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From: Susan A [REDACTED]
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To: Senate Judiciary
Cc: Sen. Robert Myers
Subject: SB 69

Follow Up Flag: Follow up
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Susan Allmeroth
Two Rivers
Needs to be modified before I will support

My questions are how do we have so many statues on the books with so many issues?
Who did all of this? Why are we harming so many instead offering assistance? Why are overburdening the prison systems and victimizing our people? Why? and Who?
How this passed in the first place is mind boggling.....all I can say is you are there is do make the publics lives better not worse. Safety, health, wealth, welfare, etc. Where does any of the rest of that lie? Is the prison industry really a big money maker? Is this a way to track pregnancy by rape?

SB 69, has several potential issues or concerns with the bill:

- **Victim Notification and Consent:** The bill requires that the victim be notified and receive automated updates about the kit's status. However, some victims may not want to be contacted or may not be ready for that level of involvement in the process. This could create additional emotional strain or pressure on victims who are not ready to engage with the legal system.
- **Privacy Concerns:** While the system is supposed to be confidential, the implementation of tracking could raise privacy concerns. The tracking of sensitive data related to sexual assault cases could be subject to hacking or leaks, potentially exposing personal information about victims and compromising the integrity of the legal process.
- **Unclear Accountability and Oversight:** While the bill lays out timelines for handling and testing the kits, there is limited detail on how accountability will be enforced, especially if any party involved (health care provider, law enforcement, or laboratory) fails to meet deadlines. The language is somewhat vague on how to address failures or delays in the process.
- **Impact on Small Law Enforcement Agencies:** Smaller or under-resourced law enforcement agencies may struggle to meet the reporting and tracking requirements. This could lead to unequal implementation across different regions, potentially leaving victims in underserved areas at a disadvantage.
- **Resource and Implementation Costs:** The establishment of a tracking system requires significant resources, both in terms of technology and personnel to maintain it. If not sufficiently funded or

managed, the tracking system might not work as intended, leading to delays or errors in updating victims or processing kits.

- **Possible Impact on Victim Blaming:** By tracking kits and potentially publicizing some of their status, there's a risk that the system could inadvertently contribute to victim-blaming, where victims feel pressured by the legal system to follow up or be involved in the tracking process, even when they may prefer not to.
- **Timing of Testing:** While the bill mandates strict timelines for testing, it's unclear whether laboratories will be adequately staffed or resourced to handle this volume of cases in a timely manner. Given that sexual assault kits often sit untested for long periods, simply mandating timelines might not resolve deeper systemic issues related to testing backlogs.

In essence, while the bill addresses a critical issue of transparency in sexual assault investigations, it might overlook the practical challenges in implementing such a system effectively and ethically, potentially burdening victims or causing privacy and logistical issues.

Let's break it down into bite size pieces and take a look at how the bill may violate any Constitutional laws or have potential issues. As there may be a few constitutional issues could be raised depending on interpretation and implementation. Here are some potential concerns:

1. Due Process and Privacy Concerns

Privacy Issues: The bill creates a tracking system for sexual assault examination kits, which may involve sensitive personal information. Under the Fourth Amendment (U.S. Constitution), individuals are protected against unreasonable searches and seizures. The collection, tracking, and handling of personal information about victims could potentially raise privacy concerns if not handled correctly.

Due Process: Victims could be affected if the tracking system forces them to be notified about the status of their kits without their consent. If notification or updates about their cases are not managed carefully, this could raise concerns about due process protections, as individuals might be forced to engage with the system in ways they may not want to, potentially violating their right to privacy and autonomy.

2. Equal Protection

The bill requires a tracking system that gives victims access to the status of their sexual assault kits. If the system is not evenly accessible across all areas, it might create inequalities in how victims are treated based on geographic location, socioeconomic status, or the resources available to different law enforcement agencies. Under the Equal Protection Clause of the Fourteenth Amendment, any disparities in access or notification could potentially be challenged if they disproportionately affect certain groups of people.

3. Access to Information and Victim Notification

The bill gives victims access to information about the tracking system and the ability to receive notifications. While this is intended to be empowering, there could be concerns about whether mandatory notifications or the tracking system itself could unduly burden victims. Some might argue this

could violate their right to freedom from government interference in their personal decisions, especially if notifications are given without their consent.

4. Sixth Amendment Right to a Fair Trial

The bill does not directly address the Sixth Amendment right to a fair trial, but any aspect of the law that might affect the way evidence is handled or how victims are involved in the criminal process could potentially raise concerns about the fairness of the trial process. However, this is unlikely to be a major issue unless the tracking system interferes with the legal process.

5. State Constitutional Issues (Alaska)

Under the Alaska State Constitution, similar issues of privacy, due process, and equal protection apply. The Alaska Constitution has a robust privacy clause (Article I, Section 22), which might raise concerns if the system of tracking sexual assault kits is seen as too intrusive or if it inadequately protects victim privacy. However, these concerns would need to be evaluated in light of how the law is actually implemented and whether it is seen as serving a legitimate state interest (such as promoting justice and transparency in sexual assault cases).

While there are potential privacy and due process concerns, SB 69 does not appear to directly violate state or federal constitutions based on its current text. The bill focuses on improving transparency and accountability in sexual assault investigations, which is generally in line with constitutional principles of justice and fairness.

