



Crisis Intervention Advocacy Education Prevention

2019 POLICY PRIORITIES

- MISSION:** The mission of STAR is to provide the best quality of crisis intervention, prevention, education and advocacy services to victims of sexual trauma, their families and our community.
- STAR'S HISTORY:** STAR is currently celebrating forty years of service provision in Anchorage. STAR provides 24/7/365 Advocacy and operates the statewide sexual assault crisis line.
- STAR BY THE NUMBERS:** STAR served over 1,273 Alaskans in FY2018, a 20% increase over direct services provided in FY17. In 2018, STAR provided 659 sexual assault survivors one-on-one consultation; responded to 301 SART (Sexual Assault Response Team) call-outs, and participated in 193 CARES responses.

2019 POLICY PRIORITIES:

- (1) Rename "Sexual Assault in the Second Degree" to "Sexual Contact with or Penetration of an Incapacitated Person" to better prosecute sexual assaults involving incapacitated persons.** Revise the name of the offense to reflect the prohibited conduct. Revise the elements of the crime to ensure a perpetrator may be found guilty of the offense if they know or reasonably should know the victim is incapacitated or unaware and unable to consent to sexual penetration or sexual contact under the circumstances.
- (2) Revisit the definition of "without consent" in AS 11.41.410, Sexual Assault in the First Degree, to require more overt expressions of consent.** Alaska law defines "without consent" as a person who "is coerced by the use of force against a person or property, or by the express or implied threat of death, imminent physical injury, or kidnapping to be inflicted on anyone; or that a person is incapacitated as a result of the act of the defendant." AS 11.41.470(8). Revising this statute to require a more overt expression of consent is consistent with other jurisdictions.

Montana's definition of consent (45-5-501(1)(a)) could be a model. The term "consent" under Montana law means "words or overt actions indicating a freely given agreement to have sexual intercourse or sexual contact and is further defined but not limited by the following: (i) an expression of lack of consent through words or conduct means there is no consent or that consent has been withdrawn; (ii) a current or previous dating or social or sexual relationship by itself or the manner of dress of the

person involved with the accused in the conduct at issue does not constitute consent; and (iii) lack of consent may be inferred based on all of the surrounding circumstances and must be considered in determining whether a person gave consent.”

- (3) Hire a new criminologist position within the Department of Law, to report to the Criminal Division Central Office.** Of the approximately 1,300-1,500 felony level sex offense incidents reported annually in the statewide Uniform Crime Report, only a small percentage are prosecuted. This position will (a) ensure that all reported felony level sex offenses statewide are referred to the Department of Law, (b) review felony level sex offenses that are not referred for prosecution (c) develop guidelines for law enforcement agencies and prosecutors for reviewing reported felony level sex offense incidents; and (d) train local police departments and the Alaska State Troopers on the new guidelines.

STAR’S POSITION ON 2019 INTRODUCED LEGISLATION:

- **SB 12 “JUSTIN SCHNEIDER LOOPHOLE ACT”**
 - STAR supports this bill and recommends an amendment to ensure masturbation in front of an unwilling partner qualifies as sexual assault in the third degree, regardless of whether the defendant ejaculates.
- **SB 20 OPERATING BUDGET:**
 - STAR acknowledges the Administration’s commitment to public safety and victims of sexual violence that is demonstrated in SB 20. STAR is optimistic the Legislature will demonstrate a similar commitment to funding the public safety agencies responsible for protecting victims of sexual violence.
- **SB 33 (INTRODUCED BY SENATE RULES AT REQUEST OF GOVERNOR DUNLEAVY; REFERRED TO SENATE JUDICIARY, THEN SENATE FINANCE):**
 - STAR supports passage of this legislation.
- **SB 34 (INTRODUCED BY SENATE RULES AT REQUEST OF GOVERNOR DUNLEAVY; REFERRED TO SENATE STATE AFFAIRS, THEN TO SENATE JUDICIARY, THEN SENATE FINANCE).**
 - STAR supports passage of this legislation.
- **SB 35 (INTRODUCED BY SENATE RULES AT REQUEST OF GOVERNOR DUNLEAVY; REFERRED TO SENATE JUDICIARY, THEN SENATE FINANCE).**
 - STAR supports passage of this legislation.