

February 16, 2021

RE: HB5 Letter of Support

Honorable Representative Kreiss-Tomkins and State Affairs Committee Members:

It is a privilege to write a letter in support of this bill. STAR has worked with the sponsor and her staff for the last several years, amplifying the lived experiences of sexual assault survivors to help inform policies and legislation, and thus, making Alaska a safer state for all.

STAR strongly supports this legislation. Many of the statutory changes proposed in the bill will have no impact on the state budget. The section of the bill related to sexual assault kit testing will require adding positions; however, these positions will not be limited to only sexual assault kit testing. STAR believes the commitment to additional crime lab positions will have broad benefits and assist in processing all violent crime forensic testing more efficiently and promptly.

STAR's board of directors identified updating the definition of consent as a crucial need in its policy priorities in 2018. Since that time, the sponsor and her staff have worked diligently to learn about Alaska sex crime laws, research consent language in other states, and held multiple statewide public meetings to hear from stakeholders. Those opportunities for public input greatly helped to inform House Bill 5.

STAR would like to thank the Legislature for addressing some of the gaps in the current statutes. Alaska's age of consent leaves many minor victims aged sixteen and seventeen vulnerable to predatory older adults. There are countless cases to which STAR can refer, where this bill would have profound effect and help to prevent future crimes. One of these cases involves a former legislative aide from Bethel, Ben Anderson-Agimuk, 28, who is currently in custody for the alleged Sexual Assault of a Minor involving an eleven year old victim. Just two weeks prior to that alleged crime, it was reported to law enforcement he committed similar acts to a sixteen year old girl. Presumably, *solely because of the victim's age*, the crime has not yet been charged and she may never have anything resembling justice for what he did to her. (<https://www.adn.com/alaska-news/crime-courts/2020/04/10/former-bethel-legislative-aide-charged-with-raping-girl-after-giving-her-alcohol/#:~:text=A%20Bethel%20man%20has%20been,of%20a%20victim%20under%2013.>)

Similarly, Alaska's definition of consent has always put an unreasonably high burden of proof on the Prosecution in a state with the highest rate of sexual violence in the nation. This was highlighted as a concern by John Earthman, a Prosecutor in Nome in a recent news article. He was quoted as saying, "What's difficult, though, is when you're dealing with a criminal statute of sexual assault, without consent has a very specific definition.... consent means with or without resisting, basically, the victim was forced, or that this happened because they were threatened."

According to [state statute](#) (AS 11. 41. 410), the burden of proof is on Earthman to show the offender used force, implied or otherwise, to have sex with the victim and that the accused was mentally aware they didn't have consent from the victim.

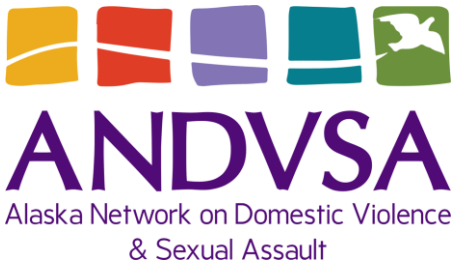
The result: more than 90% of all felony level sex offenses in Alaska (2015) were not convicted of a sex offense! (Per the Alaska Criminal Justice Commission's report) Meaning roughly only 9% of all felony sex offense suspects were held accountable for their actions and the damage they caused (<https://www.knom.org/wp/blog/2021/01/20/seeking-protection-wanting-justice-part-1/>.)

STAR appreciates your thoughtful consideration and urges your support for HB 5. The State of Alaska needs to make substantive changes to protect sixteen and seventeen year old victims and to amend the definition of consent. These important changes will assist victims in achieving justice and hopefully, drive these unacceptable statistics in a better direction.

Sincerely,



Keeley Olson
Executive Director



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February 22, 2021

Dear Legislators-

The Alaska Network on Domestic Violence & Sexual Assault (ANDVSA) offers its enthusiastic and unqualified support for HB 5 *Sexual Assault/Definition of Consent*. ANDVSA, incorporated in 1980, is the federally recognized state DV/SA coalition. We are a membership-based organization and are governed by 23 community-based DV/SA agencies. We work with membership and other stakeholders to ensure that victims' rights are upheld, that victims have access to life-saving resources and services, and that community-based organizations have the support and resources to prevent sexual and domestic violence in their own communities.

