

918 HJ

HB 389

-

HB 392

80

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99801

LEGISLATIVE AFFAIRS AGENCY

February 27, 1970

MEMORANDUM

TO: Senator Brad Phillips

FROM: Greg Machyowsky, Legislative Counsel

SUBJECT: Attached bill relating to state fireworks control

As we discussed, the attached bill amends AS 18.72 to eliminate the requirement that wholesalers of fireworks obtain insurance for products liability and reduces the amounts of public liability insurance required. In addition, the bill reduces the amount of the annual license fee required to engage in the business of wholesale sale of fireworks.

The bill does not remove the authority of the state fire marshall to enforce the law and regulations issued under the fire safety code with respect to use of fireworks (a copy of the current regulations is attached).

As you know, the state supreme court, in State v. Norene (457 P.2nd 926, August, 1969) has enjoined enforcement of the existing law insofar as it requires insurance policies to provide for coverage of the state and political subdivisions of the state as additional insureds. The fire marshall's regulations (at 13 AAC 51.010(b)) now omit the requirement for the state and political subdivisions as additional insureds on a policy.

In addition, from the supreme court's opinion, there is a possibility that the entire requirement for insurance may at least temporarily be unenforceable, pending any future determination of the validity of the provisions. However, at present neither the insurance requirement nor that part of it requiring additional insureds has been actually declared unconstitutionally discriminatory. In view of the unusual legal status of the provisions, though, the legislature may wish to revise the provisions, particularly the requirements for additional insureds. Consideration of deletion of the additional insureds requirement is recommended by the revisor in this year's Legislative Oversight of the Administration of Statutes.

Enclosures

Copy

Reg. 30, Oct. 1969

13 AAC 51.010 -
13 AAC 51.020

PUBLIC SAFETY

CHAPTER 51. FIREWORKS

Section

- 10. Use of Dangerous Fireworks
- 20. Permits for the Sale of Saleable Fireworks
- 30. Storage of Dangerous and Saleable Fireworks
by a Wholesaler
- 40. Discharge of Fireworks
- 50. Revocation of Licenses and Permits
- 60. Seizure

13 AAC 51.010. USE OF DANGEROUS FIREWORKS. (a) A permit is required for the use of dangerous fireworks under AS 13.72.010 (b) and may be granted upon verified application to the state fire marshal on forms provided by him.

(b) There shall be attached to the application for a permit under this section a policy or certified true copy of a policy of public liability insurance and products liability insurance coverage, including both accident and occurrence in the amount of at least \$500,000 for bodily injury and death and at least \$300,000 for property damage, provided by the applicant or his employer.

(c) The use of dangerous fireworks shall be handled by a competent operator certified as to competency by the state fire marshal.

(d) A permit granted under this section for the use of dangerous fireworks shall be lawful for that purpose only.

(e) No permit granted under this section for the use of dangerous fireworks is transferrable. (Eff. 6/25/69; reg. 30).

Authority: AS 13.70.030

13 AAC 51.020. PERMITS FOR THE SALE OF SALEABLE FIREWORKS. (a) A permit is required for the sale of saleable fireworks under AS 13.72.020(a) and may be granted upon verified application to the state fire marshal on forms provided by him.

(b) No permit shall be granted to a person who desires to sell fireworks at retail within 250 feet of any place of habitation or place of public assembly.

PUBLIC SAFETY

(c) A permit granted under this section for the sale of saleable fireworks shall be lawful for that purpose only.

(d) No permit granted under this section is transferrable. (Eff. 6/25/69; reg. 30).

Authority: AS 18.70.080

13 AAC 51.030. STORAGE OF DANGEROUS AND SALEABLE FIREWORKS BY A WHOLESALER. (a) NFPA #405 (1968-69 edition) and AIA, Article 12.6(q), Construction of Storage Facilities, is adopted.

(b) A wholesaler of dangerous and saleable fireworks who fails to comply with this section may have his license revoked pursuant to 13 AAC 51.050. (Eff. 6/25/69; reg. 30).

Authority: AS 18.70.080

13 AAC 51.040. DISCHARGE OF FIREWORKS. (a) No fireworks of any kind may be discharged within the state within 250 feet of any establishment that sells fireworks at retail or wholesale.

(b) The discharge of dangerous fireworks within the state, except for those purposes for which a permit is required under AS 18.72.010, and this chapter, is prohibited. (Eff. 6/25/69; reg. 30).

Authority: AS 18.70.080

13 AAC 51.050. REVOCATION OF LICENSES AND PERMITS. The state fire marshal shall revoke a permit or license where the permittee or licensee fails to comply with the requirements of this chapter or with the provisions of AS 18.72, or where the permittee or licensee conducts his business in a manner so as to constitute a hazard to life and property. (Eff. 6/25/69; reg. 30).

Authority: AS 18.70.080

13 AAC 51.060. SEIZURE. The state fire marshal shall seize, take, remove, or cause to be removed at the owner's expense, all stocks of dangerous or saleable fireworks from persons who do not have a valid permit or license under AS 18.72, or this chapter. (Eff. 6/25/69; reg. 30).

Authority: AS 18.70.080



J. C. MORRIS AGENCY, INC.

INSURANCE AGENTS: GENERAL • CASUALTY • BOND • LIFE
938 5TH AVENUE • ANCHORAGE, ALASKA 99501
(ON 5TH AVENUE FACING CAPTAIN COOK HOTEL)

June 14, 1969

Mr. James Norene
717 Irwin St.
Anchorage, Alaska

Dear Mr. Norene:

We were unsuccessful in obtaining liability coverage for you on fireworks sales in the State to meet the new Law. None of our Standard markets will consider a risk of this type. We also submitted the risk to Lloyd's of London for their consideration, but they too have declined.

We are sorry we can not assist you in this case,

Sincerely,

J. C. MORRIS AGENCY



Von R. Baxter



please reply via



HB

391

COMMITTEE REPORT

HOUSE

3/3

3/14/79

FURTHER: JUDICIARY

Date: 2/29/80

Mr. Speaker: HEALTH, EDUCATION & SOCIAL SERVICES
The Committee on _____ has had HS 391

"An Act relating to competition by the University of Alaska with private businesses."

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 with ^{individual} ~~out~~ recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]
Buchholdt

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature] - make
[Signature] - No Rec.
[Signature] Do Not Pass

T. Buchholdt
CHAIRMAN

TELEGRAM

ALASCOM, INC.
PHONE: 586-4442
JUNEAU, AK 99802

1960 MAR 8 AM 11 37

02005 NL ANCHORAGE ALASKA 50 03-08 926A AST

PMS REPRESENTATIVE THELMA BUCHHOLDT

JUNEAU AK

640

DEAR REP BUCHHOLDT, I WAS NOTIFIED TOO LATE TO TESTIFY ON
HB391 LAST WEEK. A MAJOR CONCERN IS THAT THERE IS NO
DEFINITION OF QUOTE 20 PERCENT HIGHER UNQUOTE. I WOULD LIKE
TO SUGGEST ADDING QUOTE THE UNIVERSITIES BID OR PROPOSED
PRICES SHALL INCLUDE ALL ASSOCIATED DIRECT AND INDIRECT COST
UNQUOTE. THANK YOU

DONALD SLONE

Julie,

Please make 9 copies
of this ~~bill~~ & give
to Judiciary where
HB 391 is now
referred to.

Thanks.
T



Jay Barton
President

UNIVERSITY OF ALASKA
FAIRBANKS, ALASKA 99701

February 29, 1980

TO: Representative Thelma Buchholdt

FROM: Jay Barton
President

RE: HD 391: "An Act relating to competition by the University of Alaska with private businesses" - Fiscal Note

At your request, we have made an initial analysis of the potential impact HB 391, "An Act relating to competition by the University of Alaska with private businesses", would have on the University of Alaska. Time constraints mandated that this initial assessment focus on the University of Alaska - Fairbanks, and the Organized Research units in reviewing the magnitude of current State contracts. In analyzing current budgeted Federal receipts (grants and contracts), your requirement for immediate information has mandated that we focus on the University of Alaska - Fairbanks; Organized Research units; and Rural Education. (Please note: Additional Federal Receipts, in the amount of \$7,302.4, are budgeted to be received by UAA, UAJ, Community Colleges and the Cooperative Extension Service.) We assume that the figures presented below primarily reflect grants and contracts awarded on a competitive basis; some proportion of funds received through grants and contracts undoubtedly have also been awarded on a sole-source basis. An assessment of which grant and contract funds received by the University were bid upon by private firms, at a price no more than 20% higher than our proposals, would require analysis by the entities awarding such grants and contracts.

STATE-FUNDED CONTRACTS

State contracts awarded UAF and Organized Research in the period of July 1, 1979, through December 31, 1979.

AEIDC	\$104.8
ISER	125.0
Institute of Water Resources	60.6
Cooperative Wildlife Research Unit	30.0
Department of Engineering	37.2
Library	2.0
Museum	33.6
Safety	2.0
School of Business & Management	6.0
Agricultural Experiment Station	10.0
Department of Geology	6.5
Sea Grant Program	12.1
Cross Cultural Education	3.0

To: Representative Thelma Buchholdt
 From: Jay Barton
 Re: HB 391
 Date: February 29, 1980
 Page 2

State-Funded Contracts (7/1/79 - 12/31/79) - continued

Cooperative Fisheries Research Unit	\$ 19.0
Conferences & Institutes	15.3
College of Arts & Sciences	26.7
Institute of Marine Science	<u>1.0</u>
TOTAL	\$494.8
Annualized: \$494.8 X 2 =	<u>\$989.6</u>

Time constraints have precluded development of a similar breakout of funds for the Division of Community Colleges, Rural Education and Extension; the University of Alaska, Juneau; and the University of Alaska, Anchorage. It is important to note, however, that the Alaska Department of Education currently contracts with many of the Community Colleges to provide Adult Basic Education instruction.

FEDERALLY-FUNDED GRANTS AND CONTRACTS

From FY80 Authorized Budget (FCC).

	<u>Federal Receipts</u>	<u>GFM</u>	<u>Total</u>
Organized Research	\$37,134.3	\$1,502.1	\$38,636.4
REA-Research & Professional Centers	518.9	---	518.9
UAF-Research & Professional Centers	<u>165.0</u>	---	<u>165.0</u>
TOTAL	\$37,818.2	\$1,502.1	\$39,320.3

In summary, two points should be made concerning HB 391 fiscal impact on the University:

1. Normal conduct of business is to award grants and contracts to the lowest responsible and responsive bid. In normal practice, bids are called for to be unconditional. HB 391 in practical effect requires any bid by the University of Alaska to be unresponsive to bid requests by requiring a self-imposed condition on all our bids. The University would effectively be prohibited from bidding on grants and contracts at all, because most parties (i.e. all parties except State of Alaska agencies) seeking bids would not tolerate such a condition.
2. It is accurate to state that virtually all grants-and-contracts' activity of the University of Alaska could be jeopardized by HB 391. Furthermore, the Bill speaks strictly to dollar amounts of competing bids, and does not speak to the scope or qualitative ability of competing bids, an issue of absolutely critical importance to funding sources.



HG 391 file

UNIVERSITY OF ALASKA-FAIRBANKS
Public Affairs, 7th Floor Gruening
Fairbanks, Alaska 99701

(907) 479-7581

FOR IMMEDIATE RELEASE

Four University of Alaska-Fairbanks staff members have received contracts for the phase one studies on the proposed Susitna Power project.

Conducting the archeological survey of potential sites will be a team directed by George Smith of the university museum staff. "We will be surveying the entire area for evidence of use," Smith said. The study will examine all areas which may be impacted by the dam, including gravel pits and the area to be inundated.

Dr. Alan Jubenville of the School of Agriculture and Land Resources Management, has received a contract to conduct a land use analysis of the region. He will study the traditional use as well as current land utilization in the area. Included in the study will be interviews with Anchorage and Fairbanks residents to determine their attitudes and wishes for developing the recreational potential.

Studying the potential impact on wildlife in the area will be Drs. Phil Gipson and Brina Kessel. Gipson will concentrate on studying the fur bearing animals. His work will include short-tail weasels, least weasels, mink, river otters, pine marten, red fox, coyotes, lynx, beaver and muskrats.

Kessel will study all birds in the areas, including raptors, waterfowl and small mammals.

All the phase one studies are subcontracted to the university by Terrestrial Environmental Specialists, Inc., who, in turn, are subcontractors of Acres American.

###

CONTACT: Stephen Lay - 479-7581

SL/4-29-80/315

HB 391 file

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

POLICH C

JUNEAU, ALASKA 99811

May 14, 1979

Mr. Glenn Bacon
ALASKARCTIC
P. O. Box 397
Fairbanks, Alaska 99707

Dear Mr. Bacon:

I appreciate your response to my May 1 clarification of policy regarding the use of Executive departments and/or University of Alaska staff as providers for professional services.

Generally, the services are contracted for when they cannot be performed within the budget approved by the Legislature and the criteria outlined in my May 1 memo are used as guidelines to those decisions. While it is true that the agencies (departments and/or the University of Alaska) do submit their estimates of cost and their budgets, they are scrutinized, changed or adopted by the Division of Budget and Management, the Governor, and the Legislature. In the legislative review, both Legislative Finance staff and Legislators are involved in the review and/or revision.

If you can demonstrate the appropriateness and potential savings implicit in the Department's further consideration of nonagency services, I am confident you will find the Commissioners of the relevant departments interested in doing so, especially in this period of emphasis upon fiscal restraint and economy.

Since professional services contracts are initiated by the departments needing the services, I urge you to share your suggestions and information directly with Commissioners Robert Ward of the Department of Transportation and Public Facilities, and Commissioner Robert LeResche of the Department of Natural Resources. I am taking the liberty of



ALASKA ARCTIC

CONSULTANT ARCHEOLOGISTS • CULTURAL RESOURCE SPECIALISTS

P. O. BOX 397
FAIRBANKS, ALASKA 99707

FAIRBANKS, ALASKA 99701

(907) 452-7889

May 4, 1979



Commissioner W. R. Hudson
Office of the Commissioner
Department of Administration
Pouch C
Juneau, Alaska 99811

Dear Commissioner Hudson;

Thank you for your prompt attention to the matter raised in our letter to Governor Hammond regarding State policy to use the resources of the Executive Branch and the University of Alaska.

