

SECTIONAL ANALYSIS

CS SB 54 (FIN)— “An Act amending protective order statutes for crimes involving stalking to include crimes involving sexual assault and sexual abuse, to provide for other relief ordered by a court, to add the protective orders to a centralized registry, to prevent denial solely for a lapse of time, and to require notification of the court of known civil or criminal actions involving the petitioner or respondent; relating to notifications to victims of sexual assault and to mandatory arrest for crimes involving violation of protective orders and violation of conditions of release; and amending Rule 65, Alaska Rules of Civil Procedure.”

Section 1. Sets the criminal penalty for violating a sexual assault protective order as a class A misdemeanor, as is the current penalty for violation of a domestic violence or stalking protective order.

Section 2. Adds sexual assault to the mandatory arrest provisions. A peace officer shall make an arrest for violations of a protective order or violations of conditions of release for cases of domestic violence, sexual assault, and stalking.

Section 3. Ensures that the protective order is entered into the central registry of protective orders.

Section 4. Creates the availability of protective orders for victims of sexual assault by petitioning the district or superior court. A parent or guardian may file on behalf of a minor.

Section 5. Sets the parameters for court hearings. A hearing will be arranged in at least 10 days, and upon a preponderance of the evidence, a 6-month protective order is available.

Section 6. Outlines the remedies available for protective orders for victims of stalking or sexual assault. Adds an allowance for the court to determine other relevant protections.

Section 7. Similar to a domestic violence provision, this subsection allows sexual assault victims to seek protective orders when they feel unsafe, rather than being limited by the time elapsed since the crime.

Section 8. Creates the availability of ex parte and emergency protective orders for victims of sexual assault. Ex parte orders are obtainable, upon a probable cause finding and are valid for 20 days. In addition, peace officers may acquire emergency protective orders for victims of sexual assault, valid for 72 hours, upon probable cause that a crime has occurred.

Section 9. Expands the notification from the Department’s of Public Safety to include victims of sexual assault. Investigating peace officers will provide information that explains a victims’ rights and available services.

Section 10. Adds the requirement that the petitioner must inform the court of pending civil and criminal actions involving the petitioner or the respondent, if any.

Section 11. Identifies the crimes of sexual assault (1st, 2nd, 3rd, 4th degrees), sexual abuse of a minor (1st, 2nd, 3rd, 4th degrees), and incest.

Section 12. Changes Rule 65, Alaska Rules of Civil Procedure, regarding restraining orders.

Section 13. Revisor's Instructions to expand the titles currently involving stalking to include sexual assault.