

SB

308

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 04/7/04

FURTHER:

DATE TURNED
IN TO OFFICE:

REPORTED OUT

MAY 08 2004

SENATE FINANCE
COMMITTEE

8 May 2004

Finance Committee considered

SENATE BILL NO. 308

SB 308 DOMESTIC VIOLENCE PROTECTIVE ORDERS

"An Act increasing the duration of certain provisions of domestic violence protective orders from six months to one year."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous 5 CS SB 308 (JUD)
- attached amendment(s)
- adopt Letter of Intent by Sen. Judiciary Committee
- further referral to _____ Committee

Senate Bill:

- Same Title
- New Title

House Bill:

- Same Title
- Technical Title Change
- New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero.	FN#
Admin	4/9/04	54.3			

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Admin	3/17/04	12516			#1
Court	3/8/04			✓	#2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	NO REC	AMEND
<i>Frank Ryan</i>	✓			
<i>Tom Hill</i>	✓			
<i>Bob ...</i>	✓			
<i>Ben ...</i>	✓			
COCHAIR: <i>Lyn Green</i>	—			
COCHAIR: <i>Gary ...</i>	✓			

ALASKA STATE SENATE



Session:
State Capitol
Juneau, Alaska 99801-1182
(907) 465-2327
(907) 465-5241 Fax

REPORTED OUT

MAY 08 2004

SENATE FINANCE
COMMITTEE

Interim:
119 N. Cushman, Suite 201
Fairbanks, Alaska 99701
(907) 456-8161
Senator_Ralph_Seekins@legis.state.ak.us

SENATE JUDICIARY COMMITTEE

Senator Ralph Seekins, Chairman

April 7, 2004

Letter of Intent for SB 308

By Senate Judiciary Committee

The purpose of Sections 1 and 3 of this Act is to require the Alaska Court System to include conspicuous warning language about penalty of perjury on forms for petitions and protective orders, as well as instructions for their use by a person seeking a protective order under AS 18.65.850 – 18.65.860.

"It is the intent of the Senate Judiciary Committee that this requirement applies only to new material printed after the effective date of this Act. The Alaska Court System may continue to supply written material printed before the effective date of this Act until those materials are exhausted."

COMMITTEE COPY

MAY 08 2004

SENATE FINANCE
COMMITTEE

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSB 308(JUD)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An Act increasing the duration of BRU Legal and Advocacy Services
DV protective orders Component Public Defender Agency
Sponsor Senator French
Requester (S) Finance Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	36.1	36.1	36.1	36.1	36.1	36.1
Travel	1.8	1.8	1.8	1.8	1.8	1.8
Contractual	8.7	8.7	8.7	8.7	8.7	8.7
Supplies	1.0	1.0	1.0	1.0	1.0	1.0
Equipment	6.7	0.7	0.7	0.7	0.7	0.7
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	54.3	48.3	48.3	48.3	48.3	48.3

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	54.3	48.3	48.3	48.3	48.3	48.3
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	54.3	48.3	48.3	48.3	48.3	48.3

Estimate of any current year (FY2004) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time	1	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will have some fiscal impact on the operations of the Public Defender Agency. Allowing the judge to expand the duration of a standard domestic violation protective order from 6 months up to 1 year will increase the caseload of the Agency. More cases involving violations of protective orders will be assigned to the Agency. There were approximately 350 cases of violations of DV restraining orders in FY03 handled by the Agency. Doubling the potential length of the standard restraining order will likely increase the number of cases charging violations of DV restraining orders during this extended period. While most violations of restraining orders occur in the first 20 days, approximately 20% occur during the current standard 6-month period. Since most of these offenses occur in the Anchorage area, the Agency will need one part-time attorney to handle this increased caseload.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)-334-4416
Division Public Defender Agency Date/Time 4/9/04 12:00 AM
Approved by: Kevin Jardell, Assistant Commissioner Date 4/9/2004
Agency Administration

MAY 08 2004

SENATE FINANCE
COMMITTEE

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: SB 308
(S) Publish Date: 3/12/04

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title Domestic Violence Protective Orders BRU Alaska Court System
Component Trial Courts
Sponsor Senator French
Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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						
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 (FY2004) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
The court system does not anticipate any fiscal impact from the passage of SB 308.

