

HB

307



Representative Lindsey Holmes

House Bill 307 Sponsor Statement "An Act relating to sexual assault protective orders."

AS 18.65.850 authorizes the courts to grant protective orders in cases of stalking and sexual assault. This statute has been amended twice in recent sessions. In 2001, HB 1 extended protections to victims of stalking by persons other than their domestic partner. In 2006, SB 54 added sexual assault to the statute. While the clear intent of SB 54 was to exactly duplicate the effects of HB 1, namely, to grant jurisdiction to magistrate and district court judges to issue these orders, SB 54 did not explicitly amend AS 22.15.100 to achieve this.

Consequently, certain magistrate and district court judges have read the statute to mean that they do not have jurisdiction to issue protective orders in cases of sexual assault. This mirrors the situation prior to HB 1, in which claimants brought petitions that clearly required a protective order, but judges were unable to offer assistance.

This bill would amend AS 22.15.100 to explicitly grant magistrate and district court judges jurisdiction to grant protective orders in cases of sexual assault, in addition to stalking. This change is especially important given that many rural communities in Alaska only have access to magistrate or district courts.

Please join me in repairing this small gap in the statute and ensuring that all victims of sexual assault in our state are able to gain protection from their attackers.

State Capitol, Juneau, Alaska 99801 · (907) 465-4919 · Fax: (907) 465-2137
Rep.Lindsey.Holmes@legis.state.ak.us

**Representative
Lindsey Holmes**

Capitol Room 405
465-4919
465-2137 fax



MEMORANDUM

Date: 3 February 2010

To: Senate Judiciary Committee members

From: Rep. Lindsey Holmes

RE: Sectional analysis of HB 307

The following is a sectional analysis of HB 307. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1: Amends AS 20.15.100 to give magistrate and district court judges jurisdiction to issue protective orders in cases of sexual assault under AS 18.65.850.

Bill Edwards

From: Bill Edwards
Sent: Tuesday, January 19, 2010 10:34 AM
To: 'Gayle_Keller@legis.state.ak.us'
Subject: SB 54 from 2006

Hi Gayle,

I am writing to both introduce myself and ask you guys a question. I am a new staffer for Rep. Holmes this session.

Sen. Dyson sponsored legislation in 2006 relating to protective orders, namely amending AS18.65.850 to include sexual assault as well as stalking as cause for granting a protective order.

It has come to our attention that there are some magistrate / district court judges who are reading AS 20.15.100 to mean that they have jurisdiction to grant protective orders for stalking but NOT for sexual assault. Our understanding is that this has resulted in women in rural communities having to go to a superior court judge, which is obviously quite difficult in a lot of places. We have filed a bill to amend AS 20.15.100 to explicitly roll sexual assault protective orders into magistrate / district court jurisdiction. It looks like this was just a minor oversight in the 2006 bill, but I wanted to give you guys a heads up and see if you could confirm that the intent of SB 54 was in fact to grant district courts the ability to grant these orders.

Thanks,

Bill Edwards

Bill Edwards

From: Chuck Kopp
Sent: Tuesday, January 19, 2010 9:53 PM
To: Bill Edwards
Subject: SB 54 from 2006

Hello Bill,

Welcome to the Legislature. You and I are both in the "freshman" legislative aide category. It is going to be a great experience. To the point of your inquiry – Yes, the intent of the 2006 bill was to grant district courts the jurisdiction to issue stalking and sexual assault protective orders. Thanks for taking the initiative on amending AS 20.15.100 to make this clear.

Best regards,

Chuck

Chuck Kopp
Chief of Staff
Senator Fred Dyson
(907) 694-6683 (Eagle River)
(907) 465-2199 (Juneau)

Excerpts from minutes on SB 54, 2005/2006.

Sen. Dyson Feb 17, 2005:

SENATOR FRED DYSON, prime sponsor, explained that under current law a victim may get a restraining order for domestic violence and stalking, but it doesn't mention restraining orders if you've been a victim of sexual assault. SB 54 adds sexual assault to the list that a judge or magistrate may draw from to grant a restraining order. Although some judges do grant restraining orders to victims of sexual assault it's not clear in statute and some have refused to do so. SB 54 would make it clear to judges that they have that authority.

He noted that in drafting the bill, Legislative Legal elected to replicate the language from the domestic violence restraining orders. According to the Department of Law, it would have been better to have replicated the language in existing statutes related to stalking. Because of that opinion, he asked the committee to hold the bill to provide time to draft a committee substitute (CS).