However, its implementation could raise constitutional challenges if it is perceived to infringe on privacy or impose undue burdens on victims. To avoid these issues, careful attention would need to be paid to the privacy protections in the tracking system and ensuring that it is implemented in a fair and equitable manner.

Let's take a look at bill SB 69 and see if it violates any Alaskan or Federal statutes. It does not appear to directly violate any state or federal laws based on its text.

However, potential legal concerns could arise depending on how the law is implemented and enforced. Here are some aspects to consider:

1. Federal Privacy Laws (HIPAA)

The bill requires tracking of sexual assault examination kits, which involves sensitive personal data about victims. Under the Health Insurance Portability and Accountability Act (HIPAA), which governs the privacy of medical information, there are strict rules regarding how health information can be shared and tracked. If medical information (such as that collected during a sexual assault examination) is used in a way that violates HIPAA protections, it could run afoul of federal law.

The bill would need to ensure that the tracking system does not inadvertently violate HIPAA by mishandling or improperly disclosing medical or personal information related to the victim's sexual assault examination. It would also need to ensure the personnel with access to the data have background checks and do not violate such HIPAA laws based on pressured by anyone.

2. State Privacy Laws (Alaska's Constitution and Statutes)

Our own Alaska state constitution provides a strong right to privacy (Article I, Section 22), and the state has various statutes that protect personal and medical information. If the tracking system collects, stores, or shares personal data without proper safeguards, it could potentially violate state privacy laws.

The law needs to ensure that tracking information about sexual assault kits does not disclose sensitive data about victims unless it's in compliance with state privacy protections. Alaska's Personal Data Protection Act or other similar state laws could be relevant here in ensuring that personal data is properly safeguarded.

3. Victims' Rights Laws

The bill establishes certain rights for victims of sexual assault, including the right to be notified of the status of their examination kit. If these provisions conflict with existing victims' rights laws or if there are gaps in the victim's consent or participation, it could lead to legal issues regarding the rights of victims. Specifically, if the bill mandates that victims receive notifications even when they may not want them, it could be argued that this violates the right to privacy or other victims' rights laws.

The bill must align with the Crime Victims' Rights Act (CVRA) at the federal level, which ensures victims' rights in federal criminal cases, and any state-level statutes protecting victims' rights. There is a need to balance providing transparency with respecting victims' autonomy and choices.

4. Due Process and Access to Information

If the tracking system provides too much access to information that could prejudice criminal cases, it might run afoul of laws related to fair trials and due process under the Sixth Amendment (in the case of federal cases) or similar provisions under state law. The system should be carefully designed to ensure that it does not interfere with criminal investigations or trials.

The notification and access to information provisions must be carefully tailored to avoid overburdening victims with updates that may compromise their ability to freely choose whether to engage with the criminal justice system.

5. Potential Conflicts with Law Enforcement Procedures

If law enforcement agencies are required to meet strict timelines for handling and testing sexual assault examination kits, but are not provided with sufficient resources or capacity, this could potentially violate laws related to the fundamental fairness of criminal proceedings. Agencies might argue that they cannot meet the bill's requirements due to resource constraints, potentially leading to legal challenges based on unfunded mandates or lack of capacity.

Moreover, there could be issues if the bill mandates actions by law enforcement or health care providers that conflict with their existing procedures or resources.

6. Federal Laws Regarding Evidence Handling

If the tracking system involves the collection and testing of evidence, the bill must comply with federal evidence handling laws and guidelines, particularly those related to the chain of custody and the proper handling of forensic evidence. Improper tracking or mishandling of sexual assault kits could result in challenges to the admissibility of evidence in court, potentially violating rules governing the integrity of evidence.

While SB 69 does not appear to directly violate any laws, but its implementation could raise legal challenges related to privacy (HIPAA and state laws), victims' rights, due process, and the handling of evidence. To avoid potential violations, the bill should ensure:

- That the tracking system complies with privacy laws (HIPAA and Alaska's privacy protections).
- Victims' rights to opt-out of receiving notifications or updates are respected.
- Law enforcement and healthcare providers are sufficiently resourced to meet the bill's requirements without violating due process or fairness in the criminal justice system.

If carefully crafted and implemented with attention to these legal issues, the bill can likely be enacted without violating existing laws.

What is never considered in this bill or by any legislation on our books in Alaska. This is where I have my biggest concerns.

Trauma to the Victim

While the penalties for rape are legally significant, the trauma to the victim can be lifelong and devastating. The trauma resulting from a sexual assault can be profound and multifaceted, and it is often much more than just physical harm. The trauma can include:

- **Emotional and Psychological Impact:** Victims of rape frequently experience post-traumatic stress disorder (PTSD), depression, anxiety, guilt, shame, and feelings of powerlessness. Many survivors may also experience dissociation and flashbacks related to the assault, making it difficult for them to return to their daily lives and relationships.
- **Physical Health Consequences:** Rape can lead to immediate physical injuries, such as bruises, cuts, or internal injuries. Over time, victims may also face long-term health consequences such as sexually transmitted infections (STIs) or chronic pain. Some survivors may experience complications from the trauma, including difficulties with sexual health and intimacy, which can affect their future relationships.
- **Social Impact:** Victims often face stigmatization or fear of being blamed. They may withdraw from social interactions or struggle to trust others. In some cases, survivors may be hesitant to report the crime or participate in the legal process due to fear of judgment or a lack of support.
- **Economic Impact:** Survivors may experience economic hardship due to the time off work for recovery, medical treatment, therapy, and other costs associated with their healing journey. They may also experience disruptions in their education or career due to the impact of the assault on their mental health.

