

REPRESENTATIVE SARA HANNAN
ALASKA STATE LEGISLATURE

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House District 4
Downtown Juneau
Thane, Lemon Creek
Douglas Island, Airport, and
the Mendenhall Valley to
Stephen Richards Drive

House Bill 242
Sexual Assault by a Health Care Worker
Sponsor Statement
(version A)

A recent high-profile sexual assault case in Juneau exposed a serious loophole in Alaska's sexual assault laws.

Currently, sexual assault by a health care worker in the first and second degree is limited by a requirement that the offender know that the victim is unaware of the sexual contact during professional treatment of the victim.

Passage of HB 242 would remove this restriction, so that victims of sexual assault by a health care worker can be aware that the sexual assault is occurring at the time of the assault for those specific charges to be pursued.

I would be grateful for your support of HB 242.

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.

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House Bill 242

Sexual Assault by a Health Care Worker

Sectional Analysis

(version A)

- Sec. 1:** **AS 11.41.410(a)**, Amends the definition of sexual assault in the first degree by a health care worker to remove the stipulation that the offender must know that a victim is unaware that a sexual act is being committed. This change would mean that a victim can be aware or unaware of the sexual contact during the assault.
- Sec. 2:** **AS 11.41.420(a)**, Amends the definition of sexual assault in the second degree by a health care worker to remove the stipulation that the offender must know that a victim is unaware that a sexual act is being committed. This change means that a victim can be aware or unaware of the sexual contact during the assault.
- Sec. 3:** Sections one and two only apply to offenses committed on or after the effective date.

Fiscal Note

State of Alaska
2026 Legislative Session

Bill Version: HB 242
 Fiscal Note Number: _____
 () Publish Date: _____

Identifier: HB242-DOA-PDA-3-6-26
 Title: SEXUAL ASSAULT BY HEALTH CARE WORKER
 Sponsor: HANNAN
 Requester: (H) HSS

Department: Department of Administration
 Appropriation: Legal and Advocacy Services
 Allocation: Public Defender Agency
 OMB Component Number: 1631

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2027	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2027 Request	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032
OPERATING EXPENDITURES	FY 2027	FY 2027					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0						

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0						

Estimated SUPPLEMENTAL (FY2026) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2027) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed? N/A

Why this fiscal note differs from previous version/comments:

Not applicable, initial version.

Prepared By: Terrence Haas, Director	Phone: (907)334-4414
Division: Public Defender Agency	Date: 03/06/2026
Approved By: Stefanie Bingham, Administrative Services Director	Date: 03/06/26
Agency: Department of Administration	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2026 LEGISLATIVE SESSION

BILL NO. HB242

Analysis

HB242 removes the statutory requirement that victims be “unaware” of the sexual act for health care worker-related offenses. Under the revised law, any sexual penetration or contact by a health care worker during professional treatment constitutes first- or second-degree sexual assault.

The Public Defender Agency does not anticipate a fiscally significant increase in appointments as a result of these changes. Therefore the Agency submits a zero fiscal note.

Fiscal Note

State of Alaska
2026 Legislative Session

Bill Version: HB 242
 Fiscal Note Number: _____
 () Publish Date: _____

Identifier: HB242-LAW-CJL-03-06-27
 Title: SEXUAL ASSAULT BY HEALTH CARE WORKER
 Sponsor: HANNAN
 Requester: (H) Health & Social Services

Department: Department of Law
 Appropriation: Criminal Division
 Allocation: Criminal Justice Litigation
 OMB Component Number: 2202

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2027	Included in	Out-Year Cost Estimates					
	Appropriation Requested	Governor's FY2027 Request	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032
OPERATING EXPENDITURES	FY 2027	FY 2027	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0							

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

None								
Total	0.0							

Estimated SUPPLEMENTAL (FY2026) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2027) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed? N/A

Why this fiscal note differs from previous version/comments:

Not applicable, initial version.