SERGEANT DAVE PARKER, special victims unit supervisor, Anchorage Police Department, said SB 54 would help the police protect victims of sexual assault. The problem has been that judges don't have clear direction. He described a case in which a neighbor raped a woman. When a detective took the victim to get a protective order the judge wouldn't issue the order because he said rape isn't a consensual sexual act.

SERGEANT PARKER emphasized no victim should be re-victimized with unwanted contact with the perpetrator and SB 54 will give sexual assault victims the same legal protection that domestic violence and stalking victims have now.

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

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



February 2, 2010

Representative Lindsey Holmes
House of Representatives
State Capitol
Juneau AK 99801-1182

Dear Representative Holmes:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing HB 307, an act relating to sexual assault protective orders.

The APOA State Board of Directors recently reviewed this proposed legislation and decided to unanimously support this bill.

We thank you for addressing this issue. 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,

John Lucking, Jr.
State President

Business Manager

Joseph Young
Anchorage

**Board of Directors
Officers**

John Lucking, Jr.
APOA President
Soldotna

Dan Frerich, Vice President
Anchorage

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Howard Townsend, President
First City Chapter
Ketchikan

Kim Wannamaker, President
Kenai Peninsula Chapter
Kenai

Sam Edwards, President
Mat-Su Chapter
Wasilla

Thecla LaLonde, President
Wrangell Chapter
Wrangell

Rep. Lindsey Holmes

From: Doug Wooliver [dwooliver@courts.state.ak.us]
Sent: Thursday, February 04, 2010 3:20 PM
To: Rep. Lindsey Holmes
Subject: Court Amendments to HB 307
Attachments: 10 Memo for HB 307 amendments.doc; 10 Amendments for HB 307.doc; 10 Amendments to HB 307 MCA.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Lindsey. Attached are several suggested amendments to HB 307. They each come with an explanation and recommended language. They are all aimed at technical jurisdictional clarifications and none are intended to be anything more than clean-up. If you are concerned that your bill will grow too cumbersome with all of them included, let me know and we can focus on the most important. Your bill seems to be on a blisteringly fast track. I had expected a little more time to go over these with you. Who knows, your bill may set a record for the least amount of time from introduction to final passage. I don't want to screw up your bill, but these changes would be helpful. Thanks, Doug

*Not
Adopted
ALS-*

SPECIFIC SUGGESTIONS FOR POSSIBLE AMENDMENT

A. AS 22.15.110(1) pertaining to recording vital statistics.

The 1959 legislature charged magistrates and district court judges with the duty "[t]o record births, deaths and marriage certificates presented to them for record in the manner prescribed by law."¹ The following year, the legislature created the Bureau of Vital Statistics which was given responsibility for directing, supervising and controlling the statewide system of vital statistics.² Throughout the ensuing years, at the direction of and under the supervision of the Bureau of Vital Statistics, a number of courts have been recording vital statistics.

In 2005, the Alaska Court System Area Court Administrators and the State Registrar of Vital Statistics reached an agreement whereby all courts would cease recording vital statistics effective December 31, 2005. Courts still perform some vital statistics functions such as issuing marriage licenses. However, courts are no longer "recording" vital statistics as of January 1, 2006. Legislation deleting this as a duty required to be performed by district judges and magistrates would bring the statutes into conformity with current practice.

See Attachment 1 for suggested language.

¹ Ch. 184 § 8, SLA 1959, later codified as AS 22.15.110(1).

² See Ch. 188 SLA 1960, later codified as AS 18.50.010 et seq.

B. AS 22.15.030 and 22.15.100(9) pertaining to the issuance of protective orders

As the statutes pertaining to the issuance of orders for the protection of victims of domestic violence and, more recently, of victims of stalking and sexual assault, have developed over the years, the jurisdictional statutes have not kept pace. Currently, there are two amendments needed to bring the jurisdictional statutes into step with the substantive provisions providing for these forms of relief. Specifically, an amendment to AS 22.15.030(a)(10) adding issuance of stalking and sexual assault protective orders to the general jurisdiction of the district court would make it consistent with the protective order statutes which provide that such petitions may be filed in the district court. Further, an amendment to AS 22.15.100(9) giving magistrates jurisdiction to issue protective orders in cases involving "sexual assault" would specifically allow magistrates to issue this type of order which many have already been doing for the last three years.