3. Impact of SB 69 on Victims' Trauma

SB 69, if passed, aims to track the status of sexual assault examination kits, which is intended to increase transparency and accountability in the handling of evidence related to sexual assault cases. However, while the bill could provide some benefits in terms of ensuring that kits are processed and tested promptly, it could also potentially exacerbate the trauma victims experience in the following ways:

- **Additional Emotional Burden:** The mandatory notifications about the status of sexual assault kits may cause emotional distress, especially if the victim is not ready to engage with the justice system or if there are delays in the process. The notification might be triggering or overwhelming for victims who are not emotionally prepared to revisit the traumatic event.
- **Lack of Control Over Information:** If victims are automatically notified about their kit's status, they may feel a loss of control over their involvement in the case. Some may not want to receive updates or be reminded of the assault, which can create additional stress or feelings of helplessness.
- **Victim-Blaming and Public Scrutiny:** If there are delays or issues with the testing or tracking of kits, it might contribute to a sense of victim-blaming. For example, if a kit remains untested or evidence is mishandled, victims might feel that they are at fault or that their assault is not being taken seriously. This can deepen feelings of isolation and shame.
- **Unintended Legal or Social Consequences:** If the tracking system leads to greater scrutiny of the evidence collection process, it might result in delays in the legal process. This could make victims feel like their case is not being prioritized or that the system is failing them, further compounding the trauma.

4. Balancing Penalty and Trauma

Ultimately, while rape penalties are designed to hold perpetrators accountable and protect society, they do not undo the harm done to victims. The trauma caused by rape is immense, and no legal penalty can fully compensate for the psychological and emotional toll the crime takes on the victim's life.

SB 69 could help the criminal justice system by improving the handling of evidence, but the trauma for victims may not be adequately addressed through the bill alone. In fact, depending on how the bill is implemented, it could inadvertently increase the trauma for victims if proper safeguards are not in place to protect their privacy, control over information, and emotional well-being.

In summary:

- Rape penalties are severe, with the potential for up to 99 years in prison for first-degree rape, but this does not undo the lifelong trauma experienced by the victim.
- The implementation of SB 69 could increase transparency and accountability in the criminal justice system, but it risks increasing the emotional burden on victims if they are required to receive frequent updates or if the system is not implemented in a way that supports their healing process.

The key to making SB 69 effective without exacerbating trauma is to balance the rights of the victim with the need for accountability in the criminal justice system, ensuring that the tracking system respects the victim's privacy and choice.

Here are some other issues I find very concerning when it comes to our justice system and victims rights. Also some of the issues that have been overlooked.

The burden of proof for rape, like any criminal offense, lies with the prosecution in the criminal justice system. This means that the prosecution must prove the defendant's guilt beyond a reasonable doubt. This is a high standard of proof, and it is intended to ensure that the accused is presumed innocent until proven guilty. Here's a breakdown of what that means and how it applies in a rape case:

1. Reasonable Doubt

- **Standard of Proof:** In a criminal case like rape, the prosecution must convince the judge or jury that there is no reasonable doubt about the defendant's guilt. "Reasonable doubt" refers to a doubt based on reason and common sense, after considering all the evidence presented. It's not about absolute certainty, but rather the absence of a reasonable doubt that the defendant committed the crime.
- **Outcome:** If the jury or judge has any reasonable doubt about the defendant's guilt, they are required to find the defendant not guilty. This high standard exists to prevent the wrongful conviction of innocent people.

2. Elements of Rape to be Proven

The prosecution must prove several elements of the crime of rape beyond a reasonable doubt. While the specific elements can vary by jurisdiction, generally, they include:

- **Non-consensual Sexual Act:** The victim did not consent to the sexual act. The prosecution must prove that the victim was not willing to participate in the sexual activity. This can include situations where the victim was coerced, threatened, or incapacitated (e.g., through drugs or alcohol).
- **Sexual Penetration:** There was a sexual penetration of some sort (e.g., vaginal, anal, or oral) that meets the legal definition of "sexual intercourse" or other forms of sexual assault under the law.
- **Force, Threats, or Incapacitation:** In cases of first-degree rape (or aggravated rape), the prosecution typically needs to prove that the defendant used force (physical violence or threats of violence) or that the victim was incapacitated (e.g., unconscious or unable to resist). In some cases, consent might be absent because the victim is underage or unable to legally consent.

3. Evidence Required

The prosecution will rely on several forms of evidence to meet the burden of proof, including:

- **Testimony from the victim:** The victim's account of the assault is often central to the case, and they may testify about the events leading up to and following the assault.
- **Physical Evidence:** This includes things like DNA evidence, sexual assault examination kits, medical records, or physical injuries sustained during the attack. DNA evidence collected from the victim or the crime scene can be crucial in linking the defendant to the assault.

