

February 16, 2021

RE: HB5 Letter of Support

Honorable Representative Kreiss-Tomkins and State Affairs Committee Members:

It is a privilege to write a letter in support of this bill. STAR has worked with the sponsor and her staff for the last several years, amplifying the lived experiences of sexual assault survivors to help inform policies and legislation, and thus, making Alaska a safer state for all.

STAR strongly supports this legislation. Many of the statutory changes proposed in the bill will have no impact on the state budget. The section of the bill related to sexual assault kit testing will require adding positions; however, these positions will not be limited to only sexual assault kit testing. STAR believes the commitment to additional crime lab positions will have broad benefits and assist in processing all violent crime forensic testing more efficiently and promptly.

STAR's board of directors identified updating the definition of consent as a crucial need in its policy priorities in 2018. Since that time, the sponsor and her staff have worked diligently to learn about Alaska sex crime laws, research consent language in other states, and held multiple statewide public meetings to hear from stakeholders. Those opportunities for public input greatly helped to inform House Bill 5.

STAR would like to thank the Legislature for addressing some of the gaps in the current statutes. Alaska's age of consent leaves many minor victims aged sixteen and seventeen vulnerable to predatory older adults. There are countless cases to which STAR can refer, where this bill would have profound effect and help to prevent future crimes. One of these cases involves a former legislative aide from Bethel, Ben Anderson-Agimuk, 28, who is currently in custody for the alleged Sexual Assault of a Minor involving an eleven year old victim. Just two weeks prior to that alleged crime, it was reported to law enforcement he committed similar acts to a sixteen year old girl. Presumably, *solely because of the victim's age*, the crime has not yet been charged and she may never have anything resembling justice for what he did to her. (<https://www.adn.com/alaska-news/crime-courts/2020/04/10/former-bethel-legislative-aide-charged-with-raping-girl-after-giving-her-alcohol/#:~:text=A%20Bethel%20man%20has%20been,of%20a%20victim%20under%2013.>)

Similarly, Alaska's definition of consent has always put an unreasonably high burden of proof on the Prosecution in a state with the highest rate of sexual violence in the nation. This was highlighted as a concern by John Earthman, a Prosecutor in Nome in a recent news article. He was quoted as saying, "What's difficult, though, is when you're dealing with a criminal statute of sexual assault, without consent has a very specific definition.... consent means with or without resisting, basically, the victim was forced, or that this happened because they were threatened."

According to [state statute](#) (AS 11. 41. 410), the burden of proof is on Earthman to show the offender used force, implied or otherwise, to have sex with the victim and that the accused was mentally aware they didn't have consent from the victim.

The result: more than 90% of all felony level sex offenses in Alaska (2015) were not convicted of a sex offense! (Per the Alaska Criminal Justice Commission's report) Meaning roughly only 9% of all felony sex offense suspects were held accountable for their actions and the damage they caused (<https://www.knom.org/wp/blog/2021/01/20/seeking-protection-wanting-justice-part-1/>.)

STAR appreciates your thoughtful consideration and urges your support for HB 5. The State of Alaska needs to make substantive changes to protect sixteen and seventeen year old victims and to amend the definition of consent. These important changes will assist victims in achieving justice and hopefully, drive these unacceptable statistics in a better direction.

Sincerely,



Keeley Olson
Executive Director

February 22, 2021

Dear Legislators-

The Alaska Network on Domestic Violence & Sexual Assault (ANDVSA) offers its enthusiastic and unqualified support for HB 5 *Sexual Assault/Definition of Consent*. ANDVSA, incorporated in 1980, is the federally recognized state DV/SA coalition. We are a membership-based organization and are governed by 23 community-based DV/SA agencies. We work with membership and other stakeholders to ensure that victims' rights are upheld, that victims have access to life-saving resources and services, and that community-based organizations have the support and resources to prevent sexual and domestic violence in their own communities.

In collaboration with other stakeholders, we have worked with Representative Tarr for over the past two years on different legislation to support victims of sexual assault. HB 5 is the most current bill being introduced. Specifically:

- The language in this bill is thoughtful, informed by a range of stakeholders, and is timely as the definition of consent has not been substantially revised in many years. Specifically, the bill redefines consent as “freely given, reversible agreement specific to the conduct at issue by a competent person”. This victim-centered language shifts the burden of proof away from the victim.
- Section 2 of HB 5 includes changes to the SAM (sexual abuse of a minor) laws in two major ways. First, it adds a section to make sexual penetration and/or contact with a 16 and/or 17-year-old if the minor is at least 10 years younger than the offender a criminal offense; currently it is not considered a criminal offense unless the offender is related or in a position of authority. Second, it makes having sex with a 13–15-year-old, if the minor is at least 10 years younger than the offender, an unclassified felony (SAM 1) versus a B felony (SAM 2) as it is now.
- HB 5 requires that the laboratory to which a sexual assault examination kit is sent conducts a serological or DNA test on that kit within six months after submitted to the laboratory. Under current statute, the kits must be tested within one year. Changing this timeframe to six months means that victims will be informed about their kits in more timely manner. In

Member Programs

Anchorage AWAIC, STAR | Bethel TWC | Cordova CFRC | Craig HOPE | Dillingham SAFE | Fairbanks IAC
Haines Becky's Place | Homer SPHH | Juneau AWARE | Kenai LeeShore Center | Ketchikan WISH
Kodiak KWRCC | Kotzebue MFCC | Nome BSWG | Petersburg WAVE | Seward SeaView Community Services
Sitka SAFV | Unalaska USAFV | Utqiagvik AWIC | Valdez AVV



ANDVSA
Alaska Network on Domestic Violence
& Sexual Assault

Main Office

130 Seward St. #214
Juneau, Alaska 99801
Phone: (907) 586-3650
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Sitka Office

PO Box 6631
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Phone: (907) 747-7545
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Anchorage Office

431 W. 7th Ave. #205
Anchorage, AK 99501
Phone: (907) 297-2860
Fax: (907) 279-2451

addition, tested kits can aid law enforcement in investigating and solving unsolved rape and other violent offences.

In sum, HB5 is a bill that addresses pressing issues in practical ways: refining the definition of consent to reduce burden of proof on victims; recognizing the far-reaching impacts of sexual assault, it expands protection to youth victims; and ensuring that victims receive notification regarding their sexual assault forensic kit results within six months.

ANDVSA urges you to consider and pass HB 5 and affirm survivors of all ages, bolstering the foundation for healthier relationships here in Alaska.

Carmen Lowry
Carmen Lowry, PhD
Executive Director

Member Programs

Anchorage AWAIC, STAR | Bethel TWC | Cordova CFRC | Craig HOPE | Dillingham SAFE | Fairbanks IAC
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4048 Laurel St. #203, Anchorage, AK 99508 / Phone: 907-563-3723 / Fax: 907-563-3739 / Web: www.asaa.org

Alaska State Legislature

March 23, 2021

I would like to share my support of Alaska's Consent Bill – House Bill 5.

One of my roles at the Alaska School Activities Association (ASAA) is the Coaching Boys Into Men State Program Coordinator. Coaching Boys Into Men (CBIM) is an evidence based, comprehensive violence prevention program designed to inspire coaches to teach their athletes about the importance of respect for themselves, others, and, particularly, for women and girls. The program comes with strategies, scenarios, and resources needed to talk to boys, specifically, about healthy and respectful relationships, dating violence, sexual assault, and harassment.

The program recognizes that sports have a tremendous influence in our culture and in the lives of young people. The principles of teamwork and fair play that are central to athletics make sports an ideal platform to teach healthy relationship skills. CBIM builds strong teams and fosters healthy relationships among athletes and their peers while:

- Building trust and setting expectations for acceptable behavior
- Defining abusive behaviors and teaching healthy relationship skills
- Leveraging coaches' influence as role models to their athletes

The curriculum is designed to be taught over a 12-week sport season where weekly mini training lessons are presented by the coach to the athletes. Weekly discussion topics include:

1. Pre-Season Speech
2. Personal Responsibility
3. Insulting Language
4. Disrespectful Behavior Towards Women & Girls
5. Digital Disrespect
6. Understanding Consent
7. Bragging About Sexual Reputation
8. When Aggression Crosses the Line
9. There's No Excuse for Relationship Abuse
10. Communicating Boundaries
11. Modeling Respect and Promoting Equality
12. Signing the CBIM Pledge

Many of the topics incorporated in the CBIM program and House Bill 5 mutually validate the need for a preventative educational component and accountability for perpetrators. House Bill 5's clarification and affirmative definition of consent will certainly strengthen the scholastic elements of CBIM.

I look forward to the opportunity to employ House Bill 5 in coordination with the statewide implementation of Coaching Boys Into Men to further educate our youth with the objective of eradicating violence towards women.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "B. Hosken", written over a white background.