The failure of the legislature to amend the district court statutes to specifically give magistrates jurisdiction to issue "sexual assault" protective orders appears to be an oversight. However, in the meantime, this omission has given some magistrates great anxiety that it is beyond the scope of their jurisdiction to issue such an order.

The cure to bring the jurisdictional statutes into step with the protective order statutes is:

1) to amend AS 22.15.030(a) to grant the district court general civil jurisdiction "over cases involving protective orders for stalking and sexual assault under AS 18.65.850 – 18.65.870" in addition to cases involving domestic violence under; and

2) to amend AS 22.15.100(9) by adding a section granting district judges and magistrates the power to issue a protective order in cases involving "sexual assault."

See Attachment 2 for suggested language.

C. Possible amendments to the statutes granting district judges and magistrates criminal jurisdictional.

1. Clarification of the types of proceedings that fall within the general criminal jurisdiction of the district court.

Alaska Statute 22.15.060(a)(1) is the provision which gives the district court general criminal jurisdiction. It provides:

Sec. 22.15.060. Criminal jurisdiction. (a) The district court has jurisdiction

(1) of the following *crimes*:

- (A) a misdemeanor, unless otherwise provided in this chapter;
- (B) a violation of an ordinance of a political subdivision;
- (C) a violation of AS 04.16.050 or AS 11.76.105,³

There are several possible amendments the legislature may wish to consider with regard to this statute.

a. AS 22.15.060(a)(1) should be amended by substituting the word *offenses* for the word *crimes* in AS 22.15.060(a)(1)

Although section (1) refers to crimes, the contents of subsections (B) and (C) refer to violations. According to the definitions contained in Title 11, violations are not crimes. Substituting the word *offenses* for the word *crimes* in AS 22.15.060(a)(1) would rectify this inaccuracy.

Violations are defined in AS 11.81.900(b)(63) as follows:

- (63) "violation" is a noncriminal offense punishable only by a fine, but not by imprisonment or other penalty; conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime; a person charged with a violation is not entitled
- (A) to a trial by jury; or
 - (B) to have a public defender or other counsel appointed at public expense to represent the person.

The term "crime," on the other hand, is defined in AS 11.81.900(b)(11) as follows:

- (11) "crime" means an offense for which a sentence of imprisonment is authorized; a crime is either a felony or a misdemeanor;

³ AS 22.15.060(a)(1) (Italics added). Alaska Statute 04.16.050 prohibits the "possession, control, or consumption of alcohol by persons under the age of 21." Alaska Statute 11.76.105 prohibits possession of tobacco by a minor.

Because violations are not crimes, listing violations as types of crimes under AS 22.15.060(a)(1) is inaccurate, at best. The term "offenses," however, encompasses both crimes and violations. As AS 11.81.900(b)(11) provides:

(39) "offense" means conduct for which a sentence of imprisonment or fine is authorized; an offense is either a crime or a violation;

Substituting the term "offenses" for "crimes" would provide greater accuracy in the statutory wording of AS 22.15.060(a). It also would harmonize the criminal jurisdiction statute with the criminal statutes themselves.

See Attachment 3 for suggested language.

b. AS 22.15.060(a)(1) should be amended to give the district court criminal jurisdiction over "minor offenses"

The construct of the district court jurisdiction statutes is to begin by giving the district court general powers. These are powers that are conferred on district court judges. Specific powers of magistrates and additional powers of district court judges are delineated in the latter part of the statutory scheme.

Alaska Statute 22.15.060 describes the general criminal jurisdiction of the district court. Under present language, the district court has general jurisdiction over all types of misdemeanors and certain specified violations, those being "violations of an ordinance of a political subdivision" and "violations of AS 04.16.050 or AS 11.76.105." What is absent from the general jurisdiction statutes is a grant of authority to the district court to hear other minor offenses. This absence stands in contrast to language in AS 22.15.120(a)(7) which gives magistrates jurisdiction to hear minor offenses."⁴

The term "minor offenses" is defined at AS 22.15.120(c) as follows:

(c) In this section, "minor offense" means

- (1) an offense classified by statute as an infraction or a violation;
- (2) an offense for which a bail forfeiture amount has been authorized by statute and established by supreme court order; or

⁴ Alaska Statute 22.15.120, which describes the proceedings magistrates may conduct, gives magistrates jurisdiction in subsection (a)(7) "to hear, try, and enter judgments in all cases involving *minor offenses* and violations of ordinances of political subdivisions." This provision was inserted in 1993 when the House Judiciary Committee introduced a bill at the request of Alaska Supreme Court to give magistrates jurisdiction over "minor offenses." According to the testimony offered by Deputy Administrative Director, Chris Christensen, the purpose of the request was to improve the operating efficiency of the court by redistributing some of the workload from district court judges to magistrates. It was obviously assumed that district judges already had jurisdiction over all "minor offenses." The bill passed and magistrates were granted jurisdiction to hear minor offenses in AS 22.15.120(a)(7).