In collaboration with other stakeholders, we have worked with Representative Tarr for over the past two years on different legislation to support victims of sexual assault. HB 5 is the most current bill being introduced. Specifically:

- The language in this bill is thoughtful, informed by a range of stakeholders, and is timely as the definition of consent has not been substantially revised in many years. Specifically, the bill redefines consent as “freely given, reversible agreement specific to the conduct at issue by a competent person”. This victim-centered language shifts the burden of proof away from the victim.
- Section 2 of HB 5 includes changes to the SAM (sexual abuse of a minor) laws in two major ways. First, it adds a section to make sexual penetration and/or contact with a 16 and/or 17-year-old if the minor is at least 10 years younger than the offender a criminal offense; currently it is not considered a criminal offense unless the offender is related or in a position of authority. Second, it makes having sex with a 13–15-year-old, if the minor is at least 10 years younger than the offender, an unclassified felony (SAM 1) versus a B felony (SAM 2) as it is now.
- HB 5 requires that the laboratory to which a sexual assault examination kit is sent conducts a serological or DNA test on that kit within six months after submitted to the laboratory. Under current statute, the kits must be tested within one year. Changing this timeframe to six months means that victims will be informed about their kits in more timely manner. In

Member Programs

Anchorage AWAIC, STAR | Bethel TWC | Cordova CFRC | Craig HOPE | Dillingham SAFE | Fairbanks IAC
Haines Becky's Place | Homer SPHH | Juneau AWARE | Kenai LeeShore Center | Ketchikan WISH
Kodiak KWRCC | Kotzebue MFCC | Nome BSWG | Petersburg WAVE | Seward SeaView Community Services
Sitka SAFV | Unalaska USAFV | Utqiagvik AWIC | Valdez AVV



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& Sexual Assault

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addition, tested kits can aid law enforcement in investigating and solving unsolved rape and other violent offences.

In sum, HB5 is a bill that addresses pressing issues in practical ways: refining the definition of consent to reduce burden of proof on victims; recognizing the far-reaching impacts of sexual assault, it expands protection to youth victims; and ensuring that victims receive notification regarding their sexual assault forensic kit results within six months.

ANDVSA urges you to consider and pass HB 5 and affirm survivors of all ages, bolstering the foundation for healthier relationships here in Alaska.

Carmen Lowry
Carmen Lowry, PhD
Executive Director

Member Programs

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March 2, 2021

Representative Geran Tarr
State Capitol Room 126
Juneau, Alaska 99801

Dear Representative Tarr:

The National Association of Social Workers (NASW) – Alaska Chapter enthusiastically endorses the passage of HB 5, short-titled “SEXUAL ASSAULT; DEF. OF “CONSENT””. This bill supports timely testing sexual assault examination kits, enhances our definitions of consent, and more comprehensively clarifies the age of consent surrounding sexual activity.

The NASW-AK Chapter understands the need for more comprehensive legislation surrounding sexual assault. This has been outlined as a priority for numerous years by our membership via our legislative advocacy survey. The NASW has prioritized sexual assault reform nationally. As reported by the CDC, the survivors of sexual violence encounter significant problems that are both long and short term. The physical effects and mental health issues that are associated with sexual violence may include: pregnancy, sexually transmitted diseases, chronic pain, Post Traumatic Stress Disorder, and depression. It is common that victims of sexual assault may experience social isolation as well as strained relationships with family and friends. Legislation that provides added protections and definitions surrounding consent will assist in helping survivors feel heard and validated.

The NASW-AK Chapter Board of Directors supports the passage of HB 5.

Most Respectfully,



Nina Corbett, MSW, LCSW-NC
National Association of Social Workers – Alaska Chapter President



4048 Laurel St. #203, Anchorage, AK 99508 / Phone: 907-563-3723 / Fax: 907-563-3739 / Web: www.asaa.org

Alaska State Legislature

March 23, 2021

I would like to share my support of Alaska's Consent Bill – House Bill 5.

One of my roles at the Alaska School Activities Association (ASAA) is the Coaching Boys Into Men State Program Coordinator. Coaching Boys Into Men (CBIM) is an evidence based, comprehensive violence prevention program designed to inspire coaches to teach their athletes about the importance of respect for themselves, others, and, particularly, for women and girls. The program comes with strategies, scenarios, and resources needed to talk to boys, specifically, about healthy and respectful relationships, dating violence, sexual assault, and harassment.