If we understand your letter of 1 May 1979 correctly, "in-house" services will be obtained only if certain criteria are met. The servicing agency must, in your words, "perform within the time constraints, funds available and credibility of end product desired by or available to the requesting agency."

We interpret this statement to mean that when these criteria are met the services will be obtained "in-house".

If we understand the funding criterion, so long as the University or the Executive Branch can provide the necessary service within budget constraints, no attempt will be made to turn to the private sector. But, the fact that the Executive Branch or the University often provide the estimates upon which archeology budgets are based tends to insure that enough funds will be budgeted for these agencies to provide services within budget limits.

In other words, it appears that so long as the University and/or the Executive Branch can provide archeological services within the limits of available funding (based on their own budget estimates), given that the other criteria are also met, no attempt will be made to secure a lower budget proposal.

In effect the current State policy precludes direct competition. Only when the Executive Branch and the University are unable to function within partially self imposed parameters will

Commissioner Hudson
May 4, 1979
page 2

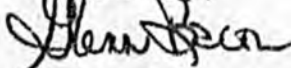
other sources of archeological expertise be considered.

If a State agency must perform a function which can also be served through the private sector, is it appropriate for the State to assume an essentially monopolistic role? We think not. But, if the State feels it necessary to provide a service also available through the private sector, the very least we can ask is that provisions be made to allow for competition.

If the Executive Branch and/or the University can provide timely archeological expertise in the most cost effective manner, then by all means let them provide the service. But, if a private firm such as ours can provide the same high quality and timely archeological expertise at a lower cost then we should be allowed to provide the service. Any other course of action unnecessarily burdens the taxpayer.

We hope in raising these concerns that we are not in effect "beating a dead horse". We are hopefully contributing in a constructive manner to a developing State policy. If we have misunderstood your comments, please alert us to our errors in understanding. If we have understood your comments correctly, then perhaps our comments will provide you with some insight into what we are sure is not a simple problem.

Sincerely,

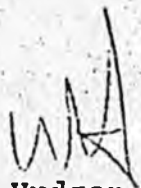


Glenn Bacon

cc: State Senator Glenn Hackney

ALL COMMISSIONERS

May 1, 1979



Commissioner W. R. Hudson
Department of Administration

Contracting with Other State
Agencies

It appears that there is some confusion as to the policy on using the Executive Branch and University of Alaska as contractors for professional services.

It is not the intent to do all contracting "in-house" to the total exclusion of vendors who are outside the State system. It is rather, as established in the memorandum from the Governor's Office and expanded by the Administrative Manual section on contracts, the policy to use "in-house" personnel only to the extent that they are:

1. Available
2. Price competitive, and
3. Capable of meeting the time constraints of your need for services; and if
4. The end product, as demonstrated by past performance is credible

If an agency cannot meet these criteria, you are then free to contract with the private sector.

Contracting with the private sector should be done, to the greatest extent possible, with those firms that are located within Alaska.

WRH/mjc
Attachment

HB

392

COMMITTEE REPORT

HOUSE

2/13
Rules

3/14/79

FURTHER:

Date: _____

Mr. Speaker:

The Committee on JUDICIARY has had HB 392

"An Act relating to domestic violence; and amending 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 HB 392 same title
 new title
- and recommends do pass
- 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:

Malone

Henry Martin

Billings Han

Patrick W. O'Connell

T. Buchholz

W. De. Anderson

[Signature]

[Signature]

[Signature]

Charles Han

CHAIRMAN

AMENDMENT

OFFERED IN THE HOUSE:

By: 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."

HB 392 - Domestic
Violence
Friday

Clocks in

Dept. Law - Barry &
John Jensen? ArtP.

Caren Robinson

~~Black Board~~

Vern Stillner?
JDD - Pub. Safety
Janice Bates

Joan Kasson
Courts - ASHA?



Alaska State Legislature

House of Representatives

Committee on Judiciary

Official Business

Pouch V
State Capito:
Juneau, Alaska 99811

MEMORANDUM

TO: House Judiciary Committee Members

FROM: Rochelle Plotnick *Rochelle Plotnick*

DATE: January 11, 1980

RE: Domestic Violence

On October 4th & 5th I attended the Northwest Conference on Violence Against Women and Children in Seattle, Washington. The purpose of this memo is to highlight what I considered to be worthwhile for you.

Most of the conference participants were feminists, with advanced degrees in social work, sociology, or psychology. The program included several media presentations, a wide variety of workshops to choose from, and two keynote speakers who have done extensive research in the field of domestic violence. (see attached program). The conference was sponsored by Harborview Medical Center and the University of Washington.

Last spring the Washington State Legislature passed two bills regarding domestic violence. One relates to the legal aspects of domestic violence and the other relates to shelters. (copies are attached).

Two therapists experienced in the treatment of both batterers and victims of battering, prepared a matrix showing behavioral characteristics of domestic violence. It is an excellent summary of what the workshops stressed. (copies are attached).

The final topic that deserves attention is pornography and violence against women. At this workshop we were shown record album covers, billboards, fashion magazines, films and other magazines with women displayed as sexual objects, rather than human beings. They were shown in submissive stances, being chained, tied or beaten. The purpose of this display was to explain the negative effects of pornography on women. By allowing it to happen, the public is accepting women in these degrading roles. It subconsciously tells people it is okay. With Alaska having the highest rape rate in the nation in 1977, this may be an area needing attention.

If anyone has any questions or wants to discuss the conference with me, I will be delighted to do so.

Conference on
Violence Against Women and Children

PROGRAM



Program

Thursday, October 4

8:00-9:00 a.m.	<u>Registration and Coffee</u> Please select your choices for workshops on sign-up sheets	<u>Lobby</u>
9:00-9:30 a.m.	<u>Opening Remarks</u> Karil Klingbeil, MSW, ACSW, Director, Social Services, Harborview Medical Center Scott Briar, DSW, Dean, School of Social Work, University of Washington Norm Maleng, King County Prosecuting Attorney	<u>Auditorium</u>
9:30-10:30 a.m.	<u>Keynote Speaker</u> Diana Russell, Ph.D., Associate Professor of Sociology, Mills College, Oakland, California	<u>Auditorium</u>
10:30-11:00 a.m.	<u>Questions and Answers</u>	
11:00-12:00 a.m.	<u>Special Media Presentation</u> (See Media Schedule)	<u>Common Room</u>
12:00-1:00 p.m.	<u>Lunch</u> Speaker: Jennifer James, Ph.D. Psychiatry and Behavioral Science Dept. University of Washington "Juvenile Prostitution"	<u>Main Dining Room</u>
1:00-2:30 p.m.	<u>Thursday Workshops - FIRST SESSION</u> (See complete listing)	
2:30-3:00 p.m.	<u>Break</u> <u>Media Presentation</u> (See Media Schedule)	<u>Lobby</u> <u>Common Room</u>
3:00-4:30 p.m.	<u>Thursday Workshops - SECOND SESSION</u> (See complete listing)	
<hr/>		
7:00-9:00 p.m.	<u>Special Evening Presentation</u> Speakers: Diana Russell, Ph.D. Lenore Walker, Ed.D.	<u>Kane Hall 210</u> <u>University of Washington</u>

free to participants
3.00 to general public
2.00 to students
(with I.D.)

Program
Friday, October 5

8:00-9:00 a.m.	<u>Coffee</u>	<u>Lobby</u>
9:00-10:00 a.m.	<u>Keynote Speaker</u> Lenora Walker, Ed.D., Associate Professor of Psychology at Colorado Women's College	<u>Auditorium</u>
10:00-10:30 a.m.	<u>Break and/or</u> <u>Media Presentation (See Media Schedule)</u>	<u>Lobby</u> <u>Common Room</u>
10:30-12:00 Noon	<u>Friday Workshops - FIRST SESSION</u>	
12:00-1:00 p.m.	<u>Luncheon with special discussion tables *</u>	<u>Main Dining</u> <u>Room</u>
1:00-2:30 p.m.	<u>Friday Workshops - SECOND SESSION</u>	
2:30-3:00 p.m.	<u>Break</u>	<u>Lobby</u>
3:00-4:30 p.m.	<u>Panel and Closing Remarks</u> Moderator: Karil Klingbeil, MSW, ACSW	<u>Auditorium</u>

* You may choose to join others at a luncheon table organized around a special area of concern.

Legal Assistance- Kay Frank
Prevention of Violence-Py Bateman
Tattered Child- Andrea Rabinowitz
Religious Issues-Marie Fortune
and others

THURSDAY, October 4

FIRST WORKSHOP SESSION

1:00-2:30 p.m.

(Please select one of the following workshops)

1. "FEMINIST THERAPY" Auditorium
Coordinator: Lenore Walker, Ed.D.
This workshop presented by one of our keynote speakers will focus on the issues of treatment of battered women. Dr. Walker, author of Battered Women as Victims has been involved in research of the battering syndrome.

2. "LEGAL ADVOCACY AND LEGISLATIVE ISSUES" Connolly Commons
Coordinator: Kay Frank, Abused Women's Project
Ms. Frank of Evergreen Legal Services will lead a panel discussing the current relationship of the criminal justice system and the social services in the Seattle area. The panel members are: Sgt. Verlin Judd, Seattle Police Department; Patrol Officer Rosa Melendez; and Assistant City Attorney, Sally Buckley.

3. "RELIGIOUS ISSUES FOR VICTIMS AND OFFENDERS" Private Dining Room
Coordinator: Reverend Marie Fortune, Prevention of Sexual Violence Project
This workshop will focus on religious counseling issues raised by victims and offenders of sexual and domestic violence; suggested responses to these issues (discussion and role play); and cooperative efforts between social service and religious professionals. Reverend Fortune will have Denise Hormann and Joan Waldo as co-presentors.

4. "ANGER REDUCTION" B-101
Coordinator: Anne Ganley, Ph.D.
Dr. Ganley will introduce a treatment model developed at the American Lake Veteran's Administration Hospital. This workshop will introduce theoretical views on aggression, basic concepts of anger control, and adaptations of anger control for men who batter.

5. "SEXUAL ABUSE OF CHILDREN" B-102
Coordinator: Lucy Berliner, MSW, Sexual Assault Center, HMC
The format of this workshop will be to present the material in three parts: Ms. Berliner will give an overview of how clinicians see the problem of sexual abuse in social and legal terms; Elise Ernst of the Eastside Mental Health Center will address the clinical issues for victims, and Roger Wolfe of NW Treatment Associates will speak to the subject of offenders.

6. "VIOLENCE AGAINST OLDER WOMEN"

B-203

Coordinator: Stephanie FallCreek, MSW, Wallingford Wellness Project

This workshop will address the issues of sexual and physical abuse of older women, often overlooked in the study of violence against women. Ms. FallCreek is the Director of the Wallingford Wellness Project. Nancy Hooyman, DSW, coordinator of the Project on Aging will be a co-presenter.

7. "PLANNING FOR LONG TERM TREATMENTS, NETWORKS, AND SHELTERS"

B-201

Coordinator: Ginny Crow, MSW, Abused Women's Network

Located at The Women's Institute, the Abused Women's Network has been working with battered women through the use of support groups. This workshop will speak to the issues of providing long term supports as well as temporary shelters. The formation of state-wide networks will also be addressed as a necessary component of planning for the treatment of victims of violence. Ms. Crow's co-presenters are Pamm Axtell and Carol Richards.

FRIDAY, October 5

FIRST WORKSHOP SESSION

10:30 a.m. - 12:00 noon

(Please select one of the following workshops)

1. "PORNOGRAPHY AND VIOLENCE AGAINST WOMEN" Auditorium
Coordinator: Diana Russell, Ph.D., Associate Professor of Sociology, Mills College
In addition to giving the keynote address, Dr. Russell will present this workshop. Her research and writings in this area are extensive and she has been deeply involved in exposing the extent to which women are victimized by violence on an international scale. Lynne Iglitzin, Ph.D. Associate Director, Undergraduate Studies will be a respondent.
2. "VIOLENCE AGAINST MINORITY WOMEN" B-101
Coordinator: Myrtle Sorenson, MSW, Sexual Assault Center Harborview Medical Center
This workshop will address the issues of violence as it impacts on minority women.
3. "ADVOCACY FOR ABUSED WOMEN AND CHILDREN" Private Dining Room and film in Common Room
Coordinator: Doris Stevens, MSW, ACSW, Sexual Assault Center Harborview Medical Center
This workshop will address advocacy techniques for assisting women and children in pursuing criminal prosecution. Also to be presented are advocacy strategies for other systems such as hospitals, social service agencies, and mental health centers. Ms. Stevens will be assisted by Evelyn Brom of Seattle Rape Relief, an Advocacy Specialist.
4. "CHILDREN AND VIOLENCE" B-201
Coordinator: Shirley Anderson, MD, MPH, Pediatrics Consultant, Sexual Assault Center
This workshop will discuss the parameters of violence against children, assessment and treatment with an advocacy perspective, and directions for change including program development and community coordination. Dr. Anderson will present this workshop with Richard Westgard, MSW.
5. "GROUP THERAPY" B-102
Coordinator: Karil Klingbeil, MSW, ACSW, Director, Social Services Harborview Medical Center
This workshop will address the area of techniques and skills in working with groups of victims of domestic violence. Sandi Armstrong, MSW, from In-Patient Psychiatry Services Of Harborview Medical Center will be a co-presenter.

6. "VIOLENCE AND SUBSTANCE ABUSE"

Connolly Commons

Coordinator: Vicki Boyd, Ph.D., Group Health Cooperative

The relationship of drug and alcohol abuse to violence against women and children will be presented by Dr. Boyd and Lorie Dwinell, MSW. Both presenters are experienced group therapists especially concerned with the treatment of women who have been battered, and/or involved in alcohol abuse.

7. "COMMUNITY-BASED TREATMENT OF SEXUAL OFFENDERS"

B-203

Coordinator: Irwin Dreiblatt, Ph.D., Pacific Psychological Services

An introduction to the issues involved in the community-based treatment of sexual offenders will be the focus of this workshop as well as an overview of evaluation and treatment. There will be a case presentation and discussion.

Schedule
Media Presentations

These special presentations will be shown in the Common Room. It is not necessary to sign-up to attend.

Thursday, October 4

11:00 a.m. - 12:00 noon

Presenter: Denise Hormann, MSW
Slide Presentation on "Images of Violence
Against Women in Advertising"

2:30 p.m. - 3:00 p.m.

Videotape: "Women Speak Out", a tape about
women who have been battered.

