

CLERK'S OFFICE
APPROVED

Submitted by: Assemblymembers TAYLOR, Tesche,
Von Gemmingen

Prepared by: Department of Assembly

For reading: March 19, 2002

Date: 3-19-02

ANCHORAGE, ALASKA
AR NO. 2002-85

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY SUPPORTING HOUSE BILL
NO. 317, "AN ACT RELATING TO STALKING AND AMENDING RULE 4, ALASKA RULES OF
CIVIL PROCEDURE, AND RULE 9, ALASKA RULES OF ADMINISTRATION."

WHEREAS, according to the Anchorage Police Department, there were 22 reported cases
of stalking in the year 2000 which may not reflect the number of possible other victims who were
too fearful to come forward; and

WHEREAS, current law provides protection to those in domestic situations and minor
children, but does not protect victims who are stalked by strangers; and

WHEREAS, House Bill No. 317 (HB 317), introduced by Representative Crawford, proposes
to close a dangerous loophole in the current Statues by providing equal protection to those being
stalked by a stranger; and

WHEREAS, HB 317 would allow the victims of stalking to seek and obtain a protective order
in cases of stalking that are not crimes involving domestic violence, and would also streamline the
process by integrating the arrest and notification procedures to mirror the current law for domestic
violence situations; and

WHEREAS, upon passage, HB 317 would provide three different types of protective orders
to include an emergency order for three days, another order for 20 day, and one for six months and
longer; and

WHEREAS, HB 317 represents a long overdue law and it is only fair that any citizen who
believes that their life is threatened, whether by the known or the unknown, are protected and
provided a sense of security within the community.

NOW, THEREFORE, the Anchorage Assembly resolves:

Section 1: That the Anchorage Assembly supports and urges passage of House Bill No.
317.

Section 2: That copies of this resolution be forwarded to the Alaska State Legislature and
the Governor immediately upon passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this 19th day of March
2002.


Chair

ATTEST:


Municipal Clerk

HOUSE BILL NO. 317
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES CRAWFORD, Guess

Introduced: 1/14/02

Referred: Judiciary, Finance

A BILL
FOR AN ACT ENTITLED

"An Act relating to stalking and amending Rule 4, Alaska Rules of Civil Procedure, and
2 Rule 9, Alaska Rules of Administration."

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

4 * Section 1. AS 11.56.740(a) is amended to read:

5 (a) A person commits the crime of violating a protective order if the person is
6 subject to a protective order containing a provision listed in AS 18.65.850 or
7 AS 18.66.100(c)(1) - (7) and knowingly commits or attempts to commit an act in
8 violation of that provision.

9 * Sec. 2. AS 11.56.740(c) is amended to read:

10 (c) In this section, "protective order" means an order issued or filed under
1 AS 18.65.850 or AS 18.66.100 - 18.66.180.

12 * Sec. 3. AS 18.65.540(a) is amended to read:

13 (a) The Department of Public Safety shall maintain a central registry of
4 protective orders issued by or filed with a court of this state under AS 18.65.850 or

AS 18.66.100 - 18.66.180. The registry must include for each protective order the names of the petitioner and respondent, their dates of birth, and the conditions and duration of the order. The registry shall retain a record of the protective order after it has expired.

* Sec. 4. AS 18.65.540(b) is amended to read:

(b) A peace officer receiving a protective order from a court under AS 18.65.850, AS 18.66.100 - 18.66.180, a modified order issued under AS 18.66.120, or an order dismissing a protective order, must take reasonable steps to ensure that the order, modified order, or dismissal is entered into the central registry within 24 hours after being received.

* Sec. 5. AS 18.65 is amended by adding new sections to read:

Article 11. Stalking Protective Orders and Notifications to Stalking Victims.

Sec. 18.65.850. Protective orders for stalking. (a) A person who reasonably believes that the crime of stalking, that is not a crime involving domestic violence, is being committed against the person by another may petition the district or superior court for an order directing the person who is allegedly committing the stalking to

(1) stay away from the home, school, business, or place of employment of the petitioner and any other location specifically named by the court;

(2) refrain from contacting, intimidating, threatening, or otherwise interfering with the petitioner or a family member of the petitioner specifically named by the court.

