

LEG. FINANCE - BILLS 1979 - 1980 1098

HB 386 cont., thru CSHB 392 am

1 reserved amounts set out in the special message shall remain available for
2 obligation unless, within 45 days of receipt of the message, the
3 legislature has adopted a bill rescinding or reserving all or part of
4 the amounts proposed to be rescinded or reserved.

5 (c) A bond project authorization more than two years old on which
6 work on the authorized project has not commenced and the authorization
7 has not been rescinded or reserved as prescribed in this section shall
8 be scheduled by the state bond committee for sale at the next scheduled
9 general obligation bond sale.

10 * Sec. 3. This Act takes effect July 1, 1979.

ALASKA STATE LEGISLATURE	
ELEVENTH Legislature	FIRST Session
HOUSE BILL NO. 386	
By THE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND AUDIT COMMITTEE	
"An Act relating to bond authorizations; and providing for an effective date."	
Bond authorizations	
Introduced in the House 3-14, 19... 79	

HISTORY IN THE HOUSE													
19 79	Read first time and referred to Committee on State Affairs and Finance												
Mar. 14	Reported back with recommendation that												
	Read second time and												
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	Failed to concur in Senate amend- ment; asked Senate to recede VOTE
	Senate receded from amendment VOTE
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	CC appointed by House
	CC appointed by Senate
	CC adopted by House VOTE
	CC adopted by Senate VOTE
	To enrolling Reported correctly enrolled Sent to Governor by Governor
	Filed with Lt. Governor
	Chapter No.



RECORDS



CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

3/20/90
Date

6609
Purdley

Introduced: 3/14/79
Referred: Finance

1 IN THE HOUSE

BY BUCHHOLDT AND PARR

2 HOUSE BILL NO. 387

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the student loan program; and
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 14.40.765 is amended to read:

10 Sec. 14.40.765. ELIGIBILITY OF STUDENTS. A student may apply for
11 a scholarship loan if

12 (1) he is a resident of Alaska, and if

13 (2) he is [EITHER]

14 (A) enrolled as a full-time student in a career educa-
15 tion or associate or baccalaureate or graduate degree program; [OR]

16 (B) a graduate of

17 (i) a high school located in Alaska or [,]

18 (ii) a high school outside Alaska if his Alaskan

19 residence has been continuous; or

20 (C) scheduled for graduation from the [A] high school
21 within six months [,] with sufficient credits to be admitted to a
22 career education program or to an accredited college or university.

23 * Sec. 2. AS 14.40.767 is repealed and re-enacted to read:

24 Sec. 14.40.767. SELECTION CRITERIA. In selecting from among the
25 eligible students those students who will be awarded loans, the selec-
26 tion committee shall grant loans based on total point accumulations
27 under this subsection with priority going to those students with the
28 highest point accumulations. Points shall be awarded to applicants
29 based upon student status and continuous Alaskan residency, according to

HB 387

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the following schedule:

(1) student status:

- (A) continuing students with loans.....4 points
- (B) continuing students without loans.....3 points
- (C) freshmen.....2 points
- (D) all graduate students.....1 point

(2) continuous Alaskan residency:

- (A) students with continuous Alaskan residency of 10 years or more.....3 points
- (B) students with continuous Alaskan residency of 5 to 9 years.....2 points
- (C) students with continuous Alaskan residency of 4 years or less.....1 point.

* Sec. 3. AS 14.40.763(b) is amended to read:

(b) the loans may only be used to attend a career education program [APPROVED BY THE COMMISSION] or a college or university approved by the commission, and if the loans are federally insured, by the United States Commissioner of Education [ACCREDITED BY THE ACCREDITATION ASSOCIATION FOR THE REGION IN WHICH THE COLLEGE OR UNIVERSITY IS LOCATED].

* Sec. 4. AS 14.40.763(e) is amended to read:

(e) Loans are interest [NON-INTEREST] bearing while a student is enrolled under (c) of this section or is receiving a deferment of payments under (k) of this section; however, a student shall be entitled to have a portion of the interest paid on his behalf and for his account in accordance with (l) of this section.

* Sec. 5. AS 14.40.763(g) is repealed and re-enacted to read:

(g) The required repayment of the principal amount of the loan and any interest on the loan begins no earlier than nine months nor later

1 than one year after the student terminates his studies. The loan shall
2 provide for repayment of the total amount owed in periodic installments
3 in not less than five nor more than 10 years from the commencement of
4 repayment or more than 15 years from the date of execution of the
5 original promissory note evidencing the disbursement of the loan, except
6 as provided for in (k) and (n) of this section. Notwithstanding the
7 provisions of this subsection a student may at his option make payments
8 earlier than this subsection requires.

9 * Sec. 6. AS 14.40.763(j) is amended to read:

10 (j) A portion of a loan shall be paid on behalf of the borrower
11 by the state [CONSIDERED A GRANT] if, upon completion of the course of
12 study for which the loan was granted, the borrower [GRANTEE] spends at
13 least two years employed in the state. The portion of the loan which
14 shall be paid by the state [REGARDED AS A GRANT] shall be the following
15 percentages of the total loan received plus [ACCRUED] interest for up
16 to a total of 40 per cent:

17 (1) two - three years residency, 10 per cent;

18 (2) three - four years residency, an additional 10 [20] per
19 cent;

20 (3) four - five years residency, an additional 10 [30] per
21 cent;

22 (4) over five years residency, an additional 10 [40] per
23 cent.

24 * Sec. 7. AS 14.40.763(k) is repealed and re-enacted to read:

25 (k) Periodic installments of principal shall be deferred, but
26 interest shall accrue and be paid unless the student is eligible for
27 interest payment benefits under (1) of this section during any of the
28 following:

29 (1) return to student status as provided in (c) of this

COMMITTEE COPY

1 section;

2 (2) serving on active duty as a member of the armed forces of
3 the United States;

4 (3) serving, for up to three years, as a full-time volunteer
5 under the Peace Corps Act;

6 (4) serving, for up to three years, as a full-time volunteer
7 under the Domestic Volunteer Service Act of 1973;

8 (5) for a one-time period up to 12 months in which the
9 borrower is seeking and unable to find employment in the United States;
10 or

11 (6) if the borrower becomes 50 per cent or more disabled as
12 certified by competent medical authority.

13 * Sec. 8. AS 14.40.763 is amended by adding new subsections to read:

14 (1) The state will pay the interest on that portion of a loan that
15 is not federally insured during

16 (1) the period before the beginning of the repayment period
17 of the loan; and

18 (2) deferments under (k) of this section except when
19 (A) military service under (k)(2) of this section
20 exceeds three years, or

21 (B) disability under (k)(6) of this section is 50 per
22 cent or more but less than total.

23 (n) In case of hardship, the committee may extend repayment of a
24 loan for an additional period of up to five years in increments no
25 longer than six months each, within the 15-year requirement of (g) of
26 this section.

27 * Sec. 9. AS 14.40.806 is amended by adding a new paragraph to read:

28 (2) "federally insured" means a loan covered by the provi-
29 sions of the Guaranteed Student Loan Program of Title IV, Part B, of the

COMMITTEE COPY

1 Higher Education Act of 1965 (P.L. 89-329), as amended.

2 * Sec. 3. This Act takes effect July 1, 1979.

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THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 387
 Title _____
 Requested by _____ Date March 14, 1979

II. FISCAL DETAIL

Agency Affected Education (Alaska Commission on Postsecondary Education)
 Program Category Affected Education
 BRU, Program, or Subprogram(s) Affected Student Scholarship Loan
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES			50.0	57.0	63.0	69.0
200 TRAVEL						
300 CONTRACTUAL			10.0	11.0	12.0	13.0
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.	0	0	300.0	340.0	374.0	411.0
TOTAL	0	0	360.0	408.0	449.0	493.0

FUNDING (Thousands of Dollars)

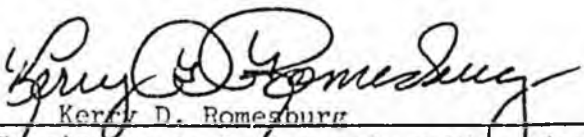
GENERAL FUND	0	0	(360.0)	(408.0)	(449.0)	(493.0)
FEDERAL FUNDS	0	0	360.0	408.0	449.0	493.0
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

FY 82, 83, 84 is based roughly upon a 10% annual increase in loan volume.

IV. DATE March 14, 1979 PREPARED BY  Kerry D. Romesburg
 AGENCY Alaska Commission on Postsecondary Education
 PHONE 465-2855
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

COMMITTEE REPORT

HOUSE

FURTHER:

March 14, 1979

Date: _____

Mr. Speaker:

The Committee on FINANCE has had HB 387

"An Act relating to the student loan program; eff. date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

6609
Proddy

Introduced: 3/14/79
Referred: Finance

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ALASKA STATE LEGISLATURE

ELEVENTH Legislature FIRST Session

HOUSE BILL NO. 387

By BUCHHOLDT AND PARR

"An Act relating to the student loan program; and providing for an effective date."

Student loan program

Introduced in the House 3-14, 1979

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	To enrolling Reported correctly enrolled Sent to Governor by Governor
	Filed with Lt. Governor
	Chapter No.

GUARANTEED STUDENT LOAN PROGRAM

The Guaranteed Student Loan Program (GSL) was originally enacted under Title IV, Part B of the Higher Education Act of 1965. The purpose is to: encourage State and private non-profit agencies to establish adequate loan insurance programs for students in eligible institutions; provide a Federal program of student loan insurance for students not having reasonable access to a state or private non-profit student loan program (FISL); and pay Federal interest subsidy on loans made under these programs as well as on loans made under direct state loan programs.

Under this program students may borrow up to \$2,500 as an undergraduate and up to \$5,000 as a graduate student per year. Repayment is to include a maximum of 7% interest on the loans.

While a student is enrolled in school or under the following deferments:

1. return to full-time student status,
2. active duty in Armed Forces (up to 3 years),
3. service in the Peace Corps or VISTA (up to 3 years),
4. seeking and unable to secure employment (up to 12 months), and
5. totally disabled

the federal program will pay, on behalf of the student borrower, the interest on the loan(s).

If a borrower defaults, files bankruptcy, or dies, the holder of the note is reimbursed the entire amount due, interest and principal. That is, the federal program "guarantees" the payment of the loan.

The program also provides for additional payments if defaulted loans are pursued and collected and annual administrative cost allowances. The administrative cost allowances are based upon loan volume for the preceding year.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 387
Title _____
Requested by _____ Date March 14, 1979

II. FISCAL DETAIL

Agency Affected Education (Alaska Commission on Postsecondary Education)
Program Category Affected Education
BRU, Program, or Subprogram(s) Affected Student Scholarship Loan
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES			50.0	57.0	63.0	69.0
200 TRAVEL						
300 CONTRACTUAL			10.0	11.0	12.0	13.0
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.	0	0	300.0	340.0	374.0	411.0
TOTAL	0	0	350.0	408.0	449.0	493.0

FUNDING (Thousands of Dollars)


GENERAL FUND	0	0	(360.0)	(408.0)	(449.0)	(493.0)
FEDERAL FUNDS	0	0	360.0	408.0	449.0	493.0
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

FY 82, 83, 84 is based roughly upon a 10% annual increase in loan volume.

