



ALASKA STATE LEGISLATURE

REPRESENTATIVE GERAN TARR

House Bill 20 - Sectional Analysis

"An Act relating to sexual assault; relating to the definitions of 'without consent' and consent'; relating to failure to report a violent crime; relating to sexual misconduct under the code of military justice; requiring law enforcement agencies to test sexual assault examination kits; requiring notification of completion of testing; relating to reports on untested sexual assault examination kits; and providing for an effective date." ."

Section 1: Amends AS 11.41.410 (a) Sexual Assault in the *first degree* to include language that indicates if a person should reasonably know if the victim is able to offer consent.

Section 2: Amends AS 11.41.420 (a) Sexual Assault in the *second degree* to include language that indicates if a person should reasonably know if the victim is able to offer consent.

Section 3: Amends AS 11.41.425 (a) Sexual Assault in the *third degree* to include language that indicates if a person should reasonably know if the victim is able to offer consent.

Section 4: Giving a clear definition of consent

Section 5: Amends 11.56.765 (a) to remove language that implies a child can ever give consent.

Section 6: AS 11.56.767 (c) now uses the definition of consent given in AS 11.41.470

Section 7: AS.26.05.900 (e) now uses the definition of consent given in AS 11.41.470

Section 8: AS 44.41 adds section AS 44.41.065 to require that Within 30 days after collection of a sexual assault kit, it is sent to a Department of Public Safety operated or approved laboratory facility. Ensure that the sexual assault kit undergoes testing within six months of the laboratory receiving the kit. Within two weeks following completion of testing, the victim will be notified that testing occurred.

Section 9: AS 44.41.070 (a) Regarding the reporting of untested sexual assault kits to Department of Public Safety to include data about which kits were ineligible for testing and why.

Section 10: AS44.41.070 (b) Regarding the reporting of untested sexual assault kits by the Department of Public Safety to the legislature that includes data about which kits were ineligible for testing and why.

Section 11: AS 44.41.070 includes new section to include the definitions of why a sexual assault kit may be ineligible for testing.

Section 12: AS 11.41.470 (8); AS 11.56.765 (c)(4), 11.56.767 (c) (4); and AS 26.05.900 (e) (8) are repealed.

Section 13: AS 11.41.410 Applicability to changes made in this bill.

Section 14: January 1, 2020 effective date.