Friday, October 5

10:00 a.m. - 10:30 a.m.

Film: "Incest - the Victim Nobody Believes"

1:00 p.m. - 2:30 p.m.

Presenter: Officer Lynn Edwards, UW Police
Dept.
Film: "Interview with Rape Victim"

SUBSTITUTE HOUSE BILL 554 - PASSED WASHINGTON STATE LEGISLATURE MAY 1979

AN ACT Relating to shelters for victims of domestic violence; adding a new chapter to Title 70 RCW; creating a new section; and making an appropriation.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION Section 1. The legislature finds that domestic violence is an issue of growing concern at all levels of government and that there is a present and growing need to develop innovative strategies and services which will ameliorate and reduce the trauma of domestic violence. Research findings show that domestic violence constitutes a significant percentage of homicides, aggravated assaults, and assaults and batteries in the United States. Domestic violence is a disruptive influence on personal and community life and is often interrelated with a number of other family problems and stresses. Shelters for victims of domestic violence are essential to provide protection to victims from further abuse and physical harm and to help the victim find long-range alternative living situations, if requested. Shelters provide safety, refuge, advocacy, and helping resources to victims who may not have access to such things if they remain in abusive situations.

The legislature therefore recognizes the need for the state-wide development and expansion of shelters for victims of domestic violence.

NEW SECTION Section 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Shelter" means a place of temporary refuge, offered on a twenty-four hour, seven day per week basis to victims of domestic violence and their children.

(2) "Domestic violence" is a categorization of offenses, as defined in section 2, chapter 105, Laws of 1979 1st ex. . committed by one cohabitant against another.

(3) "Department" means the department of social and health services.

(4) "Victim" means a cohabitant who has been subjected to domestic violence.

(5) "Cohabitant" means a person who is married or who is co-habiting with a person of the opposite sex like husband and wife at the present or at sometime in the past. Any person who has one or more children in common with another person, regardless of whether they have been married or lived together at any time, shall be treated as a cohabitant.

NEW SECTION Section 3. The department of social and health services, in consultation with individuals or groups having experience and knowledge of the problems of victims of domestic violence, shall:

(1) Establish minimum standards for shelters applying for grants from the department under this chapter. Classifications may be made dependent upon size, geographic location, and population needs;

(2) Receive grant applications for the development and establishment of shelters for victims of domestic violence;

(3) Distribute funds, within forty-five days after approval, to those shelters meeting departmental standards;

(4) Evaluate biennially each shelter receiving departmental funds for compliance with the established minimum standards; and

(5) Review the minimum standards each biennium to ensure applicability to community and client needs.

NEW SECTION Section 4. Minimum standards established by the department under section 3 of this act shall ensure that shelters receiving grants under this chapter provide services meeting basic survival needs, where not provided by other means, such as, but not limited to, food, clothing, housing, safety, security, client advocacy, and counseling. These services

shall be problem-oriented and designed to provide necessary assistance to the victims of domestic violence and their children.

NEW SECTION Section 5. The department shall contract, where appropriate, with public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence to:

(1) Develop and implement an educational program designed to promote public and professional awareness of the problems of domestic violence and of the availability of services for victims of domestic violence. Particular emphasis should be given to the education needs of law enforcement agencies, the legal system, the medical profession, and other relevant professions that are engaged in the prevention, identification, and treatment of domestic violence;

(2) Maintain a directory of temporary shelters and other direct service facilities for the victims of domestic violence which is current, complete, detailed, and available, as necessary, to provide useful referral services to persons seeking help on an emergency basis;

(3) Create a state-wide toll-free telephone number that would provide information and referral to victims of domestic violence;

(4) Provide opportunities to persons working in the area of domestic violence to exchange information; and

(5) Provide training opportunities for both volunteer workers and staff personnel.

NEW SECTION Section 6. The department shall prepare an annual report to the legislature which shall include but not be limited to:

(1) Data reflecting the geographic incidence of domestic violence in the state, indicating the number of cases officially reported as well as an assessment of the degree of unreported cases;

(2) The number of persons and relevant statistical data, where possible, of persons treated or assisted by shelters receiving state funds; and

(3) A listing of potential and feasible prevention efforts, the estimated cost of providing the prevention services, and the projected benefits of providing the services.

The department may contract, where applicable, for the information required by this section.

NEW SECTION Section 7. Shelters receiving state funds under this chapter shall:

(1) Make available shelter services to any person who is a victim of domestic violence and to that person's children;

(2) Encourage victims, with the financial means to do so, to reimburse the shelter for the services provided;

(3) Recruit, to the extent feasible, persons who are former victims of domestic violence to work as volunteers or staff personnel. An effort shall also be made to provide bilingual services;

(4) Provide prevention and treatment programs to victims of domestic violence, their children and, where possible, the abuser;

(5) Provide a day program or drop-in center to assist victims of domestic violence who have found other shelter but who have a need for support services.

NEW SECTION Section 8. The department shall consult in all phases with persons and organizations having experience and expertise in the field of domestic violence.

NEW SECTION Section 9. The department is authorized, under this chapter and the rules adopted to effectuate its purposes, to make available grants awarded on a contract basis to public or private nonprofit agencies, organizations, or individuals providing shelter services meeting minimum standards established by the department. Consideration as to need, geographic location, population ratios, and the extent of existing services shall be made in the award of grants. The department shall provide technical assistance to any nonprofit organization desiring to apply for the contracts if the

Hugh was excused
from the meeting -
he is meeting
with the governor
right now

organization does not possess the resources and expertise necessary to develop and transmit an application without assistance.

NEW SECTION Section 10. Fifty percent of the funding for shelters receiving grants under this chapter must be provided by one or more local, municipal, or county source, either public or private. Contributions in-kind, whether materials, commodities, transportation, office space, other types of facilities, or personal services, may be evaluated and counted as part of the required local funding.

The department shall seek, receive, and make use of any funds which may be available from federal or other sources in order to augment state funds appropriated for the purpose of this chapter, and shall make every effort to qualify for federal funding.

NEW SECTION Section 11. General assistance or aid to families with dependent children payments shall be made to otherwise eligible individuals who are residing in a secure shelter, a housing network or other shelter facility which provides shelter services to persons who are victims of domestic violence. Provisions shall be made by the department for the confidentiality of the shelter addresses where victims are residing.

NEW SECTION Section 12. A shelter shall not be held liable in any civil action for denial or withdrawal of services provided pursuant to the provisions of this chapter.

NEW SECTION Section 13. There is appropriated from the general fund to the department of social and health services for the 1979-1981 biennium the sum of one million dollars, or so much as may be necessary, to carry out the purposes of this act. Seven hundred thousand dollars of the amount appropriated shall be used for grants to shelters under section 9 of this act. The remaining three hundred thousand dollars shall be used to fund sections 3, 5, and 6 of this act.

NEW SECTION Section 14. Sections 2 through 12 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION Section 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

AN ACT relating to domestic violence; adding a new chapter to Title 10 RCW; creating new sections; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION Section 1. The purpose of this act is to recognize the importance of domestic violence as a serious crime against society and to assure the victim of domestic violence the maximum protection from abuse which the law and those who enforce the law can provide. The legislature finds that the existing criminal statutes are adequate to provide protection for victims of domestic violence. However, previous societal attitudes have been reflected in policies and practices of law enforcement agencies and prosecutors which have resulted in differing treatment of crimes occurring between co-habitants and of the same crimes occurring between strangers. Only recently has public perception of the serious consequences of domestic violence to society and to the victims led to the recognition of the necessity for early intervention by law enforcement agencies. It is the intent of the legislature that the official response to cases of domestic violence shall stress the enforcement of the laws to protect the victim and shall communicate the attitude that violent behavior is not excused or tolerated. Furthermore, it is the intent of the legislature that criminal laws be enforced without regard to whether the persons involved are or were married, cohabiting, or involved in a relationship.

NEW SECTION Section 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Cohabitant" means a person who is married or who is co-habiting with a person as husband and wife at the present time or at some time in the past. Any person who has one or more children in common with another person, regardless of whether they have been married or lived

together at any time, shall be treated as a cohabitant.

(2) "Domestic Violence" includes but is not limited to any of the following crimes when committed by one cohabitant against another:

- (a) Assault in the first degree (RCW 9A.36.010);
- (b) Assault in the second degree (RCW 9A.36.020);
- (c) Simple assault (RCW 9A.36.040);
- (d) Reckless endangerment (RCW 9A.36.050);
- (e) Coercion (RCW 9A.36.070);
- (f) Burglary in the first degree (RCW 9A.52.020);
- (g) Burglary in the second degree (RCW 9A.52.030);
- (h) Criminal trespass in the first degree (RCW 9A.52.070);
- (i) Criminal trespass in the second degree (RCW 9A.52.080);
- (j) Malicious mischief in the first degree (RCW 9A.48.070);
- (k) Malicious mischief in the second degree (RCW 9A.48.080);
- (l) Malicious mischief in the third degree (RCW 9A.48.090);
- (m) Kidnapping in the first degree (RCW 9A.40.020);
- (n) Kidnapping in the second degree (RCW 9A.40.030);
- (o) Unlawful imprisonment (RCW 9A.40.040).

(3) "Victim" means a cohabitant who has been subjected to domestic violence.

NEW SECTION Section 3. (1) All training relating to the handling of domestic violence complaints by law enforcement officers shall stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

(2) The primary duty of peace officers, when responding to a domestic violence situation, is to enforce the laws allegedly violated and to protect the complaining party.

(3) (a) When a peace officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, the peace officer may exercise arrest powers with reference to the criteria in RCW 10.31.100. The officer shall notify the victim of the victim's rights to initiate a criminal proceeding in all cases where the officer has not exercised arrest powers or decided to initiate criminal proceedings by citation or otherwise. The parties in such cases shall also be advised of the importance of preserving evidence.

(b) A peace officer responding to a domestic violence call shall take a complete offense report including the officer's disposition of the case.

(4) The peace officer may offer, arrange, or facilitate transportation for the victim to a hospital for treatment of injuries or to a place of safety or shelter.

(5) The law enforcement agency shall forward the offense report to the appropriate prosecutor as soon as practicable, if there is probable cause to believe that an offense has been committed.

(6) Each law enforcement agency shall make as soon as practicable a written record and shall maintain records of all incidences of domestic violence reported to it.

(7) Records kept pursuant to subsections (3) and (6) of this section shall be made identifiable by means of a departmental code for domestic violence.

NEW SECTION Section 4. (1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon

a showing that there is a possibility of further violence; PROVIDED, That the court may order a criminal defense attorney not to disclose to his client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

(2) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any defendant charged with a crime involving domestic violence is released from custody before trial on bail or personal recognizance, the court authorizing the release may prohibit the defendant from having any contact with the victim. Wilful violation of a court order issued under this section is a misdemeanor. The written order releasing the defendant shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 9A RCW and is also subject to civil contempt proceedings. A certified copy of such order shall be provided to the victim.

NEW SECTION Section 5. When a defendant is found guilty of a crime and a condition of the sentence restricts the defendant's ability to have contact with the victim, such condition shall be recorded and a written certified copy of that order shall be provided to the victim.

NEW SECTION Section 6. The public attorney responsible for making the decision whether or not to prosecute shall advise the victim of that decision within five days, and, prior to making that decision shall advise the victim, upon the victim's request, of the status of the case. Notification to the victim that charges will not be filed shall include a description of the procedures available to the victim in that jurisdiction to initiate a criminal proceeding.

NEW SECTION Section 7. A peace officer shall not be held liable in any civil action for an arrest based on probable cause, enforcement in good faith of a court order, or any other action or omission in good faith

under this chapter arising from an alleged incident of domestic violence brought by any party to the incident.

NEW SECTION Section 8. Sections 2 through 7 of this act shall constitute a new chapter in Title 10 RCW.

NEW SECTION Section 9. If any provisions of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

BEHAVIORAL CHARACTERISTICS OF DOMESTIC VIOLENCE

Vicki D. Boyd, Ph.D.; Karil S. Klingbell, M.S.W.

Revised, 1979

Seattle, Washington

BATTERER	BATTERED MATE	CHILDREN
<i>Batterers are found in all socio-economic levels, all educational, racial, age groups</i>	<i>Battered mates are found in all socio-economic levels, all educational, racial, age groups</i>	<i>Children of domestic violence are found in all socio-economic levels, educational, racial and age groups</i>
The batterer is characterized by	The battered mate is characterized by	Children in battering homes exhibit
... poor impulse control — explosive temper — limited tolerance for frustration	... long suffering, martyr-like endurance of frustration.	... a combination of limited tolerance poor impulse control and martyr-like long suffering
... stress disorders and psychosomatic complaints — sophistication of symptoms and success at masking dysfunction vary with level of social and educational sophistication	... blatant depressive and/or hysterical symptoms — stress disorders and psychosomatic complaints	... depression, much stress and psychosomatizing, absences from school, pre-delinquent and delinquent behavior
... emotional dependency — subject to secret depressions known only to family	... economic and emotional dependency — subject to depression, high risk for secret drugs and alcohol, home accidents	... economic and emotional dependency, high risk for alcohol/drugs, sexual acting out, running away, isolation, loneliness, fear
... limited capacity for delayed reinforcement — very "now" oriented	... unlimited patience for discovery of "magic combination" to solve marital and battering problems — "travels miles" on tiny bits of reinforcement	... combination of poor impulse control and continual hopefulness that situation will improve
... insatiable ego needs — quality of childlike narcissism (not generally detectable to people outside family group)	... unsure of own ego needs — defines self in terms of family, job, etc.	... very shaky definition of self — grappling with child-like responses of parents for modeling — poor definition of self and/or defines self in parenting role
... low self-esteem — perceived unachieved ideals and goals for self — disappointment in career even if successful by others' standards	... low self-esteem — continued faith and hope battering mate will get "lucky" break	... low self-esteem — sees self and siblings with few options or expectations to succeed
... qualities which suggest great potential for change and improvement, i.e., frequent "promises" for the future	... unrealistic hope that change is imminent — belief in "promises"	... mixture of hope/depression that there is no way out — peer group can be most important contact, if available
... perception of self as having poor social skills — describes relationship with mate as closest he has ever known — remains in contact with own family	... gradually increasing social isolation, including loss of contact with own family	... increased social isolation — increased peer isolation or complete identification with peers
... accusations against mate — jealousy — voices great fear of being abandoned or "cheated on"	... inability to convince partner of loyalty — futilely guards against accusations of "seductive" behavior toward others	... bargaining behavior with parents — gets into proving self as does mother