- **Witness Testimony:** Other people who may have witnessed the events or who can provide corroborating evidence (e.g., witnesses who saw the victim in distress or heard the defendant make incriminating statements).
- **Forensic Evidence:** This can include things like the results from a sexual assault examination (e.g., DNA, injuries, or other physical evidence from the kit), which may support the victim's claims.
- **Defendant's Statements:** In some cases, the defendant's own statements or actions (e.g., confessions, inconsistent statements, or actions after the assault) may also play a role in the prosecution's case.

4. Defendant's Defense

- The defendant is not required to prove anything and does not have to testify or present any evidence. If the defendant chooses to present a defense, the burden remains on the prosecution to prove guilt. Common defenses in rape cases include:
- **Consent:** The defendant may claim that the victim consented to the sexual act.
- **Mistaken Identity:** The defendant may argue that they were not the person who committed the crime.
- **False Allegation:** The defendant may claim that the victim is lying or fabricating the story.

However, even if the defendant presents a defense, the prosecution still has to prove the case beyond a reasonable doubt, and the defense does not need to disprove the charges.

5. Corroboration

- While corroboration of the victim's testimony is not legally required in every case, it can strengthen the prosecution's case. Corroborative evidence (e.g., medical records, physical injuries, or witness testimony) helps to reinforce the victim's account and can make the case more convincing to the judge or jury.
- Some jurisdictions may have specific rules about whether rape shield laws apply, which generally prevent the introduction of a victim's past sexual history unless it's directly relevant to the case.

6. Challenges to the Burden of Proof in Rape Cases

- **Victim Blaming:** One of the difficulties in rape cases is overcoming societal biases or prejudices that may unfairly challenge the credibility of the victim. Common issues like the victim's behavior (e.g., drinking or wearing revealing clothing) can be used as tactics to try and discredit the victim's account, though this should not influence the legal decision-making process.
- **Lack of Physical Evidence:** In some cases, there may be a lack of physical evidence, which can make it more difficult for the prosecution to prove the case. For example, DNA might not be present, or the victim may have delayed reporting the assault, which could reduce the amount of forensic evidence available.

7. Burden of Proof and Conviction

- If the prosecution proves each element of the crime beyond a reasonable doubt, the defendant will be convicted. If the prosecution fails to meet this standard, the defendant will be acquitted.
- Acquittal: An acquittal does not mean the defendant is necessarily "innocent"; it simply means that the prosecution failed to prove the defendant's guilt beyond a reasonable doubt.

Conclusion

In summary, the burden of proof in a rape case lies with the prosecution, which must prove the defendant's guilt beyond a reasonable doubt. This includes proving that the victim did not consent, that sexual penetration occurred, and that the defendant used force, threats, or was otherwise culpable. The prosecution must rely on a variety of evidence, including victim testimony, forensic evidence, and possibly witness testimony, to meet this high standard of proof. If the prosecution cannot do so, the defendant will be acquitted. The difficulty of proving rape cases comes from the high standard of proof and the challenges of obtaining sufficient corroborating evidence.

To improve SB 69 and address potential issues, here are some key recommendations that could strengthen the bill, reduce the risk of harm to victims, and ensure the tracking system is effective and equitable:

1. Clarify Victim Notification and Participation in the Tracking System

Issue: While the bill requires the Department of Public Safety (DPS) to create a tracking system for sexual assault kits, there is concern over the victim's access to that system and the timing of notifications.

Fix:

- **Provide clear guidelines for victim notifications:** Ensure that victims are automatically notified (or can opt-in for notifications) when their sexual assault kit has been tested or moved.
- **Limit notification delay:** Consider specifying that victims receive notifications within a reasonable timeframe, such as within 30 days of the kit being tested or analyzed, rather than the vague language around "reasonable effort."
- **Ensure the victim's privacy and consent:** Make sure that the system is voluntary, and the victim can choose to receive updates. For those who do not wish to be involved, ensure their privacy is respected. Victims should not feel forced into engaging with a tracking system that may cause additional trauma.

2. Protect Victims from Re-traumatization

Issue: The bill's implementation could inadvertently cause victims additional trauma, especially if they feel forced into interacting with the system or are continuously reminded about the case.

Fix:

- **Trauma-informed approach:** Work with victim advocacy organizations to ensure the tracking system is designed with the victims' emotional and psychological well-being in mind. For example, making the

system easily accessible but not intrusive, and offering victims options to opt-out or have their information withheld from the system.

- Clear access to support services: Incorporate victim support services and ensure the victim has access to mental health resources at every stage of the process. The tracking system should be built in a way that the victims' needs for support, not just data tracking, are prioritized.

3. Improve the Timeliness of Testing and Analysis

Issue: While the bill specifies timelines for when kits should be tested, there's a concern that the system might still allow for unnecessary delays in the processing of kits or testing.

Fix:

- Set stronger, enforceable deadlines: Establish firm deadlines for testing sexual assault kits and communicating results. For example, require DNA testing within 60 days of receipt by the lab, and ensure that the lab's analysis time is strictly monitored.
- Accountability measures: Introduce penalties for law enforcement or laboratories that fail to meet these deadlines without justifiable cause. This could include fines or a requirement for regular reporting on kit processing and testing.