IV. DATE March 14, 1979 PREPARED BY  Kerry D. Romeburg
AGENCY Alaska Commission on Postsecondary Education
PHONE 465-2855
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)




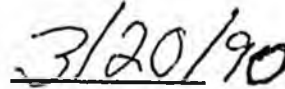
RECORDS



CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

COMMITTEE REPORT

HOUSE

FURTHER:

Date: 2-19-80

Mr. Speaker: (CS adopted in House 2/19/80)

The Committee on FINANCE has had CS HB 392

"An Act relating to domestic violence; and changing Rules 3, 65, and 76, Rules of Civil Procedure."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note (\$50.0 for training)
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

Wickens

Duncan

McKinney

Smith

Wickens
CHAIRMAN

Original sponsors: Malone, Anderson,
Cotten, et al

Offered: 2/13/80
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 392

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to domestic violence; and changing
7 Rules 3, 65, and 76, Rules of Civil Procedure."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 09.55 is amended by adding new sections to read:

10 ARTICLE 9. DOMESTIC VIOLENCE.

11 Sec. 09.55.650. DUTIES OF PEACE OFFICERS. (a) If a peace officer
12 has a reasonable belief that an adult or an emancipated minor is a
13 victim of domestic violence, the officer shall use all reasonable means
14 to prevent further domestic violence and to assure the safety of the
15 victim, including

16 (1) remaining on the scene of the domestic violence as long
17 as the officer believes that there would be a danger to the physical
18 safety of the victim without the presence of the peace officer;

19 (2) assisting the victim in obtaining emergency medical
20 treatment, including transportation to the emergency room of the nearest
21 hospital or to the nearest health provider, if the peace officer be-
22 lieves that emergency medical treatment is necessary;

23 (3) assisting the victim in moving to a safe place nearby, or
24 to the nearest facility offering shelter to victims of domestic vio-
25 lence;

26 (4) giving the victim immediate notice of rights provided
27 under this section and of the existence of the nearest facility offering
28 shelter to victims of domestic violence;

29 (5) arresting the assailant as provided in AS 12.25.030.

1 (b) The notice required in (a)(4) of this section includes the
2 following written statement which the peace officer shall give to the
3 victim and shall also read to the victim if circumstances allow:

4 "As a victim of domestic violence you may request
5 that the officer present do the following things:

- 6 (1) stay as long as needed to make sure that you are safe;
7 (2) take you to the nearest hospital or health provider
8 if you need medical care.

9 As a victim of domestic violence you have the right to
10 demand that the officer present do the following things:

- 11 (1) take you to a place nearby where you will be safe if
12 you want to leave here; and
13 (2) tell you how to contact the nearest organization that
14 offers aid or shelter to victims of domestic violence.

15 You have the right to ask the court to issue an order
16 protecting you and the children from domestic violence and
17 providing other necessary assistance, which may include
18 ordering the attacker out of the home and giving you temporary
19 custody of the children.

20 If the attacker does not obey a court order to get out
21 of the house or to leave you alone, the attacker can be
22 arrested immediately. To get a court order contact the
23 superior court in (name of place) and they will help you.
24 You must do this within 10 DAYS. To get an order quickly
25 in an emergency, you may also contact the district court
26 in (name of place) or (name of magistrate).

27 The court order is designed to protect YOU or the
28 children. You also have the right to file a criminal
29 complaint against the attacker."

1 (c) If the victim does not understand English, the officer shall
2 make reasonable efforts to explain the rights provided in this section
3 in a language the victim understands.

4 Sec. 09.55.660. ORDER FOR RELIEF. (a) A victim of domestic
5 violence who is an adult or an emancipated minor may, within 10 days of
6 the act of domestic violence, petition a superior court or, if the
7 circumstances described in (c) of this section exist, petition a dis-
8 trict judge or magistrate under (c) of this section for an order

9 (1) restraining the assailant from subjecting the petitioner
10 to domestic violence;

11 (2) directing the assailant to vacate the home of the peti-
12 tioner;

13 (3) restraining the assailant from contacting the petitioner;

14 (4) directing the assailant to pay support for the petitioner
15 or for the minor children in the care of the petitioner if there is an
16 independent legal obligation of the assailant to support the petitioner
17 or the children;

18 (5) awarding temporary custody of a minor child to the peti-
19 tioner;

20 (6) directing the assailant to pay the petitioner for losses
21 suffered as a result of the domestic violence, including medical and
22 moving expenses, loss of earnings or support, and other out-of-pocket
23 losses resulting from injuries sustained.

24 (b) Upon receiving a petition under (a) of this section, the
25 superior court shall schedule a hearing and shall provide at least three
26 days notice to the respondent of the hearing and of the respondent's
27 right to appear and to be heard either in person or by attorney. If,
28 after the hearing, the superior court finds the allegations of the
29 petitioner to be true, the superior court may issue any of the orders

1 for relief described in (a) of this section or any other order the
2 superior court determines to be necessary for the protection of the
3 health, safety and welfare of the petitioner or of a minor child in the
4 care of the petitioner.

5 (c) The superior court or a district judge or magistrate may issue
6 a temporary order without following the notice and hearing requirements
7 of (b) of this section if (1) the petitioner demonstrates a substantial
8 likelihood of immediate danger from the respondent to the health, safety
9 or welfare of the petitioner or of a minor child in the care of the
10 petitioner; and (2) the court or district judge or magistrate determines
11 that the order is necessary to protect the petitioner or a minor child
12 in the care of the petitioner. Immediately after issuing a temporary
13 order under this subsection or upon receiving notice of an order issued
14 by a district judge or magistrate under this subsection, the superior
15 court shall notify the respondent and give the respondent an opportunity
16 to be heard as soon as possible, but in no event later than 10 days,
17 after the order is issued on the question of continuing the temporary
18 order.

19 (d) Relief granted by a superior court under this section shall be
20 for a fixed period of time not to exceed 45 days; however, upon motion
21 by the petitioner and after hearing, the superior court may issue an
22 order for an additional period of time as it considers necessary to
23 protect the petitioner from domestic violence. The superior court may
24 modify its order at any time upon petition of either party.

25 (e) Proceedings under this section do not preclude any other
26 available civil or criminal remedies.

27 Sec. 09.55.665. FORMS FOR FILING PETITION. The Alaska court
28 system, in cooperation with interested persons and organizations, shall
29 prepare forms and instructions for the use of persons seeking an order

1 for relief under AS 09.55.660, including forms for waiving filing fees
2 on the basis of indigency. The forms shall conform to the requirements
3 of AS 09.55.660 and the Alaska Rules of Civil Procedure, except that
4 information on the forms may be filled in by legible handwriting. The
5 office of the clerk of each superior court shall make the forms and
6 instructions available to the public.

7 Sec. 09.55.670. NOTIFICATION TO LAW ENFORCEMENT AGENCIES. If a
8 superior court, district judge or magistrate issues an order described
9 in AS 09.55.660(a)(1), (2) or (3), the superior court, district judge or
10 magistrate shall transmit a copy of the order to the appropriate local
11 law enforcement agency. Law enforcement agencies shall establish pro-
12 cedures adequate to inform their peace officers of the existence and
13 terms of orders transmitted to the law enforcement agencies under this
14 section. Peace officers shall use every reasonable means to enforce the
15 orders.

16 Sec. 09.55.680. TRAINING OF PEACE OFFICERS. Law enforcement
17 agencies shall establish training procedures for peace officers, or
18 shall include training in existing training procedures for peace offi-
19 cers, which acquaint peace officers with the rights of the victim of
20 domestic violence, the types of orders which may be issued under AS 09.-
21 55.660, and techniques for handling incidents of domestic violence which
22 promote the safety of the victim and reduce the likelihood of recur-
23 rence.

24 Sec. 09.55.690. CRIMINAL PENALTIES. (a) An intentional violation
25 of an order described in AS 09.55.660(a)(1) or (2) or an intentional
26 violation of an order described in AS 09.55.660(a)(3) involving the
27 confrontation of the victim of domestic violence by the assailant is a
28 class B misdemeanor. A second intentional violation of an order des-
29 cribed in this section is punishable by a minimum sentence of imprison-

1 ment of not less than 72 consecutive hours. The execution of a sentence
2 may not be suspended and probation or parole may not be granted until
3 the minimum imprisonment provided in this section has been served. The
4 imposition of sentence may not be suspended, except upon condition that
5 the defendant be imprisoned for no less than the minimum period provided
6 in this section.

7 (b) A peace officer may arrest a person if he has reasonable cause
8 for believing that the person has violated an order described in (a) of
9 this section.

10 Sec. 09.55.700. DEFINITIONS. For the purposes of AS 09.55.650 -
11 09.55.700,

12 (1) "domestic violence" means the intentional perpetration of
13 any of the following acts by a person against a household member, a
14 spouse, former spouse, or blood relative of the person:

15 (A) attempting to cause or causing physical harm to the
16 other person or to a minor child in the care of the other person;

17 (B) placing the other person or a minor child in the
18 care of the other person in fear of imminent serious physical harm;

19 (C) causing the other person to engage involuntarily in
20 sexual relations by force, threat of force or duress;

21 (2) "facility offering shelter to victims of domestic vio-
22 lence" includes a facility offering programs which provide emergency or
23 short-term lodging or housing for adults who are victims of domestic
24 violence and their children.

25 * Sec. 2. AS 12.25.030(b) is amended to read:

26 (b) In addition to the authority granted under (a) of this sec-
27 tion, a peace officer without a warrant

28 (1) may arrest a person when he has reasonable cause for
29 believing that the person has committed assault in the third degree

1 under AS 11.41.230(a)(1) against a member of the person's household;
2 (2) may arrest a person when he has reasonable cause for be-
3 lieving that the person has committed an offense listed in AS 09.55.-
4 690(a).

5 * Sec. 3. AS 18.55.330 is amended to read:

6 Sec. 18.55.330. PREFERENCE TO VETERANS AND TO VICTIMS OF DOMESTIC
7 VIOLENCE. (a) The authority shall initial'v offer 50 percent of the
8 dwelling units in a housing project for rent or sale to veterans. The
9 offer shall be by publication of reasonable notice in a newspaper cir-
10 culated in the area in which the housing project is located. The autho-
11 rity shall set aside these units for rental or sale to veterans for at
12 least 30 days following first publication of the notice before making
13 them available to other residents. If [, AFTER AN ADDITIONAL 30 DAYS] a
14 unit remains unassigned after the 30-day period, the authority may rent
15 or sell it to any person in the state, provided that victims of domestic
16 violence who move from their homes to avoid further domestic violence
17 [RESIDENTS] have first preference and other residents have second pre-
18 ference.

