

CLERK'S OFFICE

APPROVED

Date:

10-15-02

Submitted by: Assemblymember Tesche

Prepared by: Department of Assembly

For reading: September 24, 2002

ANCHORAGE, ALASKA

AO NO. 2002-149

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
ANCHORAGE MUNICIPAL CODE SECTION 8.10.090, ILLEGAL USE OF TELEPHONE,
TO CLARIFY THE MEANING OF INTENT TO HARASS A PERSON OR PERSON'S
FAMILY

THE ANCHORAGE ASSEMBLY ORDAINS


Section 1: That Anchorage Municipal Code Section 8.10.090(A) is amended to
read as follows:

8.10.090 Illegal use of telephone.


A. It is unlawful for any person to telephone or electronically communicate with
another person with [THE] an intent to harass that person or that person's
family.

Section 2: That this ordinance shall take effect immediately upon passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this 15th day of
October, 2002.


Chair

ATTEST


Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2002- 149

Title: Amending AMC 8.10.090, Illegal Use of Telephone, to Clarify the Meaning
of Intent to Harass a Person or Person's Family

Sponsor: Assemblymember Tesche

Preparing Agency: Department of Assembly

Others Impacted: Anchorage Police Department

CHANGES IN EXPENDITURES AND REVENUES:

(In Thousands of Dollars)

	<u>FY02</u>	<u>FY03</u>	<u>FY04</u>	<u>FY05</u>	<u>FY06</u>
Operating Expenditures					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:	\$	\$	\$	\$	\$
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:	\$	\$	\$	\$	\$

REVENUES:

CAPITAL:

POSITIONS: FT/PT and Temp

PUBLIC SECTOR ECONOMIC EFFECTS:

There are no substantial, if any, public sector economic effects.

PRIVATE SECTOR ECONOMIC EFFECTS:

There are no substantial, if any, private sector economic effects.

Prepared by: Elvi Gray-Jackson

Telephone: 343-4751

Approved by: _____
Director/Municipal Clerk

Date: _____



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

NO. AM 690-2002

Meeting Date: September 24, 2002

From: Assemblymember Tesche
Subject: AO 2002-149 AMENDING ANCHORAGE MUNICIPAL CODE SECTION 8.10.090, ILLEGAL USE OF TELEPHONE, TO CLARIFY THE MEANING OF INTENT TO HARASS A PERSON OR PERSON'S FAMILY

Victims of domestic violence are frequently harassed by telephone by estranged domestic partners or other family members. Use of the telephone for this purpose is illegal under section 8.10.090(A) of the Municipal Code. In a recent case, however, a trial court held the ordinance does not apply unless the perpetrator's sole intent in using the telephone is for the purpose of harassing the victim. In other words, evidence of some other purpose behind the telephone call such as a request for information or a request to visit the victim may prevent prosecution for a call whose primary, but not exclusive, purpose is to harass the other person.

If enacted, AO 2002-149 would allow prosecution under AMC 8.10.090(A) where a purpose of a call is to harass another person even though there is another purpose to the call as well. The amendment would provide an additional measure of protection to victims of domestic violence.

Approval of AO 2002-149 is requested.

Respectfully submitted

Allan Tesche
Assemblymember

Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
Agenda Document Control Sheet

As 2002-149

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT An Ordinance Amending AMC Section 8.10.090, Illegal Use of Telephone to Clarify the Meaning of Intent to Harass a Person or Person's Family	DATE PREPARED 20-Sep-02		
		Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM		
2	DEPARTMENT NAME Assembly	DIRECTOR'S NAME Greg Moyer		
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY	HIS/HER PHONE NUMBER		
4	COORDINATED WITH AND REVIEWED BY	<table style="width: 100%;"> <tr> <th style="width: 40%;">INITIALS</th> <th style="width: 60%;">DATE</th> </tr> </table>	INITIALS	DATE
INITIALS	DATE			
	Mayor			
	Heritage Land Bank			
	Merrill Field Airport			
	Municipal Light & Power			
	Port of Anchorage			
	Solid Waste Services			
	Water & Wastewater Utility			
	Municipal Manager			
	Cultural & Recreational Services			
	Employee Relations			
	Finance, Chief Fiscal Officer			
	Fire			
	Health & Human Services			
	Office of Management and Budget			
	Management Information Services			
	Police			
	Planning, Development & Public Works			
	Development Services			
	Facility Management			
	Planning			
	Project Management & Engineering			
	Street Maintenance			
	Traffic			
	Public Transportation Department			
	Purchasing			
	Municipal Attorney			
	Municipal Clerk			
	Other			
5	Special Instructions/Comments <div style="text-align: right;"><i>Addendum</i></div> <div style="text-align: right;"><i>into draft</i></div>			
6	ASSEMBLY HEARING DATE REQUESTED 2002 SEP 20 11:02 AM M.O.	PUBLIC HEARING DATE REQUESTED 10/15/02		