4. Prevent Kit Backlogs and Ensure Adequate Funding

Issue: One of the main concerns with the bill is whether there will be sufficient funding to handle the increased workload associated with implementing a state-wide sexual assault kit tracking system.

Fix:

- Dedicated funding: Ensure that the state allocates sufficient funding to manage the tracking system and process kits efficiently. This includes funding for technology, staffing, training, and monitoring.
- Address lab backlogs: The bill should require that law enforcement agencies and forensic labs have the capacity to handle an influx of evidence and eliminate backlogs. This may require additional personnel or funding to increase lab capacity.

5. Increase Victim Awareness of Their Rights

Issue: Victims may not be fully aware of their rights or the process related to the sexual assault kit tracking system.

Fix:

- Victim education: Include provisions in the bill requiring law enforcement and health care providers to inform victims about their rights and the tracking system in an easily understandable manner. This could be through pamphlets, brochures, or online resources that explain the system and how victims can track their kit, as well as what steps they can take if they feel their rights are not being respected.

6. Ensure Confidentiality and Security of Victim Data

Issue: Victims' personal information must be protected, especially when dealing with sensitive data such as sexual assault kits.

Fix:

- Strengthen privacy protections: Explicitly outline provisions in the bill that ensure the confidentiality and security of victim data. This includes making it clear that the information in the tracking system is not accessible to the public and that it can only be shared with law enforcement, victims, and other authorized personnel.
- Use encryption and secure systems: Specify that all tracking systems and databases must use secure encryption to protect victim data and prevent unauthorized access.

7. Include a Public Awareness Campaign

Issue: If the system is implemented without proper public outreach, victims may be unaware of their rights and may not take advantage of the resources available to them.

Fix:

- Public education campaign: Add provisions for a state-wide public education campaign to inform victims of sexual assault about the new tracking system and their rights. The campaign could use media, community outreach, and digital resources to make sure people know about their options.
- Training for law enforcement: Ensure that law enforcement agencies and medical professionals are adequately trained on how to interact with victims regarding the tracking system. This will ensure consistent and compassionate responses from those interacting with victims.

8. Clearer Accountability for Law Enforcement Agencies

Issue: It's important that law enforcement agencies are held accountable for collecting and submitting sexual assault kits promptly and ensuring the system is functioning properly.

Fix:

- Accountability measures for law enforcement: Introduce clear, enforceable requirements that police departments and other agencies involved in collecting sexual assault kits follow the guidelines laid out by the bill. This includes regular audits and performance reviews to ensure agencies are submitting kits on time, not letting kits sit unprocessed, and adhering to the overall goals of the system.
- Penalties for failure: Include penalties or consequences for agencies that fail to adhere to the established timelines for submitting kits or failing to participate in the tracking system.

9. Address Potential Unintended Consequences

Issue: There may be concerns that the tracking system could deter victims from coming forward if they fear their personal information could be shared or exposed.

Fix:

- Ensure victim consent: Include language to ensure that victims voluntarily opt-in to the tracking system and have control over their information. Clear guidelines should be established to protect anonymity and privacy to encourage more victims to report assaults without fear of exposure.

SB 69 has the potential to greatly improve the handling of sexual assault evidence and provide victims with more control and transparency in the process. However, it should be carefully amended to ensure that it does not inadvertently create additional trauma, delays, or barriers for victims.

Key fixes include clarifying victim notification procedures, ensuring adequate funding and resources for implementation, providing trauma-informed policies, safeguarding victim privacy, and setting firm accountability standards for law enforcement. By addressing these concerns, the bill can be a powerful tool in addressing the backlog of sexual assault kits and ensuring justice for victims.

To ensure the legality of SB 69, and address potential legal concerns, several adjustments and clarifications can be made to ensure that the bill complies with state and federal constitutional standards, as well as other relevant laws. Here are some recommendations to fix potential legal issues:

1. Clarify Victim's Right to Privacy and Consent

Issue: Victim participation in the tracking system should be voluntary, and their personal information must be safeguarded to prevent any violation of privacy rights.

Fix:

- Explicit consent: The bill should explicitly state that victims must opt-in or give explicit consent before any personal information or tracking data is entered into the sexual assault kit tracking system. This ensures compliance with privacy laws such as the Health Insurance Portability and Accountability Act (HIPAA) (for health data) and state-level privacy protections.
- Secure data handling: Amend the bill to include specific provisions about how victims' personal data will be stored and accessed. Ensure that the tracking system uses encrypted, secure databases and that information is only accessible to authorized individuals (such as law enforcement or the victim themselves).

2. Ensure Compliance with Due Process and Equal Protection

Issue: The bill must not infringe on a victim's due process rights or violate the equal protection clause of the Fourteenth Amendment.

Fix:

- Non-discriminatory access: Ensure that the tracking system is available to all sexual assault victims equally, regardless of gender, race, socio-economic status, or other protected classes. This prevents discrimination or unequal treatment of victims in violation of constitutional protections.