The program recognizes that sports have a tremendous influence in our culture and in the lives of young people. The principles of teamwork and fair play that are central to athletics make sports an ideal platform to teach healthy relationship skills. CBIM builds strong teams and fosters healthy relationships among athletes and their peers while:

- Building trust and setting expectations for acceptable behavior
- Defining abusive behaviors and teaching healthy relationship skills
- Leveraging coaches' influence as role models to their athletes

The curriculum is designed to be taught over a 12-week sport season where weekly mini training lessons are presented by the coach to the athletes. Weekly discussion topics include:

1. Pre-Season Speech
2. Personal Responsibility
3. Insulting Language
4. Disrespectful Behavior Towards Women & Girls
5. Digital Disrespect
6. Understanding Consent
7. Bragging About Sexual Reputation
8. When Aggression Crosses the Line
9. There's No Excuse for Relationship Abuse
10. Communicating Boundaries
11. Modeling Respect and Promoting Equality
12. Signing the CBIM Pledge

Many of the topics incorporated in the CBIM program and House Bill 5 mutually validate the need for a preventative educational component and accountability for perpetrators. House Bill 5's clarification and affirmative definition of consent will certainly strengthen the scholastic elements of CBIM.

I look forward to the opportunity to employ House Bill 5 in coordination with the statewide implementation of Coaching Boys Into Men to further educate our youth with the objective of eradicating violence towards women.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "B. Hosken", written over a white background.

Brian D. Hosken

Alaska School Activities Association – Student Services Director
Coaching Boys Into Men – State Coordinator
Brian@asaa.org

Dear Honorable Legislators,

February 24, 2021

Thank you for the opportunity to share my absolute support for HB5. My name is Lisa Ellanna, and I am an advocate from Nome. You may have heard about the difficult times we are having up in Nome. We are a community who is coming to a reckoning around the criminal justice system's response or lack of response to victims of one of the most intensely traumatic events anyone can ever go through.

Rape and sexual assault is something that changes your life forever. Physical and emotional responses to this kind of trauma impact all areas of life. You may lose your job because of PTSD. You may lose your home because of an inability to return to work. Some turn to self-medication to numb out the pain, and suicidal ideation among survivors runs high. These effects are typically long lasting.

As if the event wasn't traumatic enough, most survivors I know have to see their perpetrators walking free, because our laws are severely outdated. As a result, victims have the trauma of the crime itself they have to deal with, then they have to deal with the betrayal of the systems that are supposed to protect them and hold perpetrators accountable.

Did you know that right now, your loved one can be asleep or unconscious and be raped, and still, our law says that your loved one's consent was implied or inferred? That's how our law is currently written. That is wrong and we need to change that now.

Every single part of HB5 is important. Every single part of this bill was created in partnership with communities all over Alaska, and it was a long process, taking over 2 years. Representative Tarr has brought forth our voices through this bill. Please hear us.

It is high time that our laws on sexual assault were updated. The people of this State are watching this very closely. The decision you make here will be heard all over Alaska. Do the right thing and pass this bill.

Quyaana



Lisa Ellanna

[REDACTED]
Nome, AK 99762
[REDACTED]

March 11, 2021

Esteemed Legislators,

My name is Hailey Thompson. I am a Lieutenant in the Coast Guard, a Federal Law Enforcement Officer, and a long-term resident of the state. I am writing to urgently share my support for amendments to HB-5. Alaska currently has the highest rate of sexual violence in the United States, and by enacting clear legislation that better articulates consent and procedural requirements for law enforcement prosecution of cases, we are taking a critical step in reducing the rate of sexual assault and harassment experienced by our fellow Alaskans.

My decade of military service has been fraught with near-assaults (personally, and of friends), harassment (personally, and of friends), intervening in the suicide attempts of friends who had been assaulted, and consolation and support of survivors of sexual assault. These truly traumatic experiences have taught me, in the hardest way possible, that I often must be my own protector and defender, because cultural norms/policy/law/military code are often not adequate at meeting the needs of victims of sexual crimes, especially not with the urgency that support and intervention is needed. Unfortunately, the culture of sexual violence and aggression (especially towards women), is just as prevalent here in Alaska as it is within the military ranks. If the proposed amendments to HB-05 pass, we empower ourselves to rein in the plague of sexual violence that has become so predominant in our state.

