HOUSE BILL NO. 76

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES HOLMES, Kerttula, Fairclough

Introduced: 1/18/11
Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1   **"An Act relating to costs and fees for stalking and sexual assault protective orders."**

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

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

4   (c) A protective order issued under this section may

5   (1) prohibit the respondent from threatening to commit or committing

6   stalking or sexual assault;

7   (2) prohibit the respondent from telephoning, contacting, or otherwise

8   communicating directly or indirectly with the petitioner or a designated household

9   member of the petitioner specifically named by the court;

10   (3) direct the respondent to stay away from the residence, school, or

11   place of employment of the petitioner, or any specified place frequented by the

12   petitioner; however, the court may order the respondent to stay away from the

13   respondent's own residence, school, or place of employment only if the respondent has

14   been provided actual notice of the opportunity to appear and be heard on the petition;

15   (4) order other relief the court determines to be necessary to protect the

New Text Underlined [DELETED TEXT BRACKETED]

1   petitioner or the designated household member**;**

2   **(5) require the respondent to pay costs and fees incurred by the**

3   **petitioner in bringing the action under AS 18.65.850 - 18.65.870**.

4   *** Sec. 2.** AS 18.65.855 is amended to read:

5   **Sec. 18.65.855. Ex parte and emergency protective orders for stalking and**

6   **sexual assault.** (a) A person who reasonably believes that the person is a victim of

7   stalking or sexual assault that is not a crime involving domestic violence may file a

8   petition under AS 18.65.850 and request an ex parte protective order. If the court finds

9   that the petition establishes probable cause that the crime of stalking or sexual assault

10   has occurred, that it is necessary to protect the petitioner from further stalking or

11   sexual assault, and that the petitioner has certified to the court in writing the efforts, if

12   any, that have been made to provide notice to the respondent, the court shall ex parte

13   and without notice to the respondent issue a protective order. An ex parte protective

14   order under this section may grant the protection allowed by **AS 18.65.850(c)(1) - (4)**

15   [AS 18.65.850(c)]. An ex parte protective order expires 20 days after it is issued

16   unless dissolved earlier by the court at the request of either the petitioner or the

17   respondent after notice and, if requested, a hearing. If the court issues an ex parte

18   protective order, the court shall have the order delivered to the appropriate law

19   enforcement agency for expedited service.

20   (b) A peace officer, on behalf of and with the consent of a victim of stalking

21   or sexual assault that is not a crime involving domestic violence, may request an

22   emergency protective order from a judicial officer. The request may be made orally or

23   in writing based on the sworn statement of a peace officer, and in person or by

24   telephone. If the court finds probable cause to believe that the petitioner is in

25   immediate danger of stalking or sexual assault based on an allegation of the recent

26   commission of stalking or sexual assault, the court ex parte shall issue an emergency

27   protective order. An emergency protective order may grant the protection allowed by

28   **AS 18.65.850(c)(1) - (4)** [AS 18.65.850(c)]. An emergency protective order expires 72

29   hours after it is issued unless dissolved earlier by the court at the request of the

30   petitioner. A peace officer who obtains an emergency protective order under this

31   section shall

1   (1) place the provisions of an oral order in writing on a form provided

2   by the court and file the written order with the issuing court by the end of the judicial

3   day after the order is issued;

4   (2) provide a copy of the order to the petitioner; and

5   (3) serve a copy of the order on the respondent.