Prepared by: Doug Wooliver Administrative Attorney Phone 463-4750
Division Alaska Court System Date/Time 3/8/04 11:12 AM
Approved by: Stephanie Cole Administrative Director by Doug Wooliver Date 3/8/2004
Agency Alaska Court System

ALASKA STATE SENATE



Session:
State Capitol
Juneau, Alaska 99801-1182
(907) 465-2327
(907) 465-5241 Fax

Interim:
119 N. Cushman, Suite 201
Fairbanks, Alaska 99701
(907) 456-8161
Senator_Ralph_Seekins@legis.state.ak.us

SENATE JUDICIARY COMMITTEE

Senator Ralph Seekins, Chairman

Letter
of
Intent

April 7, 2004

Letter of Intent for SB 308

By Senate Judiciary Committee

The purpose of Sections 1 and 3 of this Act is to require the Alaska Court System to include conspicuous warning language about penalty of perjury on forms for petitions and protective orders, as well as instructions for their use by a person seeking a protective order under AS 18.65.850 – 18.65.860.

"It is the intent of the Senate Judiciary Committee that this requirement applies only to new material printed after the effective date of this Act. The Alaska Court System may continue to supply written material printed before the effective date of this Act until those materials are exhausted."

COMMITTEE COPY

Re: (no subject)

Subject: Re: (no subject)

Date: Tue, 16 Mar 2004 10:22:50 -0900

From: "Bob Linton" <Bob_Linton@law.state.ak.us>

To: <senator_hollis_french@legis.state.ak.us>

CC: "John Novak" <John_Novak@law.state.ak.us>,
"Susan Parkes" <Susan_Parkes@law.state.ak.us>

We ran CRIMES for all the DVRO cases that came in between January 1 and March 1. There were 23 cases. Of the 23 cases, 19 charge violations of a 20-day order. Three charge violations of a 6-month order.

One is in trial right now, so we do not have the file to check that one, but I can get you the info on that one when the lawyer gets back from court around 1:30 today.

But, yes, your instinct was correct.

>>> Senator French <senator_hollis_french@legis.state.ak.us> 3/12/2004
3:50:26 PM >>>
Anytime next week would be great.

Bob Linton wrote:

> Sorry it took a while to get back to you; I was in a meeting. I will
> start looking into getting you an answer.
>
> How soon do you need it? Monday okay?
>
> >>> Senator French <senator_hollis_french@legis.state.ak.us>
> 3/12/2004
> 12:21:06 PM >>>
> Bob,
> Greetings from sunny Juneau. I have a request for information. I have
> filed a bill that would double the length of long term protective
> orders, from six months' duration to one year. The public
> defender's
> office has estimated that this would double the number of cases they
> have to defend, from 350 per year to 700, and would thus require
> them
> to
> add another full time attorney. A fiscal note of this size means
> the
> bill will never pass the Finance committee.
> My opposition to their fiscal note comes in two phases: (1) many
> violations are of 20 day orders. This bill does not affect 20 day
> orders, and therefore the number of cases which are based on 20 day
> orders will not go up. (2) I do not believe that orders are
> violated
> at
> a constant rate throughout the life of the order. It is my
> anecdotal
> belief that orders are violated more often when they are new.
> I hesitate to ask you to put any work at all on the misdemeanor
> unit.
> However, if someone could look at just a month's worth of cases and
> tell
> me how many DV writ violation cases are based on violations of 20
> day
> orders, and, in cases involving 6 month orders, where in the life of

Provided by Sen. French
5/8/04
3/16/2004 10:44 AM

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSB 308(JUD)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An Act increasing the duration of BRU Legal and Advocacy Services
DV protective orders Component Public Defender Agency
Sponsor Senator French
Requester (S) Finance Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	36.1	36.1	36.1	36.1	36.1	36.1
Travel	1.8	1.8	1.8	1.8	1.8	1.8
Contractual	8.7	8.7	8.7	8.7	8.7	8.7
Supplies	1.0	1.0	1.0	1.0	1.0	1.0
Equipment	6.7	0.7	0.7	0.7	0.7	0.7
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	54.3	48.3	48.3	48.3	48.3	48.3