19 (b) Victims of domestic violence who move from their homes to
20 avoid further domestic violence have first preference for dwelling units
21 in a housing project not set aside for veterans under (a) of this sec-
22 tion.

23 (c) The authority shall adopt regulations in accordance with the
24 Administrative Procedure Act (AS 44.62) to implement the preference in
25 this section for victims of domestic violence. The regulations shall
26 include criteria for determining when a person is a victim of domestic
27 violence based on AS 09.55.650 - 09.55.700.

28 (d) The preferences in this section for veterans and victims of
29 domestic violence apply to state housing projects. These preferences

1 also apply to housing projects receiving financial aid, assistance, or
2 cooperation from the federal government unless the United States Depart-
3 ment of Housing and Urban Development prohibits or disapproves the pre-
4 ferences.

5 * Sec. 4. AS 22.15.100 is amended by adding a new paragraph to read:

6 (9) to issue a temporary order in domestic violence cases as
7 provided in AS 09.55.660(c); the district judge or magistrate shall
8 notify the superior court immediately upon issuance of a temporary order
9 under this paragraph.

10 * Sec. 5. Section 1 of this Act has the effect of changing Rule 3, Rules
11 of Civil Procedure, by enacting a provision that allows a court to proceed
12 upon the filing of a petition rather than a complaint, and Rule 76, Rules of
13 Civil Procedure, by enacting a provision that allows a court to accept for
14 filing petitions which are handwritten in part. Section 1 of this Act also
15 has the effect of changing Rule 65, Rules of Civil Procedure, by enacting a
16 provision that establishes an alternate procedure for obtaining orders for
17 relief from domestic violence.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 392
 Title "An Act relating to domestic violence; and changing Rules 3, 65, and
 Requested by 76, Rules of Civil Procedure Date 2-19-80

II. FISCAL DETAIL

Agency Affected Public Safety
 Program Category Affected Administration of Justice
 BRU, Program, or Subprogram(s) Affected _____

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
800 MISC.			50.0			
TOTAL			50.0			

FUNDING (Thousands of Dollars)

GENERAL FUND			50.0			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Training needs are estimated at \$50.0 to hire an appropriate consultant and pay costs of training all commissioned officers at regional locations.

Russ Meekins

Russ Meekins, Chairman
 House Finance Committee
 February 19, 1980

IV. DATE _____ PREPARED BY _____

AGENCY _____
 PHONE _____

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

HOUSE
JOURNAL SUPPLEMENT

February 20, 1980

Wednesday

No. 18

FISCAL NOTE

I. REQUEST CSHB
392
 Bill/Resolution No. CSHB 392
 Title "An Act relating to domestic violence; and changing Rule 3, 65, and
 Requested by 76, Rules of Civil Procedure Date 2-19-80

II. FISCAL DETAIL
 Agency Affected Public Safety
 Program Category Affected Administration of Justice
 BRU, Program, or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
800 MISC.			50.0			
TOTAL			50.0			

FUNDING (Thousands of Dollars)

GENERAL FUND			50.0			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Training needs are estimated at \$50.0 to hire an appropriate consultant and pay costs of training all commissioned officers at regional locations.

Russ Meekins

Russ Meekins, Chairman
House Finance Committee
February 19, 1980

IV. DATE _____ PREPARED BY _____
 AGENCY _____
 PHONE _____
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST HOUSE BILL NO. 392
 Bill/Resolution No. HB 392 - "An Act relating to domestic violence and
 Title amending Rules 3, 65 & 76 of Civil Procedure".
 Requested by _____ Date 1/30/80

II. FISCAL DETAIL
 Agency Affected Public Safety
 Program Category Affected Administration of Justice
 BRU, Program, or Subprogram(s) Affected Detachments & CIB
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		187.5	187.5	187.5		
200 TRAVEL		157.5	122.5	122.5		
300 CONTRACTUAL		81.0	66.0	66.0		
400 COMMODITIES		4.0	4.0	4.0		
500 EQUIPMENT		81.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	511.5	380.0	380.0		

FUNDING (Thousands of Dollars)

GENERAL FUND	0	511.5	380.0	380.0		
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	0	5	5	5		
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Five new troopers would be required to implement this bill without reducing statewide service levels. Based upon an estimated need to take further action in half of the domestic disturbance calls (1,000 - 1,500) made by the troopers, 9,750 trooper-hours would be needed for guard or transportation purposes and for serving or enforcing temporary restraining orders.

Projected travel needs for spouses and children total \$112.5 (3 family members x 250 situations x \$150/trip). Training needs are estimated at \$50.0 to hire an appropriate consultant and pay costs of training all commissioned officers at regional locations.

Inflation or workload changes are not projected; second and third year estimates are reduced by initial training and equipment costs.

IV. DATE 1/30/80 PREPARED BY Mike Clemens
Mike Clemens
 AGENCY Public Safety
 PHONE 465-4336
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

AMENDMENT #1

OFFERED IN THE HOUSE:

BY: RANDOLPH
Judiciary

To: _____ HOUSE BILL No. CSHB 392

SENATE BILL No. _____

PAGE: _____

LINE: _____

Page 1, Line 18:

Add the following new material after the word "officer":
", or until requested to leave by the victim of domestic
violence;"

Page 2, line 15:

Add the following new material:

(3) immediately "leave the premise and refrain from
further involvement in the incident."

Original sponsors: Malone, Anderson,
Cotten, et al

Offered: 2/13/80
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 392

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to domestic violence; and changing
7 Rules 3, 65, and 76, Rules of Civil Procedure."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 09.55 is amended by adding new sections to read:

10 ARTICLE 9. DOMESTIC VIOLENCE.

11 Sec. 09.55.650. DUTIES OF PEACE OFFICERS. (a) If a peace officer
12 has a reasonable belief that an adult or an emancipated minor is a
13 victim of domestic violence, the officer shall use all reasonable means
14 to prevent further domestic violence and to assure the safety of the
15 victim, including

16 (1) remaining on the scene of the domestic violence as long
17 as the officer believes that there would be a danger to the physical
18 safety of the victim without the presence of the peace officer;

19 (2) assisting the victim in obtaining emergency medical
20 treatment, including transportation to the emergency room of the nearest
21 hospital or to the nearest health provider, if the peace officer be-
22 lieves that emergency medical treatment is necessary;

23 (3) assisting the victim in moving to a safe place nearby, or
24 to the nearest facility offering shelter to victims of domestic vio-
25 lence;

26 (4) giving the victim immediate notice of rights provided
27 under this section and of the existence of the nearest facility offering
28 shelter to victims of domestic violence;

29 (5) arresting the assailant as provided in AS 12.25.030.

1 (b) The notice required in (a)(4) of this section includes the
2 following written statement which the peace officer shall give to the
3 victim and shall also read to the victim if circumstances allow:

4 "As a victim of domestic violence you may request
5 that the officer present do the following things:

- 6 (1) stay as long as needed to make sure that you are safe;
7 (2) take you to the nearest hospital or health provider
8 if you need medical care.

9 As a victim of domestic violence you have the right to
10 demand that the officer present do the following things:

- 11 (1) take you to a place nearby where you will be safe if
12 you want to leave here; and
13 (2) tell you how to contact the nearest organization that
14 offers aid or shelter to victims of domestic violence.

15 You have the right to ask the court to issue an order
16 protecting you and the children from domestic violence and
17 providing other necessary assistance, which may include
18 ordering the attacker out of the home and giving you temporary
19 custody of the children.

20 If the attacker does not obey a court order to get out
21 of the house or to leave you alone, the attacker can be
22 arrested immediately. To get a court order contact the
23 superior court in (name of place) and they will help you.
24 You must do this within 10 DAYS. To get an order quickly
25 in an emergency, you may also contact the district court
26 in (name of place) or (name of magistrate).

27 The court order is designed to protect YOU or the
28 children. You also have the right to file a criminal
29 complaint against the attacker."

1 (c) If the victim does not understand English, the officer shall
2 make reasonable efforts to explain the rights provided in this section
3 in a language the victim understands.

4 Sec. 09.55.660. ORDER FOR RELIEF. (a) A victim of domestic
5 violence who is an adult or an emancipated minor may, within 10 days of
6 the act of domestic violence, petition a superior court or, if the
7 circumstances described in (c) of this section exist, petition a dis-
8 trict judge or magistrate under (c) of this section for an order

9 (1) restraining the assailant from subjecting the petitioner
10 to domestic violence;

11 (2) directing the assailant to vacate the home of the peti-
12 tioner;

13 (3) restraining the assailant from contacting the petitioner;

14 (4) directing the assailant to pay support for the petitioner
15 or for the minor children in the care of the petitioner if there is an
16 independent legal obligation of the assailant to support the petitioner
17 or the children;

18 (5) awarding temporary custody of a minor child to the peti-
19 tioner;

20 (6) directing the assailant to pay the petitioner for losses
21 suffered as a result of the domestic violence, including medical and
22 moving expenses, loss of earnings or support, and other out-of-pocket
23 losses resulting from injuries sustained.

24 (b) Upon receiving a petition under (a) of this section, the
25 superior court shall schedule a hearing and shall provide at least three
26 days notice to the respondent of the hearing and of the respondent's
27 right to appear and to be heard either in person or by attorney. If,
28 after the hearing, the superior court finds the allegations of the
29 petitioner to be true, the superior court may issue any of the orders

1 for relief described in (a) of this section or any other order the
2 superior court determines to be necessary for the protection of the
3 health, safety and welfare of the petitioner or of a minor child in the
4 care of the petitioner.

5 (c) The superior court or a district judge or magistrate may issue
6 a temporary order without following the notice and hearing requirements
7 of (b) of this section if (1) the petitioner demonstrates a substantial
8 likelihood of immediate danger from the respondent to the health, safety
9 or welfare of the petitioner or of a minor child in the care of the
10 petitioner; and (2) the court or district judge or magistrate determines
11 that the order is necessary to protect the petitioner or a minor child
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13 order under this subsection or upon receiving notice of an order issued
14 by a district judge or magistrate under this subsection, the superior
15 court shall notify the respondent and give the respondent an opportunity
16 to be heard as soon as possible, but in no event later than 10 days,
17 after the order is issued on the question of continuing the temporary
18 order.

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20 for a fixed period of time not to exceed 45 days; however, upon motion
21 by the petitioner and after hearing, the superior court may issue an
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23 protect the petitioner from domestic violence. The superior court may
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25 (e) Proceedings under this section do not preclude any other
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1 for relief under AS 09.55.660, including forms for waiving filing fees
2 on the basis of indigency. The forms shall conform to the requirements
3 of AS 09.55.660 and the Alaska Rules of Civil Procedure, except that
4 information on the forms may be filled in by legible handwriting. The
5 office of the clerk of each superior court shall make the forms and
6 instructions available to the public.

7 Sec. 09.55.670. NOTIFICATION TO LAW ENFORCEMENT AGENCIES. If a
8 superior court, district judge or magistrate issues an order described
9 in AS 09.55.660(a)(1), (2) or (3), the superior court, district judge or
10 magistrate shall transmit a copy of the order to the appropriate local
11 law enforcement agency. Law enforcement agencies shall establish pro-
12 cedures adequate to inform their peace officers of the existence and
13 terms of orders transmitted to the law enforcement agencies under this
14 section. Peace officers shall use every reasonable means to enforce the
15 orders.