Brian D. Hosken

Alaska School Activities Association – Student Services Director
Coaching Boys Into Men – State Coordinator
Brian@asaa.org

March 2, 2021

Representative Geran Tarr
State Capitol Room 126
Juneau, Alaska 99801

Dear Representative Tarr:

The National Association of Social Workers (NASW) – Alaska Chapter enthusiastically endorses the passage of HB 5, short-titled “SEXUAL ASSAULT; DEF. OF “CONSENT””. This bill supports timely testing sexual assault examination kits, enhances our definitions of consent, and more comprehensively clarifies the age of consent surrounding sexual activity.

The NASW-AK Chapter understands the need for more comprehensive legislation surrounding sexual assault. This has been outlined as a priority for numerous years by our membership via our legislative advocacy survey. The NASW has prioritized sexual assault reform nationally. As reported by the CDC, the survivors of sexual violence encounter significant problems that are both long and short term. The physical effects and mental health issues that are associated with sexual violence may include: pregnancy, sexually transmitted diseases, chronic pain, Post Traumatic Stress Disorder, and depression. It is common that victims of sexual assault may experience social isolation as well as strained relationships with family and friends. Legislation that provides added protections and definitions surrounding consent will assist in helping survivors feel heard and validated.

The NASW-AK Chapter Board of Directors supports the passage of HB 5.

Most Respectfully,



Nina Corbett, MSW, LCSW-NC
National Association of Social Workers – Alaska Chapter President



House State Affairs
Alaska State Capitol
Juneau, AK 99081

Re: HB 5 (Sexual Assault; Def. of “Consent”)

March 27th, 2021

Dear Chair Kreiss-Tomkins and State Affairs Committee Members:

Planned Parenthood Votes Northwest & Hawai'i (“PPVNH”) writes to express our support of HB 5 and urges the committee to take action on this critical bill. As a trusted provider of sexual assault survivors, Planned Parenthood is deeply committed to advancing policies and programs that work to reduce sexual assault, provide support for sexual assault survivors, and help survivors seek justice. By updating the definition of “consent” and addressing Alaska’s backlog of sexual assault examination kits, HB 5 will have a direct positive impact on survivors across Alaska.

Alaska’s sexual assault rates are unacceptably high – and these rates are likely underestimates because sexual assault is often tragically underreported. For good reason, survivors fear coming forward, in part because the current Alaska statute is insufficient to adequately prosecute attackers. Even when a survivor reports an assault, they often face doubt and judgment and must navigate an often humiliating and degrading legal process when seeking justice. These barriers to justice are exacerbated for individuals from historically marginalized communities, including (but not limited to) transgender people and others from LGBTQ communities; studies suggest that around half of transgender people and bisexual women will experience sexual violence at some point in their lifetimes and are often unable to report or prosecute these crimes due to systemic barriers and discrimination.¹ Unfortunately, we know that not only are a small percentage of sexual assault cases reported, criminal charges are filed in even fewer cases. Ultimately, survivors of assault face myriad obstacles in reporting and seeking justice. HB 5 takes important steps toward supporting survivors and improving processes in our legal system and builds upon legislation from 2018 and 2019 to tackle the persistent sexual assault examination kit backlog.

HB 5 updates Alaska’s antiquated definition of consent to ensure more survivors get justice

Importantly, HB 5 redefines Alaska’s antiquated and problematic definition of consent. Alaska’s current definition of consent places an unreasonably high burden of proof on survivors and the

¹ Sexual Assault and the LGBTQ Community, *Human Rights Campaign* (2021). Available at: <https://www.hrc.org/resources/sexual-assault-and-the-lgbt-community>

prosecution to prove an assault occurred. Specifically, the current statute requires that the offender used force, threat, or deception to have sex with the survivor and that the offender was mentally aware they did not have consent from the survivor.² In reality, the psychological and physiological responses to sexual assault often lead survivors to “freeze” during an assault,³ effectively making it impossible for them to physically fight back during an assault. We must reject the antiquated premise that presumes individuals are always sexually available and willing to engage in sexual behavior in the absence of clear indications to the contrary. This definition has subjected an enormous number of survivors to unwanted sexual intimacy and prevented many survivors from coming forward or accessing justice, which is thoroughly documented in the #MeToo Movement. Alaska’s current definition not only fails to accurately capture the realities of sexual assault, it also puts a burden on survivors that is so high that it prevents the state from holding perpetrators accountable.

HB 5’s updated definition of consent will more accurately represent the experience of sexual assault survivors and assist survivors in accessing justice. HB 5 defines consent as a “freely given, reversible agreement specific to the conduct at issue by a competent person.” This definition is critical because when it comes to sex, consent is not a one-time act – it is an ongoing agreement that a person can revoke at any time for any reason. A survivor should not need to show they resisted force to get justice against sexual assault and violence, and the bill’s definition would allow courts to consider a variety of factors when determining if consent is present. Evolving social standards around sexual behavior overwhelmingly agree that the absence of “no” does not equate to consent. As such, many other states have taken action to update their legal codes to reflect these societal changes.⁴ It is time Alaska’s statute reflects our evolved understanding of and respect for sexual autonomy.

HB 5 reduces our state’s backlog of sexual assault examination kits

The bill also requires that laboratories where a sexual assault examination kit is sent conducts a serological or DNA test on the kit within six months after the kit is submitted to the laboratory, down from the current one-year requirement. This builds upon previous legislation requiring annual audits of the backlog and expediting the time agencies have to submit examination kits. Despite these important gains, the state still has 811 untested sexual assault examination kits in its possession.⁵ While the state is making great strides in reducing the backlog, it is crucial that all sexual assault examination kits are collected, submitted, and tested in the fastest manner possible. Leaving these sexual assault examination kits untested leaves thousands of sexual assault survivors without closure and perpetrators without justice. We are grateful for the work

² A.S. § 11.41.370

³ Crist, Carolyn. “Many rape victims experience paralysis during assault,” Reuters Health, 6/15/17. Available at: <https://www.reuters.com/article/us-health-rape-tonic-immobility/many-rape-victims-experience-paralysis-during-assault-idUSKBN19626W>

⁴ The Laws in Your State, *Rape, Abuse, & Incest National Network* (2021). Available at: <https://rainn.org/laws-your-state-alaska>

⁵ 2020 Report on Untested Sexual Assault Examination Kits. Department of Public Safety. Available at: <https://dps.alaska.gov/getmedia/035dc0cb-e40a-45c8-94c9-f5613ac4d49f/2020-Report-on-Untested-Sexual-Assault-Examination-Kits.pdf>



Planned Parenthood Votes Northwest and Hawai'i

lawmakers have already done to address our state's kit backlog, but we know there is more work to be done. Our state has a duty to keep our communities safe and ensure that every sexual assault survivor finds closure and justice, and HB 5 takes us in that direction.

We thank you for the opportunity to give our support to HB 5.

Sincerely,

A handwritten signature in black ink, appearing to read 'Morgan Lim', written in a cursive style.

Morgan Lim
Alaska Government Relations Manager
Planned Parenthood Votes Northwest & Hawai'i

Office of Representative Geran Tarr
State Capitol Room 128
Juneau AK, 99801

March 25, 2021

Subject: Alaska Coalition for Justice supports passage of HB5

Dear Representative Tarr,

The Alaska Coalition for Justice (ACJ) is a statewide network of advocacy organizations, direct service providers, and nonprofits formed in the summer of 2020 in response to ongoing police brutality. We are collaborating to transform Alaska's public safety system by ending racial and systemic injustice, seeking accountability, and eradicating harm from our criminal justice and policing systems. We are Alaskans with decades of knowledge and experience in criminal justice, health and wellness, and community organizing working to end systems of oppression impacting Black, Indigenous, people of color (BIPOC), and other marginalized communities. We are writing to express our support for HB5.

HB5 provides long overdue changes to our laws to provide more justice for victims of sexual assault. Providing a comprehensive definition of "consent" is absolutely essential in Alaska. Current law allows for consent to be given by someone who is sleeping or unconscious. Our laws also allow perpetrators to use the "marriage defense" when they sexually assault a victim who is mentally incapable, incapacitated, or unaware that a sexual act is being committed¹. HB5 clarifies both what consent is and also ways in which consent cannot be given. Another crucial aspect of HB5 is that it strengthens the law when it comes to sexual abuse of minors. It would also require labs to finish testing sexual assault examination kits within six months of receiving them. This change would cut the current requirement in half.

We respectfully request two amendments to HB5. First, adding a definition of "professional purposes" is necessary because there is currently no definition in state law. We believe the commonly used definitions are too narrow. Please refer to Washington, D.C.'s code 22-3015² for an example. Secondly, including an aggravator in sentencing if a perpetrator commits a crime against a sex worker or sex trafficking victim would provide a more appropriate level of justice for victims. Including this aggravator language in the bill would ensure that perpetrators can not defend their crimes simply by calling someone a sex worker. Just as importantly, this amendment would show sex workers and sex trafficking survivors that our criminal justice system values their lives equally.

