved by: William Tandeske, Commissioner Date 2/5/2003
 Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 1
 () Publish Date: _____

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

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
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 (FY2003) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

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

Prepared by: Linda K. Wilson, Deputy Director Phone (907)-334-4416
 Division: Public Defender Agency Date/Time 2/3/03 9:33 AM
 Approved by: Sharon Barton, Acting Commissioner Date 2/3/2003
 Agency: Department of Administration

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number _____
 Bill Version: HB 1
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title Stalking Protective Orders BRU Alaska Court System
 Component Trial Courts
 Sponsor Rep. Crawford
 Requester House Judiciary Committee Component No. 768

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

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 (FY2003) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 House Bill 1 establishes new procedures for obtaining protective orders for those petitioners who reasonably believe that they are victims of the crime of stalking but who do not have a relationship with the respondent that would allow them to obtain a domestic violence restraining order. This bill also makes it a crime to violate such an order.
 The passage of HB 1 would impact the court system because new crimes and new protective orders will require additional court proceedings. This fiscal note does not contain a specific dollar amount because estimating the number of new crimes likely to be charged and the number of petitions likely to be filed is too speculative at this time. However, if the impact of either change is significant the court system may return to the legislature with a request for additional funding.

Prepared by: Douglas Wooliver, Administrative Attorney Phone 463-4750
 Division: Alaska Court System Date/Time 2/4/03 12:35 PM
 Approved by: Stephanie Cole, Administrative Director Date 2/4/03
 Agency: Alaska Court System