(3) a statutory offense for which a conviction cannot result in incarceration, a fine greater than \$300, or the loss of a valuable license.

Inclusion of similar language in the general district court jurisdiction statutes would clarify that district court judges also have jurisdiction over "minor offenses" which is not presently clear.⁵

If the legislature were to agree with this suggestion, the reference to AS 11.76.105 in AS 22.15.060(a)(1)(C) could then be deleted. Alaska Statute 11.76.105 makes possession of tobacco by a minor a "violation."⁶ As a violation, this offense would fall within the definition of minor offenses.

See Attachment 3 for suggested language.

⁵ AS 12.80.040 could be argued to confer jurisdiction on district court judges. However, this is a strained reading of that statute which provides:

Sec. 12.80.040. Violations and infractions. Except as provided in AS 11.91.900(b) and AS 28.90.010(d), all laws of the state relating to misdemeanors apply to violations and infractions, including the powers of peace officers, the jurisdiction of courts, and the periods for commencing actions and for bringing a case to trial.

⁶ AS 11.76.105 provides:

Sec. 11.76.105. Possession of tobacco by a minor. (a) A person under 19 years of age may not knowingly possess a cigarette, a cigar, tobacco, or a product containing tobacco in this state. This subsection does not apply to a person who is a prisoner at an adult correctional facility.

(b) Possession of tobacco by a minor is a violation.

2. The maximum fine amount contained in AS 22.15.120(c) is inconsistent with the maximum fine amount contained at AS 12.55.035(b)(7).

As explained in the preceding section, AS 22.15.110(a)(7) gives magistrates jurisdiction to hear minor offenses. Minor offenses are defined in AS 22.15.110(c)(3) as follows:

(c) In this section, "minor offense" means

- (1) an offense classified by statute as an infraction or a violation;
- (2) an offense for which a bail forfeiture amount has been authorized by statute and established by supreme court order; or
- (3) a statutory offense for which a conviction cannot result in incarceration, a fine greater than \$300, or the loss of a valuable license.

This fine amount contained in subsection (C)(3) is inconsistent with the fine amount contained in AS 12.55.035 which prescribes the maximum fine amounts for all types of offenses, including violations. This inconsistency came about as a result of a 2002 amendment by the legislature of AS 12.55.035. Until 2002, the maximum fine that could be imposed for a violation was \$300. With the 2002 amendment, the legislature increased the limit on fines for violations to \$500. When it did, it failed to update the language in AS 22.15.110(c)(3).

Amending the language in AS 22.15.110(c)(3) from \$300 to \$500 would render it consistent with the 2002 amendment of the maximum fine amount for violations.

See Attachment 4 for suggested language.

3. Amending AS 22.15.120(a)(7) would clarify magistrate jurisdiction to accept changes of plea and to sentence in cases which are not "crimes".

An additional minor change the legislature may wish to consider pertains to subsection (5) of AS 22.15.120. That language presently reads:

Sec. 22.12.120 Limitations on proceedings which magistrate may hear. (a) A magistrate shall preside only in cases and proceedings under AS 22.15.040, 22.15.100, and 22.15.110, and as follows:

(5) To give judgment of conviction upon a plea of guilty by the defendant in all *criminal proceedings* within the jurisdiction of the district magistrate court;⁷

This provision is the statute magistrates rely upon to conduct changes of plea and sentencings in all cases otherwise within their jurisdiction. However, some magistrates have expressed concern in the past that the language "criminal proceedings" does not provide authority to conduct changes of plea in cases involving minor offenses or minor consuming alcohol which are not crimes. A simple shifting of the word "criminal" in the statute to precede the word "jurisdiction" would remedy this concern.

See Attachment 5 for suggested language.

⁷ (Italics added).