1

<https://www.juneauempire.com/news/lawmakers-ask-why-alaska-still-has-marriage-defense-against-spousal-rape/>

² <https://code.dccouncil.us/dc/council/code/sections/22-3015.html>

We are grateful to you and your staff for crafting and introducing this bill. Passing this bill will allow more victims to receive the justice they deserve so that they can heal from the traumas they have experienced. We hope the legislature will ensure its passage during the 2021 legislative session.

Thank you for your support.

Alaska Coalition for Justice

Alaska Poor People's Campaign
Alaska Public Interest Research Group
Bread Line, Inc.
Native Movement
Sovereign Inupiat for a Living Arctic
Lisa Ellanna

Dear Honorable Legislators,

February 24, 2021

Thank you for the opportunity to share my absolute support for HB5. My name is Lisa Ellanna, and I am an advocate from Nome. You may have heard about the difficult times we are having up in Nome. We are a community who is coming to a reckoning around the criminal justice system's response or lack of response to victims of one of the most intensely traumatic events anyone can ever go through.

Rape and sexual assault is something that changes your life forever. Physical and emotional responses to this kind of trauma impact all areas of life. You may lose your job because of PTSD. You may lose your home because of an inability to return to work. Some turn to self-medication to numb out the pain, and suicidal ideation among survivors runs high. These effects are typically long lasting.

As if the event wasn't traumatic enough, most survivors I know have to see their perpetrators walking free, because our laws are severely outdated. As a result, victims have the trauma of the crime itself they have to deal with, then they have to deal with the betrayal of the systems that are supposed to protect them and hold perpetrators accountable.

Did you know that right now, your loved one can be asleep or unconscious and be raped, and still, our law says that your loved one's consent was implied or inferred? That's how our law is currently written. That is wrong and we need to change that now.

Every single part of HB5 is important. Every single part of this bill was created in partnership with communities all over Alaska, and it was a long process, taking over 2 years. Representative Tarr has brought forth our voices through this bill. Please hear us.

It is high time that our laws on sexual assault were updated. The people of this State are watching this very closely. The decision you make here will be heard all over Alaska. Do the right thing and pass this bill.

Quyaana



Lisa Ellanna

Nome, AK 99762

March 11, 2021

Esteemed Legislators,

My name is Hailey Thompson. I am a Lieutenant in the Coast Guard, a Federal Law Enforcement Officer, and a long-term resident of the state. I am writing to urgently share my support for amendments to HB-5. Alaska currently has the highest rate of sexual violence in the United States, and by enacting clear legislation that better articulates consent and procedural requirements for law enforcement prosecution of cases, we are taking a critical step in reducing the rate of sexual assault and harassment experienced by our fellow Alaskans.

My decade of military service has been fraught with near-assaults (personally, and of friends), harassment (personally, and of friends), intervening in the suicide attempts of friends who had been assaulted, and consolation and support of survivors of sexual assault. These truly traumatic experiences have taught me, in the hardest way possible, that I often must be my own protector and defender, because cultural norms/policy/law/military code are often not adequate at meeting the needs of victims of sexual crimes, especially not with the urgency that support and intervention is needed. Unfortunately, the culture of sexual violence and aggression (especially towards women), is just as prevalent here in Alaska as it is within the military ranks. If the proposed amendments to HB-05 pass, we empower ourselves to rein in the plague of sexual violence that has become so predominant in our state.

I believe that no one, in good conscience, could fail to support this policy change as victims, often women, continue to be harassed, hyper-sexualized, gaslit, and abused by perpetrators who continue to evade prosecution. $\frac{1}{3}$ of the women in our state experience sexual violence in their lifetime (a number based only on reported cases). That is an absolutely shameful statistic, and we can **and must** do better to protect women. Furthermore, the protections for Alaska's minors outlined in HB-5 strike me as absolutely critical, and derived from common sense. Amendments to HB-5 will serve to protect all Alaskan children from future acts of sexual violence, and will likely serve to save the lives of young people who are destroyed by the trauma of being assaulted at a young age.

As a Federal Law Enforcement Officer, I am only too aware of how critical timely prosecution of a case is. The HB-5 amendments will require law enforcement agencies to process rape kits within six months of collection. I have stood beside my friends as we have awaited the results of sexual assault investigations and non-judicial punishment cases, and six months is still an excruciatingly long time to endure the uncertainty and fear of an outcome for a victim - but this timeframe is the absolute least we must work to meet for survivors of assault.

I urge legislators to pass HB-5 without delay, and help us to immediately reduce sexual assault and domestic violence here in Alaska.

Very Respectfully,

Lieutenant Hailey O'Connell Thompson
United States Coast Guard, Federal Law Enforcement Officer
Anchorage, Alaska

Reverend Matthew Schultz
First Presbyterian Church
Anchorage, AK

March 23, 2021

To whom it may concern:

I am writing to express my support for House Bill 5. We all know that Alaska's statistics for sexual violence are terrible; this is an important step forward in prevention and accountability. As a parent, I have high hopes that this will protect my children. As a Pastor, I have high hopes that this will protect members of my church, and perhaps even provide some sense of justice to the many members of my church who have shared with me their own experience of being victims of sexual violence.

Please pass this important bill, to protect and care for all Alaskans.

Thank you,
Reverend Matthew Schultz

The Honorable Geran Tarr
Alaska State Legislature
House District 19
State Capitol, Room 126
Juneau, AK 99801

Via email: Rep.Geran.Tarr@akleg.gov
Alexander.Kelly@akleg.gov
michellehale907@gmail.com

Re: HB05 - relating to consent

Dear Representative Tarr:

I am writing to express my support to an amendment in HB05 pertaining to *the age of consent*. I understand that this provision will add protections for Alaska's minors in that legal consequences will be imposed on those adults who are at least ten years older who take part in sexual contact, or sexual intercourse with a minor.

Our state laws have taken care to define what a minor is. Additionally, the laws have outlined what a minor has the legal right to do based upon widely accepted perceptions of their maturity levels and their ability to responsibly carry out these rights.

The state finds that those under the age of eighteen may not:

- manage their own money
- sign their own school permission slips
- get a tattoo or piercing
- serve on a jury
- vote
- sign contracts
- get married
- seek non-emergency medical attention

The state also finds that the following may not be done under the age of twenty-one:

- carry a handgun
- purchase or use alcohol
- purchase or use marijuana

I ask that the state also show the care and concern to protect these minors from unhealthy relationships with people that have the very rights that are denied to them because the state defines them as children.

Entering into a sexual relationship with someone carries just as much responsibility and life-changing outcomes as anything on the above list that has been found disallowable to minors in this state.

The current state law indicates a sixteen year old may give consent to have a sexual relationship with any person sixteen years of age or older. This allows the door to be pried open for custodial interference, exploitation, dating violence, underage drug/alcohol abuse or teen pregnancy. The law leaves parents, guardians and other caring adults unable to take the necessary steps to protect a young person from what can be their biggest threat...an adult (predator) with bad intentions. These predators most often give minors access to the very items that the state prohibits them from obtaining on their own.

I respectfully request that the Alaska State Legislature exercise a vote of continued commitment and caring towards Alaska's young people and pass HB05 with the amendments proposed by the bill's sponsor Representative Geran Tarr.

I thank you for your time and consideration.

Tana M. Bell
Juneau, AK

February 23, 2021

Dear Legislators,

My name is Michael Patterson. I am an Anchorage resident, Iraq War Veteran, and I am writing this letter in support of House Bill 5 (HB 5). Alaska has the highest rate of sexual violence in the country and I believe that HB 5 is an effective and powerful tool to combat this trend. I know far too many people who are survivors of sexual assault from family members, friends, and fellow veterans, it is an unacceptable situation.

As a father, I am constantly teaching my sons what consent is and to respect other people's boundaries. As a parent it is my responsibility to raise my children into decent adults, it is the Alaska Legislature's responsibility to pass HB 5.

Modernizing the definition of consent is well overdue and given the unprecedented economic and social crisis that Alaska is facing, it is even more pressing that the legislature pass HB 5. The current definition of consent is antiquated and, in my opinion, compounds the violence a survivor has already experienced. The current definition of consent in AS § 11.41.470 and its lack of thoroughness, is, an act of statutory violence. HB 5 addresses these oversights and brings Alaska into the 21st century.

HB 5 also requires that rape kits be tested within 6 months of a laboratory receiving them. I cannot imagine the anguish a sexual assault survivor must go through knowing that their attacker walks free because the State of Alaska has not conducted a test. That is unacceptable.