BATTERER	BATTERED MATE	CHILDREN
The batterer is characterized by	The battered mate is characterized by	Children in battering homes exhibit
... containment of mate and employment of espionage tactics against her (e.g., checks mileage and times errands) — cleverness depends on level of sophistication	... allowing containment or confinement/restriction by mate, interpreting as sign that partner "cares"	... increasing deceptiveness: lying, excuses for outings, stealing, cheating
... no sense of violating others' personal boundaries — accepts no blame for failures (marital, familial, or occupational) or for violence	... gradually losing sight of personal boundaries for self and children (unable to assess danger accurately) — accepts <i>all</i> blame	... poor definition of personal boundaries — violation of others' personal boundaries, blame-projections
... belief that his forcible behavior is aimed at securing the family nucleus (for the good of the family)	... belief that transient acceptance of violent behavior will ultimately lead to long term resolution of family problems	... little or no understanding of the dynamics of violence (often assumes violence to be the norm)
... apparently feeling no guilt on emotional level even after intellectual recognition	... emotional acceptance of guilt for mate's behavior — thinks mate "can't help it" — considers own behavior provocative	... self-blame (depending on age) for family feuding, separations, divorce, etc. — internal conflicts
... generational history of family violence	... generational history of family violence	... continuation of pattern of family violence pattern in own adulthood
... participation in pecking order battering	... participation in pecking order battering	... pecking order battering — kills animals, batters younger siblings and sometimes parents in later years
... assaultive skills which improve with age and experience accompanied by arise in danger potential and lethality risks	... learning which behavioral events will either divert or precipitate mate's violence but level of carelessness increases — judgment of lethality potential deteriorates over time	... use of violence as problem solving technique in school, with peers, with family (appears as early as preschool)
... demanding and often times assaultive role in sexual activities — sometimes punishes with abstinence — at times experiences impotence	... poor sexual self-image — assumption that role is to accept totally partner's sexual behavior (attempts to punish partner with abstinence result in further abuse)	... poor sexual image — uncertainty about appropriate behavior — confuses model identification — immaturity in peer relationships
... increase in assaultive behavior when mate is pregnant — pregnancy often marks the first assault	... being at high risk for assault during pregnancy	... higher risk for batterment (either as witnesses or victims) during mother's pregnancy
... exerting control over mate by threatening homicide and/or suicide — often attempts one or both when partner separates — known to complete either or both	... frequent contemplation of suicide — history of minor attempts — occasionally completes either suicide or homicide of partner	... heightened suicide attempts — increased thoughts of doing away with self and/or murdering parents — proneness to negligence and carelessness

HOUSE BILL NO. 392
Proposed Amendments

Page 1, line 11-25:

Sec. 09.55.650. DUTIES OF PEACE OFFICERS. (a) If a peace officer

has a reasonable belief [REASON TO BELIEVE] that an adult or an emancipated minor is a victim of domestic violence, the police officer shall use all reasonable means to prevent further domestic violence and to assure the safety of the victim, including

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

(2) assisting the victim in obtaining emergency medical treatment if the officer believes it is necessitated by an assault, including transportation to the emergency room of the nearest hospital or to the nearest health provider;

(3) if the officer considers it necessary, assisting the victim in removing to a safe place nearby, or to the nearest facility offering shelter to victims of domestic violence;

you from domestic violence and providing you with other necessary assistance.

Page 2, lines 22-29 and page 3, lines 1 and 2 should be deleted.

Page 6, lines 7-14, paragraph sec. 09.55.690.

CRIMINAL PENALTIES. (a) violations of an order described in AS 09.55.660(a)(1), (2) or (3) is a class B misdemeanor [PUNISHABLE BY IMPRISONMENT FOR UP TO 60 DAYS, OR BY A FINE OF UP TO \$500, OR BY BOTH]. A second violation of an order described in AS 09.55.660(a)(1), (2) or (3) is punishable by a minimum sentence of imprisonment not less than 3 consecutive days [NOT LESS THAN THREE DAYS IMPRISONMENT]. The execution of a sentence may not be suspended nor may probation or parole be granted until the minimum imprisonment provided in this section has been served, nor may imposition of sentence be suspended, except upon condition that the defendant be imprisoned for no less than the minimum period provided in this section.

RS:sl



*72 consecutive hours
Imprisonment to get the crime
Prevent problems
Problems of the defendant
losing his job.*

LA21 2232 13.37 JA01 0036 13.57 04/06/79

TO: REP. CHARLES H. PARR AND MEMBERS OF THE JUDICIARY COMMITTEE

FROM: 3 RESIDENTS OF WIC-CA CENTER WHO CANNOT GIVE THEIR
NAMES (SEE EXPLANATION IN MESSAGE)
WIC-CA CENTER, 331 FIFTH AVENUE, FBX 99701 - 452-2293

WE ARE RESIDENTS AT THE FAIRBANKS SHELTER. THERE ARE THREE OF
US HERE, TOGETHER WITH OUR TEN CHILDREN. WE WOULD LIKE TO BE
ABLE TO TELL YOU WHO WE ARE AND TO SIGN OUR NAMES TO THIS TESTIMONY,
BUT IN ORDER TO PROTECT OURSELVES, OUR CHILDREN, AND THE WOMEN AT WICCA
WHO HAVE HELPED US, WE CANNOT.

WE AT THE SHELTER HAVE A COMMON GOAL, A COMMON DREAM: TO BE FREE
OF FEAR AND VIOLENCE. THIS IS NOT THE FIRST TIME ANY OF US HAVE
LOOKED TO THIS DREAM. WE WANT TO BE ABLE TO DECLARE OUR INDEPENDENCE
AND FREEDOM FROM FEAR. BUT THE SYSTEM THROUGH WHICH THIS DREAM
MUST BE REALIZED IS MYSTIFYING, INTIMIDATING, DISCOURAGING, AND
UNSYMPATHETIC TO OUR NEEDS.

WE HAVE READ HB 392. WE ARE SENDING THIS WIRE IN SUPPORT OF THAT
BILL--AND FOR OUR FUTURE'S SAKE. FBX LIO/TC/ EOM

LA21 2266 13.41 JA01 0037 13.57 04/06/79

TO: REP. CHARLES PARR AND MEMBERS OF THE JUDICIARY COMMITTEE
FROM: CARLA SLAUGHTER, P.O. BOX 2541, FBX 99707
452-2293 (8AM-6PM M-F)

THIS MESSAGE IS BEING SENT IN SUPPORT OF HB 392. THE ISSUE
OF DOMESTIC VIOLENCE HAS LONG BEEN IGNORED BY THE COURT
SYSTEM, LAW ENFORCEMENT AGENCIES, AND THE PUBLIC AT LARGE. THE
NUMBER OF BATTERED WOMEN IN FAIRBANKS IS STAGGERING. BATTERED
WOMEN AND THEIR CHILDREN NEED THE SUPPORT AND ASSISTANCE PROVIDED
BY THIS BILL TO BE FREE, INDEPENDENT, AND SELF SUFFICIENT. I
URGE YOUR SUPPORT OF THIS BILL. FBX LIO/TC/ EOM

LA21 2273 13.42 JA01 0038 13.57 04/06/79

STELLA FROM TRUDY

I WILL BE SENDING 5 MORE MESSAGES TO REP. PARR CONCERNING
THIS BILL./TC/ EOM

LA21 2304 13.46 JA01 0039 13.57 04/06/79

TO: REP. CHARLES PARR AND MEMBERS OF THE JUDICIARY COMMITTEE

FROM: MARI L. OGIMACHI, 532 6TH AVENUE, FBX 99701 - 456-7415

RE: HB 392

LA21 2336 13.50 JA01 0041 13.57 04/06/79

TO: REP. CHARLIE PARR

FROM: KAREN KING, APT. 753 I NMSH, U OF A, FBX 99701 (NO PHONE)
RE: HB 392

ASSAULT AND BATTERY HAS LONG BEEN RECOGNIZED AS A CRIME. NOT RECOGNIZED IS THE RIGHT WOMEN HAVE TO BE FROM ASSAULT AND BATTERY BY THEIR OWN HUSBANDS. I SUPPORT HB 392 AND URGE YOU TO SUPPORT IT.

ASSAULT AND BATTERY BY HUSBANDS ON WIVES NEEDS THIS ATTENTION AND CONSIDERATION. ALL COSTS FOR SUCH ACTIONS AS ENDORSED BY THIS BILL CAN AND WILL BE WORKED OUT. BATTERED WOMEN NEED PROTECTION BY LAW. FBX LIO/TC/ EOM

I, MARI L. OGIMACHI, GIVE MY FULL SUPPORT TO HB 392 AND URGE YOU TO DO THE SAME. THE HB 392 PROVIDES A MUCH MORE EFFICIENT, LESS EXPENSIVE AND MOST OF ALL BETTER SERVICE TO OUR BATTERED WOMEN IN FAIRBANKS. THE TIME SAVED WITH THIS NEW BILL MAY MEAN THE DIFFERENCE BETWEEN A WOMAN BEING SAFE AND A WOMAN BEING VERY BADLY HURT. FBX LIO/TC/ EOM

LA21 2524 14.11 JA01 0049 14.11 04/06/79

TO: REP. CHARLIE PARR AND MEMBERS OF THE JUDICIARY COMMITTEE

FROM: SHIRLEY R. DEAN, SLY-EYE INVESTIGATIONS, P.O. BOX 10041,
FBX 99701 - 468-2437 OR 452-2292 9-5 PM

RE: HB 392

I URGE SUPPORT AND RAPID PASSAGE OF THIS BILL. I FEEL IT IS URGENTLY NEEDED TO HELP VICTIMS OF FAMILY VIOLENCE. AS IT STANDS NOW LEGAL REMEDY FOR VICTIMS OF THIS CRIME ARE FEW AND FAR REACHING. WITH PASSAGE OF THIS BILL THE VICTIMS WOULD HAVE A CHANCE TO ESCAPE A VIOLENT SITUATION AND SAVE INJURY AND POSSIBLE LIVES! THANK YOU FOR YOUR ATTENTION FBX LIO/TC/ EOM

LA21 2482 14.07 JA01 0046 14.07 04/06/79

TO: REP. CHARLIE PARR

FROM: PAMELA THROOP, 123 BONNIE ST., FBX 99701 - 456-2247 OR 452-5131 X 138
REPRESENTING FAIRBANKS CHAPTER NOW (PRESIDENT)

RE: HB 392

PLEASE NOTE THAT THE FAIRBANKS CHAPTER OF NOW WISHES TO MAKE KNOWN THEIR SUPPORT OF THIS BILL. TO DATE IT HAS BEEN DIFFICULT FOR VICTIMS OF DOMESTIC VIOLENCE TO OBTAIN A TEMPORARY RESTRAINING ORDER WITHOUT A GREAT DEAL OF MONEY, TIME AND INCONVENIENCE. PASSAGE OF THIS BILL WILL INSURE, FOR THESE VICTIMS, AN EASIER METHOD OF OBTAINING A RESTRAINING ORDER. THANK YOU. FBX LIO/TC/ EOM

LA21 2410 13.59 JA01 0043 14.03 04/06/79

TO: REP. CHARLIE PARR

FROM: BETTY GLOVER, 416C MODULAR UNITS, U OF A, FBX 99701 - 479-4155

RE: HB 392

AFTER READING THIS BILL, I FEEL THAT ALTHOUGH THERE MAY BE SOME AREAS STILL NEEDING WORK, THE BASIC PREMISE IS ONE SORELY NEEDED. IT IS VERY IMPORTANT THAT BOTH THE POLICE AND THE VICTIM OF N ASSAULT HAVE BASIC, WRITTEN GUIDELINES TO ENSURE THE SAFETY AND PROTECTION OF THE VICTIM AND ANY DEPENDENTS WHO MAY BE INVOLVED, AT ALL TIMES, NOT ONLY WHEN AN ATTORNEY OR THE COURT SYSTEM CAN BE CONTACTED DURING THE DAY. FBX LIO/TC/ EOM

1/17/80
To: House Judiciary Committee
Re: HB 392 An act relating to
Domestic Violence

Suzanne Giudicello, Pres. Bd of Dir.
Women in Crisis - Counseling & Assistance
Fairbanks, AK 99701

Since I, and others from WIC-CA,
have testified on this bill previously,
I only wish to re-state briefly
our support of this bill.

1) Victims of domestic violence
have traditionally not received the
same protection as victims of
"public" violence or assault. Domest-
ic violence, whether it is child
abuse or spousal abuse, tends
to be treated as a family problem
& ignored by law enforcement.

2) The time required to obtain a
TRO, the expense involved, and

The limits of "office hours" do not accommodate the crisis situation that occurs with domestic violence.

3) Domestic violence is the most dangerous situation in which law enforcement officers intervene. They need more familiarity with + solutions for dealing with these situations.

We believe H.B. 392 addresses all these problems effectively and urge your support.

Judy Indick

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

This Bill outlines the duties of peace officers in situations of domestic violence; provides for an order for relief for victims of domestic violence; and criminal penalties for violations of such orders.

The Department supports the intent of this Bill but has several concerns. Proposed Sec. 09.55.650 outlines the various duties of peace officers in addition to the requirement that they provide notice to victims of domestic violence. The Department's concern about this section relates to situations of domestic violence in which a child may be the victim. Under AS 47.17, the child protection statute, if a peace officer has cause to believe that a child has suffered harm as a result of abuse or neglect then he is required to report the harm to the Department and to take necessary action to protect the child. The legislature should be aware of these obligations and, perhaps, should refer to them in the proposed legislation.

Under proposed Sec. 09.55.660, if the court has reason to believe that a child has been a victim of violence, it may be advisable to have the court give notice to the Department of pending proceedings. If a report had been made to the Department by a peace officer or one of the other mandatory reporters under AS. 47.17, it would be important for the court to request an investigative report from the Department prior to making a determination regarding the temporary custody of the child. In addition, there is a possibility that a petition alleging that the child is in need of aid under AS 47.10 would already have been filed by the Department or by a concerned individual.

We note, finally, that the question of potential liability on the part of the state has not been addressed in relation to proposed Sec. 09.55.650 (a)(1). Does this mean that the victim may have a right of action in damages against the peace officer if the officer does not remain on the scene for what the victim considers to be a sufficient period time and the person is subsequently injured? Determination of how long to remain on the scene, in our experience, would be extremely difficult to make. If the legislature supports passage of this Bill, we would suggest that a provision be included which makes it clear that no such right of action is to be permitted.

RECOMMENDED BY: Art Holmberg DATE: 4/6/79
 Art Holmberg, Director
 Division of Social Services

APPROVED BY: Helen D. Beirne DATE: 4/6/79
 Helen D. Beirne, Commissioner
 Department of Health and Social Services

Members files

LAW OFFICES OF
ALASKA LEGAL SERVICES CORPORATION

P. O. BOX 181
DILLINGHAM, ALASKA 99576
TELEPHONE 842-5653

April 6, 1979

Nels A. Anderson, Jr.
House of Representatives
Pouch V
Juneau, Alaska 99811

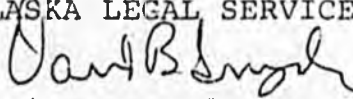
RE: HB 392

Dear Nels:

I am writing to urge your support for the above-referenced bill dealing with the problem of domestic violence. This bill addresses two of the most pressing aspects of this difficult problem. First of all it greatly expands the duties and freedom of the police in insuring the immediate safety and security of those family members who are endangered. Secondly, it provides an easier and more importantly, a swifter enforcement mechanism for insuring that future violent conduct is prevented. This is accomplished through a simplified complaint process for a battered spouse or family member to apply to the court for a temporary restraining order. Presently, one must deal only through a lawyer. In addition, ones rights under this statute must be affirmatively made known to the victim of domestic violence by the police officer (and if the person does not speak English a reasonable attempt to notify them must be made in their Native language).

I think that this bill is long overdue and one that is of extreme importance to the residents of our region. Many times, people do not even realize that they might be able to obtain a court order to prevent future violence, or to remove a dangerous family member from the home. This bill greatly increases the protections afforded to people who face a very frightening and often times completely neglected problem. If you desire any elaboration on the particular cases of spousal or family abuse that I have come across in this region, please get in touch with me. I would be happy to assist you in any possible way to insure this bills passage.

Sincerely,
ALASKA LEGAL SERVICES CORP.


David B. Snyder
Staff Attorney
DBS:ilk
cc: Donald Clocksin

LAW OFFICES OF
ALASKA LEGAL SERVICES CORPORATION
165 SOUTH FRANKLIN STREET
JUNEAU, ALASKA 99801
TELEPHONE 586-6425

MEMORANDUM

TO: House Judiciary Committee
FROM: Don Clocksin *DC*
SUBJECT: HB 392 - Domestic Violence
DATE: March 15, 1979

I. The Problem

Victims of physical attacks by household members are in an unique position. Police often refuse to view these attacks as criminal conduct. The victim is often unaware of what options he or she has and continues to accept beatings as unavoidable. (While the bill applies to both men and women, women are usually the victims.) The economic dependence of battered wives and the fear of injury create a loss of self-respect. The social acceptance of wife-beating and the irrationality of most attacks make the woman feel she is to blame. It is this syndrome which makes spousal abuse an unique and particularly serious problem.

According to the study on The Status Of Women In Alaska, Anchorage had an estimated 3.3 reported wife beatings each day. Alaska Legal Services Corporation reports that 70 to 75 percent of women seeking legal assistance have been beaten by their husbands. Another study indicates inter-spousal murders accounted for 12 percent of all murders in the United States in 1975.

II. The Solution

There is no immediate solution to the problem until people learn to solve their problems without the use of violence. Particularly, society must recognize spousal attacks as unacceptable conduct.

This bill seeks only to inform the victim of the available options and to protect the victim from attack. It is an "intervention" bill which does not try to solve the social problem but only to protect the victim from serious injury.

III. Section By Section Analysis

1. Section 1:

- a. Sec. 09.55.650: Requires a police officer called to the scene of a domestic attack to advise the victim of his or her rights and provide assistance as the circumstances require. Arrest of the attacker under existing criminal laws would be mandatory in some situations.
- b. Sec. 09.55.660: Allows the victim to obtain an emergency Order for Relief from a judge for up to ten days. After a hearing, such an Order may be issued for 45 days. The Order is to protect the victim from future attacks.
- c. Sec. 09.55.665: Requires the court system to prepare forms and instructions so the victim may file for this Order for Relief without the need for a lawyer.
- d. Sec. 09.55.670: The Order for Relief must be provided to the police, and procedures must be established to assure all officers know of the Order.
- e. Sec. 09.55.680: Law enforcement agencies must include in their training programs information on how to handle domestic violence.
- f. Sec. 09.55.690: Violation of the Order for Relief is a misdemeanor. A second violation (i.e. the third attack) means three days in jail. Arrest is mandatory for a violation of the Order for Relief.
- g. Sec. 09.55.700: "Domestic violence" is defined. It includes assault or battery on the victim or the victim's child, and includes sexual abuse. The term is limited to such acts against relatives, household members and present or former spouses. Programs providing alternative, temporary shelter to victims are defined.

2. Section 2:

Provides alternative housing for victims of domestic violence by granting a preference for ASHA housing, if otherwise eligible.

3. Section 3:

Allows magistrates and district judges to issue emergency ten-day Orders for Relief.

4. Section 4:

Amends certain Court Rules relating to filing of legal papers and issuance of injunctions.

DC/jf

STATE LEGISLATIVE CHART UPDATE

A state-by-state follow-up telephone survey, conducted by the Center for Women Policy Studies, recorded changes made since January in state legislatures on the issue of domestic violence. The data are incorporated into the following chart, which is a revised version of the chart printed in the last issue of RESPONSE. Bill citations in bold print indicate new legislation introduced after January and portions of bill citations in bold print mean that only that part of the bill has changed, or an error in the old chart was corrected. If a state is not on the chart, then no changes were reported.

STATE	CIVIL REMEDIES—INJUNCTIVE RELIEF	SHELTER SERVICES	DATA COLLECTION	POLICE TRAINING	SPECIAL CRIMINAL STATUTES	CONCURRENT RESOLUTIONS
COLORADO	HB 1633 (Failed) HB 1143 (Passed 1978) • RO to be issued by county courts		HB 1633 (Failed)			
CONNECTICUT		Special Act No. 77-87 • Appropriation: \$150,000				
DISTRICT OF COLUMBIA	DC Code, Title 16 Ch 10 (1970)					
FLORIDA		HB 74 (Passed 1978)				
HAWAII					HB 742 (Failed)	
INDIANA					PL 358 (1978) • Compensation for victims of violent crimes	
IOWA	HF 2267 (Failed)	HF 2147 (Failed) S 2057 (Failed)	S 2057 (Failed) HF 2267 (Failed)			
KANSAS	SB 579 (Failed)					
KENTUCKY	HC 501 (Passed 1978) • Provides protective services to abused adults that agree to prosecute • Provides that people report such cases to the Department of Human Resources					
MARYLAND	SB 874 (Passed 1977) • Extends equity powers to divorce court • Provides for PO from divorce court		HJR 32 (Passed 1978)			HJR 32 (Passed 1978)
MASSACHUSETTS		H 1821 (Failed)				
MICHIGAN	HB 5350 (Incorporated into HB 5349) HB 5351 (Passed 1978) HB 5352 (Passed 1978)	HB 5306 (Passed 1978) HB 5355 (Cancelled and is now Sub HB 5306)	HB 5353 (Passed 1978)		HB 5349 (Passed 1978) HB 5356 (Passed 1978)	
MINNESOTA		SF 1689 (Passed 1978) • Appropriation: \$100,000 • Permits 4 shelters, research, and educational programs			SF 318 (Passed 1978) • Arrest on probable cause without warrant if made within 4 hours of abuse • Allows 24-hour detention period	
MISSOURI	HB 1023 (Failed)		HB 1023 (Failed)	HB 1023 (Failed)		
NEW JERSEY	A 844 (Pending) • In divorce proceedings, physical abuse is an affirmative defense to desertion claim A 847 (Pending) • THO may be issued by municipal court					
OKLAHOMA	HB 1620 (Failed)					
PENNSYLVANIA	SB 964 (Passed 1978 with the following amendments): • Must be taken before court that issued order if possible, must be arraigned before District Justice or Philadelphia Municipal Court Judge	HB 2193 (Pending) • Appropriation: \$1,400,000 • Funds for local shelters				
RHODE ISLAND	78-H-7868 sub A, Ch 15519 • RO may be granted if petition for divorce is filed • Court may prescribe counseling					
WEST VIRGINIA	HB 1082 (Failed)					
WISCONSIN						AJR 36 (Failed)

Abbreviations in chart

PO = PROTECTION ORDER
 RC = RESTRAINING ORDER
 VO = VACATE ORDER
 TRO = TEMPORARY RESTRAINING ORDER
 LEA = LAW ENFORCEMENT AGENCY
 D = DEFENDANT
 P = PLAINTIFF
 TOP = TEMPORARY ORDER OF PROTECTION

STATE	CIVIL REMEDIES— INJUNCTIVE RELIEF	SHELTER SERVICES	DATA COLLECTION	POLICE TRAINING	SPECIAL CRIMINAL STATUTES	CONCURRENT RESOLUTIONS
IAHIO						
ILLINOIS	<p>Ch. 65 Sect. 25, Laws of IL (1977)</p> <ul style="list-style-type: none"> Spouses only Injunctions include RO, VO for maximum of 30 days, temporary custody, counseling Ex parte relief: "immediate and present danger of abuse" 					
INDIANA						
IOWA	<p>HF 2267 (Pending)</p> <p>"Protection from Domestic Abuse Act"</p> <ul style="list-style-type: none"> Includes cohabitants PO or consent agreement hearing within 10 days Relief includes RO, VO, possession of residence or alternate housing for .. temporary custody or visitation 3 has right to counsel Defines PO violation ("mere presence on premises" = violation of eviction or alternate housing order) Max. duration of PO: 1 year Ex parte relief: "present danger of domestic abuse" Emergency night and weekend relief Non-exclusive remedy?? Violation: Contempt (Jail sentence may be on weekends) 	<p>HF 2147 (Pending)</p> <ul style="list-style-type: none"> Includes cohabitants Authorizes counties to provide emergency shelter and support services <p>S 2057 (Pending)</p> <ul style="list-style-type: none"> Funding for four pilot shelter and support programs Educational programs Uniform method of data collection and evaluation Appropriation: \$500,000 	<p>S 2057 (Pending)</p> <ul style="list-style-type: none"> Mandatory data collection by hospitals, doctors, nurses, and police <p>HF 2267 (Pending)</p> <ul style="list-style-type: none"> Mandatory collection of data by state and local LEAs Information relayed to central registry for child abuse Limits access to registry information Confidentiality of records 			
KANSAS	<p>SB 576 (Pending)</p> <p>"Protection from Abuse Act"</p> <ul style="list-style-type: none"> See Penn. law Support payments, costs and attorneys fees Provision for possession of personal property 					
KENTUCKY	<p>HB 499 (Failed 1978)</p> <p>"Domestic Abuse Act"</p> <ul style="list-style-type: none"> See Penn. law Definition of abuse includes threat to commit crime likely to result in substantial property damage Mandatory arrest if probable cause to believe assault or violation of PO Police transportation to hospital or doctor Police must inform victim of right to seek criminal or civil action Mustand-wife privilege shall not be used as exclusion grounds when evidence of abuse <p>KRS 403.270 (Amended 1978)</p> <p>Child Custody Act"</p> <ul style="list-style-type: none"> Abandonment of house where abuse is threatened not relevant in custody cases 	<p>HB 750 (Failed 1978)</p> <p>"Prevention and Treatment of Domestic Violence Act"</p> <ul style="list-style-type: none"> Establishes Governor's Commission on Domestic Violence Authorizes six shelter facilities Education program Standard system for collecting and analyzing data Appropriation \$1,000,000 	<p>HB 750 (Failed 1978)</p> <ul style="list-style-type: none"> Mandatory data collection by social service agencies and LEAs Annual reports to Governor 			
LOUISIANA						<p>SCR 21 (1977)</p> <ul style="list-style-type: none"> Requests La. Department of Health and Human Resources to study problem
MAINE		<p>LD 2074 (Failed)</p> <ul style="list-style-type: none"> Establishment of emergency shelters Appropriation \$200,000 				
MARYLAND		<p>Mc Ann Code on 68a 101-105 (Supp. 1977)</p> <ul style="list-style-type: none"> Spouses only Establishment of model shelter home 	<p>HJR 32 (Failed)</p> <ul style="list-style-type: none"> Recordkeeping by state police of incidents and resolutions 			<p>HJR 32 (Failed)</p> <ul style="list-style-type: none"> Recordkeeping by state police of incidents and resolutions
MASSACHUSETTS		<p>Chap 647 (1977)</p> <ul style="list-style-type: none"> Establishes temporary supportive residences <p>H 1821 (Pending)</p> <ul style="list-style-type: none"> Victims of domestic violence included in assistance programs to persons deprived of living quarters 				
MICHIGAN	<p>HB 6127 (Pending)</p> <p>"Protection from Abuse Act"</p> <ul style="list-style-type: none"> See Penn. law More expansive relief (support orders, possession of residence) Penalty for contempt: imprisonment for not greater than 6 months, fine not greater than \$1,000, or both 3 does not have right to jury trial <p>HB 5350 (Pending)</p> <ul style="list-style-type: none"> Violation of preliminary injunctive order = felony <p>HB 5351 (Pending)</p> <ul style="list-style-type: none"> Proof of service of preliminary injunctive order must be filed with LEA <p>HB 5352</p> <ul style="list-style-type: none"> Mandatory filing with LEA of RO or divorce actions by clerk 	<p>HB 5355 (Pending)</p> <ul style="list-style-type: none"> Establishment of temporary supportive residences Includes cohabitants Data collection Appropriation \$500,000 <p>HB 5306 (Pending)</p> <ul style="list-style-type: none"> Establishment of pilot assistance center Includes cohabitants Data collection Appropriation \$500,000 <p>HB 5281 (Pending)</p> <ul style="list-style-type: none"> Establishment of shelter 	<p>HB 5353 (Pending)</p> <ul style="list-style-type: none"> Uniform crime reporting system by local and state police 	<p>HB 5354 (Pending)</p> <ul style="list-style-type: none"> Police training in investigation of domestic assault cases 	<p>HB 5349 (Pending)</p> <ul style="list-style-type: none"> Includes cohabitants Warrantless arrest when abuse not in police officer's presence Mandatory arrest if probable cause to believe violation of preliminary injunctive order of peace bond <p>HB 5356 (Pending)</p> <ul style="list-style-type: none"> Special probation provision for spouse with no previous convictions may require mandatory counseling 	<p>HCR 106 (1977)</p> <ul style="list-style-type: none"> Creates special committee to study the problem