Prepared By: Kathryn Fritz, Budget Analyst 3	Phone: (907)465-4049
Division: Division of Administrative Services	Date: 03/06/2026
Approved By: Amber LeBlanc, Administrative Services Director	Date: 03/06/26
Agency: Department of Law	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2026 LEGISLATIVE SESSION

BILL NO. HB 242

Analysis

The crimes of sexual assault in the first and second degree prohibit a health care worker from engaging in sexual penetration or contact with a person during the course of professional treatment if the person is unaware that a sexual act is being committed. This bill removes the requirement that the victim be unaware of the sexual act. The amendments made in the bill prohibit a health care worker from engaging in sexual penetration or contact with a person during the course of professional treatment. Notably, acts performed for the purpose of administering a recognized and lawful form of treatment that is reasonably adapted to promoting the physical or mental health of the person being treated are exempted from this statute and would not be considered sexual assault.

Eliminating the requirement that the victim be unaware that a sexual act is being committed may result in additional prosecutions for sexual assault in the first and second degree. However, at this time, the Criminal Division is unable to estimate how many additional cases may be referred and, therefore, submits a zero fiscal note. The Criminal Division will continue to monitor the impacts of this legislation to determine whether additional resources may be needed in the future.

Fiscal Note

State of Alaska
2026 Legislative Session

Bill Version: HB 242
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB242-DPS-AST-3-5-26
Title: SEXUAL ASSAULT BY HEALTH CARE WORKER
Sponsor: HANNAN
Requester: (H) Health & Social Services

Department: Department of Public Safety
Appropriation: Alaska State Troopers
Allocation: Alaska State Trooper Detachments
OMB Component Number: 2325

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2027	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2027 Request	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032
OPERATING EXPENDITURES	FY 2027	FY 2027					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0						

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0						

Estimated SUPPLEMENTAL (FY2026) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2027) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed? N/A

Why this fiscal note differs from previous version/comments:

Not applicable, initial version.

Prepared By: <u>Scott Bartlett, Captain</u>	Phone: <u>(907)269-5611</u>
Division: <u>Commissioner's Office</u>	Date: <u>03/05/2026</u>
Approved By: <u>Dianna Thornton, Administrative Services Director</u>	Date: <u>03/05/26</u>
Agency: <u>Department of Public Safety</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2026 LEGISLATIVE SESSION

BILL NO. HB 242

Analysis

This bill amends Alaska’s sexual assault statutes to clarify that a health care worker commits sexual assault when engaging in sexual penetration or sexual contact with a person during the course of professional treatment. The bill removes the requirement that the victim be unaware that a sexual act is occurring. The legislation applies to offenses committed on or after the effective date.

The bill clarifies existing statutory elements related to sexual assault by health care workers and does not create new criminal offenses or expand investigative authority. The Department of Public Safety will continue to investigate allegations under existing procedures and statutory authority.

The department does not anticipate an increase in workload, staffing, or operating costs as a result of this legislation.

There is no fiscal impact anticipated to the Department of Public Safety.

(<https://www.ktoo.org/>).

[Crime & Courts](https://www.ktoo.org/category/news/topics/public-safety/crime-courts/) | [Juneau](https://www.ktoo.org/category/news/alaska/juneau/) | [Sexual Abuse & Domestic Violence](https://www.ktoo.org/category/news/topics/health/sexual-abuse-domestic-violence/)

Dismissed charges in Fultz case show limitations of Alaska's sexual assault laws

October 3, 2025 by Yvonne Krumrey, KTOO (<https://www.ktoo.org/author/yvonne/>)



Judge Larry Woolford in the Dimond Courthouse in Juneau on August 14, 2025. (Photo by Yvonne Krumrey/KTOO)

It's been a month since the sexual assault trial against a former Juneau chiropractor [ended](https://www.ktoo.org/2025/09/04/jurors-say-former-juneau-chiropractor-is-not-guilty-on-two-counts-of-sexual-assault-other-counts-a-mistrial/) (<https://www.ktoo.org/2025/09/04/jurors-say-former-juneau-chiropractor-is-not-guilty-on-two-counts-of-sexual-assault-other-counts-a-mistrial/>) with two acquittals and 14 charges declared mistrials. Although Jeffery Fultz wasn't found guilty, those charges are still active and he could stand trial again.