I believe that HB 5 is fundamentally a public safety and criminal justice bill. The combination of an antiquated definition of consent and the unacceptable circumstance of untested rape kits puts communities in danger and denies justice to survivors. It is time to address these issues and HB 5 does that.

I urge legislators to expeditiously to pass HB 5. Sexual assault is everyone's problem and when fellow Alaskans are denied justice it undermines the integrity and safety of all Alaskans.

Thank you,

Michael Patterson

26 March 2021

Dear Honorable Legislators,

Quyana- thank you for the opportunity to share my support for HB5. My name is Charlene Aqpik Apok, my family is from the Bering Straits region and I reside on Dena'ina lands in Anchorage.

I write today as a survivor of sexual abuse and violence. I and too many others have experienced these traumas in this state- and all too often we never see justice. Our justice system has far too many gaps- we lack protection, and we lack accountability. We need change now, and your support is necessary on HB5.

As it stands currently- a person can be asleep or unconscious and be raped- and our law says that consent is implied or inferred. This is absolutely unacceptable. Under no circumstances does this serve us. There are specific points to HB5, all of which are needed and important to the safety of Alaskans.

There has been extensive engagement and collaboration to get this bill here today- we are grateful to Representative Tarr who has listened to the voices of many and put this forward. Safety must be a nonpartisanship issue. Alaskans are looking to see the support of legislators on this overdue issue. It is moral and ethical to pass this bill.

Sincerely,

A handwritten signature in black ink that reads "charlene apok". The signature is written in a cursive, lowercase style.

Charlene Aqpik Apok, PhD

3 March, 2021

In regards to House Bill 05, redefining consent and protecting Alaskans from sexual assault and domestic violence:

Dear esteemed Alaska representatives,

I am writing to offer my urgent support for HB05.

As an undergraduate, I worked as a Peer Health Educator for my university's Student Health and Wellness Program which was embedded in the Counseling and Suicide Prevention services. My responsibilities included educating my peers about consent, which can be really awkward, but I took great pride in explaining what consent is, when it can and cannot be given, ways to give and ask your partner for consent without "killing the mood," and the importance of listening to and respecting your partner when consent is taken back or not given.

I wish I could say my responsibilities were all education outreach oriented, but the reality was that I had to teach consent to my peers because sexual assault and dating violence was the most under reported crime on campus and yet affected 1 in 3 women according to an anonymous poll of approximately 200 participants.

I recall sitting in the lobby of the counseling offices holding the hand of an inconsolable student who had been raped by someone who was in her friend group and who she shared classes with. She was afraid no one would believe her experience and could not face her rapist in class and had become suicidal over the course of a few weeks. A teacher who noticed she stopped attending class reached out to her and learned what had happened and escorted her to our offices. She became a regular in our offices and I watched her regain her confidence as administrative steps were completed to suspend her rapist from school and hold him accountable for his actions. Sometimes I wonder what would have happened if she was not brought to counseling services, and if I had not been there to sit with her and validate her experience until she could be seen by a counselor. Due to a pervasive shame culture and flawed justice system, many survivors of sexual assault and domestic violence do not tell their story or receive justice, and some victims do not live to become a survivor.

Alaska ranks as the deadliest state for women, with the highest rates of sexual assault than any other state in the union and consistently ranked in the top two states of women killed by men. 59% of adult women in Alaska have experienced intimate partner violence, sexual violence or both.

Furthermore, the Alaska State Department of Health and Social Services estimates that 37% of children in Alaska are a victim of abuse by the time they are nine years old and more than 9% of Alaska high school students have experienced sexual violence. In the

last year alone, hospitalizations of children with severe injuries due to suspected abuse increased by 173% during the pandemic at Providence Medical Center in Anchorage.

Women and children are being sexually assaulted, raped and beaten right now while you, esteemed representatives, decide if they should receive better protections.

I believe that HB05 will help make Alaska a safer and more just place to live by redefining the state's definition of consent to be a "freely given, **reversible** agreement specific to the conduct at issue by a competent person," as well as by requiring rape kits be tested within 6 months of collection. Additionally, this bill will better protect youth from predatory behavior by establishing that sex between an adult and a minor of ages 13 to 17, who is at least 10 years younger than the adult, is a crime of sexual abuse of a minor.

These measures must be implemented as soon as possible so that survivors of sexual assault and domestic violence of all ages see justice quicker, and offenders are held at higher accountability. Failure to implement HB05 will be a failure to protect those who have survived and are currently experiencing sexual assault and domestic violence. Failure to implement HB05 is a failure to protect me, my female colleagues, my female friends, and all women and children in Alaska from acts of violence.

Our suffering and opportunity for justice is in your hands. I beg that you pass HB05.

Sincerely,

Rose Sierra Hart, 26
Environmental Scientist
Anchorage, AK

March 9, 2021

Dear Legislators,

My name is Kipp Wilkinson. I am a solar project manager for Alaska Solar, and I am writing to express my support to amendments in HB05. Alaska has the highest rate of sexual violence in the United States and I believe the amendments in this bill will help will allow for a safer environment for all Alaskans.

As a white male, I have quickly been understanding more and more about the privilege I have been born into. Unfortunately, I expect the majority of men do not attempt to understand how their decisions, behaviors and attitudes can so easily obstruct the truths and experiences of women. I find it hard to accept that we are still debating these policies as countless women are continually harassed, sexualized, and abused by men who continue to evade prosecution or any accountability.

Though I have no first-hand experience with incidences of sexual assault or domestic violence, I have heard countless accounts from my partner, female friends, coworkers, and classmates about the micro-aggressions and harassment they face day to day by the men they work with or even encounter in brief passing. I understand that HB05 will add protections for Alaska's women and minors and aims to protect them from future acts of violence. It would be damning for me to sit idly by when I have an opportunity to use my voice and be an ally for the women and children in my community who are silenced by violence.

According to KNOM radio mission, only 9% of reported felony-level sex offenders resulted in conviction. Such a low rate of conviction is shameful considering that a third of Alaskan women experienced sexual violence in their lifetime. I believe that by implementing HB05 these statistics will positively change in favor of protecting survivors of sexual assault and domestic violence and holding offenders accountable.

Additionally, HB05 will require law enforcement agencies to process new sexual assault examination kits within six months of collection. At a minimum, this mandate should be implemented immediately. The current uncertainty of when a rape kit will be tested undermines survivors' experience and allows for their predators to continue to live their lives without accountability.

If this bill is not implemented, not only will past victims receive no justice for the crimes committed against them, but it will allow predators to continue to assault without fear of culpability. I believe that HB05 will allow all Alaskans to feel safer knowing survivors are able to see justice and offenders held accountable.

I urge legislators to immediately pass HB05 and fight for the better protection of survivors of sexual assault and domestic violence here in Alaska.

Thank you,

Kipp Harold Wilkinson
Solar Project Manager
Anchorage AK

February 25, 2021

Rep. Geran Tarr
State Capitol Room 126
Juneau AK, 99801

Sent by e-mail

Re: Support for HB 5

To Rep. Geran Tarr and the Alaska State Legislature,

I am writing to you today in order to voice my enthusiastic support for HB 5, An Act relating to sexual abuse of a minor; relating to sexual assault; relating to the code of military justice; relating to consent; relating to the testing of sexual assault examination kits; and providing for an effective date.

As you are aware, our state has the shameful distinction of having the highest sexual assault rate in the country, a rate nearly 4 times higher than the national average. These assaults also disproportionately impact our BIPOC community, with 44% of survivors identifying as Alaska Native women.

However, these assaults are not necessarily relegated to any particular class, political ideology, race, or location. We have seen a series of resignations from the Dunleavy administration for statutory rape of a minor and excessive sexual harassment from two different Attorneys General. We have also seen resignations/arrests of Democrats in recent years, namely Rep. Zach Fansler, his aide Benjamin Anderson-Agimuk, and Rep. Dean Westlake, all of whom have committed terrible acts of sexual violence while in office. It is worth mentioning that for many of the men listed above, their sexual crimes were against children, although several of them used the vague language surrounding the age of consent to justify their actions.

Additionally, through my previous roles in non-profit advocacy, I have heard many accounts of law enforcement complicity. The ways that the current paradigm of law enforcement work to uphold this culture of sexual violence are multitudinous: sometimes officers themselves are the perpetrators, but oftentimes this looks like gaslighting from officers called to a household for DV/SA issues, or a complete lack of prioritization for processing rape kits. When our law enforcement officials do not understand the severity of sexual violence and do not work to seek justice for our survivors, it has a chilling effect for individuals seeking to report their abusers in the future. If our legal system won't take the initiative to seek justice on its own, that responsibility falls upon the legislature, which can hold these people's feet to the fire.

Such a widespread issue of sexual abuse/assault cannot be attributed to isolated incidents of individual misconduct, but rather are manifestations of a systemic issue. We have a law enforcement system (and even elected officials at the highest levels of our government) which has historically violated, ignored, and even denigrated survivors of sexual assault. HB 5 is a critical step towards acknowledging this deeply ingrained culture of sexual violence in our state, and is an important indication that Alaska is finally ready to enter a new era of justice for our survivors.