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	54.3	48.3	48.3	48.3	48.3	48.3
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	54.3	48.3	48.3	48.3	48.3	48.3

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time	1	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will have some fiscal impact on the operations of the Public Defender Agency. Allowing the judge to expand the duration of a standard domestic violation protective order from 6 months up to 1 year will increase the caseload of the Agency. More cases involving violations of protective orders will be assigned to the Agency. There were approximately 350 cases of violations of DV restraining orders in FY03 handled by the Agency. Doubling the potential length of the standard restraining order will likely increase the number of cases charging violations of DV restraining orders during this extended period. While most violations of restraining orders occur in the first 20 days, approximately 20% occur during the current standard 6-month period. Since most of these offenses occur in the Anchorage area, the Agency will need one part-time attorney to handle this increased caseload.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)-334-4416
Division Public Defender Agency Date/Time 4/9/04 12:00 AM
Approved by: Kevin Jardell, Assistant Commissioner Date 4/9/2004
Agency Administration

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: SB 308
(S) Publish Date: 3/12/04

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title Domestic Violence Protective Orders BRU Alaska Court System
Component Trial Courts
Sponsor Senator French
Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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						
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 (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The court system does not anticipate any fiscal impact from the passage of SB 308.

Prepared by: Doug Wooliver Administrative Attorney Phone 463-4750
Division Alaska Court System Date/Time 3/8/04 11:12 AM
Approved by: Stephanie Cole Administrative Director by Doug Wooliver Date 3/8/2004
Agency Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 308
 (S) Publish Date: 3/12/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act increasing the duration of BRU Legal and Advocacy Services
DV protective orders Component Public Defender Agency
 Sponsor Senator French
 Requester (S) State Affairs Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	88.3	88.3	88.3	88.3	88.3	88.3
Travel	4.8	4.8	4.8	4.8	4.8	4.8
Contractual	23.1	23.1	23.1	23.1	23.1	23.1
Supplies	2.7	2.7	2.7	2.7	2.7	2.7
Equipment	6.7	0.7	0.7	0.7	0.7	0.7
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	125.6	119.6	119.6	119.6	119.6	119.6

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	125.6	119.6	119.6	119.6	119.6	119.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	125.6	119.6	119.6	119.6	119.6	119.6

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will have a fiscal impact on the operations of the Public Defender Agency. Expanding the duration of a standard domestic violation protective order from 6 months to 1 year will increase the caseload and workload of the Agency. More cases involving violations of protective orders will be assigned to the Agency. There were approximately 350 cases of violations of DV restraining orders in FY03 handled by the Agency. Doubling the length of the restraining order will likely double the number of cases charging violations of DV restraining orders. As a result it is anticipated that there will be over 350 more cases a year assigned to the Agency for these offenses. Since most of these offenses occur in the Anchorage area, the Agency will need one full time attorney to handle this increased caseload.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)-334-4416
 Division Public Defender Agency Date/Time 3/10/04 12:00 AM
 Approved by: Mike Miller, Commissioner Date 3/11/2004
 Agency Administration

ALASKA STATE LEGISLATURE

Senate
Judiciary
Committee
•
Senate
Labor & Commerce
Committee
•
Senate
Administrative
Regulation Review
Committee



While in Session
State Capitol
Juneau, Alaska 99801
(907) 465-3892
1 (866) 465-3892
Fax: (907) 465-6595

While in Anchorage
716 West 4th Avenue
Anchorage, Alaska 99501
(907) 269-0234
Fax: (907) 269-0238

SENATOR HOLLIS FRENCH

Senator_Hollis_French@legis.state.ak.us
www.akdemocrats.org

SPONSOR STATEMENT

CS SB 308 (JUD) – Relating to warnings on domestic violence and stalking forms; increasing the duration of certain provisions of domestic violence protective orders from six months to up to one year

CS SB 308 (JUD) addresses the duration of long-term domestic violence protective orders. Currently, six months is the practical limit on a long-term domestic violence protective order – otherwise known as a DVPO. CS SB 308 (JUD) doubles the maximum length of DVPOs to one year. Under the provisions of the Judiciary Committee substitute, the judge issuing a protective order could issue the order for a period of not less than six months nor more than one year. Short-term, or *ex parte*, protective orders are not affected by this bill, and they would continue to be granted for a maximum of twenty days under current law.