STATE	CIVIL REMEDIES— INJUNCTIVE RELIEF	SHELTER SERVICES	DATA COLLECTION	POLICE TRAINING	SPECIAL CRIMINAL STATUTES	CONCURRENT RESOLUTIONS
MINNESOTA		<p>Chap 428 (S.F. 124) (1977)</p> <ul style="list-style-type: none"> • Establishment of four pilot shelter programs • Includes cohabitants • Educational program • Data collection and evaluation • Assistance to displaced homemakers • Appropriation: \$500,000, plus \$100,000 for displaced homemakers 	<p>Chap 428 (S.F. 124) (1977)</p> <ul style="list-style-type: none"> • Mandatory reporting of data by hospitals, doctors, nurses, and LEAs 			
MISSISSIPPI						
MISSOURI	<p>HB 1023 (Pending)</p> <ul style="list-style-type: none"> • See Penn. law • Right to relief not affected by self defense or by leaving residence to avoid abuse • No execution of bond by petitioner • Attorney fees paid by D if D loses • Relief is independent of marriage dissolution proceedings • Emergency night relief • Temporary custody (20 hrs) for abuse and violation of court order 		<p>HB 1023 (Pending)</p> <ul style="list-style-type: none"> • LEA recordkeeping requirements • Confidentiality of records • Immunity to recordkeepers 	<p>HS 1025 (Pending)</p> <ul style="list-style-type: none"> • Establishment of domestic crisis teams 		
MONTANA						<p>HJR 103 (Failed)</p> <ul style="list-style-type: none"> • Requesis study of battered spouse needs
NEBRASKA	<p>LB 623 (1978)</p> <p>"Protection from Domestic Abuse Act"</p> <ul style="list-style-type: none"> • Includes cohabitants • Relief includes TRO and TVO • Ex parte relief: "irreparable harm, loss, or damage" • Applicant gets two free copies of order 	<p>LB 623 and LB 623a (1978)</p> <ul style="list-style-type: none"> • Establishes comprehensive support services to victims, families, and abusers. • Compilation of statistical data • Confidentiality of information • Appropriation: \$176,000 for three pilot shelters 		<p>LB 623 (1978)</p> <ul style="list-style-type: none"> • Education and training program for LEA 	<p>LB 623 (1978)</p> <ul style="list-style-type: none"> • Mandatory counseling as condition of probation for abuser 	
NEVADA						
NEW HAMPSHIRE						
NEW JERSEY	<p>S 3156 (Pending)</p> <p>"Battered Persons Act"</p> <ul style="list-style-type: none"> • See Penn. law 	<p>A 3168 (Pending)</p> <ul style="list-style-type: none"> • Establishes shelters and comprehensive services • Includes cohabitants 		<p>A 3170 (Pending)</p> <ul style="list-style-type: none"> • Special police training 	<p>A 3171 (Pending)</p> <ul style="list-style-type: none"> • Person accused of assault, assault and battery or atrocious assault and battery may be kept away from marital residence for up to 72 hours. 	
NEW MEXICO						
NEW YORK	<p>Family Court Act: Art. B, NY Jud. Law (McKinney) amended by Chap. 449 (S 6617-6642) (1977)</p> <ul style="list-style-type: none"> • Spouses only • Initial concurrent jurisdiction in family court and criminal court, but exclusive remedy • PO (restricting locate, visitation, custody) Maximum duration: 1 year • Ex parte relief • Notice of PO to LEA • Violation: Maximum of 6 months jail • Conciliation procedures (pre-filing of petition) • Probation services, written agreements (court may enter PO in accordance with agreement) 	<p>Chap 450 (S6616-6643), Laws of NY (1977)</p> <ul style="list-style-type: none"> • Permits Board of Social Welfare to approve establishment and operation of shelter homes 	<p>Chap 449 (S 6617-6642) laws of NY (1977)</p> <ul style="list-style-type: none"> • Compilation of data by judiciary 		<p>Chap 449 (S6617-6642) laws of NY (1977)</p> <ul style="list-style-type: none"> • Gives criminal courts power to issue TOP as condition of pre-trial release and upon conviction to enter PO • Copy of order to police 	
NORTH CAROLINA						
NORTH DAKOTA						
OHIO	<p>HB 636 (Pending)</p> <ul style="list-style-type: none"> • See Penn. law 	<p>HB 1060 (Pending)</p> <ul style="list-style-type: none"> • Loan and grant program for purchase or renovation of buildings to be used as shelter, max. loan for 1 building: \$75,000 <p>HB 957 (Pending)</p> <ul style="list-style-type: none"> • Establishes program of family protective services • Include cohabitants • Recordkeeping provision • Appropriation: \$5,000,000 			<p>HS 957 (Pending)</p> <ul style="list-style-type: none"> • Makes second or subsequent criminal assault against spouse a felony of 4th degree • Includes cohabitants • PO during pendency of action, 24 hour day court, copy of order to LEA • Probation provision (suspended sentence) if participation in psychological treatment programs 	
OKLAHOMA	<p>HB 1000 (Pending)</p> <p>Protection of Household Members from Abuse Act</p> <ul style="list-style-type: none"> • See Penn. law 					

STATE	CIVIL REMEDIES— INJUNCTIVE RELIEF	SHELTER SERVICES	DATA COLLECTION	POLICE TRAINING	SPECIAL CRIMINAL STATUTES	CONCURRENT RESOLUTIONS
OREGON	<p>Chap 645 (HB 2438), Oregon laws (1977)</p> <p>Abuse Prevention Act</p> <ul style="list-style-type: none"> • Includes cohabitants • Relief includes TRO, injunction or consent agreement, temporary custody or visitation • Maximum duration: 1 year • No undertaking required • Relief not affected by leaving household to avoid abuse • Non-exclusive remedy¹¹ • Petitioner must deliver copy of order to LEA • Mandatory arrest for violation of restraining order. May be released on bail pending contempt hearing • Limits criminal and civil liability of arresting officer 	<p>Chap 646 (SB 769), Oregon Laws (1977)</p> <ul style="list-style-type: none"> • Grants for programs (including shelters) designed to prevent, identify and treat domestic violence. 			<p>Chap 645, Ore Laws (1977)</p> <ul style="list-style-type: none"> • Provides for mandatory arrest (unless victim objects) if police officer has probable cause to believe assault or fear of assault on spouse • Includes cohabitants • Limits criminal and civil liability for arresting officer 	
PENNSYLVANIA	<p>Act 218, Laws of PA (1976)</p> <p>Protection from Abuse Act</p> <ul style="list-style-type: none"> • Includes cohabitants • Right to relief not affected by leaving household to avoid abuse • PO or consent agreements: Hearing within 10 days of filing petition, proof by preponderance of evidence. Δ has right to counsel. Relief include: RO, VO, possession of residence, temporary custody and visitation, alternate housing. Maximum duration: 1 year • <i>Ex parte</i> relief: "immediate and present danger of abuse" • Emergency weekend relief • Copy of order to S, p., and LEA • Non-exclusive remedy¹¹ • Violation: contempt 	<p>SB 564 (Pending)</p> <p>Amends Act 218</p> <ul style="list-style-type: none"> • Clarifies when Δ may gain possession of household • Provides that relief may include support order • Emergency relief by Philadelphia municipal court judge • Violation: indirect criminal contempt, maximum penalty 6 months in prison, \$1,000 fine, or both, no right to jury trial • Warrantless arrest for violation of order if probable cause (whether or not in presence of arresting officer) 				
RHODE ISLAND					<p>77-S-1005, Chap 259, RI Public Law (1977)</p> <ul style="list-style-type: none"> • Makes domestic assault a misdemeanor • Includes cohabitants • Arrest must be made within 24 hours after commission of crime • No recognizance requirement 	
SOUTH CAROLINA		<p>S 795 (Pending)</p> <ul style="list-style-type: none"> • Includes cohabitants • Establishes pilot programs for shelter and support services • Community education program • Data collection and program evaluation 				
SOUTH DAKOTA	<p>SB 335 (failed)</p> <ul style="list-style-type: none"> • Provides for RO and VO • <i>Ex parte</i> relief 					
TENNESSEE					<p>Tenn. Code Ann Sect 35-602 (1976)</p> <ul style="list-style-type: none"> • Makes domestic assault a misdemeanor 	
TEXAS						
UTAH						
VERMONT						
VIRGINIA	<p>Code of VA 16.1-275 (amended) 1976</p> <ul style="list-style-type: none"> • Court order for counseling or treatment for either spouse • Δ may have to pay for shelter care 	<p>HB 685 (Pending)</p> <ul style="list-style-type: none"> • Two-year pilot shelter program • Department of Welfare pays one-half cost for shelter 				
WASHINGTON						
WEST VIRGINIA	<p>HB 1082 (Pending)</p> <ul style="list-style-type: none"> • Includes cohabitants • Right to relief not affected by leaving household to avoid abuse • PO or consent agreements include RO, possession of residence or VO, custody to party with possession • Maximum duration: 10 days (renewable for 10 days) • <i>Ex parte</i> relief: only after notice to Δ, hearing within 72 hours "immediate and present danger of abuse" • Non-exclusive remedy¹¹ • Violation: contempt • No husband-wife privilege under the act 					
WISCONSIN						<p>AJR 36 (Pending)</p> <ul style="list-style-type: none"> • Directs legislative council to study the problem of abuse of spouses
WYOMING						

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

December 5, 1979

SUBJECT: Bill permitting the use of video-taped testimony of young victims of rape. (Work Order Number 7548)

TO: Representative Charles H. Parr, Chairman House Judiciary Committee
Attn: Margaret W. Berck
Counsel to the House Judiciary Committee

FROM: Drana Spragg Pegues *[Signature]*
Co-Revisor of Statutes

This request has been assigned to me for drafting. I am writing to inform you that I believe the request involves a matter which is subject to court rule.

The manner of taking, preserving and presenting evidence of a witness in a criminal trial is a matter of practice and procedure which would properly be included either in the new court rules of evidence or in the court rules of criminal procedure.

As you know, the legislature may change an existing court rule of practice and procedure by a two-thirds vote. (Art. IV, sec. 15, Alaska Constitution). However, the legislature may not adopt a new rule for the court. This request apparently involves initiating an entirely new rule. See City of Valdez v. Valdez Development Co., 506 P.2d 1279, 1282 (1973), Leege v. Martin, 379 P.2d 447, 450 (1963).

I will not proceed further with this request until I hear from you. If you wish the bill prepared even though it involves court rule, we could consider whether it could be added to Rule of Evidence 804(b) (exceptions to hearsay rule) as a "change" to that rule. *(Requiring 2/3 vote of the legislature)*

DSP:ljb

Charlie, I will request this on Dec. 7, 1979. MMB

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL

JUNEAU, ALASKA 99811

907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

December 13, 1979

SUBJECT: Post-Judgment Interest Rates
(Work Order Number 7547)

TO: Charles H. Parr, Chairman
House Judiciary Committee
Attn: Peggy Berck
Administrative Assistant

FROM: Thomas A. Sofo *TAS*
Legislative Counsel

At present post- and pre-judgment interest rates are both at eight percent. By amending the post-judgment interest rate in a manner which will undoubtedly make it higher than the eight percent pre-judgment rate of AS 45.45.010(a) we are creating a situation in which the big corporate defendant has financial incentive to delay litigation. It is only removed in degree from the earlier situation in which there was apparently post-judgment interest but no recognition of pre-judgment interest until the courts made it clear that such was necessary to counter certain abuses. A review of the case law indicates that we may be recreating a situation subject to the very misuses which the post-judgment and pre-judgment interests statutes and cases were designed to alleviate. Possibly we should consider amending or adding a section to AS 45.45.010 in such a manner as to reflect a calculation of the pre-judgment interest rate by the same manner post-judgment interest rates are calculated. Please let me know of your desires with regard to the above.

TAS:ljb

Enclosure

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

Sally
53839
Requested
to put in
final form

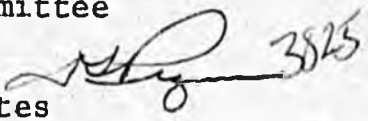
POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

MEMORANDUM

December 19, 1979

SUBJECT: Bill permitting the use of video-taped testimony of young victims of sexual assault (Work Order Number 7548)

TO: Representative Charles H. Parr, Chairman House Judiciary Committee

FROM: Donna Spragg Pegues  3825
Co-Revisor of Statutes

Attached is a draft of the bill requested for the Judiciary Committee relating to the video-taping of the testimony of young victims of sexual assault. I have drafted the bill as an amendment to the Code of Criminal Procedure and have included the required references to the Rules of Court identifying this bill as a change to Rule 804, Rules of Evidence (exceptions to the hearsay rule).

As I noted in my memo of December 5, I am not really certain whether this bill involves a "change" to a rule or the adoption of a "new" rule. As you know, the legislature may change an existing court rule of practice and procedure by a two-thirds vote. (Art. IV, sec. 15, Alaska Constitution). However, the legislature may not adopt a new rule for the court. This request might be construed as initiating an entirely new rule.

However, I am have become convinced that the bill simply "changes" the exceptions to the hearsay rule and this conviction is supported by the language of Rule 802, Alaska Rules of Evidence which provides:

"Hearsay is not admissible except as provided by these rules, by other rules prescribed by the Alaska Supreme Court, or by enactment of the Alaska Legislature."
(Emphasis added.)

DSP:ljb

Enclosure

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 14, 1980

SUBJECT: Post-Judgment Interest Rates
(Work Order Number 7547)

TO: Representative Charles H. Parr, Chairman
House Judiciary Committee
Attn: Peggy Berck
Administrative Assistant

FROM: Thomas A. Sofo *TAS*
Legislative Counsel

AS 45.45.010, the Alaska statute dealing with the legal rate of interest generally within the state, already requires the Department of Commerce and Economic Development to compile the 12th Federal Reserve District figure on a quarterly basis. If the intent behind the current amendment is to make the post-judgment interest rate more responsive to market conditions, this can be done on a quarterly basis (rather than semiannually as you have requested) without imposing any additional administrative burden on the bureaucracy.

TAS:ljb

Alaska STATE HOUSING AUTHORITY

January 23, 1980

Representative Charles H. Parr
Chairman, House Judiciary Committee
Pouch V, Mail Stop 3100
Juneau, Alaska 99811

Dear Representative Parr:

Re: House Bill 392

In accordance with Representative Malone's request during committee hearings on HB 392 on Thursday, January 17, 1980, the Alaska State Housing Authority (ASHA) respectfully submits a draft revision of that bill (enclosed). ASHA's purpose, as I indicated in my testimony, is to alert the Legislature to possible conflicts with federal regulations.

The United States Department of Housing and Urban Development (HUD) is ASHA's primary funding source, and has a substantial amount of statutory and regulatory control of ASHA's actions. We have attempted to reword the legislation in order to resolve potential state law-federal law conflicts, and to clarify an area subject to alternative interpretations.

First, our draft clearly establishes in (a), that only one thirty day period is required initially. This will avoid the potential for having sorely needed housing resources vacant for an extended period. In addition, the word "shall" is added between "violence" and "have" on line fourteen.

Second, the word "shall" has been inserted on line seventeen, between "violence" and "have" in (b).

Third, in (c), the requirement for formally filing a regulation concerning eligibility for victims of domestic violence has been deleted, since this eligibility provision can be inserted into ASHA's Statement of Policies concerning admission and continued occupancy, which is required by HUD to be formalized in writing. In ASHA's opinion, nothing is lost, since APA regulations are mandatory in State funded projects, and federal regulations and the Statement of Policies govern federally subsidized projects.

Alaska STATE HOUSING AUTHORITY

Representative Charles H. Parr

-2-

January 23, 1980

Last, (d) is added to allow ASHA to avoid the potential "double bind" inherent in unresolved conflicts between State statutes and federal laws, regulations and mandates. This subparagraph also specifically acknowledges the need for conforming with federal requirements in federally funded projects recognized by AS 18.55.110.

Thank you for the opportunity to comment in a constructive manner. If you, or members of the committee have any questions or comments, please contact me at your convenience.

Sincerely,



Harry F. Goldbar
Executive Director
Alaska State Housing Authority

HFG/1a3/10

cc: Charles Webber, Commissioner of Commerce
Roger Lang, Chairman, ASHA Board

LAW OFFICES OF
ALASKA LEGAL SERVICES CORPORATION
419 SIXTH STREET, SUITE 322
JUNEAU, ALASKA 99801
TELEPHONE 586-6425

MEMORANDUM

TO: Rep. Hugh Malone
FROM: Don Clocksin and Bruce Horowitz
DATE: April 1, 1980
RE: CSHB 392 am - Domestic Violence

On March 14, 1980, Chief Prosecutor Dan Hickey wrote you a letter commenting on CSHB 392 am relating to domestic violence. He made several suggestions for changes. This memo is a response to each suggestion.

Before responding, however, we must admit we are confused about the position of the Department of Law on this bill. Rick Svobodny, who works closely with Mr. Hickey, actively participated in the redraft of this bill in the House Judiciary Committee. All of the concerns he raised were addressed and he expressed no further problems with the bill at that time.

1. Bill restates current law enforcement practices (p. 1)

Mr. Hickey suggests that current law enforcement practices are the same as those imposed in the bill, particularly in Section 650 relating to the notices. However, evidence presented to the Legislature indicated such practices are not being followed in many areas. If peace officers are not complying with these practices, it is certainly "good public policy" to require them to do so. Mr. Hickey's problems with civil liability (p. 2) have been at least partly resolved -- with the able assistance of Mr. Svobodny. Immunity for discretionary acts is greater than in the original bill.

2. Training

Mr. Hickey's suggestions about training are excellent and are already incorporated in Section 680 of the bill.

3. Delete Section 650(b) - the "reading of rights" (p. 2)

Mr. Hickey says requiring a peace officer to provide a statement of rights to a victim will destroy the "genuine cooperation" between officer and victim. Evidence presented to the Legislature revealed that "genuine cooperation" does not now exist in many areas of the state. The failure of peace officers to adequately relate to victims of domestic violence was a major reason for the filing of the bill.

Further, Miranda warnings were required by the Supreme Court because peace officers consistently failed to give proper advice. Contrary to Mr. Hickey's implication, Miranda warnings have worked very well because they eliminate the peace officer's discretion to deny constitutional rights.

4. Discretion and good judgment required (p. 3)

Mr. Hickey suggests that the problem of domestic violence is not subject to Legislative solution because that violence does not occur in a "rational setting." We respectfully reject the implication that the legislature does not have the ability to solve difficult problems. If it didn't, the state would have no divorce, adoption or child protection laws and no presumptive sentencing or eviction law. The bill does not eliminate the peace officer's discretion, again thanks to amendments developed with Mr. Svobodny's assistance.

5. Unclear time period for temporary order (p. 3)

Mr. Hickey's comments on the duration of temporary orders for relief are well-taken. The temporary order -- issued by a superior or district court or a magistrate under Section 660(d) -- should last only ten days unless extended by order of the court. A "permanent" order for relief issued by a superior court would last no longer than 45 days, unless extended. Amendments to clarify the time limits and to clarify what the temporary order should say are attached.

6. Potential constitutional problems with temporary orders (p. 3)

Mr. Hickey incorrectly claims there are constitutional problems with a temporary order because it is as broad as a "permanent" order and can be issued without notice. In fact, Civil Rule 65 creates the same relationship between temporary and permanent injunctions, and no one suggests that rule is unconstitutional. Temporary injunctions without notice in domestic cases have been approved in a number of states, including Alaska. Voss v. Voss, 169 So. 2d 351 (Fla. 1964);

Miller v. Miller, 294 S.W. 694 (Tex. Civ. App. 1927); Ardis v. Sanford, 389 N.Y.S. 2d 529 (N.Y. 1976); Johnson v. Johnson, 544 F. 2d 64 (Alaska 1975).

7. Support is unrelated to domestic violence (p. 3)

In the last sentence on p. 3, Mr. Hickey suggests the order for relief should not provide for temporary support because it is "unrelated" to the problem. An abuser often asserts economic as well as psychological control over a victim. Testimony to the Legislature revealed that lack of independent financial resources is often what forces victims to remain in the home of an abuser.

8. No crime of violating order for relief (p. 4)

Mr. Hickey does not believe it should be a crime to violate an order for relief. He also attempts to create confusion where there is none. If an order prohibits domestic violence or harassment, and the attacker commits those acts, it is a crime. If the order does not prohibit those acts, it isn't. Violation of a temporary custody or support order or non-confrontational contact in violation of an order is never a crime, but is subject to civil contempt. We believe peace officers will be able to distinguish between assault and a failure to pay support or between an assault or a nonconfrontational contact and, thus, will be able to understand this law.

9. Amend criminal code (p. 4)

Mr. Hickey proposes to amend the criminal code to delete AS 12.25.030(b). That section, adopted as part of the criminal code, allows arrest for a battery of a household member committed outside the police officer's presence where there is good cause evidence of the physical assault. We do not support this effort to tamper with the Criminal Code so soon after its adoption. (Nor would we oppose the deletion of the House amendment on p. 7, lines 2-4 which amended AS 12.25.030(b)).

10. Change definition of domestic violence (p. 4)

Mr. Hickey's criticism of the broad definition of "domestic violence" is well taken. An amendment is attached which eliminates blood relatives not in the household. However, a spouse or ex-spouse should be covered, regardless of where he or she lives.

11. Mandatory prosecutions and uncooperative victims (pp. 4-5, 6)

Mr. Hickey believes the problems of domestic violence can be alleviated by allowing a criminal case to proceed even though the victim does not wish it to. He proposes to: (1) force the victim to testify whether he or she wants to or not; (2) impose a mandatory physical examination; (3) eliminate the confidentiality of her communications with her doctor or psychiatrist; and (4) tell the jury the victim's non-cooperation is irrelevant to defendant's guilt.

While we agree that many victims of domestic violence decide after charges are filed not to prosecute, we think the remedy proposed by Mr. Hickey is excessive. This bill as it stands gives victims options which will likely reduce the number of situations where criminal prosecutions are dropped. Only the most serious cases will be dealt with criminally. Further, if a victim knows she will be forced to cooperate and be subjected to loss of rights, she may refuse to ever bring charges. Thus, the result may be less cooperation with prosecutors, not more.

12. Legislative intent (p. 5)

Mr. Hickey suggests a statement of legislative intent would be helpful. We agree, and one is attached.

13. Amend bail statute (p. 5)

Mr. Hickey proposed to amend the bail statute to provide for imposition of specific conditions of release in domestic violence cases. We agree, and an amendment is attached. Some judges already impose those conditions, but a clarification of their authority to do so is a good idea.

14. Domestic violence as factor in presumptive sentencing (pp. 5-6)

Mr. Hickey suggests domestic violence should be considered in setting a sentence for both misdemeanors and felonies. We do not support this change because (1) we aren't prepared to tamper with the Criminal Code, and (2) we don't understand the subtleties of presumptive sentencing sufficiently to support its expansion to misdemeanors.

15. Impeachment by prior convictions or acts (p. 6)

Mr. Hickey proposes to allow impeachment of a defendant's testimony by use of evidence of prior domestic

violence whether or not the defendant was convicted. We do not support such a change. If defendants were just prosecuted for domestic violence like other defendants were prosecuted, we would be happy. No special rules are necessary.

16. No bail and no contact after conviction (p. 6)

Mr. Hickey suggests we deny bail to defendants in domestic violence cases after convictions and prohibit contact as part of a suspended sentence. While such protection is tempting, it may infringe excessively on the defendants' constitutional rights, and may inhibit whatever chance there may be for reconciliation. The bill as passed by the House contains a careful balance between the rights of the defendant and the needs of the victim. Mr. Hickey's attempt to expand the "law and order" character of the bill is perhaps an excess of zeal. If his amendments were all adopted, the balance may well be tipped too far against the defendant in a criminal case.

We believe we can at least partially solve the problem of domestic violence by adding a new alternative for victims, increasing their access to the court for civil remedies, and assuring that in every situation, victims are told of the choices they have. Criminal prosecution should not be the only choice for addressing this complex problem.

cc: Sen. Robert Ziegler
Daniel W. Hickey
Rep. Charlie Parr

LAW OFFICES OF
ALASKA LEGAL SERVICES CORPORATION
419 SIXTH STREET, SUITE 322
JUNEAU, ALASKA 99801
TELEPHONE 586-6425

PROPOSED AMENDMENTS TO CSHB 392 am H

April 1, 1980

1. On p. 4, line 12, delete the last sentence down through line 18 and insert:

Every temporary order issued under this subsection shall be endorsed with the date and hour of issuance, shall forthwith be filed and entered of record, -and shall state why the temporary order is being issued. If the temporary order is issued by a superior court, it shall include a notice of hearing on the order for relief and shall be served on the defendant. If a temporary order is issued by a district court or a magistrate, the superior court shall forthwith schedule a hearing on the order for relief and notify the respondent of the temporary order and of the hearing on the order for relief. A temporary order shall expire by its terms in ten days unless extended by the court or magistrate for good cause shown.

2. On p. 4, line 19, delete "by a superior court under this section" and insert "under (b) of this section"
3. On p. 6, line 14, delete ", or blood relative of the person" and insert "or" before the words "former spouse"
4. On p. 1, line 11, insert a new section to read:

Sec. 09.55.600. STATEMENT OF PURPOSE. The legislature finds that assaults and harassment by household members or ex-spouses are a growing problem in Alaska and that special solutions to the problem are needed. The criminal justice system is often unable to provide an adequate remedy because of the economic and psychological dependence of victims of domestic violence on their attackers. The purpose of this legislation is to assure that victims of domestic violence will be advised of all available alternatives, that they will

have immediate access to the judicial system to obtain an injunction without excessive costs or the requirement of legal representation, that people who commit domestic violence will be dealt with fairly and firmly, and that peace officers will be trained to respond properly to domestic violence situations.

5. On p. 7, line 5, insert a new section and renumber accordingly:

Sec. 3. AS 12.25.020 (c) is amended by adding a new subsection to read:

(11) whether the offense charged is domestic violence as defined in AS 09.55.700.

6. On p.6, line 10, delete "AS 09.55.650" and insert "AS 09.55.600"
7. On p. 7, line 27, delete "AS 09.55.650" and insert "AS 09.55.600"

LAW OFFICES OF
ALASKA LEGAL SERVICES CORPORATION
419 SIXTH STREET, SUITE 322
JUNEAU, ALASKA 99801
TELEPHONE 586-6425

MEMORANDUM

TO: Senate Judiciary Committee
FROM: Don Clocksin ^{DC} and Bruce Horowitz ^{BTH}
SUBJECT: CSHB 392 am H - Domestic Violence
DATE: April 1, 1980

I. The Problem

Victims of physical attacks by household members or spouses are in an unique position. Police often refuse to view these attacks as criminal conduct. The victim is often unaware of what options he or she has and continues to accept beatings as unavoidable. The economic and psychological dependence of battered wives and the fear of injury create a loss of self-respect. The social acceptance of wife-beating and the irrationality of most attacks make the woman feel she is to blame. It is this syndrome which makes spousal abuse an unique and particularly serious problem.

According to the preliminary study on The Status of Women In Alaska, Anchorage had an estimated 3.3 reported wife beatings each day. Alaska Legal Services Corporation reports that 70 to 75 percent of women seeking legal assistance have been beaten by their husbands. Another study indicates inter-spousal murders accounted for 12 percent of all murders in the United States in 1975.

Testimony in the House last session, during the interim this session established that domestic violence is a substantial problem in Alaska and that criminal solutions are not adequate.

II. The Solution

There is no immediate solution to the problem until people learn to solve their problems without the use of violence. Particularly, society must recognize spousal attacks as unacceptable conduct, and courts and prosecutors must treat them just like other crimes.

This bill seeks to inform the victim of the available options and to protect the victim from attack. It is an "intervention" bill which does not try to solve the social problem but only to protect the victim from serious injury. It establishes a new easy-to-get injunction and provides for police training on

domestic violence.

III. Section By Section Analysis

1. Section 1:

- a. Sec. 09.55.650: A police officer called to the scene of a domestic attack is to advise the victim of his or her rights and provide assistance as the circumstances require.
- b. Sec. 09.55.660: Allows the victim to obtain an emergency Order for Relief from a judge or magistrate for up to ten days. After a hearing, such an Order may be issued for 45 days. The Order is to protect the victim from future attacks.
- c. Sec. 09.55.665: Requires the court system to prepare forms and instructions so the victim may file for this Order for Relief without the need for a lawyer.
- d. Sec. 09.55.670: The Order for Relief must be provided to the police, and procedures must be established to assure all peace officers know of the Order.
- e. Sec. 09.55.680: Law enforcement agencies must include in their training programs information on how to handle violence.
- f. Sec. 09.55.690: Intentional violation of the Order for Relief is a class B misdemeanor. A second violation (i.e. the third attack) means 72 hours in jail.
- g. Sec. 09.55.700: "Domestic violence" is defined. It includes assault or battery on the victim or the victim's child, and includes sexual abuse. The term is limited to such acts against relatives, household members and present or former spouses. Programs providing alternative, temporary shelter to victims of domestic violence are defined.

2. Section 2:

Amends the Criminal Code to allow arrest without a warrant for a violation of an Order for Relief committed outside the presence of a peace officer.

3. Section 3:

Provides alternative housing for victims of domestic violence

Senate Judiciary Committee
April 1, 1980
Page 3

by granting a preference for ASHA housing, if otherwise eligible.

4. Section 4:

Allows magistrates and district judges to issue emergency ten-day Orders for Relief.

5. Section 5:

Amends certain Court Rules relating to filing of legal papers and issuance of injunctions.

DC/mlm

HB 392 file

720 "M" St. #4
Anchorage, Alaska 99501
January 1980

Dear Legislator:

I hope that you and your aide will read the material I have enclosed in this letter. There is a summary of HB392, the bill dealing with domestic violence, and a copy of a story about a battered woman which appeared in Source Line, the newspaper put out by the Women's Resource Center in Anchorage.

The story is of particular importance, not because it is unusual, but because it is so common. You will find it interesting reading.

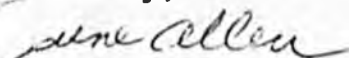
The topic of domestic violence, wife beating and child abuse is no longer a hush hush subject. We are hearing about it daily on the radio and television. Large national organizations are taking up this issue.

I hope the State of Alaska will be among the first to tackle this terrible social ill. By dealing with it now, rather than avoiding it as too controversial, you will be strengthening the family unit in Alaska. Our children learn from their elders. Don't let them go on believing that domestic violence is "normal."

I know what I am talking about because I am a former battered wife. I escaped from that situation with the help of the AWAIC shelter program. I am not ashamed of what I went through--the shame would be in not doing anything about it, and I will not quit working until every abused woman in Alaska has had the chance to learn that she can escape from her predicament.

HB392 languished last year in Judiciary. Much has happened since then. I hope you will give this bill your prompt and enthusiastic attention--
FOR THE WOMEN OF ALASKA, FOR OUR CHILDREN, AND FOR THE MATE YOUR OWN CHILD WILL SOMEDAY CHOOSE.

Sincerely,



June Allen

Woman takes husband to court for assault

From: "Source Line" Dec. '79/Jan. '80

Suzon Mejia is being battered. She is living a damned if you do, damned if you don't existence. She has left Pedro "Pepe" Jose Mejia, but he has not left her. He continues to harass her, physically hurt her and basically make it impossible for her to lead a happy or even normal life.

When she first consulted a lawyer in 1976 she was advised to grab her child and run. There are real reasons for a woman not to run, such as family, friends, career, and the resources to be able to leave. But there is another reason not to run. That is the anger, the outrage that you are being forced to leave your

house, your furniture, your plants, everything, to be safe, while he, the one who is causing you to be hurt and maybe killed is allowed to stay in the house. He gets the paychecks, he has the resources behind him while you are essentially back to square one with nothing to show but bruises and pain, humiliation and anger.

That the most successful way to escape battering is to become a fugitive, forever moving just to stay alive, is hardly a sane solution.

Over and over, Suzon was told to run, but she has decided to make her stand. She thought she would be able to receive protection from the law enforcement and legal communities, but these institutions have let her down, forcing her to fight for every gain and seemingly penalizing her for her fight.

The police on the whole have been patronizing and less than diligent in their pursuit of the truth. In one instance, Pepe terrorized her by holding a loaded gun to her head and forcing her to kneel before him to confess imaginary lovers and affairs. Then she was driven around town all night, not knowing when he might kill her. After she finally got help from a jogger who happened along past their car as it sat parked on the Park Strip, she raced her husband back to where her children were, afraid Pepe would carry out his threat to kill them. After this night of fear she was told by a police sergeant, "you women who go back, what do you expect?"

When she finally arrived home, she was informed by Officer Tolson that Pepe was going to be released, and that she had five minutes to clear out before he got home. The final blow was that the police delivered him to her

apartment instead of to his own.

When she called the police the next day from the AWAC shelter, not only was there no report, nothing written up about the incident, but new investigators had been assigned to the case. She was told nothing could be done unless there were witnesses. In an effort to produce a witness, Suzon returned to the Park Strip at 5:30 the next morning in the hope that the jogger-rescuer was a regular. She found him, only to find out that he was a pilot flying out the next day and he didn't know when he would return. He agreed to do whatever he could.

Enter the legal system, which is supposedly set up to protect people's rights - but not the rights of battered women. Often, as in Suzon's case, the charges are shuffled back and forth between the State and Municipal courts.

The State District Attorney would not handle her charge of assault with a deadly weapon as no serious injury was incurred. She was more successful at the Municipality - they had been "left with egg on their face with the Sue Arnold thing" and didn't want a repeat of that. (Sue Arnold was fatally shot by her husband while there was a restraining order out on him.)

Pepe was ordered to API for testing as a result of his incoherent statements at the bond hearing. Less than 24 hours later, in spite of references to their non-existent cat, he was certified sane and let loose. When he violated the terms of the bond and once again contacted Suzon with threats she called the prosecuting attorney, Karen Russell.

Four days later the hearing was finally held. But Judge Tucker decided that the delay indicated that the level of real danger must be relatively low, since if it were high she wouldn't have waited! The \$16,000 bond was remanded to Pepe and a new date was set for a hearing.

A series of new prosecutors followed, which necessitated the telling and retelling of her story. She was constantly afraid of not appearing credible. It takes little to destroy the credibility of a battered woman. The conception that subconsciously the woman really likes the beatings runs strong and deep throughout our society. It is the woman who is on trial to prove that she deserves a chance to live a life without fear. "Don't tell me I look nice," Suzon recently told a friend, "tell me I look credible."

Finally a trial date was set for the 19th and 20th of November. When Suzon inquired about the appearance of her witness, the pilot, she was

told no plans had been made to bring him up as he was out of the court's jurisdiction, and it just couldn't be done. When she asked if it was OK for him to come up on his own, she was told that his company had replied that if so little was thought of what had happened that it was considered just a misdemeanor, they didn't think enough of it to go to the time, trouble, and expense to send him to Anchorage to testify.

Nonetheless, Suzon was told to garner her support and character witnesses and appear in court on Monday. But the preceding Thursday, as she was pre-

paring to speak at a Women's Center brown bag lunch to gather support, she was told that the case had been settled out of court.

There were four charges facing Pepe when he appeared in court; three assault and battery and one malicious destruction of property, all misdemeanors. He pleaded no contest to two of the assault and battery charges, and the other charges were dropped. He was sentenced to 14 days in jail, later reduced to 10; he was ordered to attend the Male Awareness Program at the AWAC shelter; and there is to be no contact with Suzon. As she was only a witness for the Municipality, she was not consulted or informed ahead of time of the decision to settle out of court.

Suzon speaks of her fight for justice, for dignity, for life. In spite of her resolve to keep fighting, there's a sense of tiredness and defeat. "How long can you keep banging your head against walls? People say, oh Suzon, you're so strong, but how strong can you be? You have to do everything yourself, find witnesses, keep calling, keep pushing. The minute I leave their offices they forget me and my case. I'm never called, I must call them, ask them if they've done the next step.... People burn out, how many times can you call your friends in the middle of the night and ask to sleep on their couch?"

It is hard enough working full time and being a mother - Suzon's children are 10 years, 2 years and 11 months. "My son's messed up, failing in school, having nightmares. I can't remember the last time I just held them...."

As she left, I wished her luck and we both smiled. Be careful, I said. She smiled and said, "One more of us has to die, we have to get the statistics up, then maybe we'll be taken seriously." As she left, I found myself wishing I didn't know she was right.

—L. Garne



LEGAL QUESTIONS AND ANSWERS

We invite our readers to write or call in their questions. A number of different Anchorage attorneys will be answering the questions in each issue. This month, answers are from Don Clocksin of Alaska Legal Services.

How to send a Public Opinion Message to your legislator

You can send a Public Opinion Message to your legislators to let them know how you feel about a particular issue. The service is provided free of charge in order to encourage public participation in the legislative process. Your legislators need your feedback!

To send a P.O.M., call the Legislative Affairs Office, 278-3668, or go down to their office at 1024 W. 6th Ave. in downtown Anchorage (6th and K St.). Your message will arrive in Juneau the same day you send it.

This service was established to make your legislators accountable to the taxpayers, so why not take advantage of it and let your voice be heard!

House Bill 392

to benefit abused women

December 79 - January 80 SourceLine 7

House Bill 392 will be before the Legislature during this next session, starting January 14. Can you explain what HB 392 is, and what it will do for battered women?

Victims of physical attacks by household members are in a unique position. Police often refuse to view these attacks as criminal conduct. The victim is often unaware of what options she has and continues to accept beatings as unavoidable. The economic dependence of battered wives and the fear of injury create a loss of self-respect. The social acceptance of wife-beating and the irrationality of most attacks make the woman feel she is to blame. It is this syndrome which makes spousal abuse a unique and particularly serious problem.

According to the study of The Status of Women in Alaska, Anchorage had an estimated 3.3 reported wife beatings each day. Alaska Legal Services Corporation reports that 70 to 75% of women seeking legal assistance have been beaten by their husbands. Another

study indicates inter-spousal murders accounted for 12% of all murders in the U.S. in 1975.

HB 392 seeks to inform the victim of the available options and to protect her from attack. The bill would require a police officer called to the scene of a domestic attack to advise the victim of her rights and provide assistance. Arrest of the attacker under existing criminal laws would be mandatory in some situations.

The bill would also allow the victim to obtain an emergency Order of Relief to protect from future attacks for up to ten days. After a hearing, such an Order might be issued for 45 days. The court system would be required to prepare forms and instructions so the victim could file for this Order without a lawyer.

The Order would then be provided to the police, and procedures established to assure that all officers knew of the Order. Violation of the Order would be a misdemeanor. A

second violation (i.e., the third attack) would mean three days in jail. Arrest would be mandatory for a violation of the Order for Relief.

Furthermore, law enforcement agencies would be required to include in their training programs information on how to handle domestic violence. Domestic violence is defined in the bill to include assault or battery on the victim or the victim's child, including sexual abuse. The term is limited to such acts against relatives, household members and present or former spouses. Programs providing alternative, temporary shelter to victims are also defined, and provided for by granting a preference for ASHA housing if the victim is otherwise eligible.

This bill was first introduced this spring, sponsored by Hugh Malone with the backing of Alaska Legal Services, the Abused Women's Aid In Crisis shelter, and other groups. If it passes it will greatly help those three to four women per day who are victims of battering.

TELEGRAM

RCA ALASKA COMMUNICATIONS, INC.
PHONE: 586-6442
JUNEAU, ALASKA 99802

392 file

#

12039 NL TDFA TOK ALASKA 22 04-12 340P AST

PMS JUDICIARY COMMITTEE

POUCH V ~~POUCH~~

JUN

UNITED CROW BAND SOCIAL SERVICE AGENCY REPRESENTING 6 COMMUNITIES

IN THE UPPER TANANA REGION SUPPORT THE PASSAGE OF HB392

ROSE WOOD SOCIAL SERVICE DIRECTOR UNITED CROW BAND

HB 392

720 M St. #5
Anchorage 99501
April 11, 1979

Dear Mr. Malone:

Your name appears first among those who sponsored HB392, the bill dealing with domestic violence. For that I say thank you. I have written to others and am now writing to you to voice my support of this bill.

You are more familiar with the intricacies of the bill than I am, but I, and many more just like me, support it. The section requiring police officers to be educated about domestic violence is probably the most important to me personally.

You see, a batterer can change from a fist swinging animal to a charming, bewildered husband in the ring of a doorbell. I know. My husband looked so genuinely surprised when I called the police after a session of abuse that I almost believed him!

I would have left the situation years ago if I had known how. Women must be advised of their rights, by policeman who act as if they really gave a damn. In those days, however, where would I have gone? I have no family in Anchorage. What would I have used for money? He kept me broke.

But I learned about the AWAIC shelter and I went there. I got temporary housing and meals and counseling for myself and my little girl. I also got the warmth and love of the women there who really cared about what had happened to me. I learned to lose my shame and regain my self-respect.

Please do all you can to see this legislation through.

I wish I could help more, but maybe letters from someone who has "been there" will help a little.

Sincerely,

June Allen
June Allen

HOUSE RESEARCH AGENCY
Pouch Y - State Capitol
Juneau, Alaska 99811
465-3991

MEMORANDUM

January 28, 1980

TO: Representative Brian Rogers
Attn: Mr. John Hartle

FROM: Jack Kreinheder, Issues Analyst *JK*

RE: Domestic Violence Research (HB 392)
Research Request No. 15

You have asked if other states have enacted domestic violence legislation similar to HB 392, which would require that police officers provide certain rights to domestic violence victims, and whether such legislation has been effective. I have made the following major findings:

1. Four states have enacted legislation comparable to HB 392: Massachusetts, New Hampshire, Utah, and Washington. Our initial sources indicated that Maine had also done so, but direct contact with Maine officials proved otherwise.
2. Problems with the implementation of the domestic violence legislation were reported in each of the three states I contacted, but the nature and severity of the difficulties are viewed differently by different agencies and organizations.
3. The major problems experienced in other states include: Large variations among communities in enforcement of provisions; lack of funding for police training, uncertain interpretation of provisions by enforcement and judicial agencies; and the lack of shelter facilities for police referrals.
4. It appears that a number of the reported problems are due in part to the very recent enactment of, and