16 Sec. 09.55.680. TRAINING OF PEACE OFFICERS. Law enforcement
17 agencies shall establish training procedures for peace officers, or
18 shall include training in existing training procedures for peace offi-
19 cers, which acquaint peace officers with the rights of the victim of
20 domestic violence, the types of orders which may be issued under AS 09.-
21 55.660, and techniques for handling incidents of domestic violence which
22 promote the safety of the victim and reduce the likelihood of recur-
23 rence.

24 Sec. 09.55.690. CRIMINAL PENALTIES. (a) An intentional violation
25 of an order described in AS 09.55.660(a)(1) or (2) or an intentional
26 violation of an order described in AS 09.55.660(a)(3) involving the
27 confrontation of the victim of domestic violence by the assailant is a
28 class B misdemeanor. A second intentional violation of an order des-
29 cribed in this section is punishable by a minimum sentence of imprison-

1 ment of not less than 72 consecutive hours. The execution of a sentence
2 may not be suspended and probation or parole may not be granted until
3 the minimum imprisonment provided in this section has been served. The
4 imposition of sentence may not be suspended, except upon condition that
5 the defendant be imprisoned for no less than the minimum period provided
6 in this section.

7 (b) A peace officer may arrest a person if he has reasonable cause
8 for believing that the person has violated an order described in (a) of
9 this section.

10 Sec. 09.55.700. DEFINITIONS. For the purposes of AS 09.55.650 -
11 09.55.700,

12 (1) "domestic violence" means the intentional perpetration of
13 any of the following acts by a person against a household member, a
14 spouse, former spouse, or blood relative of the person:

15 (A) attempting to cause or causing physical harm to the
16 other person or to a minor child in the care of the other person;

17 (B) placing the other person or a minor child in the
18 care of the other person in fear of imminent serious physical harm;

19 (C) causing the other person to engage involuntarily in
20 sexual relations by force, threat of force or duress;

21 (2) "facility offering shelter to victims of domestic vio-
22 lence" includes a facility offering programs which provide emergency or
23 short-term lodging or housing for adults who are victims of domestic
24 violence and their children.

25 * Sec. 2. AS 12.25.030(b) is amended to read:

26 (b) In addition to the authority granted under (a) of this sec-
27 tion, a peace officer without a warrant

28 (1) may arrest a person when he has reasonable cause for
29 believing that the person has committed assault in the third degree

1 under AS 11.41.230(a)(1) against a member of the person's household;
2 (2) may arrest a person when he has reasonable cause for be-
3 lieving that the person has committed an offense listed in AS 09.55.-
4 690(a).

5 * Sec. 3. AS 18.55.330 is amended to read:

6 Sec. 18.55.330. PREFERENCE TO VETERANS AND TO VICTIMS OF DOMESTIC
7 VIOLENCE. (a) The authority shall initially offer 50 percent of the
8 dwelling units in a housing project for rent or sale to veterans. The
9 offer shall be by publication of reasonable notice in a newspaper cir-
10 culated in the area in which the housing project is located. The autho-
11 rity shall set aside these units for rental or sale to veterans for at
12 least 30 days following first publication of the notice before making
13 them available to other residents. If [, AFTER AN ADDITIONAL 30 DAYS] a
14 unit remains unassigned after the 30-day period, the authority may rent
15 or sell it to any person in the state, provided that victims of domestic
16 violence who move from their homes to avoid further domestic violence
17 [RESIDENTS] have first preference and other residents have second pre-
18 ference.

19 (b) Victims of domestic violence who move from their homes to
20 avoid further domestic violence have first preference for dwelling units
21 in a housing project not set aside for veterans under (a) of this sec-
22 tion.

23 (c) The authority shall adopt regulations in accordance with the
24 Administrative Procedure Act (AS 44.62) to implement the preference in
25 this section for victims of domestic violence. The regulations shall
26 include criteria for determining when a person is a victim of domestic
27 violence based on AS 09.55.650 - 09.55.700.

28 (d) The preferences in this section for veterans and victims of
29 domestic violence apply to state housing projects. These preferences

1 also apply to housing projects receiving financial aid, assistance, or
2 cooperation from the federal government unless the United States Depart-
3 ment of Housing and Urban Development prohibits or disapproves the pre-
4 ferences.

5 * Sec. 4. AS 22.15.100 is amended by adding a new paragraph to read:

6 (9) to issue a temporary order in domestic violence cases as
7 provided in AS 09.55.660(c); the district judge or magistrate shall
8 notify the superior court immediately upon issuance of a temporary order
9 under this paragraph.

10 * Sec. 5. Section 1 of this Act has the effect of changing Rule 3, Rules
11 of Civil Procedure, by enacting a provision that allows a court to proceed
12 upon the filing of a petition rather than a complaint, and Rule 76, Rules of
13 Civil Procedure, by enacting a provision that allows a court to accept for
14 filing petitions which are handwritten in part. Section 1 of this Act also
15 has the effect of changing Rule 65, Rules of Civil Procedure, by enacting a
16 provision that establishes an alternate procedure for obtaining orders for
17 relief from domestic violence.

Original sponsors: Malone, Anderson,
Cotten, et al

Offered: 2/13/80
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 392

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to domestic violence; and changing
7 Rules 3, 65, and 76, Rules of Civil Procedure."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 09.55 is amended by adding new sections to read:

10 ARTICLE 9. DOMESTIC VIOLENCE.

11 Sec. 09.55.650. DUTIES OF PEACE OFFICERS. (a) If a peace officer
12 has a reasonable belief that an adult or an emancipated minor is a
13 victim of domestic violence, the officer shall use all reasonable means
14 to prevent further domestic violence and to assure the safety of the
15 victim, including

16 (1) remaining on the scene of the domestic violence as long
17 as the officer believes that there would be a danger to the physical
18 safety of the victim without the presence of the peace officer;

19 (2) assisting the victim in obtaining emergency medical
20 treatment, including transportation to the emergency room of the nearest
21 hospital or to the nearest health provider, if the peace officer be-
22 lieves that emergency medical treatment is necessary;

23 (3) assisting the victim in moving to a safe place nearby, or
24 to the nearest facility offering shelter to victims of domestic vio-
25 lence;

26 (4) giving the victim immediate notice of rights provided
27 under this section and of the existence of the nearest facility offering
28 shelter to victims of domestic violence;

29 (5) arresting the assailant as provided in AS 12.25.030.

1 (b) The notice required in (a)(4) of this section includes the
2 following written statement which the peace officer shall give to the
3 victim and shall also read to the victim if circumstances allow:

4 "As a victim of domestic violence you may request
5 that the officer present do the following things:

- 6 (1) stay as long as needed to make sure that you are safe;
7 (2) take you to the nearest hospital or health provider
8 if you need medical care.

9 As a victim of domestic violence you have the right to
10 demand that the officer present do the following things:

- 11 (1) take you to a place nearby where you will be safe if
12 you want to leave here; and
13 (2) tell you how to contact the nearest organization that
14 offers aid or shelter to victims of domestic violence.

15 You have the right to ask the court to issue an order
16 protecting you and the children from domestic violence and
17 providing other necessary assistance, which may include
18 ordering the attacker out of the home and giving you temporary
19 custody of the children.

20 If the attacker does not obey a court order to get out
21 of the house or to leave you alone, the attacker can be
22 arrested immediately. To get a court order contact the
23 superior court in (name of place) and they will help you.
24 You must do this within 10 DAYS. To get an order quickly
25 in an emergency, you may also contact the district court
26 in (name of place) or (name of magistrate).

27 The court order is designed to protect YOU or the
28 children. You also have the right to file a criminal
29 complaint against the attacker."

1 (c) If the victim does not understand English, the officer shall
2 make reasonable efforts to explain the rights provided in this section
3 in a language the victim understands.

4 Sec. 09.55.660. ORDER FOR RELIEF. (a) A victim of domestic
5 violence who is an adult or an emancipated minor may, within 10 days of
6 the act of domestic violence, petition a superior court or, if the
7 circumstances described in (c) of this section exist, petition a dis-
8 trict judge or magistrate under (c) of this section for an order

9 (1) restraining the assailant from subjecting the petitioner
10 to domestic violence;

11 (2) directing the assailant to vacate the home of the peti-
12 tioner;

13 (3) restraining the assailant from contacting the petitioner;

14 (4) directing the assailant to pay support for the petitioner
15 or for the minor children in the care of the petitioner if there is an
16 independent legal obligation of the assailant to support the petitioner
17 or the children;

18 (5) awarding temporary custody of a minor child to the peti-
19 tioner;

20 (6) directing the assailant to pay the petitioner for losses
21 suffered as a result of the domestic violence, including medical and
22 moving expenses, loss of earnings or support, and other out-of-pocket
23 losses resulting from injuries sustained.

24 (b) Upon receiving a petition under (a) of this section, the
25 superior court shall schedule a hearing and shall provide at least three
26 days notice to the respondent of the hearing and of the respondent's
27 right to appear and to be heard either in person or by attorney. If,
28 after the hearing, the superior court finds the allegations of the
29 petitioner to be true, the superior court may issue any of the orders

1 for relief described in (a) of this section or any other order the
2 superior court determines to be necessary for the protection of the
3 health, safety and welfare of the petitioner or of a minor child in the
4 care of the petitioner.

5 (c) The superior court or a district judge or magistrate may issue
6 a temporary order without following the notice and hearing requirements
7 of (b) of this section if (1) the petitioner demonstrates a substantial
8 likelihood of immediate danger from the respondent to the health, safety
9 or welfare of the petitioner or of a minor child in the care of the
10 petitioner; and (2) the court or district judge or magistrate determines
11 that the order is necessary to protect the petitioner or a minor child
12 in the care of the petitioner. Immediately after issuing a temporary
13 order under this subsection or upon receiving notice of an order issued
14 by a district judge or magistrate under this subsection, the superior
15 court shall notify the respondent and give the respondent an opportunity
16 to be heard as soon as possible, but in no event later than 10 days,
17 after the order is issued on the question of continuing the temporary
18 order.

19 (d) Relief granted by a superior court under this section shall be
20 for a fixed period of time not to exceed 45 days; however, upon motion
21 by the petitioner and after hearing, the superior court may issue an
22 order for an additional period of time as it considers necessary to
23 protect the petitioner from domestic violence. The superior court may
24 modify its order at any time upon petition of either party.

25 (e) Proceedings under this section do not preclude any other
26 available civil or criminal remedies.

27 Sec. 09.55.665. FORMS FOR FILING PETITION. The Alaska court
28 system, in cooperation with interested persons and organizations, shall
29 prepare forms and instructions for the use of persons seeking an order

1 for relief under AS 09.55.660, including forms for waiving filing fees
2 on the basis of indigency. The forms shall conform to the requirements
3 of AS 09.55.660 and the Alaska Rules of Civil Procedure, except that
4 information on the forms may be filled in by legible handwriting. The
5 office of the clerk of each superior court shall make the forms and
6 instructions available to the public.