But earlier this month, the judge in the case dismissed one of those remaining charges. And this dismissal reveals a gap in state laws that makes it harder for alleged victims of sexual assault to achieve justice.

More than a dozen former patients have accused Jeffrey Fultz of sexual assault under the guise of medical care while he worked as a chiropractor at Southeast Alaska Regional Health Consortium in Juneau.

Judge Larry Woolford recently ruled that one alleged victim's testimony doesn't match the legal definition of the sexual assault by a medical provider charge. The acquittal order says the charge is being dismissed because the woman accusing Fultz was aware that the contact she received was "sexual and that it was not part of legitimate medical treatment."

In other words, Judge Woolford dismissed the charge because the victim knew she was being assaulted. That's because a key part of the legal definition of sexual assault by a medical provider requires that the alleged victim isn't aware of sexual contact happening at the moment.

State Prosecutor Jessalyn Gillum says the statute was originally written in response to a crime where a medical provider was sexually assaulting women behind a sheet, so they could not see the act.

"Somebody who is receiving treatment and believing the behavior of the health care professional is consistent with that treatment, and then later finding out that that might not be the case," she said. "That is a sort of a different kind of scenario than what was perhaps initially intended."

So while that statute does apply to many of the women testifying against Fultz, some, like the one whose charge was dismissed after the trial, might fall through the gaps in the laws.

Jennifer Long is a former prosecutor and founded AEquitas, a nonprofit that advises prosecutors in sexual violence cases. She said that stipulation in the law doesn't make sense.

"To put that element in, that a victim is unaware that something is inappropriate, doesn't really align with the dynamics of this kind of crime," she said.

She said that just because patients may realize that they are being assaulted doesn't mean they are able to speak up or to leave an appointment immediately, especially when they are desperate for medical care.

"You know what's happened to you is wrong, and you have felt that it's wrong, you may have still blamed yourself, or again, try to give the benefit of the doubt," Long said.

And Long said the power dynamic between a doctor and patient can be used to get patients to accept abuse or dismiss it.

"This is just one other area where someone in a position of power is using a weapon, and it's their power," she said. "It's no different than a gun. It's no different than another threat. It's just another way to get someone to comply."

Let's take a step back.

When the state first arrested Fultz in 2021 and charged him with assault, prosecutors were limited in what they could charge him with.

At the time the alleged crimes were committed, the [statute \(https://alaskabeacon.com/2022/05/20/legislature-modernizes-40-year-old-definition-of-consent-in-sexual-assault-cases/\)](https://alaskabeacon.com/2022/05/20/legislature-modernizes-40-year-old-definition-of-consent-in-sexual-assault-cases/) for sexual assault in Alaska required prosecutors to prove that the crime was committed under force, or threat of force. Almost all the alleged victims in Fultz's trial said force was not involved.

The general sexual assault law [changed \(https://www.staralaska.com/hb325\)](https://www.staralaska.com/hb325) in 2023, and the threat or use of force is no longer needed to prove assault. The new definition requires that a person did not freely give consent. But because that definition wasn't law at the time of the alleged incidents, Fultz can't be charged under it.

The law change came amid a broader reckoning with sexual violence laws in Alaska. In 2018, an Anchorage judge faced public backlash, and was [voted out \(https://www.adn.com/alaska-news/2018/11/06/anchorage-judge-targeted-for-role-in-controversial-plea-agreement-trailing/\)](https://www.adn.com/alaska-news/2018/11/06/anchorage-judge-targeted-for-role-in-controversial-plea-agreement-trailing/), for accepting a plea agreement in a sexual violence case that he said reflected the state

laws at the time.

So prosecutors in the case against Fultz had to choose between two limiting definitions of assault: one where there was a threat of force or one that specifies the defendant is a medical provider, and that the victim was unaware they were being sexually assaulted. They chose the second option.

Fultz's former defense did not respond to a request for comment on this acquittal, and a spokesperson from the Dept. of Law said over email that judges do not comment as a rule, "in order to maintain the integrity of their decisions."

Three charges of the original 16 have now been dismissed.

The state plans to retry the 13 remaining charges. A status hearing to decide what will happen next in the case is scheduled for Oct. 15.

[<https://www.ktoo.org/donate>]