I wholeheartedly support all of the components of this bill, as it takes significant steps towards clarifying our laws around the definition of consent. Additionally, if enacted, would either prevent aforementioned crimes (or at least provide meaningful legal recourse for the survivors of crimes committed by powerful men in our state). HB 5's affirmation that consent can be rescinded by either party in a relationship would prevent individuals like Rep. Fansler from using the vagueness of "consent" as a convenient way to

escape accountability. HB 5's stipulation that regardless of the "age of consent," sex between a minor and an adult at least 10 years older should be illegal, would prevent individuals like AG Sniffen from using the age of consent as a defense for their statutory rapes. The time limit placed on law enforcement would actually force our police to process years of rape kits that are sitting in backlogs around the state, and finally vindicate the efforts of community activists who have been pushing for justice and have been stonewalled. I also fully support the language clarifying that even if both parties in a relationship are adults, consent cannot be given if one of the individuals has misrepresented their identity. Consent must be informed, reversible, and can only be given by adults.

In conclusion, I believe that this is a critical piece of legislation that cuts to the core of many of the issues surrounding sexual violence and is a key first step towards providing justice for survivors who have been ignored for generations. I commend you, Representative Tarr, for listening to our community advocates and for incorporating their concerns into this bill. I urge all members of the Alaska State Legislature to support this bill so that we can create a safer Alaska for future generations.

Sincerely,

David Song

Dear Legislators,

We have to do better as a state in working to eliminate the prevalence of sexual assault in our communities and in persecuting and punishing sexual abusers and rapists. In order to accomplish this necessity, the legislature must pass House Bill 5 which will, among other things, update the definition of consent and expedite the process of examining rape kits, in turn allowing victims of sexual assault who otherwise would be silenced to seek justice.

1 in 3 women in Alaska have experienced sexual assault in their lifetime and almost everyone knows somebody who is a victim of sexual violence. Alaska continues, year after year, to lead the nation in sexual assault and as a state, we are failing to effectively combat this problem. In 2020, the state had 811 untested sexual assault examination kits, and even upon examination these kits rarely lead to a conviction. Of these untested sexual assault examination kits, there are individuals who are targeted by someone they know or are close to - a friend, a partner, a relative, a parent, and even respected community leaders and government officials are found to be guilty of sexual violence and harrasment. Despite this, many people who have experienced sexual assault do not come forward and often, it is the fear that they will not be taken seriously or that their abuser will not face any consequences that prevents them from doing so. House Bill 5 will help to remedy these issues by broadening the definition of consent and requiring sexual assault examination kits to be tested in a timely manner, thereby encouraging more victims to come forward and have their cases taken seriously, with the abusers prosecuted to the fullest extent of the law. That lack of consent cannot already be determined based on a person being incapacitated, or according to surrounding circumstances, including lack of resistance or cessation of resistance, and that “consent” itself, in the legal meaning of the word is not already considered reversible is ridiculous and is allowing cases of sexual assault to go unpunished. That sexual assault examination kits are not already required to be examined by a serological or DNA test within six months (as HB5 would mandate) is ridiculous and is allowing cases of sexual assault to go unpunished, as proven by the hundreds of untested sexual assault examination kits that the state possesses. Sexual assault can happen to anybody, regardless of relationship status and regardless of the reputation of the abuser in question. House Bill 5 will mandate that rapists are persecuted and will help to ensure that victims of sexual assault do not fear coming forward. It will ensure that victims can be certain their case will be handled expeditiously and with a broader definition of consent that will no longer inhibit them from receiving justice. House Bill 5 will hold rapists accountable for their heinous crimes - something the state has failed to effectively accomplish until this point. It must be passed.

Signed,
Austin Reynolds

15 March, 2021

Re: House Bill 05, *Sexual Assault/Definition of Consent*.

Dear esteemed representatives,

I am writing to urge support for House Bill 05, Alaska's Sexual Assault/Definition of Consent bill.

Alaska ranks as the deadliest state for women, with the highest rates of sexual assault in the country and consistently ranked in the top two states of women killed by men. 59% of adult women in Alaska have experienced intimate partner violence, sexual violence or both.

Furthermore, the Alaska State Department of Health and Social Services estimates that 37% of children in Alaska are a victim of abuse by the time they are nine years old and more than 9% of Alaska high school students have experienced sexual violence. In the last year alone, hospitalizations of children with severe injuries due to suspected abuse increased by 173% during the pandemic at Providence Medical Center in Anchorage.

Collectively, must do more to curb this horrible trend, and you, esteemed representatives, hold the power to provide better protections to our most vulnerable Alaskans.

HB05 will help make Alaska a safer and more just place to live by redefining the state's definition of consent to a "freely given, reversible agreement specific to the conduct at issue by a competent person," as well as by requiring rape kits be tested within 6 months of collection. Additionally, this bill will better protect youth from predatory behavior by establishing that sex between an adult and a minor of ages 13 to 15, who is at least 10 years younger than the adult, as a crime of sexual abuse of a minor.

HB5 is a bill that addresses pressing issues in practical ways: refining the definition of consent to reduce burden of proof on victims; recognizing the far-reaching impacts of sexual assault, expanding protection to youth victims; and ensuring that victims receive notification regarding their sexual assault forensic kit results within six months.

Please consider and pass this important bill.

Sincerely,

Carrington Christie
Anchorage, AK



320 7th Avenue, #161
Brooklyn, New York 11215
(212) 475-2026
joyfulheartfoundation.org

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Kym Worthy

March 17, 2021

Representative Geran Tarr
Room 126, State Capitol
Juneau, AK 99801-1182

Honorable Representative Tarr,

The Joyful Heart Foundation strongly supports [House Bill 5](#), which would ensure the swift testing of rape kits, take dangerous offenders off the street, and bring justice to survivors. Among 19 states that codified lab testing timelines for sexual assault kits, the current one-year testing mandate in Alaska is the longest. Average lab testing mandate among those 18 states is 100 days, while seven of those states mandate 90 days for testing. With H.B. 5, Alaska is poised to join the other states in ensuring swift rape kit processing timelines.

Every 73 seconds, someone is sexually assaulted in the United States. In the immediate aftermath, a victim may choose to undergo a medical forensic examination—which can take four to six hours—to collect DNA evidence left behind by the attacker in what is commonly called a rape kit. When tested, this evidence can identify an unknown assailant, reveal serial offenders, and exonerate the wrongfully convicted.

The Alaskan legislature has taken tremendous steps in the past few years to improve rape kit handling: submitting and analyzing previously untested rape kits; appropriating \$2.75m in funding; an annual inventory of untested rape kits and law enforcement training in sexual assault. Passed in 2019, H.B.49 requires law enforcement agencies to submit kits to a laboratory for DNA analysis within 30 days of receipt, and the laboratory to test the kit within one year. However, one year for testing a rape kit is too long of a time frame.

HB 5 would require the lab to test newly submitted kits within six months instead of one year mandated by current law. A shorter timeline would ensure that rape kits are handled swiftly across the state, potentially preventing crime including [serial rapes](#). In December 2000, a woman waiting for her bus was raped by [Eric Eugene Wilkes in Detroit](#). Her rape kit was shelved. Four months later, another rape kit was shelved with the same assailant. The third kit was collected three days later. Like the first one, these two kits were left untested, leaving Wilkes free on the streets. After Wayne County started testing 11,341 backlogged rape kits in 2009, Wilkes' DNA was found in 11 violent rape cases, spanning between 2000 and 2012. Had the investigators sent the first kit to testing, Wilkes' DNA would be in local and national

databases. The second kit would have matched in the database, leading to his identification earlier and preventing later rapes. **This case shows the importance of speedy testing and how it can prevent additional crimes.**

By mandating shorter testing deadlines, House Bill 5 is a critical step toward comprehensive rape kit reform in Alaska. Moreover, testing every rape kit quickly sends a message to survivors that they—and their cases—matter and to perpetrators that we will use every tool to bring them to accountability in the shortest time possible.

The Joyful Heart Foundation thanks you for your leadership on this issue. We stand ready to assist you in creating safer communities and offering a path to healing and justice to all sexual assault survivors in Alaska.

Sincerely,

Ilse Knecht

A handwritten signature in cursive script that reads "Ilse Knecht". The signature is written in black ink and is positioned below the typed name.

Director, Policy and Advocacy
Joyful Heart Foundation
(212) 475-2026
i.knecht@joyfulheartfoundation.org

April 6th, 2021

Hello all,

I just wanted to speak up in support of HB5.