7 Sec. 09.55.670. NOTIFICATION TO LAW ENFORCEMENT AGENCIES. If a
8 superior court, district judge or magistrate issues an order described
9 in AS 09.55.660(a)(1), (2) or (3), the superior court, district judge or
10 magistrate shall transmit a copy of the order to the appropriate local
11 law enforcement agency. Law enforcement agencies shall establish pro-
12 cedures adequate to inform their peace officers of the existence and
13 terms of orders transmitted to the law enforcement agencies under this
14 section. Peace officers shall use every reasonable means to enforce the
15 orders.

16 Sec. 09.55.680. TRAINING OF PEACE OFFICERS. Law enforcement
17 agencies shall establish training procedures for peace officers, or
18 shall include training in existing training procedures for peace offi-
19 cers, which acquaint peace officers with the rights of the victim of
20 domestic violence, the types of orders which may be issued under AS 09.-
21 55.660, and techniques for handling incidents of domestic violence which
22 promote the safety of the victim and reduce the likelihood of recur-
23 rence.

24 Sec. 09.55.690. CRIMINAL PENALTIES. (a) An intentional violation
25 of an order described in AS 09.55.660(a)(1) or (2) or an intentional
26 violation of an order described in AS 09.55.660(a)(3) involving the
27 confrontation of the victim of domestic violence by the assailant is a
28 class B misdemeanor. A second intentional violation of an order des-
29 cribed in this section is punishable by a minimum sentence of imprison-

1 ment of not less than 72 consecutive hours. The execution of a sentence
2 may not be suspended and probation or parole may not be granted until
3 the minimum imprisonment provided in this section has been served. The
4 imposition of sentence may not be suspended, except upon condition that
5 the defendant be imprisoned for no less than the minimum period provided
6 in this section.

7 (b) A peace officer may arrest a person if he has reasonable cause
8 for believing that the person has violated an order described in (a) of
9 this section.

10 Sec. 09.55.700. DEFINITIONS. For the purposes of AS 09.55.650 -
11 09.55.700,

12 (1) "domestic violence" means the intentional perpetration of
13 any of the following acts by a person against a household member, a
14 spouse, former spouse, or blood relative of the person:

15 (A) attempting to cause or causing physical harm to the
16 other person or to a minor child in the care of the other person;

17 (B) placing the other person or a minor child in the
18 care of the other person in fear of imminent serious physical harm;

19 (C) causing the other person to engage involuntarily in
20 sexual relations by force, threat of force or duress;

21 (2) "facility offering shelter to victims of domestic vio-
22 lence" includes a facility offering programs which provide emergency or
23 short-term lodging or housing for adults who are victims of domestic
24 violence and their children.

25 * Sec. 2. AS 12.25.030(b) is amended to read:

26 (b) In addition to the authority granted under (a) of this sec-
27 tion, a peace officer without a warrant

28 (1) may arrest a person when he has reasonable cause for
29 believing that the person has committed assault in the third degree

1 under AS 11.41.230(a)(1) against a member of the person's household;

2 (2) may arrest a person when he has reasonable cause for be-
3 lieving that the person has committed an offense listed in AS 09.55.-
4 690(a).

5 * Sec. 3. AS 18.55.330 is amended to read:

6 Sec. 18.55.330. PREFERENCE TO VETERANS AND TO VICTIMS OF DOMESTIC
7 VIOLENCE. (a) The authority shall initially offer 50 percent of the
8 dwelling units in a housing project for rent or sale to veterans. The
9 offer shall be by publication of reasonable notice in a newspaper cir-
10 culated in the area in which the housing project is located. The autho-
11 rity shall set aside these units for rental or sale to veterans for at
12 least 30 days following first publication of the notice before making
13 them available to other residents. If [, AFTER AN ADDITIONAL 30 DAYS] a
14 unit remains unassigned after the 30-day period, the authority may rent
15 or sell it to any person in the state, provided that victims of domestic
16 violence who move from their homes to avoid further domestic violence
17 [RESIDENTS] have first preference and other residents have second pre-
18 ference.

19 (b) Victims of domestic violence who move from their homes to
20 avoid further domestic violence have first preference for dwelling units
21 in a housing project not set aside for veterans under (a) of this sec-
22 tion.

23 (c) The authority shall adopt regulations in accordance with the
24 Administrative Procedure Act (AS 44.62) to implement the preference in
25 this section for victims of domestic violence. The regulations shall
26 include criteria for determining when a person is a victim of domestic
27 violence based on AS 09.55.650 - 09.55.700.

28 (d) The preferences in this section for veterans and victims of
29 domestic violence apply to state housing projects. These preferences

1 also apply to housing projects receiving financial aid, assistance, or
2 cooperation from the federal government unless the United States Depart-
3 ment of Housing and Urban Development prohibits or disapproves the pre-
4 ferences.

5 * Sec. 4. AS 22.15.100 is amended by adding a new paragraph to read:

6 (9) to issue a temporary order in domestic violence cases as
7 provided in AS 09.55.660(c); the district judge or magistrate shall
8 notify the superior court immediately upon issuance of a temporary order
9 under this paragraph.

10 * Sec. 5. Section 1 of this Act has the effect of changing Rule 3, Rules
11 of Civil Procedure, by enacting a provision that allows a court to proceed
12 upon the filing of a petition rather than a complaint, and Rule 76, Rules of
13 Civil Procedure, by enacting a provision that allows a court to accept for
14 filing petitions which are handwritten in part. Section 1 of this Act also
15 has the effect of changing Rule 65, Rules of Civil Procedure, by enacting a
16 provision that establishes an alternate procedure for obtaining orders for
17 relief from domestic violence.



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O Smith
Signature of Camera Operator

3/20/90
Date

Funding Information
General Fund \$25,000
Other Funds -0-
\$25,000

Introduced: 3/14/79
Referred: Finance

1 IN THE HOUSE

BY BUCHHOLDT

2 HOUSE BILL NO. 388

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation for the Youth
7 Alternative Services Network; and providing for an
8 effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. The sum of \$25,000 is appropriated from the general fund to
11 the Department of Health and Social Services for payment as a grant to the
12 Youth Alternative Services Network to finance an assessment of the need for
13 the establishment of multi-purpose youth centers.

14 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
15 070(c).

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Brody

Funding Information
General Fund \$25,000
Other Funds -0-
\$25,000

Introduced: 3/14/79
Referred: Finance

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BY BUCHHOLDT

2 HOUSE BILL NO. 388

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12 Youth Alternative Services Network to finance an assessment of the need for
13 the establishment of multi-purpose youth centers.

14 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
15 070(c).

29 HB 388

ALASKA STATE LEGISLATURE

LEVENTH Legislature FIRST Session

HOUSEBILL..... NO.388

By ..BUCHHOLDT.....

"An Act making a special ap-
ropriation for the Youth Alternative
Services Network; and providing
for an effective date."

Youth Alternative Services Network

Introduced in the House 3-14, 1979

HISTORY IN THE HOUSE

19 79

Mar. 14

Read first time and referred
to Committee on

Finance

Reported back with
recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by Speaker
Sent to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Read first time and referred
to Committee on

Reported back with
recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by President
Returned to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Received from Senate

Concurred in Senate amendment
thus adopting:
VOTE

Failed to concur in Senate amend-
ment; asked Senate to recede
VOTE

Senate receded from amendment
VOTE

Senate failed to recede from
amendment
VOTE

CC appointed by House

CC appointed by Senate

CC adopted by House
VOTE

CC adopted by Senate
VOTE

To enrolling
Reported correctly enrolled
Sent to Governor

..... by Governor

Filed with Lt. Governor

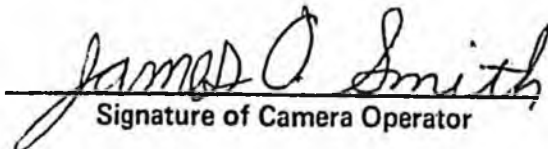
Chapter No.

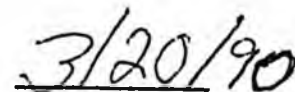


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Signature of Camera Operator


Date

COMMITTEE REPORT

SENATE

FURTHER: None

5/24/80

Date: June 4, 1980

Mr. President:

The Committee on FINANCE has had CSHB 392 am relating to domestic violence; and changing Rules 3, 65, and 76, Rules of Civil Procedure

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- [] do pass [] do not pass
[] do pass with attached amendments(s)
[] replace with CS for [] same title [] new title
[] AND attaches a "Letter of Intent" [] New Fiscal Note
[] reports it back without recommendation
[] referred to the Committee

MEMBERS SIGNING DO PASS

Blank lines for members signing do pass

MEMBERS HAVING OTHER RECOMMENDATIONS:

Handwritten signatures and notes under 'OTHER RECOMMENDATIONS'

Signature of Chairman and the word CHAIRMAN

Original sponsors: Malone, Anderson,
Cotten, et al

Offered: 5/24/80
Referred: Finance

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 392

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to domestic violence; and changing
7 Rules 3, 65, and 76, Rules of Civil Procedure."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 09.55 is amended by adding new sections to read:

10 ARTICLE 9. DOMESTIC VIOLENCE.

11 Sec. 09.55.600. INJUNCTIVE RELIEF IN CASES INVOLVING DOMESTIC
12 VIOLENCE. (a) A person who is subjected to domestic violence may
13 petition a superior court for injunctive relief restraining the inflic-
14 tion of further domestic violence against the petitioner by the respon-
15 dent.

16 (b) Upon receiving a petition under (a) of this section, the
17 superior court shall schedule a hearing and shall provide at least 10
18 days notice to the respondent of the hearing and of the respondent's
19 right to appear and to be heard either in person or by attorney. If, at
20 the hearing, the superior court finds that the petitioner has been
21 subjected to domestic violence by the respondent, the superior court may
22 issue any order it determines to be necessary for the protection of the
23 health, safety or welfare of the petitioner or of a minor child in the
24 care of the petitioner. An order under this subsection may include
25 provisions which

26 (1) restrain the respondent from subjecting the petitioner to
27 domestic violence;

28 (2) direct the respondent to vacate the home of the peti-
29 tioner;

1 (3) restrain the respondent from communicating directly or
2 indirectly with the petitioner;

3 (4) direct the respondent to pay support for the petitioner
4 or for a minor child in the care of the petitioner if there is an inde-
5 pendent legal obligation of the respondent to support the petitioner or
6 the child;

7 (5) award temporary custody of a minor child to the peti-
8 tioner;

9 (6) direct the respondent to pay for medical expenses incurred
10 by the petitioner as a result of the domestic violence.

