

SB

308

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:

- Same Title
- New Title

House Bill:

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

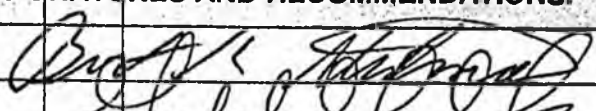
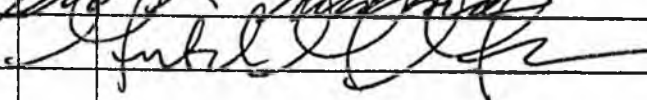
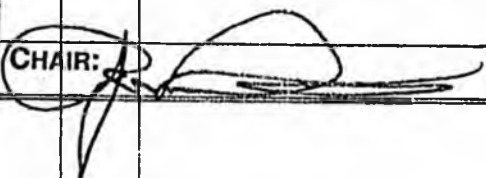
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DOA	3/11/04	✓			
ACS	3/8/04			✓	

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
	✓			
	✓			
CHAIR: 	✓			

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB308_ACS-TC-3-8-04
 () Publish Date: _____

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 ()						
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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 (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: _____
 Bill Version: SB308
 () 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) 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 ()						
-------------------------------	--	--	--	--	--	--

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

What are the time limits on civil protection orders in each state?*

*Does not include extensions in all instances.

Questions, requests for technical assistance or requests for additional copies of this document should be directed to: BWJP Civil Justice Center @ 1-800-903-0111, ext. 2

Updated as of 4/4/2003

Time Limit	State	State Code Provision
<i>3 months (2 states)</i>	Idaho	IDAHO CODE § 39-6306(5) (2002): Not less than three months; may be renewed for one year terms.
	Wyoming	WYO. STAT. ANN. § 35-21-106(b) (2002): Not to exceed three months; may be extended for good cause for 3 month terms.
<i>90 – 180 days</i>	West Virginia	W. VA. CODE § 48-27-505 (2003): 90 days or 180 days at the discretion of the court.
<i>150 days</i>	Utah	UTAH CODE ANN. § 30-6-4.2(6)(a) (2003): 150 days unless court indicates on the record the reason for setting a date beyond the 150 days.
<i>182 days</i>	Michigan	MICH. COMP. LAWS § 600.2950 (13) (2002): not less than 182 days.

Time Limit	State	State Code Provision
6 months (4 states)	Alaska	ALASKA STAT. § 18.66.100c(2) (2003): 6 months or earlier. An order that prohibits respondent from threatening to commit or committing domestic violence, stalking, or harassment is effective until further order of the court.
	Connecticut	CONN. GEN. STAT. § 46b-15(d) (2003): Not to exceed six months, can be extended by court.
	Georgia	GA. CODE ANN. § 19-13-4(c) (2002): No more than six months, but can be converted to a permanent order upon the motion of a petitioner and notice to the respondent and after a hearing.
	New Mexico	N.M. STAT. ANN. § 40-13-6(B) (2002): Not to exceed six months. <u>May be extended in six month increments upon motion by petitioner.</u>

Time Limit	State	State Code Provision
<i>One year (18 states)</i>	Alabama	ALA. CODE § 30-5-7(e)(1) (2003): One year, unless a shorter or longer period of time is expressly ordered by the court.
	Arizona	ARIZ. REV. STAT. § 13-3602(K) (2003): One year after service on defendant.
	Delaware	DEL. CODE ANN. tit. 10, § 1045 (b) (2002): Not to exceed one year, can be extended for up to 6 month term.
	District of Columbia	D.C. CODE ANN. § 16-1005(d) (2003): One year; can be extended for good cause shown.
	Iowa	IOWA CODE § 236.5-(c) (2003): Not to exceed one year. Extensions are not limited.
	Kansas	KAN. STAT. ANN. § 60-3107(e) (2002): Not to exceed one year; can be extended for one additional year.
	Maryland	MD. CODE ANN., FAM. LAW § 4-506(g) (2002): Not to exceed 12 months.
	Massachusetts	MASS. GEN. LAWS. ch. 209A, § 3(i) (2003): Not to exceed one year. Extensions possible.
	Minnesota	MINN. STAT. § 518B.01(6)(b) (2002): One year, except when the court determines that a longer fixed period is appropriate.
	Missouri	MO. REV. STAT. § 455.040(1) (2003): 180 days to one year. Extensions possible for 180 days to 1 year.
	Nebraska	NEB. REV. STAT. § 42-924(3) (2002): One year.
	Nevada	NEV. REV. STAT. § 33.080(3) (2002): Not to exceed one year.
New Hampshire	N.H. REV. STAT. ANN. § 173-B:5(VI): Not to exceed one year. Extensions possible.	

Time Limit	State	State Code Provision
<i>One year continued (18 States)</i>	New York	N.Y. FAM. CT. ACT § 842 (2003): Not to exceed one year. Up to three years if aggravating circumstances exist.
	North Carolina	N.C. GEN. STAT. § 50B-3(b) (2003): Not to exceed one year. Extensions possible for 1 year terms.
	Oregon	OR. REV. STAT. § 107.718- (1) (2001): One year.
	South Carolina	S.C. CODE ANN. § 20-4-70(A) (2002): Not less than 6 months nor more than one year. Extensions possible.
	Tennessee	TENN. CODE ANN. § 36-3-608(a) (2002): Not to exceed one year.