Survivors do not need the added burden of proving the motivation of their attackers, and I feel like this bill is doing the right thing in reversing that narrative, defining consent affirmatively and making proving motivation the responsibility of the accused. It's time we start believing and supporting survivors. We all need this bill in our future!

Thank you for your work and bravery.

A. B.

April 4th, 2021

Dear Legislators,

I am writing in support of House Bill 5. Actions like these are needed to keep Alaska citizens safe against sexual violence.

Sincerely,

Amanda Stahl, Talkeetna

April 7th, 2021

Dear Representative Tarr's office,

I was very touched after reading the Define 'consent' to Protect Alaskans From Rape, House Bill 5 document. I've lived in a Alaska my entire life, and as a resident, instructor, and first responder, the subject of this matter is very important to me. Representative Tarr, this document was written so beautifully, and I would like to personally thank your office. I think this would tremendously benefit our state, and have a great impact on our community. I fully support this bill, and I can vouch that many Alaskans will too.

Respectfully,

Brennen Ha

Anchorage

April 7, 2021

All State of Alaska Legislators
VIA EMAIL

RE: HB 5

Dear Legislators,

I am a lifelong Alaskan and a private lawyer in Anchorage, Alaska. I have advocated in cases involving sexual assault in our state for 18 years as an assistant attorney general in Child Protection and in private practice. I currently represent two clients who were the victims of sex crimes by Alaska law enforcement officials. I previously sued state officials over the failure to test a client's rape kit as a violation of her constitutional rights to equal protection and due process and asked my legislators to audit and remedy the backlog in rape kits in Alaska communities. As a committed advocate for survivors of sexual violence, I am asking you to support HB 5 as a desperately needed public safety reform in Alaska.

My clients who are victims and survivors of sexual assault and sexual abuse need, want, and deserve investigation and prosecution of the crimes against them. Alaska has the highest rate of sexual assault in the nation. We have had two attorneys general resign in the last year due to sexual harassment and sexual abuse of a minor. According to a survey published by the Urban Indian Health Institute in 2018, the risk of rape or sexual assault is 2.5 times higher for Native women than the rest of the United States. Alaska Native women suffer the highest rates of rape in the country. Alaska's systemic failure to address sexual violence is undeniable and we must take action to solve this problem. HB 5 represents a robust and reasonable solution to Alaska's sexual violence problem.

1. HB 5 Defines "consent" in the criminal law and removes a barrier to prosecution of sexual assault.

Under current law, Alaska's failure to define "consent" is acknowledged by prosecutors to be an important reason why there is no prosecution of 90% of felony-level sexual assaults. Alaska's rate of sexual assault and lack of investigation and prosecution of sex crimes is a crisis of public health and unequal justice. While the problem of sexual violence can seem overwhelming, House Bill 5 is a practical tool to start to remediate Alaska's sexual violence and unequal justice problem. HB 5 would arm prosecutors with the tools to do their jobs by defining "consent." House Bill 5's definition of "consent" would remove barriers to prosecution of rape and sexual assault.

2. HB 5 closes legal loopholes by criminalizing specific instances like "rape by fraud," in which

a person obtains sex with another person by misrepresenting their identity.

Fraud and sexual assault are covered by criminal laws. The “rape by fraud” loophole serves no good faith purpose and should be eliminated in the interest of protecting Alaskans from sexual violence.

3. HB 5 establishes that sex between an adult and a minor of ages 13 to 17, who is at least 10 years younger than the adult, is predatory, and a crime of sexual abuse of a minor.

As a former assistant attorney general in child protection and current lawyer for victims of sexual abuse and sexual assault, I can attest to our state's need for greater child protection. A 2016 study by the U.S. Centers for Disease Control and Prevention (CDC). Adverse Childhood Experiences (ACE) Study. <http://www.cdc.gov/violenceprevention/acestudy/index.html> acknowledged that Alaska's youth experience sexual abuse and that this results in domestic violence, alcohol dependence, and suicide attempts and that Alaska takes on the burden of approximately \$82 million in costs (e.g., health care costs, welfare costs, special education costs) each year due to nonfatal child maltreatment. In 2013-2015 combined, 13.7% of Alaska adults reported having experienced some form of childhood sexual abuse, and that people who experienced sexual abuse are more likely to divorce, be unable to work, and likely to earn less when they do work. HB 5 would protect teenagers who are not currently protected by the current criminal law from being victimized by older adults. HB 5 would help decrease child sexual abuse, and this would lead to a reduction in the public costs and collective toll of child sexual abuse on our State.

4. HB 5 requires law enforcement agencies to process new sexual assault examination kits (also known as “rape kits”) within six months of collection.

The failure to investigate crimes against women is a violation of constitutional civil rights to equal protection and due process. There have been several lawsuits around the nation for failure to test rape kits. HB 5 would reduce the likelihood that state officials would be held liable and ordered to pay damages over the failure to test sexual assault examination kits. Timely testing of sexual assault examination kits will ensure that DNA samples are not degraded, which should lead to higher rates of prosecution, to enable conviction and segregation of serial rapists from the community, which will prevent future harm to potential victims.

In sum, HB 5 is a strong public safety measure that will begin to remedy the state’s systemic failure to respond to Alaska’s sexual violence crisis. Please help protect my clients and all Alaskans who experience sexual assault and sexual abuse by prioritizing the passage of House Bill 5 this session.

Best Regards,

/s/ Caitlin Shortell
Caitlin Shortell, owner/attorney
Shortell Law LLC

April 6th, 2021

Legislators,

Alaska's failure to define "consent" in state law means that more than nine out of every ten felony-level sexual assaults go unprosecuted. In the state with the highest rate of sexual assault in the nation, offenders are free to harm Alaskans repeatedly and our communities are far more dangerous than they need to be.

House Bill 5 is commonsense public safety legislation that would make Alaska's communities safer by enabling our courts to prosecute rape and sexual assault. Please help protect me, my family, and my neighbors by prioritizing the passage of House Bill 5 this session.

Best,
Carolyn Tague
Anchorage 99502

April 5th, 2021

Dear Representative,

Sexual assault is an emergency in Alaska. It is appalling that 90 percent of reported felony-level sex offenses do not result in criminal conviction. The system is broken, there are huge levels of negligence, and clearly major, immediate action is urgently needed. HB 5 is a step in the right direction, and I strongly support its passage.

Christin Swearingen (she/her)

Fairbanks AK, 99712

April 4th, 2021

Dear Legislators,

I urge you to support House Bill 5. As one of many young women here in Alaska, sexual violence is a serious threat to my livelihood, and right to safety. Support of this bill would not only demonstrate your commitment to the safety of Alaskan citizens but would also demonstrate your commitment to giving a voice to those who cannot speak for themselves.

In a politically turbulent time such as now, it is important to keep Alaskans safe. Please support Bill 5, and use your platform to increase protection for the people in your state.

Cyan M. Woodward, Fairbanks

April 6th, 2021

Dear Legislators,

I wish to express my support for HB 5, and urge the legislature to pass this bill. Alaska's rate of sexual assault is a crisis and the record of delayed or incomplete DNA testing is shameful. Many offenders of sexual assault do not commit single crimes, which are life-altering offenses for victims. Strengthening of regulation is urgently needed. The process of providing samples for test kits can be embarrassing and invasive, further impacting victims. To not promptly process test kits is abhorrent. Alaska needs to make serious progress in prosecuting as well as in preventing these serious crimes. HB 5 is a step in the right direction.

Sincerely,

Cynthia Lagoudakis

Petersburg, AK 99833

April 6th, 2021

Dear Legislators,

House Bill 5 will support all women in the State of Alaska. Women in Alaska have the highest rate of sexual assault in the country, and this is having the largest impact on poor women of color. Also, there are many predatory behaviors in terms of the age of consent that the House Bill 5 will help to change by bringing awareness and empowerment to the people that need it most. House Bill 5 is commonsense public safety legislation that would make Alaska's communities safer by enabling our courts to prosecute rape and sexual assault. Please help protect me, my family, and my neighbors by prioritizing the passage of House Bill 5 this session.

Daniel Brendible

April 5th, 2021

Dear Alaska Legislators,

Alaska's failure to define "consent" in state law means that more than nine out of every 10 felony-level sexual assaults go unprosecuted. In the state with the highest rate of sexual assault in the nation, this means offenders are free to harm Alaskans repeatedly, and our communities are far more dangerous than they need to be.

House Bill 5 is commonsense public safety legislation that would make Alaska's communities safer by enabling our courts to prosecute rape and sexual assault. Please help protect me, my family, and my neighbors by prioritizing the passage of House Bill 5 this session.