11 (c) An order issued under this section shall remain in effect for
12 a period of time not to exceed 45 days. However, the petitioner may
13 petition the superior court for extensions of a provision of the order
14 if the provision is described in (b)(1), (b)(2) or (b)(3) of this sec-
15 tion. If the superior court, after notice to the respondent of and a
16 hearing on the petition for the extension in accordance with the proce-
17 dures described in (b) of this section, finds that an extension of the
18 provision of the order is necessary to protect the petitioner from
19 domestic violence, the superior court may extend those provisions of the
20 order for a period of time not to exceed 45 days.

21 (d) Proceedings under this section do not preclude any other
22 available civil or criminal remedies.

23 Sec. 09.55.610. EMERGENCY INJUNCTIVE RELIEF IN CASES INVOLVING
24 DOMESTIC VIOLENCE. (a) A person who has been subjected to domestic
25 violence may petition the superior court for a temporary order providing
26 for emergency injunctive relief restraining the infliction of further
27 domestic violence against the petitioner by the respondent. If there is
28 no superior court within 50 road miles of the residence of the person
29 subjected to domestic violence, the person may petition the nearest

1 district court for a temporary emergency injunctive relief order. If
2 there is no district court within 50 road miles of the residence of the
3 person subjected to domestic violence, the person may petition the
4 nearest magistrate for a temporary emergency injunctive relief order.
5 The district court or magistrate shall notify the superior court imme-
6 diately upon issuance of an order granting emergency injunctive relief
7 under this section.

8 (b) An order under this section may be granted without written or
9 oral notice to the respondent if the court finds that the petitioner has
10 been subjected to domestic violence and

11 (1) it clearly appears that there is a substantial likelihood
12 of immediate danger from the respondent to the health, safety, or welfare
13 of the petitioner or of a minor child in the care of the petitioner; and

14 (2) the petitioner or the petitioner's attorney certifies to
15 the court in writing the efforts, if any, which have been made to provide
16 notice to the respondent and the reasons supporting the claim that
17 notice should not be required.

18 (c) An order issued under this section may include a provision
19 described in AS 09.55.600(b). The order shall be endorsed with the date
20 and hour of issuance, shall be filed in the clerk's office and entered
21 in the records of the court, and shall state the reason that it was
22 granted without notice. The order shall remain in effect for a period
23 not to exceed 10 days, unless extended by the court for good cause. The
24 reasons for the extension shall be entered in the records of the court.

25 (d) If an order under this section is granted without notice, a
26 hearing before the superior court for injunctive relief under AS 09.55.-
27 600 shall be scheduled by the superior court at the earliest possible
28 time consistent with the notice provisions of AS 09.55.600. If at the
29 hearing the petitioner does not proceed with the petition for injunctive

1 relief, the superior court shall dissolve the emergency injunctive
2 relief order.

3 (e) On two days notice to the petitioner, or on shorter notice as
4 the superior court may prescribe, the respondent may make a motion to
5 the superior court for the dissolution or modification of an order for
6 emergency injunctive relief under this section. The superior court
7 shall hear and rule on the motion in an expeditious manner.

8 (f) Proceedings under this section do not preclude other available
9 civil or criminal remedies.

10 Sec. 09.55.620. FORMS FOR FILING PETITION. (a) The Alaska court
11 system, in cooperation with interested persons and organizations, shall
12 prepare forms and instructions for the use of persons seeking an order
13 for relief under AS 09.55.600 or 09.55.610, including forms for waiving
14 filing fees on the basis of indigency. The forms shall conform to the
15 requirements of AS 09.55.600 and 09.55.610 and the Alaska Rules of Civil
16 Procedure, except that information on the forms may be filled in by
17 legible handwriting. The office of the clerk of each superior and
18 district court shall make the forms and instructions available to the
19 public.

20 (b) The form for a petition prepared under (a) of this section
21 shall include a notice that a false statement ^{knowingly made in the petition} [made in it] stating that
22 the respondent has subjected the petitioner to domestic violence consti-
23 tutes the crime of unsworn falsification under AS 11.56.210, which is
24 punishable by a maximum term of imprisonment of one year and a \$5,000
25 fine.

26 Sec. 09.55.630. NOTIFICATION TO LAW ENFORCEMENT AGENCIES. If a
27 superior court, district court, or magistrate issues an order under
28 AS 09.55.600 or 09.55.610 restraining a respondent from subjecting a
29 petitioner to domestic violence, the superior court, district court, or

1 magistrate shall transmit a copy of the order to the appropriate local
2 law enforcement agency. Each law enforcement agency shall establish
3 procedures to inform their peace officers of copies of the orders re-
4 ceived by the law enforcement agency under this section. Peace officers
5 shall use every reasonable means to enforce an order issued under AS 09.-
6 55.600 or 09.55.610.

7 Sec. 09.55.640. DEFINITIONS. For the purposes of AS 09.55.600 -
8 09.55.640, "domestic violence" means a crime under AS 11.41 committed
9 against a spouse, a former spouse, or a member of the social unit com-
10 prised of those living together in the same dwelling as the respondent.

11 * Sec. 2. AS 12.55.135 is amended by adding a new subsection to read:

12 (c) A defendant convicted of assault in the third degree committed
13 in violation of the provisions of an order issued under AS 09.55.600 or
14 09.55.610 shall be sentenced to a minimum term of imprisonment of 10
15 days. The execution of sentence may not be suspended and probation or
16 parole may not be granted until the minimum term of imprisonment has
17 been served. Imposition of sentence may not be suspended, except upon
18 condition that the defendant be imprisoned for no less than the minimum
19 term of imprisonment provided in this section, and the minimum sentence
20 provided for in this section may not be otherwise reduced.

21 * Sec. 3. AS 18.65 is amended by adding new sections to read:

22 ARTICLE 6. DOMESTIC VIOLENCE.

23 Sec. 18.65.510. DOMESTIC VIOLENCE TRAINING. (a) Each established
24 police training program in the state shall provide training that ac-
25 quaints police officers with

26 (1) laws relating to substantive crimes and rules of criminal
27 procedure applicable in cases involving domestic violence;

28 (2) techniques for handling incidents of domestic violence
29 which promote the safety of the victim and the officer and which reduce

1 the likelihood of recurrence;

2 (3) organizations in the state that offer aid or shelter to
3 victims of domestic violence;

4 (4) procedures applicable in the prosecution of cases involv-
5 ing domestic violence;

6 (5) orders that may be issued by a court under AS 09.55.600
7 and 09.55.610; and

8 (6) the notification that shall be given to victims of domes-
9 tic violence under AS 18.65.520.

10 (b) In providing a training program under this section, each
11 agency or institution offering an established police training program
12 shall consult with interested individuals and organizations providing
13 assistance to victims of domestic violence.

14 Sec. 18.65.520. NOTIFICATION TO VICTIMS OF DOMESTIC VIOLENCE. (a)
15 During the course of responding to an offense involving domestic vio-
16 lence, a police officer shall orally or in writing inform the victim of
17 services available to the victim and the rights of the victim, substan-
18 tially as follows:

19 As a victim of domestic violence you should
20 be aware of the following:

21 (1) In some places in Alaska there are
22 organizations that provide aid and shelter to
23 victims of domestic violence. The nearest
24 such organization is located at _____.

25 (2) If you feel that there is a continuing
26 danger to your safety, please let me know and
27 I will make all possible efforts to insure your
28 safety.

29 (3) Alaska law provides that you may file an

1 application with the nearest court for a court
2 order protecting you and your children from
3 further harm. The forms to obtain the order are
4 available at the court. It is not necessary to
5 have an attorney to obtain a court order but one
6 may be of help to you. If you cannot afford to
7 hire an attorney, you should contact the nearest
8 Alaska Legal Services office which is located at
9 _____.

10 (4) Additionally, the victim/witness assist-
11 ance program of the Department of Law may be able
12 to help you. The nearest district attorney's
13 office is located at _____.

14 (b) If the victim of domestic violence does not understand English,
15 the police officer shall make reasonable efforts to inform the victim of
16 the services and rights specified in (a) of this section in a language
17 the victim understands.

18 (c) As used in this section "domestic violence" means a crime
19 under AS 11.41 committed against a spouse, a former spouse, or a member
20 of the social unit comprised of those living together in the same
21 dwelling as the person who committed the crime.

22 * Sec. 4. AS 22.15.100 is amended by adding a new paragraph to read:

23 (9) to issue a temporary order for emergency injunctive
24 relief in cases involving domestic violence as provided in AS 09.55.610.

25 * Sec. 5. Section 1 of this Act has the effect of changing, Rule 3, Rules
26 of Civil Procedure, by enacting a provision that allows a court to proceed
27 upon the filing of a petition rather than a complaint, and Rule 76, Rules of
28 Civil Procedure, by enacting a provision that allows a court to accept for
29 filing petitions which are handwritten in part. Section 1 of this Act also

1 has the effect of changing Rule 65, Rules of Civil Procedure, by enacting a
2 provision that establishes an alternate procedure for obtaining orders for
3 relief from domestic violence.

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Original sponsors: Malone, Anderson,
Cotten, et al

Offered: 2/13/80
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 392 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to domestic violence; and changing
7 Rules 3, 65, and 76, Rules of Civil Procedure."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 09.55 is amended by adding new sections to read:

10 ARTICLE 9. DOMESTIC VIOLENCE.

11 Sec. 09.55.650. DUTIES OF PEACE OFFICERS. (a) If a peace officer
12 has a reasonable belief that an adult or an emancipated minor is a
13 victim of domestic violence, the officer shall use all reasonable means
14 to prevent further domestic violence and to assure the safety of the
15 victim, including

16 (1) remaining on the scene of the domestic violence as long
17 as the officer believes that there would be a danger to the physical
18 safety of the victim without the presence of the peace officer;

19 (2) assisting the victim in obtaining emergency medical
20 treatment, including transportation to the emergency room of the nearest
21 hospital or to the nearest health provider, if the peace officer be-
22 lieves that emergency medical treatment is necessary;

23 (3) assisting the victim in moving to a safe place nearby, or
24 to the nearest facility offering shelter to victims of domestic vio-
25 lence;

26 (4) giving the victim immediate notice of rights provided
27 under this section and of the existence of the nearest facility offering
28 shelter to victims of domestic violence;

29 (5) arresting the assailant as provided in AS 12.25.030.

1 (b) The notice required in (a)(4) of this section includes the
2 following written statement which the peace officer shall give to the
3 victim and shall also read to the victim if circumstances allow:

4 "As a victim of domestic violence you may request
5 that the officer present do the following things:

- 6 (1) stay as long as needed to make sure that you are safe;
7 (2) take you to the nearest hospital or health provider
8 if you need medical care.

9 As a victim of domestic violence you have the right to
10 demand that the officer present do the following things:

- 11 (1) take you to a place nearby where you will be safe if
12 you want to leave here; and
13 (2) tell you how to contact the nearest organization that
14 offers aid or shelter to victims of domestic violence.

15 You have the right to ask the court to issue an order
16 protecting you and the children from domestic violence and
17 providing other necessary assistance, which may include
18 ordering the attacker out of the home and giving you temporary
19 custody of the children.

