

CS FOR HOUSE BILL NO. 12(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/29/19

Referred: Rules

Sponsor(s): REPRESENTATIVE KOPP

A BILL

FOR AN ACT ENTITLED

"An Act relating to protective orders."

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

*** Section 1.** AS 18.65.850(e) is amended to read:

(e) A court may not deny a petition for a protective order solely because

(1) there is [OF] a lapse of time between an act of sexual assault and the filing of the petition;

(2) the stalking or act of sexual assault was the basis for a previous protective order; or

(3) a court previously found that the petitioner was a victim of stalking or sexual assault but declined to order relief under this section, if the petition alleges a change in circumstances since the court's previous finding.

*** Sec. 2.** AS 18.65.850 is amended by adding a new subsection to read:

(f) Within 30 days before, or within 60 days after, the expiration of a protective order issued or extended under this section, a petitioner may petition the court for an extension of the protective order. The court shall schedule a hearing and

1 provide at least 10 days' notice to the respondent of the hearing and of the respondent's
 2 right to appear and be heard, either in person or through an attorney. If the court finds
 3 that an extension of the provisions of the order is necessary to protect the petitioner
 4 from stalking or sexual assault, regardless of whether the respondent appears at the
 5 hearing, the court may extend the provisions of the order. An extension granted under
 6 this subsection is effective for six months unless earlier dissolved by court order.

7 * **Sec. 3.** AS 18.66.100(e) is amended to read:

8 (e) A court may not deny a petition for a protective order under this section
 9 solely because

10 (1) there is [OF] a lapse of time between an act of domestic violence
 11 and the filing of the petition;

12 (2) the act of domestic violence was the basis for a previous
 13 protective order; or

14 (3) a court previously found that the incident was a crime of
 15 domestic violence committed against the petitioner but declined to order relief
 16 under this section, if the petition alleges a change in circumstances since the
 17 court's previous finding.

18 * **Sec. 4.** AS 18.66.100 is amended by adding a new subsection to read:

19 (f) Within 30 days before, or within 60 days after, the expiration of a
 20 protective order issued or extended under (b)(2) of this section, a petitioner may
 21 petition the court for an extension of the protective order. The court shall schedule a
 22 hearing and provide at least 10 days' notice to the respondent of the hearing and of the
 23 respondent's right to appear and be heard, either in person or through an attorney. If
 24 the court finds that an extension of the provisions of the order is necessary to protect
 25 the petitioner from domestic violence, regardless of whether the respondent appears at
 26 the hearing, the court may extend the provisions of the order. An extension granted
 27 under this subsection is effective for one year unless earlier dissolved by court order.

28 * **Sec. 5.** The uncoded law of the State of Alaska is amended by adding a new section to
 29 read:

30 APPLICABILITY. AS 18.65.850(e), as amended by sec. 1 of this Act,
 31 AS 18.65.850(f), enacted by sec. 2 of this Act, AS 18.66.100(e), as amended by sec. 3 of this

- 1 Act, and AS 18.66.100(f), enacted by sec. 4 of this Act, apply to protective orders issued
- 2 before, on, or after the effective date of secs. 1 - 4 of this Act.