Time Limit	State	State Code Provision
<i>1 year 6 months (2 states)</i>	Louisiana	LA. REV. STAT. ANN. § 46:2136(F) (2003): Not to exceed 18 months. Extensions possible.
	Pennsylvania	PA. STAT. ANN. tit. 23, § 6108(d) (2002): Not to exceed 18 months. Extensions possible.
<i>Two years (6 states)</i>	Arkansas	ARK. CODE ANN. § 9-15-205(b) (2002): not less than 90 days nor more than 2 years. Extensions possible.
	Illinois	725 ILL. COMP. STAT. 5/112A-20(b) (2003): Not to exceed 2 years. Extensions possible.
	Indiana	IND. CODE § 34-26-5-9(e) (2002): Up to 2 years after issuance, unless another date is ordered by the court.
	Maine	ME. REV. STAT. ANN. tit. 19-A, § 4007-(2) (2003): Not to exceed two years. Extensions possible.
	Texas	TEX. FAM. CODE ANN. § 85.025(a) (2002): Not to exceed two years. Extensions possible.
	Virginia	VA. CODE ANN. § 16.1-279.1-(B) (2003): Up to two years.

Time Limit	State	State Code Provision
<i>Three years (6 states)</i>	California	CAL. FAM. CODE § 6345(a) (2003): Personal conduct, stay-away, and residence exclusion orders may have a duration of not more than three years. The duration of orders for custody, visitation, support and disposition of property shall be governed by the law relating to those specific subjects. Orders may be renewed for 3 year term or be permanent.
	Kentucky	KY. REV. STAT. ANN. § 403.750(2) (2002): Not to exceed three years. Renewable for 3 year term unlimited.
	Mississippi	MISS. CODE ANN. § 93-21-17(2) (2003): Not to exceed three years.
	Oklahoma	OKLA. STAT. tit. 22, § 60.4(H) (2003): Not to exceed three years. Extension possible.
	Rhode Island	R.I. GEN. LAWS § 8-8.1-3(d) (2002): Not to exceed three years. Extension possible.
	South Dakota	S.D. CODIFIED LAWS § 25-10-1(3) (2002): 3 years or less.
<i>Four years (1 state)</i>	Wisconsin	WIS. STAT. § 813.12(4)(c)1. (2002): 4 years. <u>Extensions possible for four years if original order was for less than four years.</u>
<i>Five years (1 state)</i>	Ohio	OHIO REV. CODE ANN. § 3113.31(E)(3)(a) (Anderson 2002): No longer than five years.

Time Limit	State	State Code Provision
<i>Permanent (4 states)</i>	Colorado	COLO. REV. STAT. § 13-14-102(5) (2002): Can be permanent. Awards for temporary care and custody of any minor child are for a period of not more than 120 days.
	Montana	MONT. CODE ANN. § 40-15-204(5) (2002): Order may continue for appropriate time period as ordered by the court or be made permanent.
	New Jersey	N.J. STAT. ANN. § 2C:25-28-(p) (2002): Can be permanent.
	Washington	WASH. REV. CODE § 26.50.060(2) (2003): Civil court may grant relief for a period: not to exceed one year if respondent is restrained from contacting minor children, otherwise, with regard to other relief, court may grant relief for a fixed period or enter a permanent order of protection.
<i>No time frame specified (4 states)</i>	Florida	FLA. STAT. ch. 741.30(6)(c) (2002): Terms of order shall remain in effect until modified or dissolved.
	Hawaii	HAW. REV. STAT. § 586-5.5-(a) (2003): Fixed reasonable period as the court deems appropriate. Extensions possible.
	North Dakota	N.D. CENT. CODE § 14-07.1-02 (2002): No limits stipulated.
	Vermont	VT. STAT. ANN. tit. 15, §§ 1103(c)(5),(6), 1103(d) (2003): Orders for child support or spousal support are not to exceed three months. Fixed periods determined by court. Extensions possible.

ALASKA STATE LEGISLATURE

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



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SENATOR HOLLIS FRENCH

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SPONSOR STATEMENT

SB 308 – Increasing the duration of certain provisions of domestic violence protective orders from six months to one year

SB 308 addresses the duration of long-term domestic violence restraining orders. Currently, six months is the practical limit on a long-term domestic violence restraining order – otherwise known as a DVRO. SB 308 doubles the length of DVROs to 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 DVRO are the petitioner, who is the person asking for the court's protection, and the respondent. Long-term DVROs are only granted by a judge after formal notice to both parties and a hearing. In order to grant a DVRO, 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 DVRO 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 DVRO is that court system resources will be conserved. In many instances, petitioners are forced to return to court for a second DVRO because the respondent's behavior has not changed. Granting the DVROs for one year will decrease the need for repeat court proceedings.

Alaska continues to struggle with high rates of domestic violence, and extending the length of the DVRO is one way to address that problem. Currently, only five states have shorter terms for DVROs than Alaska's. The vast majority of states, however, give judges the authority to impose DVROs 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 DVROs.

To look at some comparative statistics -- currently in Anchorage there are some 3,000 annual court filings for DVROs. 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 DVROs.

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

February 22, 2004