20 If the attacker does not obey a court order to get out
21 of the house or to leave you alone, the attacker can be
22 arrested immediately. To get a court order contact the
23 superior court in (name of place) and they will help you.
24 You must do this within 10 DAYS. To get an order quickly
25 in an emergency, you may also contact the district court
26 in (name of place) or (name of magistrate).

27 The court order is designed to protect YOU or the
28 children. You also have the right to file a criminal
29 complaint against the attacker."

1 (c) If the victim does not understand English, the officer shall
2 make reasonable efforts to explain the rights provided in this section
3 in a language the victim understands.

4 Sec. 09.55.660. ORDER FOR RELIEF. (a) A victim of domestic
5 violence who is an adult or an emancipated minor may, within 10 days of
6 the act of domestic violence, petition a superior court or, if the
7 circumstances described in (c) of this section exist, petition a dis-
8 trict judge or magistrate under (c) of this section for an order

9 (1) restraining the assailant from subjecting the petitioner
10 to domestic violence;

11 (2) directing the assailant to vacate the home of the peti-
12 tioner;

13 (3) restraining the assailant from contacting the petitioner;

14 (4) directing the assailant to pay support for the petitioner
15 or for the minor children in the care of the petitioner if there is an
16 independent legal obligation of the assailant to support the petitioner
17 or the children;

18 (5) awarding temporary custody of a minor child to the peti-
19 tioner;

20 (6) directing the assailant to pay the petitioner for losses
21 suffered as a result of the domestic violence, including medical and
22 moving expenses, loss of earnings or support, and other out-of-pocket
23 losses resulting from injuries sustained.

24 (b) Upon receiving a petition under (a) of this section, the
25 superior court shall schedule a hearing and shall provide at least three
26 days notice to the respondent of the hearing and of the respondent's
27 right to appear and to be heard either in person or by attorney. If,
28 after the hearing, the superior court finds the allegations of the
29 petitioner to be true, the superior court may issue any of the orders

1 for relief described in (a) of this section or any other order the
2 superior court determines to be necessary for the protection of the
3 health, safety and welfare of the petitioner or of a minor child in the
4 care of the petitioner.

5 (c) The superior court or a district judge or magistrate may issue
6 a temporary order without following the notice and hearing requirements
7 of (b) of this section if (1) the petitioner demonstrates a substantial
8 likelihood of immediate danger from the respondent to the health, safety
9 or welfare of the petitioner or of a minor child in the care of the
10 petitioner; and (2) the court or district judge or magistrate determines
11 that the order is necessary to protect the petitioner or a minor child
12 in the care of the petitioner. Immediately after issuing a temporary
13 order under this subsection or upon receiving notice of an order issued
14 by a district judge or magistrate under this subsection, the superior
15 court shall notify the respondent and give the respondent an opportunity
16 to be heard as soon as possible, but in no event later than 10 days,
17 after the order is issued on the question of continuing the temporary
18 order.

19 (d) Relief granted by a superior court under this section shall be
20 for a fixed period of time not to exceed 45 days; however, upon motion
21 by the petitioner and after hearing, the superior court may issue an
22 order for an additional period of time as it considers necessary to
23 protect the petitioner from domestic violence. The superior court may
24 modify its order at any time upon petition of either party.

25 (e) Proceedings under this section do not preclude any other
26 available civil or criminal remedies.

27 Sec. 09.55.665. FORMS FOR FILING PETITION. The Alaska court
28 system, in cooperation with interested persons and organizations, shall
29 prepare forms and instructions for the use of persons seeking an order

1 for relief under AS 09.55.660, including forms for waiving filing fees
2 on the basis of indigency. The forms shall conform to the requirements
3 of AS 09.55.660 and the Alaska Rules of Civil Procedure, except that
4 information on the forms may be filled in by legible handwriting. The
5 office of the clerk of each superior court shall make the forms and
6 instructions available to the public.

7 Sec. 09.55.670. NOTIFICATION TO LAW ENFORCEMENT AGENCIES. If a
8 superior court, district judge or magistrate issues an order described
9 in AS 09.55.660(a)(1), (2) or (3), the superior court, district judge or
10 magistrate shall transmit a copy of the order to the appropriate local
11 law enforcement agency. Law enforcement agencies shall establish pro-
12 cedures adequate to inform their peace officers of the existence and
13 terms of orders transmitted to the law enforcement agencies under this
14 section. Peace officers shall use every reasonable means to enforce the
15 orders.

16 Sec. 09.55.680. TRAINING OF PEACE OFFICERS. Law enforcement
17 agencies shall establish training procedures for peace officers, or
18 shall include training in existing training procedures for peace offi-
19 cers, which acquaint peace officers with the rights of the victim of
20 domestic violence, the types of orders which may be issued under AS 09.-
21 55.660, and techniques for handling incidents of domestic violence which
22 promote the safety of the victim and reduce the likelihood of recur-
23 rence.

24 Sec. 09.55.690. CRIMINAL PENALTIES. (a) An intentional violation
25 of an order described in AS 09.55.660(a)(1) or (2) or an intentional
26 violation of an order described in AS 09.55.660(a)(3) involving the
27 confrontation of the victim of domestic violence by the assailant is a
28 class B misdemeanor. A second intentional violation of an order des-
29 cribed in this section is punishable by a minimum sentence of imprison-

1 ment of not less than 72 consecutive hours. The execution of a sentence
2 may not be suspended and probation or parole may not be granted until
3 the minimum imprisonment provided in this section has been served. The
4 imposition of sentence may not be suspended, except upon condition that
5 the defendant be imprisoned for no less than the minimum period provided
6 in this section.

7 (b) A peace officer may arrest a person if he has reasonable cause
8 for believing that the person has violated an order described in (a) of
9 this section.

10 Sec. 09.55.700. DEFINITIONS. For the purposes of AS 09.55.650 -
11 09.55.700,

12 (1) "domestic violence" means the intentional perpetration of
13 any of the following acts by a person against a household member, a
14 spouse, former spouse, or blood relative of the person:

15 (A) attempting to cause or causing physical harm to the
16 other person or to a minor child in the care of the other person;

17 (B) placing the other person or a minor child in the
18 care of the other person in fear of imminent serious physical harm;

19 (C) causing the other person to engage in sexual relations
20 without consent as defined in AS 11.41.470(3);

21 (2) "facility offering shelter to victims of domestic vio-
22 lence" includes a facility offering programs which provide emergency or
23 short-term lodging or housing for adults who are victims of domestic
24 violence and their children.

25 * Sec. 2. AS 12.25.030(b) is amended to read:

26 (b) In addition to the authority granted under (a) of this sec-
27 tion, a peace officer without a warrant

28 (1) may arrest a person when he has reasonable cause for
29 believing that the person has committed assault in the third degree

1 under AS 11.41.230(a)(1) against a member of the person's household;
2 (2) may arrest a person when he has reasonable cause for be-
3 lieving that the person has committed an offense listed in AS 09.55.-
4 690(a).

5 * Ser. 3. AS 18.55.330 is amended to read:

6 Sec. 18.55.330. PREFERENCE TO VETERANS AND TO VICTIMS OF DOMESTIC
7 VIOLENCE. (a) The authority shall initially offer 50 percent of the
8 dwelling units in a housing project for rent or sale to veterans. The
9 offer shall be by publication of reasonable notice in a newspaper cir-
10 culated in the area in which the housing project is located. The autho-
11 rity shall set aside these units for rental or sale to veterans for at
12 least 30 days following first publicati~~on~~ of the notice before making
13 them available to other residents. If [, AFTER AN ADDITIONAL 30 DAYS] @
14 unit remains unassigned after the 30-day period, the authority may rent
15 or sell it to any person in the state, provided that victims of domestic
16 violence who move from their homes to avoid further domestic violence
17 [RESIDENTS] have first preference and other residents have second pre-
18 ference.

19 (b) Victims of domestic violence who move from their homes to
20 avoid further domestic violence have first preference for dwelling units
21 in a housing project not set aside for veterans under (a) of this sec-
22 tion.

23 (c) The authority shall adopt regulations in accordance with the
24 Administrative Procedure Act (AS 44.62) to implement the preference in
25 this section for victims of domestic violence. The regulations shall
26 include criteria for determining when a person is a victim of domestic
27 violence based on AS 09.55.650 - 09.55.700.

28 (d) The preferences in this section for veterans and victims of
29 domestic violence apply to state housing projects. These preferences

1 also apply to housing projects receiving financial aid, assistance, or
2 cooperation from the federal government unless the United States Depart-
3 ment of Housing and Urban Development prohibits or disapproves the pre-
4 ferences.

5 * Sec. 4. AS 22.15.100 is amended by adding a new paragraph to read:

6 (9) to issue a temporary order in domestic violence cases as
7 provided in AS 09.55.660(c); the district judge or magistrate shall
8 notify the superior court immediately upon issuance of a temporary order
9 under this paragraph.

10 * Sec. 5. Section 1 of this Act has the effect of changing Rule 3, Rules
11 of Civil Procedure, by enacting a provision that allows a court to proceed
12 upon the filing of a petition rather than a complaint, and Rule 76, Rules of
13 Civil Procedure, by enacting a provision that allows a court to accept for
14 filing petitions which are handwritten in part. Section 1 of this Act also
15 has the effect of changing Rule 65, Rules of Civil Procedure, by enacting a
16 provision that establishes an alternate procedure for obtaining orders for
17 relief from domestic violence.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 392

Title "An Act relating to domestic violence; and changing Rules 3, 65, and

Requested by 76, Rules of Civil Procedure Date 2-19-80

II. FISCAL DETAIL

Agency Affected Public Safety

Program Category Affected Administration of Justice

BRU, Program, or Subprogram(s) Affected _____

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
800 MISC.			50.0			
TOTAL			50.0			

FUNDING (Thousands of Dollars)

GENERAL FUND			50.0			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Training needs are estimated at \$50.0 to hire an appropriate consultant and pay costs of training all commissioned officers at regional locations.

Russ Meekins

Russ Meekins, Chairman
House Finance Committee
February 19, 1980

IV. DATE _____ PREPARED BY _____

AGENCY _____

PHONE _____

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 392 - "An Act relating to domestic violence and
 Title amending Rules 3,65 & 76 of Civil Procedure".
 Requested by _____ Date 1/30/80

HB 392

II. FISCAL DETAIL

Agency Affected Public Safety
 Program Category Affected Administration of Justice
 BRU, Program, or Subprogram(s) Affected Detachments & CIB
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		187.5	187.5	187.5		
200 TRAVEL		157.5	122.5	122.5		
300 CONTRACTUAL		81.0	66.0	66.0		
400 COMMODITIES		4.0	4.0	4.0		
500 EQUIPMENT		81.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	511.5	380.0	380.0		

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND	0	511.5	380.0	380.0		
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME	0	5	5	5		
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Five new troopers would be required to implement this bill without reducing statewide service levels. Based upon an estimated need to take further action in half of the domestic disturbance calls (1,000 - 1,500) made by the troopers, 9,750 trooper-hours would be needed for guard or transportation purposes and for serving or enforcing temporary restraining orders.

