

HB

1

# Alaska State Legislature

**Interim:**  
716 W. 4<sup>th</sup> Ave., #650  
Anchorage, AK 99501-2133

Phone: (907) 269-0160  
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**Session:**  
Alaska State Capitol, Rm 416  
Juneau, AK 99801-1182

Phone: (907) 465-4930  
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Rep.Cheryll.Heinze@legis.state.ak.us

**Representative Cheryll Heinze**  
District 24 - Anchorage

MEMO

TO: SENATE JUDICIARY

FROM: REP. CHERYLL HEINZE

RE: SCHEDULING HB1, STALKING AND PROTECTIVE ORDERS

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Please schedule HB 1 to be heard in Senate Judiciary at your earliest convenience.

Enclosed please find:

1. CS HB 1 (JUD)
2. Sponsor Statement
3. Sectional
4. Fiscal Notes
5. Supporting Documents

# Alaska State Legislature

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## Representative Cheryll Heinze

District 24 - Anchorage

April 25, 2003

Memo

To: Senate Judiciary Committee  
From: Representative Cheryll Heinze  
Re: Hearing of House Bill 1

We would like to request that you schedule a hearing of House Bill 1 at your earliest convenience. Thank you.

Cheryll Heinze

## Alaska State Legislature

**REPRESENTATIVE CHERYLL BOREN HEINZE**

Chair: Economic Development; International Trade & Tourism

### SESSION

State Capitol

Sitka, Alaska 99801-1182

(907) 465-4930 Tel

(907) 465-3834 Fax

### INTERIM

716 W. Fourth Ave.

Anchorage, Alaska 99501-2133

Tel (907) 269-0174

Fax (907) 269-0177



## **REPRESENTATIVE CHERYLL HEINZE SPONSOR STATEMENT FOR HB 1**

HB1 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 1 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.

Please support this important legislation

# 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-LS0005D)

**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

## AMENDMENT EXPLANATION FOR HB1

This amendment simply makes it so that if a standard order is not entered to follow an ex-parte or emergency order (assuming for lack of merit) the defendant will be removed from the registry; or, if a regular protective order is to be found without merit and dissolved by the court, the defendant would again be removed from the registry.

It simply protects people from the 'frivolous' or 'spiteful' order request.

**Note:** this amendment is consistent with a single subject analysis of the current bill as a "protective orders" bill.

A M E N D M E N T

OFFERED IN THE HOUSE  
TO: CSHB 1(JUD)

BY REPRESENTATIVE HOLM

1 Page 1, line 1:

2 Delete "stalking and to violating a protective order"

3 Insert "protective orders"

4

5 Page 2, line 17:

6 Delete "The registry"

7 Insert "Except as provided in (f) of this section, the registry [THE REGISTRY]"

8

9 Page 2, following line 18:

10 Insert a new bill section to read:

11 "\* Sec. 5. AS 18.65.540 is amended by adding a new subsection to read:

12 (f) The Department of Public Safety shall remove from the registry an

13 (1) an ex parte protective order issued under AS 18.65.835 that

14 (A) is dissolved by the court; or

15 (B) expires without a protective order under AS 18.65.850

16 being issued;

17 (2) an emergency protective order issued under AS 18.65.855 that

18 (A) is dissolved by the court; or

19 (B) expires without an ex parte protective order under

20 AS 18.65.855 or a protective order under AS 18.65.850 being issued;

21 (3) a protective order issued under AS 18.65.850 that is dissolved by

22 the court before the expiration of the order;

23

- 1 (4) an ex parte protective order issued under AS 18.66.110 that
- 2 (A) is dissolved by the court; or
- 3 (B) expires without a protective order under AS 18.66.100
- 4 being issued;
- 5 (5) an emergency protective order issued under AS 18.66.110 that
- 6 (A) is dissolved by the court; or
- 7 (B) expires without an ex parte protective order under
- 8 AS 18.66.110 or a protective order under AS 18.66.100 being issued; or
- 9 (6) a protective order issued under AS 18.66.100 that is dissolved by
- 10 the court before the expiration of the order."

11

12 Renumber the following bill sections accordingly.

13

14 Page 6, line 16:

15 Delete "sec. 5"

16 Insert "sec. 6"

17

18 Page 6, line 20:

19 Delete "sec. 5"

20 Insert "sec. 6"

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB 1(JUD)  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title Stalking Protective Orders BRU Alaska Court System  
 Component Trial Courts  
 Sponsor Rep. Heinze & 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						
<b>TOTAL OPERATING</b>	*	*	*	*	*	*

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

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

Estimate of any current year (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)  
 Committee Substitute for HB 1 (JUD) 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 CSHB 1(JUD) 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 4/23/03 8:20 AM  
 Approved by: Stephanie Cole, Administrative Director Date 4/23/2003  
 Agency: Alaska Court System

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSHB 1(JUD)  
 (H) Publish Date: 2/14/03

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  
 Sponso: 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 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

Estimate of any current year (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 Daughettee 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: 2  
 Bill Version: CSHB 1(JUD)  
 (H) Publish Date: 2/14/03

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  
 Requirer 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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

