

**HOUSE BILL NO. 242**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE HANNAN

Introduced: 1/9/26

Referred: Prefiled

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to sexual assault."**

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

3 \* **Section 1.** AS 11.41.410(a) is amended to read:

4 (a) An offender commits the crime of sexual assault in the first degree if

5 (1) the offender engages in sexual penetration with another person

6 (A) without consent of that person by

7 (i) the use of force or the express or implied threat of

8 force against any person or property; or

9 (ii) causing the person to become incapacitated;

10 (B) by impersonating someone known to the person for the

11 purpose of obtaining consent;

12 (2) the offender attempts to engage in sexual penetration with another

13 person without consent of that person and causes serious physical injury to that

14 person;

15 (3) the offender engages in sexual penetration with another person

1 (A) who the offender knows is mentally incapable; and  
 2 (B) who is in the offender's care  
 3 (i) by authority of law; or  
 4 (ii) in a facility or program that is required by law to be  
 5 licensed by the state; or  
 6 (4) the offender **is a health care worker who** engages in sexual  
 7 penetration with a person **during the course of professional treatment of the person**  
 8 [WHO THE OFFENDER KNOWS IS UNAWARE THAT A SEXUAL ACT IS  
 9 BEING COMMITTED AND

10 (A) THE OFFENDER IS A HEALTH CARE WORKER;

11 AND

12 (B) THE OFFENSE TAKES PLACE DURING THE COURSE  
 13 OF PROFESSIONAL TREATMENT OF THE VICTIM].

14 \* **Sec. 2.** AS 11.41.420(a) is amended to read:

15 (a) An offender commits the crime of sexual assault in the second degree if

16 (1) the offender engages in sexual contact with another person

17 (A) without consent of that person by

18 (i) the use of force or the express or implied threat of  
 19 force against any person or property; or

20 (ii) causing the person to become incapacitated;

21 (B) by impersonating someone known to the person for the  
 22 purpose of obtaining consent;

23 (2) the offender engages in sexual contact with a person

24 (A) who the offender knows is mentally incapable; and

25 (B) who is in the offender's care

26 (i) by authority of law; or

27 (ii) in a facility or program that is required by law to be  
 28 licensed by the state;

29 (3) the offender engages in sexual penetration with a person who is

30 (A) mentally incapable;

31 (B) incapacitated; or

- 1 (C) unaware that a sexual act is being committed;
- 2 (4) the offender is a health care worker who engages in sexual
- 3 contact with a person during the course of professional treatment of the victim
- 4 [WHO THE OFFENDER KNOWS IS UNAWARE THAT A SEXUAL ACT IS
- 5 BEING COMMITTED AND
- 6 (A) THE OFFENDER IS A HEALTH CARE WORKER;
- 7 AND
- 8 (B) THE OFFENSE TAKES PLACE DURING THE COURSE
- 9 OF PROFESSIONAL TREATMENT OF THE VICTIM]; or
- 10 (5) under circumstances not proscribed under AS 11.41.410, the
- 11 offender engages in sexual penetration with another person without consent of that
- 12 person.

13 \* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to

14 read:

15 APPLICABILITY. AS 11.41.410(a), as amended by sec. 1 of this Act, and

16 AS 11.41.420(a), as amended by sec. 2 of this Act, apply to offenses committed on or after

17 the effective date of this Act.