

-----Original Message-----

From: Will Vicari [REDACTED]  
Sent: Sunday, April 25, 2021 3:54 PM  
To: House State Affairs <HouseState.Affairs@akleg.gov>  
Subject: HB5

I'd like to thank each legislator for your time and consideration today. While there is nothing I'd like better than embracing a bill to prevent sexual assault, I cannot support HB5. The reason being Contradiction- And it's a contradiction that will embed rape mentality in Alaska's penal code, or I would have simply ignored it.

HB5 correctly defines consent as freely given agreement. Therefore, by its very nature, such agreement cannot be achieved through malice such as force, fear or fraud. I like to call them "the three f-words" than should never take place in sexual conduct.

It is the conduct of the accused, in securing agreement.....in other words, did they employ a malicious means to secure their victim's agreement, which separates sex from sexual assault; not the words and actions of their victim,..... the criteria stated in HB5.

HB5 clearly states the freedom to choose, free of undue influence, and the disregard for this freedom together in the very same provision.

The words and actions of the accused determine whether they committed murder, larceny, kidnapping, theft, and a host of other crimes. By including, in sexual assault law, that the words and conduct of the victim determine whether a rape or sexual assault takes place, HB5 contradicts the premise that consent must be freely given, and instead, blames the victim for their own rape and defilement.

Agreement from a person who is scared into agreeing is acquiescence. Agreement by a person who is defrauded into agreeing is assent. In fact Missouri's rape in the 2nd degree statute states clearly that Assent is not Consent when induced by force, duress or deception.

All offenders know whether they are using malice to gain compliance from their victim. The use of Force, fear and fraud is premeditated. It does not occur accidentally. Whether or not the accused used malice to gain access to the victim should be the single determining factor in whether or not they committed a sex crime..... not what the victim said or did that resulted from that malice.

I urge legislators to adopt the definition for consent proposed in Assembly bill A6540 in NY. The identical bill is also awaiting an index number in New Jersey, and has been drafted and awaits introduction in Pennsylvania.

And I further urge legislators to strike the rape mentality that blames victims, not the offender whose premeditated malice stripped them of their self-worth and shattered their trust. Failure to do so enables defense attorneys to shred the character of the victim on the stand. Removal creates trials in which the conduct of the offender, not their victim, determines their guilt or innocence.

A person's body is not the offender's entitlement. It's where they live. Alaska's laws should protect the bodily autonomy of every resident or visitor to your great state whether male or female.  
Thank you for your time and consideration.

Will Vicari

Sent from my iPhone

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**From:** Nina [REDACTED]  
**Sent:** Wednesday, April 14, 2021 10:04 AM  
**To:** Rep. Jonathan Kreiss-Tomkins <[Rep.Jonathan.Kreiss-Tomkins@akleg.gov](mailto:Rep.Jonathan.Kreiss-Tomkins@akleg.gov)>  
**Cc:** Lindsay Birk <[Lindsay.Birk@akleg.gov](mailto:Lindsay.Birk@akleg.gov)>; River Ramuglia <[River.Ramuglia@akleg.gov](mailto:River.Ramuglia@akleg.gov)>; Jeff Stepp <[Jeff.Stepp@akleg.gov](mailto:Jeff.Stepp@akleg.gov)>; Amy Lowndes <[Amy.Lowndes@akleg.gov](mailto:Amy.Lowndes@akleg.gov)>  
**Subject:** Alaska HB5: Please do not ratify Victim-Blaming Language!

Dear Representative Kreiss-Tomkins:

My name is Nina Lucas, and I am a survivor of sexual assault. ALL survivors support iron-clad legislation that would properly codify CONSENT in laws everywhere. And precisely because I am a survivor - I cannot support the language used in Alaska HB5.

My offender was a high-ranking military officer. He was never charged because the laws in my state - as well as in the United States Code of Military Justice (the very code that is echoed in HB5) - look to the words and actions of the victim as a method in determining CONSENT.