I myself and family have personally been have effected by having been victimized. The abuser has abused multiple times but never been held accountable for his actions due to lack of laws protecting victims and their rights. Being a victim not only takes a toll on you emotionally, it makes it hard to navigate normal everyday relationships. Distrust for law enforcement is a result for me personally. I have been left with tens of thousands of dollars of mental health services related to the attacks and die to prosecutors not taking any action the abuser has no responsibility in helping with that. Along with mental health issues personally, it takes a toll on the family unit as a whole and directly effects our youth that have been exposed. Additionally I have had to pay tens of thousands, close to twenty five thousand at this moment and it is far from done fighting for custody of my child. And due to him not being criminally charged I am forced to allow my young daughter into the home of a predator who abuses her bir because he has an influential family her cries are ignored so I am left to fight my abuser with money I don't have due to trying to get myself mental health treatment needed after his attacks.

Regards,

Danielle Sanger, Wasilla



April 6th, 2021

Dear Legislator,

More than 90 percent of felony level sexual assaults in Alaska are NOT prosecuted due to the state's FAILURE to define CONSENT. Perpetrators are then free to continue their assaults causing more harm to Alaskans.

Representative Geran Tarr's consent definition in House Bill 5 would make Alaska safer by allowing prosecution of sexual assault crimes. This bill provides a better and complete definition of CONSENT. Alaskans deserve the protections contained in HB5.

Please make the passage of HB5 a priority this session!

Thank you for your consideration!

Debra Reed
Anchorage

April 4, 2021

Hello legislators and fellow Alaskans,

The rate of sexual violence and repeat offenders in our state is terrifying, horrifying, and shameful. I fear for the safety of my friends and family, knowing how incredibly prevalent sexual assault is here. If you told me you were four times as likely to be hit by a car in Alaska than anywhere else in America, how could I feel any comfort in my loved ones being on the streets?

This is not something that can be allowed to damage our communities any further, it cannot be ignored, actions need to be taken to bring offenders to justice and keep them from continuing to harm our loved ones. I strongly support HB5 feeling that a distinct definition of "consent" would be incredibly powerful to help cases against sexual offenders, giving more power to survivors to present their cases. I also feel very strongly that added haste to the processing of sexual assault test kits is of utmost importance to give justice to survivors. Please, I implore you to help protect our loved ones and communities. Help make Alaska a safer place for us all, and support the passing of HB5.

Regards
Erik Stromme
Elphin Cove

April 5th, 2021

Hello legislators,

I strongly and wholeheartedly support HB-5. I can stand for this because I have gone through this in my younger years. I do NOT want my kids or anyone else to have gone through what I have gone through. There needs to be strict laws put in to protect our children, neighbours, friends and family. It is NOT ok that people who have committed crimes like these to have light sentences when someone for simple having weed gets a longer sentence than those who actually committed the worst crime. This needs to be put in for the safety of our children and community so that every parent can have a voice and can have something that will help them to keep their family safe.

I support HB-5 bill and urge that this bill gets put in fast and urgently. Children play on iPads not knowing who they're talking to the other end, this bill will help parents have a voice for the kids and the adults who have gone through horrific times.

Sincerely

Fenya Basargin, Homer

April 4th, 2021

Dear Legislators,

For far too long throughout history to our present times man has always insured itself control over another's thoughts and deeds. Mostly with little regards to another persons true feeling taken into considerations as it serves no use to me, it's what I want. All to common the vintage line of thought "It's my obligation to go forth and produce, to boys will be boys, to the way she was acting or dressed you know she wanted it has got to stop". Currently house bill 5 is before you, while some area of this legislation will be argued in a court of law later, it is at least a positive direction in giving our judges a guideline in court to slow down if not prevent sexual violations that all to often occurring. I ask that you take the time to truly reflect on the people this bill is being written for to protect so they can have a voice in court to say " I was violated against my will even prior to saying I said no". I ask that you please vote in favor of this bill.

Forrest Baker
Fairbanks, Alaska

April 2nd, 2021

Good afternoon,

House Bill 5 includes rape-kit testing reform requiring sexual assault examination kits, also known as rape kits, to be tested within six months of being received at the state crime lab, increased protections for underage victims of sexual abuse, and updates the outdated definition of consent underscoring the importance of 16 and 17 year old victims of sexual assault. If we look to our current understanding of science and psychology, we know teenagers do not make decisions in the same way adults do, and it is imperative that instead of glamorizing sex between an adult and a minor, we clearly establish consequences for predatory relationships which empower adults to abuse minors. We must continue to ask that HB 5 be prioritized and heard.

I support HB 5.

Quyanaqpaċ,

Ginny Walsh, MSW, LCSW-C

(she, her)

AWIC Program Coordinator

NSB Department of Health and Social Services, Arctic Women in Crisis

P.O. Box 69

Utqiagvik, AK 99723

(907) 852-0261

Fax: (907) 852-2474

Alexander Kelly

From: Hillary Hunter <hhunterphoto@gmail.com>
Sent: Friday, April 2, 2021 3:52 PM
To: Rep. Geran Tarr
Subject: House Bill 5

Hello Representative Tarr,

As an advocate for victims of domestic violence and sexual assault, as a survivor myself, and as a born and raised Alaskan I support House Bill 5. These changes can help the countless victims in our state to heal and be protected. Thank you for your time and work.

Sincerely,
Hillary Hunter

April 4th, 2021

Dear Legislators,

I am writing to urge you to support House Bill 5. It will protect all Alaskans from sexual violence. Please protect your constituents.

Thank you,

Janine Smith-Baker, Fairbanks

April 8th, 2021

Greetings Legislators,

Alaska's failure to define "consent" in state law means that more than nine out of every 10 felony-level sexual assaults go unprosecuted. In the state with the highest rate of sexual assault in the nation, this means offenders are free to harm Alaskans repeatedly, and our communities are far more dangerous than they need to be.

House Bill 5 is commonsense public safety legislation that would make Alaska's communities safer by enabling our courts to prosecute rape and sexual assault. Please help protect me, my family, and my neighbors by prioritizing the passage of House Bill 5 this session.

Regards,

Karen S Trop
Nome, AK

March 17, 2021

Greetings Mr. Chair and members of the House State Affairs committee members,

I am in FULL support of HB5, and truly appreciate Representative Tarr for following through on continue to address sexual abuse in the state of Alaska. Alaskan victims are relying on this bill to address the HUGE concern of what the word content means relating to sexual assault, and the shame game towards victims of sexual abuse seriously need to end, now!

The simplest way, but I am fully aware can't be used legally, to define the word "content" is invitation. An invitation to the bedroom, as well as an invitation to the person's body. The definition which is in HB5 works just fine as well.

If protecting the public the Government's priority then there shouldn't be a fiscal cost being tied up to our safety!! As a survivor, we need to place our number one crime (sexual assault) as our top priority, both being victims oriented as well as zero care to how much it would cost to fix the issue of sexual abuse, as well as redefining the term "content!"

I respectfully ask that you pass HB5 and help define the meaning of content to be more victim oriented. Our victims have suffered enough just by the abuse, and don't need to be shamed more than they already see themselves.

Please know I'm always available to answer questions. This is dearly close to my heart for a reason.

Truly, thank you,
Katie Botz
Juneau

Alexander Kelly

From: lacey mattzela <[REDACTED]>
Sent: Monday, March 22, 2021 7:52 PM
To: Alexander Kelly
Subject: HB 5

Good evening, HB 5 has been recently brought to my attention. I am absolutely in support of this bill and updating the language which defines sexual assault & consent as well as improving the time frame on which sa kits are processed. Please include my email of support as public record in support of this bill. Or please advise if testimony will need to be given in person and how I would go about doing such.

Thank you,
Lacey L Mattzela
Anchorage, AK
[REDACTED]

March 24th, 2021

Greetings:

I'd like to register my strong support for House Bill 5, which will, among other things, address and update the definition of "consent" in Alaska law in regard to sex-based crimes.

This is a much needed and timely improvement to Alaska's status.

Thank you.

Larri Spengler, Juneau

April 4th, 2021

Dear Legislators,

Please support House Bill 5. This bill will keep Alaskans safe from the prevalent problem of sexual violence in our state. There needs to a better definition of sexual violence so our state can properly protect victims and prosecute offenders of sexual violence. Please take the steps to support and pass this bill.

Sincerely,

Madeline Andriesen, Fairbanks

April 5, 2021

Greetings Legislators,

AWARE supports the passage of House Bill 5. We believe it is important to define consent in state law, and have been involved in the conversations leading to this bill. Alaska's failure to define "consent" in state law means that more than nine out of every 10 felony-level sexual assaults go unprosecuted. In the state with the highest rate of sexual assault in the nation, this means offenders are free to harm Alaskans repeatedly, and our communities are far more dangerous than they need to be.

House Bill 5 is commonsense public safety legislation that would make Alaska's communities safer by enabling our courts to prosecute rape and sexual assault. Please help protect me, my family, and my neighbors by prioritizing the passage of House Bill 5 this session.

Regards,

Mandy Cole

Executive Director, AWARE Inc.

