

30-LS0271\J
Martin
2/28/17

CS FOR HOUSE BILL NO. 31()

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES TARR, Gara, Tuck, LeDoux

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to law enforcement training in domestic violence and sexual assault;**
2 **relating to sexual assault investigation protocols; requiring an inventory and reports on**
3 **untested sexual assault examination kits; and providing for an effective date."**

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

5 *** Section 1.** AS 18.65.240(a) is amended to read:

6 (a) A person may not be appointed as a police officer, except on a
7 probationary basis, unless the person (1) has satisfactorily completed a basic program
8 of police training approved by the council, which includes at least 12 hours of
9 instruction regarding domestic violence **and sexual assault** as **those terms are**
10 defined in AS 18.66.990, and (2) possesses other qualifications the council has
11 established for the employment of police officers, including minimum age, education,
12 physical and mental standards, citizenship, moral character, and experience. The
13 council shall prescribe the means of presenting evidence of fulfillment of these
14 requirements.

1 * **Sec. 2.** AS 18.65.510 is amended to read:

2 **Sec. 18.65.510. Domestic violence and sexual assault training.** (a) Each
3 established police training program in the state shall provide training that acquaints
4 police officers with

5 (1) laws relating to substantive crimes and rules of criminal procedure
6 applicable in cases involving domestic violence **and sexual assault**;

7 (2) techniques for handling incidents of domestic violence **and sexual**
8 **assault** that promote the safety of the victim and the officer and that reduce the
9 likelihood of recurrence;

10 (3) the investigation and management of cases involving domestic
11 violence **and sexual assault, including the protocols under AS 18.68.020,** and
12 report writing for those cases;

13 (4) organizations in the state that offer aid or shelter to victims of
14 domestic violence **and sexual assault**;

15 (5) procedures applicable in the prosecution of cases involving
16 domestic violence **and sexual assault**;

17 (6) orders that may be issued by or filed with a court under
18 AS 18.66.100 - 18.66.180;

19 (7) the notification to be given to victims of domestic violence under
20 AS 18.65.520; and

21 (8) the subjects set out in AS 18.66.310(d).

22 (b) In providing a training program under this section, each agency or
23 institution offering an established police training program shall consult with the
24 Council on Domestic Violence and Sexual Assault and interested individuals and
25 organizations providing assistance to victims of domestic violence **and sexual**
26 **assault**.

27 * **Sec. 3.** AS 18.65.510 is amended by adding a new subsection to read:

28 (c) In this section, "sexual assault" has the meaning given in AS 18.66.990.

29 * **Sec. 4.** AS 18.68.020(a) is amended to read:

30 (a) The Department of Public Safety and the Department of Law in
31 conjunction with the Department of Health and Social Services shall develop a manual

1 of protocols governing the distribution and use of the sexual assault examination kit
2 developed under AS 18.68.010. **The protocols must allow a victim who is 16 years**
3 **of age or older to choose one of the three following types of reports:**

4 **(1) a law enforcement report if the victim wants to obtain a**
5 **medical forensic examination with evidence collection and, at the time of the**
6 **medical forensic examination, chooses to participate in the criminal justice**
7 **system;**

8 **(2) a medical report if the victim wants to obtain a medical**
9 **forensic examination with evidence collection but, at the time of the medical**
10 **forensic examination, chooses not to participate in the criminal justice system;**
11 **the person who collects the evidence shall provide to the appropriate law**
12 **enforcement agency personal identifying information of the victim and release**
13 **the evidence collected for testing and preservation in accordance with**
14 **AS 12.36.200; or**

15 **(3) an anonymous report if a victim wants to obtain a medical**
16 **forensic examination with evidence collection but, at the time of the medical**
17 **forensic examination, chooses not to have personal identifying information**
18 **provided to law enforcement or to participate in the criminal justice system; the**
19 **person who collects the evidence shall release the evidence to the appropriate law**
20 **enforcement agency for preservation in accordance with AS 12.36.200 but may**
21 **not provide personal identifying information of the victim to the law enforcement**
22 **agency; the law enforcement agency shall assign a unique identifying number to**
23 **the evidence, and the person who collects the evidence shall record the number**
24 **and provide the number to the victim.**

25 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

27 REPORT ON UNTESTED SEXUAL ASSAULT EXAMINATION KITS. (a) By
28 September 1, 2017, each law enforcement agency and state department charged with the
29 maintenance, storage, and preservation of sexual assault examination kits shall conduct an
30 inventory of untested sexual assault examination kits and report, in writing, to the Department
31 of Public Safety the number of untested sexual assault examination kits in the possession of

1 the agency or department and the date on which each sexual assault examination kit was
2 collected.

3 (b) By November 1, 2017, the Department of Public Safety shall prepare and transmit
4 a report to the president of the senate and the speaker of the house of representatives that
5 contains

6 (1) the number of untested sexual assault examination kits stored by each law
7 enforcement agency or department;

8 (2) the date each untested sexual assault examination kit was collected; and

9 (3) a plan for addressing the backlog and prevention of a backlog of untested
10 sexual assault examination kits.

11 (c) The Department of Public Safety shall deliver a copy of the report prepared under
12 (b) of this section to the senate secretary and the chief clerk of the house of representatives
13 and notify the legislature that the report is available.

14 (d) In this section, "untested sexual assault examination kit" means a sexual assault
15 examination kit with evidence that

16 (1) has been collected but that has not been submitted to a laboratory operated
17 or approved by the Department of Public Safety for either a serological or DNA test; or

18 (2) has been collected and submitted to a laboratory operated or approved by
19 the Department of Public Safety but that has not had a serological or DNA test conducted on
20 the evidence.

21 * **Sec. 6.** Section 5 of this Act takes effect immediately under AS 01.10.070(c).

22 * **Sec. 7.** Except as provided in sec. 6 of this Act, this Act takes effect January 1, 2018.