- Due process for accused: Ensure that the collection, tracking, and testing of sexual assault kits are carried out in a manner that does not prejudice the accused in violation of their Sixth Amendment rights (right to a fair trial). This means ensuring that the system is purely focused on evidence tracking and does not influence the legal presumption of innocence for the accused.

3. Rape Shield Laws and Protection Against Victim Blaming

Issue: The tracking system and related provisions should not inadvertently allow for victim-blaming, especially if sensitive information about the victim's past sexual history is used improperly.

Fix:

- Rape shield law alignment: Ensure that the bill explicitly aligns with rape shield laws (which protect victims' sexual history from being used against them in court) and prohibits the tracking system from enabling unauthorized disclosures of sensitive victim information. This will prevent any re-traumatization or the potential for the victim to be blamed for the assault.
- Prevent misuse of tracking data: The bill should clarify that information about the sexual assault kits and their tracking cannot be used inappropriately in a trial or to harm the victim's credibility.

4. Ensure Compliance with Federal Laws on Victim Notification

Issue: The bill requires notification of victims regarding the status of their sexual assault kits, but this notification system needs to comply with federal laws such as the Victim's Rights and Crime Victims' Rights Act (CVRA).

Fix:

- Federal compliance: Amend the bill to ensure that the notification process is compliant with federal victim notification laws such as the CVRA, which gives victims the right to be informed of proceedings and decisions in their cases. This would require that victims be notified timely and in a format that is accessible and understandable.
- Victim's right to privacy in notifications: Victims should be notified in a way that respects their right to privacy (as outlined in the Victims' Rights and Crime Victims' Rights Act). For example, if a victim prefers to remain anonymous or does not want to receive certain notifications, they should be able to opt out.

5. Ensure Funding and Resource Allocation Complies with State Law

Issue: Implementation of the sexual assault kit tracking system may require significant state resources. Without clear legal backing and adequate funding, the bill could face challenges regarding resource allocation and compliance with state budgetary constraints.

Fix:

- **Secure dedicated funding:** Amend the bill to ensure that there are clear provisions for dedicated funding for the tracking system's development and operation. This could be through an earmarked fund or a designated line item in the state's budget.
- **Allow for federal and state grants:** Provide language that encourages the use of federal grants (such as the Sexual Assault Kit Initiative) to help fund the system and reduce reliance on state funds alone, ensuring that the bill complies with budgetary constraints.

6. Incorporate Regulations and Oversight for Accountability

Issue: There should be strong oversight and accountability mechanisms to ensure that the tracking system works efficiently and without infringement on legal rights.

Fix:

- **Regulations for transparency:** Amend the bill to establish clear regulatory oversight for how the tracking system is implemented. This includes requiring annual audits or reports on the system's effectiveness, and ensuring that any failures in the system are addressed promptly. This would also allow victims to request reviews of the system's impact and file complaints about mishandling.
- **Independent oversight:** Consider incorporating an independent oversight committee (e.g., a panel of victim advocates, legal experts, and public health professionals) to review the implementation of the tracking system and ensure it complies with legal standards, including due process and equal protection.

7. Legal Protection Against Retaliation

Issue: Victims might fear retaliation or retribution for participating in the tracking system, especially in situations where there is a history of abuse or manipulation by the accused.

Fix:

- **Retaliation protections:** Include stronger protections for victims against retaliation from the perpetrator or others. The bill should make it clear that victims will not be penalized or harassed for participating in the tracking system and that law enforcement agencies will enforce penalties for any retaliation against victims.

8. Ensure Adherence to State and Federal Statutes on Evidence Handling

Issue: The tracking system should comply with state and federal statutes governing evidence handling, ensuring that sexual assault kits are processed and stored in accordance with chain of custody rules and evidence preservation standards.

Fix:

- **Compliance with evidence laws:** Clarify that the tracking system will adhere to chain of custody requirements to ensure that sexual assault kits are properly handled at every stage (from collection to

testing to storage). Include language that requires law enforcement agencies to maintain proper documentation of all actions related to the sexual assault kit's handling.

- Chain of custody in the tracking system: Ensure that the tracking system can record the complete history of a kit's movement, handling, and testing, which should be protected by legal safeguards to prevent tampering or errors.

9. Align with Victim Compensation Programs

Issue: Victims should not only be informed about the status of their sexual assault kits but should also have access to compensation and victim support programs.

Fix:

- Clear connections to compensation: Amend the bill to ensure that victims are informed of their eligibility for state or federal victim compensation programs and that this information is easily accessible through the tracking system.
- Support services: Include provisions that require the bill's implementation to be linked to support services, such as legal aid, counseling, or advocacy services for victims. This would ensure that victims receive not only procedural updates but also ongoing emotional and legal support.

To fix the legality of SB 69, the bill should be amended to ensure that it complies with constitutional principles, respects victims' rights, adheres to privacy and due process standards, provides clear oversight mechanisms, and includes necessary funding and regulatory protections. By ensuring victim consent, securing data, guaranteeing equal access, and adhering to laws governing evidence and victim protection, SB 69 could be a powerful and legally sound tool to address the backlog of sexual assault kits while safeguarding victims' rights.