(b) After receiving a petition under (a) of this section, a court may grant

(1) an ex parte protective order if the court finds that

(A) the petition establishes probable cause that the respondent has committed the crime of stalking against the petitioner;

(B) the protective order is necessary to protect the petitioner from further stalking;

(C) reasonable but ultimately unsuccessful efforts have been made to provide notice of the petition to the alleged stalker; and

(D) the petition does not order the respondent to stay away from the respondent's own home, school, business, or place of employment;

(2) a temporary protective order if the court finds that

(A) the petition establishes probable cause that the respondent has committed the crime of stalking against the petitioner;

(B) the protective order is necessary to protect the petitioner from further stalking;

(C) the respondent has been provided notice of the petition; and

(D) the petition does not order the alleged stalker to stay away from the alleged stalker's own home, school, business, or place of employment unless the alleged stalker has been provided an opportunity to be heard on the petition; or

(3) an extended protective order if the court finds, after a hearing, that

(A) by a preponderance of evidence, the respondent has committed the crime of stalking against the petitioner;

(B) the protective order is necessary to protect the petitioner from further stalking; and

(C) the respondent has been provided at least 10 days' notice of the hearing and of the alleged stalker's right to appear and be heard, either in person or by an attorney.

(c) A protective order is not effective until served upon the respondent. An ex parte protective order expires 30 days after the date the order is issued. A temporary protective order expires 30 days after the date the order is served on the respondent. An extended protective order expires six months after the order is served on the respondent.

(d) Either the petitioner or the respondent may request modification of a protective order. The court may not grant a modification unless notice of the request has been provided to the adverse party and the adverse party has been granted a reasonable opportunity to be heard. A modified order issued under this subsection replaces the protective order it modifies.

(e) A protective order issued by a court under this section shall be delivered to the appropriate law enforcement agency for service on the respondent and for entry in the central registry of protective orders under AS 18.65.540. Service of process shall

be as provided in AS 18.66.160 for service of process of domestic violence protective orders.

(f) The Alaska Court System shall prepare forms for petitions and protective orders and instructions for their use by a person seeking a protective order under this section. Each protective order form must contain the following warning in boldface type: "Violation of this order may be a misdemeanor, punishable by up to one year of incarceration and up to a \$5,000 fine. Filing fees may not be charged for the filing of a petition under this section."

(g) In this section, "crime involving domestic violence" has the meaning given in AS 18.66.990.

Sec. 18.65.855. Notification to stalking victims. The Department of Public Safety shall develop and make available to law enforcement agencies in the state a notice that details the rights of victims of stalking, that is not a crime involving domestic violence, and the services available to them. The form must be similar to that provided to victims of domestic violence under AS 18.65.520. A peace officer investigating a stalking offense shall provide the form to the victim. In this section, "crime involving domestic violence" has the meaning given in AS 18.66.990.

* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to read:

INDIRECT COURT RULE AMENDMENTS. AS 18.65.850(e), added by sec. 5 of this Act, has the effect of amending Rule 4, Alaska Rules of Civil Procedure, and Rule 9, Alaska Rules of Administration, relating to service of process for protective orders for victims of stalking.

Ar 200285

1	SUBJECT OF AGENDA DOCUMENT		DATE PREPARED
	A Resolution Supporting HB 317		13-Mar-02
			Indicate Documents Attached
			<input type="checkbox"/> AO <input checked="" type="checkbox"/> AR <input type="checkbox"/> AM <input type="checkbox"/> AIM
2	DEPARTMENT NAME		DIRECTOR'S NAME
	Greg Moyer		Greg Moyer
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY		HIS/HER PHONE NUMBER
	Elvi Gray-Jackson		343-4751
4	COORDINATED WITH AND REVIEWED BY	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		
	9.B. Action		
6	ASSEMBLY HEARING DATE REQUESTED	7	PUBLIC HEARING DATE REQUESTED
	3/15/02		