April 4th, 2021

Dear Legislators,

Please support House Bill 5. It would keep Alaskans safe from sexual violence.

Sincerely,

Rachel Alda, Fairbanks Citizen

April 5th, 2021

Greetings Legislators,

Alaska's failure to define "consent" in state law means that more than nine out of every 10 felony-level sexual assaults go unprosecuted. In the state with the highest rate of sexual assault in the nation, this means offenders are free to harm Alaskans repeatedly, and our communities are far more dangerous than they need to be.

House Bill 5 is commonsense public safety legislation that would make Alaska's communities safer by enabling our courts to prosecute rape and sexual assault. Please help protect me, my family, and my neighbors by prioritizing the passage of House Bill 5 this session.

Regards,

Rozlyn Grady-Wyche, Anchorage

April 7th, 2021

Greetings Legislators,

Alaska's failure to define "consent" in state law means that more than nine out of every 10 felony-level sexual assaults go unprosecuted. In the state with the highest rate of sexual assault in the nation, this means offenders are free to harm Alaskans repeatedly, and our communities are far more dangerous than they need to be.

House Bill 5 is commonsense public safety legislation that would make Alaska's communities safer by enabling our courts to prosecute rape and sexual assault. Please help protect me, my family, and my neighbors by prioritizing the passage of House Bill 5 this session.

Regards,

Sarah Kathryn Bryan

Anchorage

April 4th, 2021

To the legislators:

Today I am writing to you to ask that you support House Bill 5. By establishing a legal definition of consent, Alaska can place itself in a better position to protect its children from the epidemic of sexual assault that plagues our state.

Sincerely,
Victoria Nelson

Resident of Fairbanks, AK

Email: [REDACTED]

Phone: [REDACTED]

April 6th, 2021

Greetings Legislators,

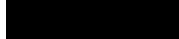
I'm a substitute school nurse with the Juneau School District and I support House Bill 5 as another way we can advocate for our youth.

House Bill 5 is commonsense public safety legislation that would make Alaska's communities safer by enabling our courts to prosecute rape and sexual assault. by prioritizing the passage of House Bill 5 this session.

Alaska's failure to define "consent" in state law means more than 90 percent of felony-level sexual assaults go unprosecuted. In the state with the highest rate of sexual assault in the nation, this means offenders are free to repeatedly harm Alaskans, and our communities are far more dangerous than they need to be.

Please prioritize this most important piece of legislation!

Regards,
Wendy Hladick, RN





25 Broadway, 9th Floor
New York, New York 10004
(212) 475-2026
joyfulheartfoundation.org

March 30, 2022

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Kym Worthy

Members of the House Judiciary Committee
JNUCAP120, State Capitol
Juneau, AK 99801-1182

Honorable Chair Claman and Members of the Judiciary Committee,

The Joyful Heart Foundation strongly supports [House Bill 5](#), which will ensure the swift testing of rape kits. Sexual assault survivors in Alaska deserve healing and justice. We urge you to prioritize this bill and pass it out of committee.

Alaska has the highest sexual assault rate in the United States. In the immediate aftermath, a victim may choose to undergo a medical forensic examination—which can take four to six hours—to collect DNA evidence left behind by the attacker in what is commonly called a rape kit. When tested, this evidence can identify an unknown assailant, reveal serial offenders, and exonerate the wrongfully convicted. Among the 34 states with codified kit testing timelines, average lab testing mandate is 100 days, while seven states mandate 90 days for testing. The current one-year testing mandate in Alaska is the longest, leaving survivors waiting for justice.

A shorter timeline ensures that rape kits are handled swiftly, potentially preventing crime including [serial rapes](#). In December 2000, a woman waiting for her bus was raped by [Eric Eugene Wilkes in Detroit](#). Her rape kit was shelved. Four months later, another rape kit was shelved with the same assailant. The third kit was collected three days later. Like the first one, these two kits were left untested, leaving Wilkes free on the streets. After Wayne County started testing 11,341 backlogged rape kits in 2009, Wilkes' DNA was found in 11 violent rape cases, spanning between 2000 and 2012. Had the investigators sent the first kit to testing, Wilkes' DNA would be in local and national databases. The second kit would have matched in the database, leading to his identification earlier and preventing later rapes. **This case shows the importance of speedy testing and how it can prevent additional crimes.** With H.B. 5, Alaska is poised to join the long list of states that ensure swift rape kit processing timelines.

The Joyful Heart Foundation urges you to prioritize this crucial bill and move it out of committee. We stand ready to assist you in creating safer communities and offering a path to healing and justice to all sexual assault survivors in Alaska.

Sincerely,

Ilse Knecht

A handwritten signature in black ink that reads "Ilse Knecht". The signature is written in a cursive, flowing style.

Director, Policy and Advocacy
Joyful Heart Foundation
(212) 475-2026
i.knecht@joyfulheartfoundation.org



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Public Safety

James E. Cockrell, Commissioner

COUNCIL ON DOMESTIC VIOLENCE & SEXUAL ASSAULT

L. Diane Casto, Executive Director

150 3rd Street
PO Box 111200
Juneau, Alaska 99811-1200
Main: 907.465.4322
Fax: 907.465.436

April 6, 2022

The Honorable Matt Claman
Chair, House Judiciary Committee
Alaska State Capitol Room 120
Juneau, AK 99801-1182
House.Judiciary@akleg.gov

Subject: Letter of Support for HB 5 SEXUAL ASSAULT; DEF. OF "CONSENT"

Dear Representative Claman:

Last week, during our FY2022 Quarter 3 Board of Director's meeting, the Council on Domestic Violence and Sexual Assault voted to support CSSS HB 5. The Board reviewed CSSS HB 5 along with other critical pieces of legislation and made the decision to support the passage of this important bill. CSSS HB5 focuses on improving Alaska's laws related to sexual assault, the definition of consent in cases of sexual assault, and reduced time between submission of a sexual assault examination kit and completed testing of the kit from one year to six-months.

Recent data from the 2020 Alaska Victimization Survey states that 41 out of every 100 adult women who reside in Alaska has experienced sexual violence in their lifetime representing 106,937 Alaska women. These numbers are unacceptable. It is critical that Alaska continues to improve and strengthen their laws to reduce and end sexual violence in our state.

CDVSA strongly supports CSSS HB 5 and encourages this committee and the legislative body support, move, and ultimately pass this important legislation.

Sincerely,

A handwritten signature in blue ink that reads "L. Diane Casto".

L. Diane Casto, MPA
Executive Director



Alaska's Council on
Domestic Violence
& Sexual Assault



Dear members of the House Judiciary Committee,

I am writing in support of House Bill 5, which would redefine what it means to provide consent for a sexual encounter in Alaska. Our state's definition of consent is antiquated and in dire need of reform in order to protect all Alaskans, to ensure that perpetrators of sexual assault can be held accountable.

Recover Alaska is a multi-sector action group working to reduce excessive alcohol use and its harms across the state. Our vision is for Alaskans to live free from the harms of alcohol misuse, so we are all empowered to achieve our full potential.

Sexual consent and alcohol are connected. While alcohol does not cause sexual assault, it often is a significant contributor: [nationally, it is associated with almost half of sexual assaults](#). On college campuses, [at least half of sexual assaults involve alcohol by the victim, the perpetrator, or both](#). Alcohol can cause an increase in aggression and a decrease in inhibition. HB 5 clarifies the definition of consent to mean that a person who is intoxicated cannot grant consent, a loophole in current law that can lead to a survivor being blamed or their case disregarded when they were physically unable to give that consent.

Studies show nationwide, [alcohol is commonly a factor in sexual assaults, and sexual assaults are more likely to occur in places where alcohol is being consumed](#). [Alaska has the highest rate of sexual assault in the nation](#). One third of women in Alaska have experienced sexual violence within their lives. We know violent crime is related to alcohol misuse. While alcohol does increase risks of a traumatic experience, it is a legal commodity and something that is engrained in our culture. It is imperative that we understand that, and take the appropriate measures to protect people who are engaging in a legal activity by passing common-sense consent laws.

Alaska is not immune to the impacts of alcohol. Alcohol costs our state \$2.4 billion every year, in addition to the many nonmonetary damages to individuals, families and our communities. Already, alcohol is a significant contributor to crime in our state, with 43.5% of crimes involving alcohol. Our alcohol-induced death rate is over twice the national average, and alcohol consumption has only increased during the COVID-19 pandemic. While there is other work to be done to promote healthy relationships, prevent sexual assault, and reduce interpersonal violence, ensuring swift and consistent justice for survivors is critical for holding perpetrators accountable and supporting others to come forward, share their stories, and to begin to heal.

Please vote in favor of House Bill 5. This bill provides protections and accountability that every Alaskan deserves. Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Tiffany Hall", written in a cursive style.

Tiffany Hall
Executive Director, Recover Alaska