Projected travel needs for spouses and children total \$112.5 (3 family members x 250 situations x \$150/trip). Training needs are estimated at \$50.0 to hire an appropriate consultant and pay costs of training all commissioned officers at regional locations.

Inflation or workload changes are not projected; second and third year estimates are reduced by initial training and equipment costs.

IV. DATE 1/30/80 PREPARED BY Mike Clemens
 AGENCY Public Safety
 PHONE 465-4336
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Original sponsors: Malone, Anderson,
Cotten, et al

Offered: 2/13/80
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 392

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to domestic violence; and changing
7 Rules 3, 65, and 76, Rules of Civil Procedure."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 09.55 is amended by adding new sections to read:

10 ARTICLE 9. DOMESTIC VIOLENCE.

11 Sec. 09.55.650. DUTIES OF PEACE OFFICERS. (a) If a peace officer
12 has a reasonable belief that an adult or an emancipated minor is a
13 victim of domestic violence, the officer shall use all reasonable means
14 to prevent further domestic violence and to assure the safety of the
15 victim, including

16 (1) remaining on the scene of the domestic violence as long
17 as the officer believes that there would be a danger to the physical
18 safety of the victim without the presence of the peace officer;

19 (2) assisting the victim in obtaining emergency medical
20 treatment, including transportation to the emergency room of the nearest
21 hospital or to the nearest health provider, if the peace officer be-
22 lieves that emergency medical treatment is necessary;

23 (3) assisting the victim in moving to a safe place nearby, or
24 to the nearest facility offering shelter to victims of domestic vio-
25 lence;

26 (4) giving the victim immediate notice of rights provided
27 under this section and of the existence of the nearest facility offering
28 shelter to victims of domestic violence;

29 (5) arresting the assailant as provided in AS 12.25.030.

1 (b) The notice required in (a)(4) of this section includes the
2 following written statement which the peace officer shall give to the
3 victim and shall also read to the victim if circumstances allow:

4 "As a victim of domestic violence you may request
5 that the officer present do the following things:

- 6 (1) stay as long as needed to make sure that you are safe;
7 (2) take you to the nearest hospital or health provider
8 if you need medical care.

9 As a victim of domestic violence you have the right to
10 demand that the officer present do the following things:

- 11 (1) take you to a place nearby where you will be safe if
12 you want to leave here; and
13 (2) tell you how to contact the nearest organization that
14 offers aid or shelter to victims of domestic violence.

15 You have the right to ask the court to issue an order
16 protecting you and the children from domestic violence and
17 providing other necessary assistance, which may include
18 ordering the attacker out of the home and giving you temporary
19 custody of the children.

20 If the attacker does not obey a court order to get out
21 of the house or to leave you alone, the attacker can be
22 arrested immediately. To get a court order contact the
23 superior court in (name of place) and they will help you.
24 You must do this within 10 DAYS. To get an order quickly
25 in an emergency, you may also contact the district court
26 in (name of place) or (name of magistrate).

27 The court order is designed to protect YOU or the
28 children. You also have the right to file a criminal
29 complaint against the attacker."

1 (c) If the victim does not understand English, the officer shall
2 make reasonable efforts to explain the rights provided in this section
3 in a language the victim understands.

4 Sec. 09.55.660. ORDER FOR RELIEF. (a) A victim of domestic
5 violence who is an adult or an emancipated minor may, within 10 days of
6 the act of domestic violence, petition a superior court or, if the
7 circumstances described in (c) of this section exist, petition a dis-
8 trict judge or magistrate under (c) of this section for an order

9 (1) restraining the assailant from subjecting the petitioner
10 to domestic violence;

11 (2) directing the assailant to vacate the home of the peti-
12 tioner;

13 (3) restraining the assailant from contacting the petitioner;

14 (4) directing the assailant to pay support for the petitioner
15 or for the minor children in the care of the petitioner if there is an
16 independent legal obligation of the assailant to support the petitioner
17 or the children;

18 (5) awarding temporary custody of a minor child to the peti-
19 tioner;

20 (6) directing the assailant to pay the petitioner for losses
21 suffered as a result of the domestic violence, including medical and
22 moving expenses, loss of earnings or support, and other out-of-pocket
23 losses resulting from injuries sustained.

24 (b) Upon receiving a petition under (a) of this section, the
25 superior court shall schedule a hearing and shall provide at least three
26 days notice to the respondent of the hearing and of the respondent's
27 right to appear and to be heard either in person or by attorney. If,
28 after the hearing, the superior court finds the allegations of the
29 petitioner to be true, the superior court may issue any of the orders

1 for relief described in (a) of this section or any other order the
2 superior court determines to be necessary for the protection of the
3 health, safety and welfare of the petitioner or of a minor child in the
4 care of the petitioner.

5 (c) The superior court or a district judge or magistrate may issue
6 a temporary order without following the notice and hearing requirements
7 of (b) of this section if (1) the petitioner demonstrates a substantial
8 likelihood of immediate danger from the respondent to the health, safety
9 or welfare of the petitioner or of a minor child in the care of the
10 petitioner; and (2) the court or district judge or magistrate determines
11 that the order is necessary to protect the petitioner or a minor child
12 in the care of the petitioner. Immediately after issuing a temporary
13 order under this subsection or upon receiving notice of an order issued
14 by a district judge or magistrate under this subsection, the superior
15 court shall notify the respondent and give the respondent an opportunity
16 to be heard as soon as possible, but in no event later than 10 days,
17 after the order is issued on the question of continuing the temporary
18 order.

19 (d) Relief granted by a superior court under this section shall be
20 for a fixed period of time not to exceed 45 days; however, upon motion
21 by the petitioner and after hearing, the superior court may issue an
22 order for an additional period of time as it considers necessary to
23 protect the petitioner from domestic violence. The superior court may
24 modify its order at any time upon petition of either party.

25 (e) Proceedings under this section do not preclude any other
26 available civil or criminal remedies.

27 Sec. 09.55.665. FORMS FOR FILING PETITION. The Alaska court
28 system, in cooperation with interested persons and organizations, shall
29 prepare forms and instructions for the use of persons seeking an order

1 for relief under AS 09.55.660, including forms for waiving filing fees
2 on the basis of indigency. The forms shall conform to the requirements
3 of AS 09.55.660 and the Alaska Rules of Civil Procedure, except that
4 information on the forms may be filled in by legible handwriting. The
5 office of the clerk of each superior court shall make the forms and
6 instructions available to the public.

7 Sec. 09.55.670. NOTIFICATION TO LAW ENFORCEMENT AGENCIES. If a
8 superior court, district judge or magistrate issues an order described
9 in AS 09.55.660(a)(1), (2) or (3), the superior court, district judge or
10 magistrate shall transmit a copy of the order to the appropriate local
11 law enforcement agency. Law enforcement agencies shall establish pro-
12 cedures adequate to inform their peace officers of the existence and
13 terms of orders transmitted to the law enforcement agencies under this
14 section. Peace officers shall use every reasonable means to enforce the
15 orders.

16 Sec. 09.55.680. TRAINING OF PEACE OFFICERS. Law enforcement
17 agencies shall establish training procedures for peace officers, or
18 shall include training in existing training procedures for peace offi-
19 cers, which acquaint peace officers with the rights of the victim of
20 domestic violence, the types of orders which may be issued under AS 09.-
21 55.660, and techniques for handling incidents of domestic violence which
22 promote the safety of the victim and reduce the likelihood of recur-
23 rence.

24 Sec. 09.55.690. CRIMINAL PENALTIES. (a) An intentional violation
25 of an order described in AS 09.55.660(a)(1) or (2) or an intentional
26 violation of an order described in AS 09.55.660(a)(3) involving the
27 confrontation of the victim of domestic violence by the assailant is a
28 class B misdemeanor. A second intentional violation of an order des-
29 cribed in this section is punishable by a minimum sentence of imprison-

1 ment of not less than 72 consecutive hours. The execution of a sentence
2 may not be suspended and probation or parole may not be granted until
3 the minimum imprisonment provided in this section has been served. The
4 imposition of sentence may not be suspended, except upon condition that
5 the defendant be imprisoned for no less than the minimum period provided
6 in this section.

7 (b) A peace officer may arrest a person if he has reasonable cause
8 for believing that the person has violated an order described in (a) of
9 this section.

10 Sec. 09.55.700. DEFINITIONS. For the purposes of AS 09.55.650 -
11 09.55.700,

12 (1) "domestic violence" means the intentional perpetration of
13 any of the following acts by a person against a household member, a
14 spouse, former spouse, or blood relative of the person:

15 (A) attempting to cause or causing physical harm to the
16 other person or to a minor child in the care of the other person;

17 (B) placing the other person or a minor child in the
18 care of the other person in fear of imminent serious physical harm;

19 (C) causing the other person to engage involuntarily in
20 sexual relations by force, threat of force or duress;

21 (2) "facility offering shelter to victims of domestic vio-
22 lence" includes a facility offering programs which provide emergency or
23 short-term lodging or housing for adults who are victims of domestic
24 violence and their children.

25 * Sec. 2. AS 12.25.030(b) is amended to read:

26 (b) In addition to the authority granted under (a) of this sec-
27 tion, a peace officer without a warrant

28 (1) may arrest a person when he has reasonable cause for
29 believing that the person has committed assault in the third degree

1 under AS 11.41.230(a)(1) against a member of the person's household;
2 (2) may arrest a person when he has reasonable cause for be-
3 lieving that the person has committed an offense listed in AS 09.55.-
4 690(a).

5 * Sec. 3. AS 18.55.330 is amended to read:

6 Sec. 18.55.330. PREFERENCE TO VETERANS AND TO VICTIMS OF DOMESTIC
7 VIOLENCE. (a) The authority shall initially offer 50 percent of the
8 dwelling units in a housing project for rent or sale to veterans. The
9 offer shall be by publication of reasonable notice in a newspaper cir-
10 culated in the area in which the housing project is located. The autho-
11 rity shall set aside these units for rental or sale to veterans for at
12 least 30 days following first publication of the notice before making
13 them available to other residents. If [, AFTER AN ADDITIONAL 30 DAYS] a
14 unit remains unassigned after the 30-day period, the authority may rent
15 or sell it to any person in the state, provided that victims of domestic
16 violence who move from their homes to avoid further domestic violence
17 [RESIDENTS] have first preference and other residents have second pre-
18 ference.

19 (b) Victims of domestic violence who move from their homes to
20 avoid further domestic violence have first preference for dwelling units
21 in a housing project not set aside for veterans under (a) of this sec-
22 tion.

23 (c) The authority shall adopt regulations in accordance with the
24 Administrative Procedure Act (AS 44.62) to implement the preference in
25 this section for victims of domestic violence. The regulations shall
26 include criteria for determining when a person is a victim of domestic
27 violence based on AS 09.55.650 - 09.55.700.

28 (d) The preferences in this section for veterans and victims of
29 domestic violence apply to state housing projects. These preferences