However, there could be concerns about the language used in public education or outreach, which may lean heavily toward traditional gendered assumptions (e.g., framing sexual assault as a crime typically involving a male perpetrator and female victim). To fully ensure inclusivity, public communication efforts should be careful to include diverse scenarios, acknowledging that men, non-binary, and transgender individuals can also be victims of sexual assault.

Ensuring gender-neutral victim services (e.g., counseling, legal assistance, etc.) as part of the bill's implementation would be necessary to ensure that all victims have access to the same resources and support, regardless of gender identity.

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Just because you attempt to eliminate gender identity out of the system it does not mean the issues still do not effect the public and their own bodies. This state and this bill tends to focus on criminalizing everything and everyone, without ever address the root problems and offering true solutions that work for the public and the people you serve. We strive for the best.

The bill builds on existing laws that emphasize victims' rights to be informed, supported, and protected throughout the criminal justice process. Victims of sexual assault often face unique challenges in terms of feeling marginalized or re-traumatized by the system, and by making these processes more transparent, the bill may make victims feel more empowered.

Potential Gaps: Areas the Bill Could Fall Short in Addressing Victim Needs

Comprehensive Victim Support Services:

While SB 69 addresses aspects of evidence handling, it does not specifically allocate resources for comprehensive victim support beyond the criminal justice process. Victims of sexual assault have a range of needs, such as:

- Counseling and therapy
- Legal advocacy
- Shelter and safety planning
- Medical care
- The bill's focus is largely on the tracking of evidence, but it could more explicitly support the provision of victim services in a holistic manner, ensuring that victims have access to a range of resources beyond just the legal process.

Long-Term Emotional and Psychological Support:

- Sexual assault often results in long-term emotional and psychological trauma, including PTSD, anxiety, and depression. While SB 69 improves the legal process for victims, it doesn't seem to directly address the need for mental health services or trauma-informed care for victims, which is crucial for healing.
- Many victims may need counseling or therapy both immediately following the assault and in the months or years after, and while victim services programs (e.g., AVAP) exist, there isn't a guarantee that these will be adequately funded or equipped to meet the demand.

Protection and Safety Planning:

- While the bill focuses on the timely processing of evidence and information sharing, it does not specifically address victim safety planning (e.g., how victims can stay safe during or after the legal process) or the immediate protection of victims from their attacker. For instance, victims may still be at risk if the accused is not detained or if there is no protection order in place.
- It would be beneficial for the bill to incorporate more explicit measures that ensure victims are not retraumatized by continued exposure to their attacker or threats of harm.

Sexual Assault Victim Education and Outreach:

- The bill does not seem to specifically include measures for educating the public about victims' rights or outreach to vulnerable communities. Victims, especially from marginalized communities, may not be fully aware of their rights or how to access services, such as legal aid, shelters, or compensation funds. More emphasis could be placed on victim outreach and public education about the resources available to them.

Support for Specific Populations (e.g., LGBTQ+ Victims, Men, Children):

- While SB 69 applies to all victims equally, vulnerable populations, such as LGBTQ+ individuals, men, and children, may face unique barriers in reporting sexual assault and accessing care. The bill does not specifically address these populations, which may require tailored support services or outreach to ensure they can report crimes and access services safely and without discrimination.

SB 69 takes important steps toward improving how sexual assault victims are informed about the status of their cases, but it could do more to focus on the broader needs of victims, especially in terms of comprehensive emotional, psychological, and social support.

The bill addresses some key aspects like evidence handling and victim notifications, but it would benefit from a broader focus that includes resources for long-term healing, safety, and support throughout the criminal justice process and beyond. By enhancing funding for victim services, improving safety protocols, and ensuring comprehensive care, the bill could better meet the full spectrum of victims' needs.

This appears to look more and more like a pregnancy tracking system now than anything without adding additional victims services for all victims involved. Let's take a look into Alaskan tribal culture and how they may overlap .

SB 69, while focusing on improving the handling of sexual assault kits and providing victims with information about the status of their cases, does not explicitly address the unique needs and concerns of Alaska Native communities, their cultural practices, rights, or the impact of historical treaties. This oversight could result in gaps in how the bill impacts Alaska Native victims of sexual assault, particularly when considering their distinct cultural, social, and legal contexts.

Key Areas Where the Bill Might Overlook Alaska Native Communities:

Cultural Sensitivity and Trauma-Informed Care:

- Alaska Native communities have a unique cultural context, and they often face historical trauma related to colonization, forced assimilation, and the loss of cultural identity. A one-size-fits-all approach to sexual assault may fail to incorporate culturally sensitive practices that are critical for healing.
- SB 69 does not specifically mention culturally appropriate care or trauma-informed practices in relation to Alaska Native victims. Victims in these communities may benefit from traditional healing practices or culturally tailored advocacy that respects their identity and integrates community support, but these needs are not explicitly considered in the bill.

Rural and Remote Communities:

- Many Alaska Native communities live in rural and remote areas where access to law enforcement and medical facilities can be limited. This lack of access can make it harder for victims to report crimes, receive immediate care, and track the status of their sexual assault kits.
- While SB 69 introduces a tracking system for sexual assault kits, it doesn't address the geographical barriers that many Alaska Natives face. For example, how will the tracking system accommodate remote or isolated communities, and how will law enforcement in these areas ensure that victims have timely access to the necessary resources and legal support?