Alaska HB5 would legally encourage perpetrators and direct defense attorneys to assert that CONSENT was "positively expressed" from sexual assault victims. Instead of protecting survivors as intended - HB5 would function as a perfect vehicle to embolden defense attorneys in humiliating victims and ridiculing their behavior. Sexual assault survivors worldwide have been battling for years to eliminate this vicious form of victim-shaming - in both the culture and the law.

I am fighting to change victim-blaming laws everywhere so that no one else will have to experience what I have gone through. I do not want any state to consider HB5 to be an example to emulate - because the words and actions of a victim should NEVER be on trial. This harmful "words and actions" instruction in HB5 is similar to verbiage currently employed in numerous states throughout the US - and it's exactly the type of legislative language we are fighting to change.

HB5 would ingrain a directive in Alaska's penal code that would absolutely NOT have protected survivors of the abuse perpetrated by Bill Cosby, Russell Simmons, R. Kelly and Harvey Weinstein. And it would not have protected me.

All people of goodwill - and especially survivors - desire to battle the scourge of sexual assault. Please do NOT let them down by codifying the concept that ANY actions of a victim make them deserving of defilement.

Non-consensual sex is sexual assault. And the definition of CONSENT is the same around the world and in every situation: very simply - it is *freely given, knowledgeable informed agreement*.

You have the power to put an end to the victim-blaming mentality that has permitted offenders to go free. Please, do NOT open a Pandora's box by endorsing this dangerously worded

description of CONSENT. Victim-blaming language is precisely the concept we are battling to ERADICATE, NOT LEGISLATE. The citizens and survivors of Alaska deserve better.

Thank you for your consideration.

Respectfully Submitted,

Nina Lucas

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**From:** Sophie Phuong [REDACTED]  
**Sent:** Tuesday, April 13, 2021 5:57 PM  
**To:** House State Affairs <HouseState.Affairs@akleg.gov>  
**Subject:** No on HB5

Dear Legislators,

I am from California and a survivor of multiple sexual assaults. I am writing to you because I cannot support HB5.

As Joyce Short states:

**The words and actions of the victim should never be on trial. The words and actions of the offender, who influenced the decision making processes of the victim, are what constitutes the crime.**

**All offenders know whether they are using malice to gain compliance from their victim. The use of Force, fear and fraud is premeditated. It does not occur accidentally. Whether or not the accused used malice to gain access to the victim should be the single determining factor in whether or not they committed a sex crime not what the victim said or did that resulted from that malice.**

**A person's body is not the offender's entitlement. It's where they live. Alaska's laws should protect the bodily autonomy of every resident or visitor to your great state whether male or female.**

Regards,  
Sophie Phuong

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-----Original Message-----

**From:** Malika Thami [REDACTED]  
**Sent:** Tuesday, April 13, 2021 3:36 PM  
**To:** House State Affairs <HouseState.Affairs@akleg.gov>  
**Subject:** Don't blame the victim

Sent from my iPhone

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-----Original Message-----

From: t.w [REDACTED]  
Sent: Tuesday, April 13, 2021 12:58 PM  
To: House State Affairs <HouseState.Affairs@akleg.gov>  
Subject: HOUSE BILL #5

To Alaska Legislators,

Hello my name is Taralê W. Spikes. I testified against Harvey Weinstein in the 2020 Federal trial that found him guilty and sentenced to 23 years for his crimes.

I live in Brooklyn, NY but my husband and his family lived for many years in a small town outside of Ketchikan; Ward Cove. They established the first privatized fire department in the US and are owner and founder of Alaska Power and Telephone Wireless. I don't say that for any reason except that I'm proud of them and their will to make progress when no one else would. Regular citizens did it out of necessity.

Today I reach out to you out of necessity. I am a regular citizen that supports our nation's progress.

I oppose House Bill #5.

It's the words and actions of the OFFENDER which influences the decision making process of the victim that constitutes a crime.

I urge Alaska to adopt the language written in Assembly bill #A6540 for New York State. It is absolutely clear and we as a country should have a united, common definition for consent.

The bill is currently in review in New Jersey and will soon be introduced in Pennsylvania as well.

Alaska!! Be the change! Real change.  
Stop the victim blaming mentality.

Thank you for your time.

spread love.  
taralê.