Estimate of any current year (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: 3  
 Bill Version: CSHB 1(JUD)  
 (H) Publish Date: 2/14/03

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						
<b>TOTAL OPERATING</b>	*	*	*	*	*	*

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

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

Estimate of any current year (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: 4  
 Bill Version: CSHB 1(JUD)  
 (H) Publish Date: 2/14/03

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						
<b>TOTAL OPERATING</b>	*	*	*	*	*	*

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

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

Estimate of any current year (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 Wonliver, Administrative Attorney Phone 463-4750  
 Division Alaska Court System Date/Time 2/5/03 12:56 PM  
 Approved by: Stephanie Cole, Administrative Director Date 2/5/2003  
 Agency Alaska Court System

STATE OFFICE  
**ALASKA PEACE OFFICERS ASSOCIATION**

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



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

**Business Manager**

Joseph Young  
Anchorage

**Board of Directors**

Leo Brandlen, President  
Anchorage

Angella Long, Vice President  
Wasilla

Michael Corkill, Past President  
Mesa, AZ

Kim Wannamaker, Member  
Kenai  
Pres. Kenai Chapter

Terry Games, Member  
Anchorage  
Pres. Anchorage Chapter

Ma Calkin, Member  
Palmer  
Pres. Mat-Su Chapter

Lonnie Hatman, Member  
Fairbanks  
Pres. Farthest North Chapter

Jerry Nankervis, Member  
Juneau  
Pres. Capital City Chapter

Andrea Jacobson, Member  
Ketchikan  
Pres. First City Chapter

James See, Member  
Craig  
Pres. Prince of Wales Chapter

John Lucking, Jr., Member  
Unalaska  
Pres. Aleutian Islands Chapter

Jeff Odom, Member  
Wrangell  
Pres. Wrangell Chapter

**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,

A handwritten signature in black ink, appearing to read "R. Bruce Roberts", is written over a horizontal line.

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

Jennifer, this is the letter I've been t...t get through. Hard Copy is in the mail.

**From:** "Bolender, Judy C." <BolenderJC@ci.anchorage.ak.us> 11:49 AM  
**Subject:** Jennifer, this is the letter I've been trying to fax on 4/18 & 4/ 19, but cannot get through. Hard Copy is in the mail.  
**To:** "'jennifer\_adzima@legis.state.ak.us'" <Jennifer\_Adzima@legis.state.ak.us>

April 18, 2002

Representative Harry Crawford  
907-465-4565  
State Capitol Building, Room 426  
will follow by mail.  
Juneau, Alaska 99801

FAX:  
Hard copy

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

Thanks,

Judy Bolender  
Law Dept/Criminal Division  
420 L St., Suite 100  
343-6448

THIS COMMUNICATION AND ANY DOCUMENT(S) ACCOMPANYING IT ARE  
CONFIDENTIAL ATTORNEY--CLIENT COMMUNICATION(S)

AND/OR PROTECTED BY OTHER LEGAL GROUNDS OF CONFIDENTIALITY. IT MAY NOT BE  
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WITHOUT THE EXPRESS PERMISSION OR UPON THE ADVICE OF AN ATTORNEY IN THE  
MUNICIPALITY OF ANCHORAGE DEPARTMENT OF LAW.  
DISCLOSURE OF CONFIDENTIAL INFORMATION IS PROHIBITED BY AMC §1.15.180D.

**Sec. 18.66.110. Ex parte and emergency protective orders.**

(a) A person who is a victim of a crime involving domestic violence may file a petition under AS 18.66.100 (a) and request an ex parte protective order. If the court finds that the petition establishes probable cause that a crime involving domestic violence has occurred, it is necessary to protect the petitioner from domestic violence, and if the petitioner has certified to the court in writing the efforts, if any, that have been made to provide notice to the respondent, the court shall ex parte and without notice to the respondent issue a protective order. An ex parte protective order may grant the protection provided by AS 18.66.100 (c)(1) - (5), (8) - (12), and (16). An ex parte protective order expires 20 days after it is issued unless dissolved earlier by the court at the request of either the petitioner or the respondent and after notice and, if requested, a hearing. If a court issues an ex parte protective order, the court shall have the order delivered to the appropriate local law enforcement agency for expedited service and for entry into the central registry of protective orders under AS 18.65.540 .

**Sec. 18.66.120. Modification of protective orders.**

(a) Either the petitioner or the respondent may request modification of a protective order. If a request is made for modification of

(1) an ex parte protective order under AS 18.66.110 (a), the court shall schedule a hearing on three days' notice or on shorter notice as the court may prescribe; the court shall hear and rule on the request in an expeditious manner; or

(2) a protective order after notice and hearing under AS 18.66.100(b), the court shall schedule a hearing within 20 days after the date the request is made, except that if the court finds that the request is meritless on its face, the court may deny the request without further hearing.

(b) If a request for a modification is made under this section and the respondent raises an issue not raised by the petitioner, the court may allow the petitioner additional time to respond.

(c) If the court modifies a protective order under this section, it shall issue a modified order and shall

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

(2) have the order delivered to the appropriate local law enforcement agency for expedited service and for entry into the central registry of protective orders under AS 18.65.540.