Incorporation of Tribal Sovereignty and Tribal Laws:

- Tribal sovereignty is a critical issue for Alaska Native communities, as many tribes in Alaska have their own laws, law enforcement, and justice systems. The bill does not mention how tribal courts or tribal police will be involved in the handling of sexual assault cases.
- Tribes have the authority to enforce their own criminal codes, and the federal government recognizes the importance of tribal jurisdiction, but SB 69 does not directly address how these systems would interact with the state system. There's also no mention of how tribal rights or treaties might be considered in cases involving sexual assault victims from Native communities.

Addressing Historical and Ongoing Mistrust of the Legal System:

- Alaska Native communities have often experienced mistrust of law enforcement and the legal system due to historical injustices, including forced relocation, the boarding school system, and systemic racial discrimination.
- SB 69 does not include specific provisions to rebuild trust between Alaska Native communities and the legal system. For example, incorporating culturally competent law enforcement and victim support teams from within Native communities could help address this issue, but the bill does not seem to include such measures.

Barriers to Accessing Victim Services:

- Alaska Native victims may face language barriers, as many Alaska Native communities speak their own languages or dialects, and the bill doesn't mention any efforts to ensure that victim services are available in those languages.
- Additionally, the bill doesn't specifically address how victims in Alaska Native communities can access shelters, mental health services, or other victim support systems that are culturally appropriate or accessible in rural areas.

Lack of Consultation with Alaska Native Leaders:

- SB 69 does not indicate whether there was consultation with Alaska Native tribes or organizations during the drafting of the bill. Consultation with tribes is a critical aspect of ensuring that laws and policies are respectful of Native cultural values and rights.

- Without engagement from Alaska Native leaders, the bill may not adequately consider the ways that tribal authority, cultural practices, or local needs should be integrated into the response to sexual assault in Native communities.

Impacts of Treaties and Native Rights:

- The bill does not reference any consideration of the treaty rights of Alaska Natives. In some cases, tribes have specific legal rights that may overlap with state law, and these need to be addressed to ensure that Native victims' rights are protected.
- Federal and state obligations to uphold the terms of treaties with Alaska Native tribes are significant. If SB 69 doesn't consider these obligations, it may inadvertently create conflicts between state law and the rights of Native tribes and their citizens.

How the Bill Can Be Improved to Address Alaska Native Needs:

Culturally Competent Support Services:

- The bill should include provisions to ensure that victim support services are culturally competent and that Alaska Native victims have access to culturally appropriate care, including traditional healing practices if they choose. This can involve integrating Native language services, community-based advocacy, and tribal counselors who understand the cultural context of the victims.

Consultation with Alaska Native Tribes:

- To address these concerns, there should be consultation with Alaska Native tribes and organizations in the development of the bill and its implementation. Tribes should have a voice in how sexual assault kits are processed and tracked, and how Native victims' needs are incorporated into the system.
- The bill could be amended to include a formal consultation process with Alaska Native communities to ensure that their needs, rights, and cultural practices are respected.

Collaboration with Tribal Courts and Law Enforcement:

- The bill should encourage collaboration between state and tribal authorities in handling sexual assault cases. This could involve ensuring that tribal courts have a role in prosecuting cases or ensuring that tribal law enforcement has the resources and authority to assist in the investigation of sexual assault cases.
- Ensuring that tribal police have access to the tracking system or can access information about evidence in cases involving their community members would help bridge gaps in jurisdictional authority.

Addressing Access and Geographic Barriers:

- The state should ensure that the sexual assault kit tracking system is accessible to victims in remote areas and that there are provisions for victim support services in rural and Alaska Native villages. This could involve expanding telehealth or mobile support services to reach victims who cannot easily access services in person.

Language Access and Outreach:

- The bill should also address how victim services will be provided in Native languages and how outreach can be conducted to ensure that Alaska Native communities are fully informed of their rights and available services.

Overall Conclusion:

SB 69, as currently written, may inadvertently overlook the specific cultural, social, and legal needs of Alaska Native communities. The bill primarily focuses on improving the evidence tracking and legal process for sexual assault cases but does not adequately address the cultural and geographic barriers that Alaska Native victims face. To be truly inclusive and effective, the bill could benefit from consultation with Alaska Native tribes and organizations, the incorporation of culturally competent services, and consideration of tribal sovereignty and the unique needs of rural and remote communities.

SB 69 takes important steps toward improving how sexual assault victims are informed about the status of their cases, but it could do more to focus on the broader needs of victims, especially in terms of comprehensive emotional, psychological, and social support.

The bill addresses some key aspects like evidence handling and victim notifications, but it would benefit from a broader focus that includes resources for long-term healing, safety, and support throughout the criminal justice process and beyond. By enhancing funding for victim services, improving safety protocols, and ensuring comprehensive care, the bill could better meet the full spectrum of victims' rights and needs.

This bill has major flaws, issues, and concerns as written. I would caution moving forward without a second look.

I am very much in approval of rape kit being processed, however not by force, with weak privacy protections, and verification that all loopholes have been eliminated.

I support fixing this bill and testing kits. I do not support violating peoples rights.

Thank you.