D. Magistrate jurisdiction in cases involving the "possession, control, or consumption of alcohol by persons under the age of 21".

Alaska Statute 04.16.050 penalizes the "possession, control, or consumption of alcohol by persons under the age of 21" (MCA cases). As mentioned in section C above, AS 22.15.060(a)(1)(C) gives the district court jurisdiction of violations of AS 04.16.050. However, nothing in the jurisdictional statutes specifically gives magistrates jurisdiction to hear MCA cases. The legislature may wish to consider seeking an amendment to AS 22.15.120(a) that would specifically empower magistrates to hear MCA cases.

Alaska Statute 04.16.050, creates three tiers of offenders: first offenders, repeat offenders, and habitual offenders. The attendant penalties escalate the more aggravated the offense.⁸ While the legislature specified in AS 04.16.050(d) that "[h]abitual minor consuming or in possession or control is a class B misdemeanor," it did not define or address the "class of offense" of first and repeat minor consuming convictions. In *State v. Auliye*, 57 P.3d 711 (Alaska App. 2002), however, the Court of Appeals analyzed the minor consuming statutory scheme,⁹ and concluded that because of the severity of the possible penalties and collateral consequences of a conviction, even first offenders have a right to a jury trial and court-appointed counsel if indigent.¹⁰ The result is that while first and repeat offenses are something less serious than a class B misdemeanor, they carry rights which make them more serious than violations or other minor offenses. They are an offense unto themselves.

From a jurisdictional standpoint, this produces an odd result. The district court has jurisdiction under AS 22.15.060(a)(1)(C) for violations of AS 04.16.050. A district court judge as well as a superior court judge¹¹ can hear cases involving a first, repeat or habitual offender. Magistrates, on the other hand, cannot try and enter judgment in cases involving first and repeat offenses because these offenses are neither minor offenses nor misdemeanors. However, with the consent of the defendant, magistrates can hear cases charged as "habitual offenses" because of their jurisdiction to hear misdemeanors under AS 22.15.120(a)(6).

As a practical matter, magistrates do conduct changes of plea and sentencings in all types of MCA cases. In doing so, they rely on AS 22.15.120(a)(5), discussed in the preceding section, which authorizes magistrates to "give judgment of conviction upon a plea of guilty or no contest by the defendant in a criminal proceeding within the jurisdiction of the district court." However, none conduct trials in cases involving first and

⁸ A person is a first offender if the person "has not been previously convicted or received a suspended imposition of sentence under (1) of this subsection is guilty of minor consuming or in possession or control." AS 04.16.050(b). A person is a repeat offender if the person previously "was placed on probation under (b)(1) of this section or has been previously convicted once." AS 04.16.050(c). A person is a habitual offender if the person previously "was placed on probation under (c) of this section, or has been previously convicted twice, and the person violates (a) of this section." AS 04.16.050(d).

⁹ The statutory scheme has been amended since *Auliye*. However, for purposes here, magistrates and training judges alike continue to view the analysis in *Auliye* as being applicable in handling MCA cases..

¹⁰ 57 P.3d 711 (Alaska App. 2002).

¹¹ The superior court has concurrent criminal jurisdiction.

repeat offenses and, in cases charged as a habitual offense, they do so only with the consent of the defendant as required by AS 22.15.120(a)(6).

An amendment to the jurisdictional statutes specifically giving magistrates jurisdiction to hear violations of AS 04.16.050 would give presiding judges greater flexibility in assigning these cases. Particularly in the Second Judicial District where there are no district court judges, it is a drain on judicial resources to have the least serious MCA cases tried by superior court judges.

See Attachment 6 (4 pages) for suggested language.

ATTACHMENT 1

SUGGESTED LANGUAGE

Sec. 22.15.110. Additional duties of district judge and magistrate. (a) Each district judge and magistrate shall

~~(1) record birth, death, and marriage certificates presented to them for record in the manner prescribed by law;~~

(2) authorize the burial or disposition of bodies under AS 12.65.100; and

(3) upon application by an appropriate person, appoint the person to assume temporary custody of and preserve the property and estate of deceased persons until disposition of the property is made under AS 13.16 or further order is made by the court.

(4) *[Repealed, §25 ch. 21 SLA 1985]*

(b) A district judge may establish a controlled livestock district in accordance with AS 03.35.010.