The two parties to a DVPO are the petitioner, who is the person asking for the court's protection, and the respondent. Long-term DVPOs are only granted by a judge after formal notice to both parties and a hearing. In order to grant a DVPO, the judge must make a finding that the respondent has committed an act of domestic violence against the petitioner.

There are several benefits to this proposal. Of primary importance is that extending the time frame of a DVPO allows the petitioner a longer period of protection without having to go back to court to confront the respondent. A second benefit of extending the term of the protective order is that court system resources will be conserved. In many instances, petitioners are forced to return to court for a second order because the respondent's behavior has not changed. Granting the DVPOs for as long as one year will decrease the need for repeat court proceedings.

CS SB 308 (JUD) also requires that forms for petitions to apply for or modify protective orders and petitions for domestic violence or stalking protective orders

include a conspicuous warning that the petitions and requests are submitted under oath under penalty of perjury and that a person making a false statement may be prosecuted for perjury, which is a felony.

Alaska continues to struggle with high rates of domestic violence. Extending the length of the domestic violence protective order is one way to address that problem. Currently, only five states have shorter terms for DVPOs than Alaska's. The vast majority of states, however, give judges the authority to impose DVPOs of up to a year, or even longer, which has been shown to have a positive effect on the numbers of repeat offenses and requests for additional protective orders.

To look at some comparative statistics -- currently in Anchorage there are some 3,000 annual court filings for DVPOs. By comparison, Miami-Dade County, Florida, with a population of over two million, has only 7,000 filings per year. The lower ratio in Miami-Dade can be explained in part by the fact that in Florida there is no upper time limit on DVPOs.

Please join me in taking another step in our progress toward eliminating the scourge of domestic violence from our community and support SB 308.

April 14, 2004

SENATE COMMITTEE REPORT

DATE: 3/12/04

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 4/7/04

Judiciary Committee considered SENATE BILL NO. 308

SB 308 DOMESTIC VIOLENCE PROTECTIVE ORDERS

"An Act increasing the duration of certain provisions of domestic violence protective orders from six months to one year."

and recommends:

- be replaced with _____ CS SB 308 (JUD)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by Judiciary Committee
- further referral to _____ Committee

Senate Bill:

- Same Title
- New Title

House Bill:

- Same Title
- Technical Title Change
- New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	Indet.	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	Indet.	FN#
Adm	3/10	✓			1
CRT	3/8		✓		2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	X			
<i>[Signature]</i>	X			
<i>[Signature]</i>				
<i>[Signature]</i>				
CHAIR: <i>[Signature]</i>	✓			

French

Ellis

Ogawa

Thompson

Seckman

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 2/9/04

FURTHER: Judiciary

Date of 5-Day Notice: 3/4/04
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 3/12/04

State Affairs Committee considered SENATE BILL NO. 308

SB 308 DOMESTIC VIOLENCE PROTECTIVE ORDERS

"An Act increasing the duration of certain provisions of domestic violence protective orders from six months to one year."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DOA	3/1/04	✓			1
ACS	3/8/04			✓	2

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:		DO PASS	DO NOT PASS	NO REC	AMEND
Stedman		✓			
Guess		✓			
Gary Stevens	CHAIR:	✓			

SENATE FINANCE COMMITTEE

SIGN-IN

SB 308-DOMESTIC VIOLENCE PROTECTIVE ORDERS

NAME: Lauree Hugonin Subject/Bill No: SB 308
Co./Dept./Title: Alaska Network on Domestic Violence & Sexual Assault Phone: 586-3650
Address: 130 Second, rm 209 Juneau Zip: 99801

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions