



ALASKA STATE LEGISLATURE

REPRESENTATIVE GERAN TARR

CS for House Bill 20 - Sectional Analysis

"An Act relating to sexual assault; requiring law enforcement agencies to test sexual assault examination kits; requiring notification of completion of testing; relating to reports on untested sexual assault examination kits; and providing for an effective date."

Section 1: Amends AS 11.41.410 Sexual Assault in the *first degree* to remove language related to an offender's mental state. Current statute requires proof that an offender "knows" a person is incapacitated or unaware that a sexual act is being committed. This changes the default standard (AS 11.81.610) to knowing as to conduct and reckless as to circumstance or result.

Section 2: Amends AS 11.41.420 Sexual Assault in the *second degree* to removes language related to specific mental state and defaults to knowingly as to conduct and reckless as to circumstance or result as a standard of proof.

Section 3: Amends AS 11.41.425 Sexual Assault in the *third degree* to remove language related to a specific mental state and defaults to knowingly as to conduct and reckless as to circumstance or result as a standard of proof.

Section 4: AS 44.41 adds section AS 44.41.065 to

- (1) require that within 30 days after collection of a sexual assault kit, it is sent to an accredited lab or Department of Public Safety operated laboratory facility.
- (2) Ensure that the sexual assault kit undergoes testing within one year of the laboratory receiving the kit.
- (3) Within two weeks following completion of testing, reasonable effort will be made to notify the victim that testing occurred. (b) Failure to meet this timeline will not cause a case to be dismissed and if a case is resolved prior to testing, it is no longer required.

Section 5: AS 44.41.070 Regarding the reporting of untested sexual assault kits from the crime lab to the Department of Public Safety to include additional data about which kits were ineligible for testing and why.

Section 6: AS44.41.070 Regarding the reporting of untested sexual assault kits by the Department of Public Safety to the legislature that includes data about which kits were ineligible for testing and why.

Section 7: AS 44.41.070 includes new section to include the definitions of why a sexual assault kit may be ineligible for testing: it is scientifically unviable, is ineligible for CODIS, or is an anonymous kit.

Section 8: Applicability AS 11.41.410(a) AS 11.41.420(a) AS 11.41.425(a)

Section 9: January 1, 2021 effective date.