ATTACHMENT 2

SUGGESTED LANGUAGE

Sec. 22.15.060. Civil jurisdiction. (a) The district court has jurisdiction of civil cases, including foreign judgments filed under AS 09.30.200 and and arbitration proceedings under AS 09.43.170 or 09.43.530 to the extent permitted by AS 09.43.010 and 09.43.300, as follows:

(10) over cases involving protective orders for domestic violence under ~~AS 18.66.100 – 18.66.180~~

(A) domestic violence under AS 18.66.100 – 18.66.180;

(B) stalking as provided in AS 18.65.850 – 18.65.870;

and

(C) sexual assault as provided in AS 18.65.850 – 18.65.870;

Sec. 22.15.100. Functions and powers of district judge and magistrate. Each district judge and magistrate has the power

(9) to issue a protective order in cases involving

(A) domestic violence as provided in AS 18.66.100 – 18.66.180; ~~or~~

(B) stalking as provided in AS 18.65.850 – 18.65.870; and

(C) sexual assault as provided in AS 18.65.850 – 18.65.870;

ATTACHMENT 3

SUGGESTED LANGUAGE:

Sec. 22.15.060. Criminal jurisdiction. (a) The district court has jurisdiction

(1) of the following offenses ~~crimes~~:

(A) a misdemeanor, unless otherwise provided in this chapter;

(B) a minor offense or a violation of an ordinance of a political subdivision;

(C) a violation of AS 04.16.050 ~~or AS 11.76.105~~;

(2) to provide post-conviction relief under the Alaska Rules of Criminal Procedure, if the conviction occurred in the district court.

(b) In this section, "minor offense" means

(1) an offense classified by statute as an infraction or a violation;

(2) an offense for which a bail forfeiture amount has been authorized by statute and established by supreme court order;

or

(3) a statutory offense for which a conviction cannot result in incarceration, a fine greater than \$300, or the loss of a valuable license.

~~(b)~~ (c) Insofar as the criminal jurisdiction of the district courts and the superior court is the same, such jurisdiction is concurrent.

ATTACHMENT 4

SUGGESTED LANGUAGE

Sec. 22.12.120 Limitations on proceedings which magistrate may hear. (a) A magistrate shall preside only in cases and proceedings under AS 22.15.040, 22.15.100, and 22.15.110, and as follows:

(c) In this section, "minor offense" means

- (1) an offense classified by statute as an infraction or a violation;
- (2) an offense for which a bail forfeiture amount has been authorized by statute and established by supreme court order; or
- (3) a statutory offense for which a conviction cannot result in incarceration, a fine greater than ~~\$300~~ \$500, or the loss of a valuable license.

ATTACHMENT 5

SUGGESTED LANGUAGE

Sec. 22.12.120 Limitations on proceedings which magistrate may hear. (a) A magistrate shall preside only in cases and proceedings under AS 22.15.040, 22.15.100, and 22.15.110, and as follows:

(5) To give judgment of conviction upon a plea of guilty by the defendant in all ~~criminal~~ proceedings within the criminal jurisdiction of the district magistrate court;

ATTACHMENT 6

Sec. 22.12.120 Limitations on proceedings which magistrate may hear. (a) A magistrate shall preside only in cases and proceedings under AS 22.15.040, 22.15.100, and 22.15.110, and as follows:

(6) To hear, try, and enter judgments in all cases involving misdemeanors that are not minor offenses if the defendant consents in writing that the magistrate may try the case;

(7) To hear, try, and enter judgments in all cases involving violations of AS 04.16.050 if the defendant consents in writing that the magistrate may try the case;

~~(7)~~ (8) To hear, try, and enter judgments in all cases involving minor offenses and violations of an ordinance of a political subdivision;

**** [Subsequent sections to be renumbered]

**Representative
Lindsey Holmes**


Capitol Room 405
465-4919
465-2137 fax



MEMORANDUM

Date: 3 February 2010

To: Sen. Hollis French, Senate Judiciary Committee Chair

From: Rep. Lindsey Holmes 

RE: Hearing request for HB 307

I am writing to request a hearing before the Senate Judiciary Committee for House Bill 307, "An Act Relating to Sexual Assault Protective Orders." This bill was reported out of the House Judiciary Committee with unanimous Do Pass recommendations, and passed the House floor with a unanimous vote.

I have no materials to add to the bill packet at this point. Supporting documentation, including sponsor statement, sectional analysis, fiscal note, and materials relating to the legislature's intent in creating sexual assault protective orders can be accessed via BASIS.