I believe that no one, in good conscience, could fail to support this policy change as victims, often women, continue to be harassed, hyper-sexualized, gaslit, and abused by perpetrators who continue to evade prosecution. $\frac{1}{3}$ of the women in our state experience sexual violence in their lifetime (a number based only on reported cases). That is an absolutely shameful statistic, and we can **and must** do better to protect women. Furthermore, the protections for Alaska's minors outlined in HB-5 strike me as absolutely critical, and derived from common sense. Amendments to HB-5 will serve to protect all Alaskan children from future acts of sexual violence, and will likely serve to save the lives of young people who are destroyed by the trauma of being assaulted at a young age.

As a Federal Law Enforcement Officer, I am only too aware of how critical timely prosecution of a case is. The HB-5 amendments will require law enforcement agencies to process rape kits within six months of collection. I have stood beside my friends as we have awaited the results of sexual assault investigations and non-judicial punishment cases, and six months is still an excruciatingly long time to endure the uncertainty and fear of an outcome for a victim - but this timeframe is the absolute least we must work to meet for survivors of assault.

I urge legislators to pass HB-5 without delay, and help us to immediately reduce sexual assault and domestic violence here in Alaska.

Very Respectfully,

Lieutenant Hailey O'Connell Thompson
United States Coast Guard, Federal Law Enforcement Officer
Anchorage, Alaska

Reverend Matthew Schultz
First Presbyterian Church
Anchorage, AK

March 23, 2021

To whom it may concern:

I am writing to express my support for House Bill 5. We all know that Alaska's statistics for sexual violence are terrible; this is an important step forward in prevention and accountability. As a parent, I have high hopes that this will protect my children. As a Pastor, I have high hopes that this will protect members of my church, and perhaps even provide some sense of justice to the many members of my church who have shared with me their own experience of being victims of sexual violence.

Please pass this important bill, to protect and care for all Alaskans.

Thank you,
Reverend Matthew Schultz

The Honorable Geran Tarr
Alaska State Legislature
House District 19
State Capitol, Room 126
Juneau, AK 99801

Via email: Rep.Geran.Tarr@akleg.gov
Alexander.Kelly@akleg.gov
michellehale907@gmail.com

Re: HB05 - relating to consent

Dear Representative Tarr:

I am writing to express my support to an amendment in HB05 pertaining to *the age of consent*. I understand that this provision will add protections for Alaska's minors in that legal consequences will be imposed on those adults who are at least ten years older who take part in sexual contact, or sexual intercourse with a minor.

Our state laws have taken care to define what a minor is. Additionally, the laws have outlined what a minor has the legal right to do based upon widely accepted perceptions of their maturity levels and their ability to responsibly carry out these rights.

The state finds that those under the age of eighteen may not:

- manage their own money
- sign their own school permission slips
- get a tattoo or piercing
- serve on a jury
- vote
- sign contracts
- get married
- seek non-emergency medical attention

The state also finds that the following may not be done under the age of twenty-one:

- carry a handgun
- purchase or use alcohol
- purchase or use marijuana

I ask that the state also show the care and concern to protect these minors from unhealthy relationships with people that have the very rights that are denied to them because the state defines them as children.

Entering into a sexual relationship with someone carries just as much responsibility and life-changing outcomes as anything on the above list that has been found disallowable to minors in this state.

The current state law indicates a sixteen year old may give consent to have a sexual relationship with any person sixteen years of age or older. This allows the door to be pried open for custodial interference, exploitation, dating violence, underage drug/alcohol abuse or teen pregnancy. The law leaves parents, guardians and other caring adults unable to take the necessary steps to protect a young person from what can be their biggest threat...an adult (predator) with bad intentions. These predators most often give minors access to the very items that the state prohibits them from obtaining on their own.

I respectfully request that the Alaska State Legislature exercise a vote of continued commitment and caring towards Alaska's young people and pass HB05 with the amendments proposed by the bill's sponsor Representative Geran Tarr.

I thank you for your time and consideration.

Tana M. Bell
Juneau, AK

February 23, 2021

Dear Legislators,

My name is Michael Patterson. I am an Anchorage resident, Iraq War Veteran, and I am writing this letter in support of House Bill 5 (HB 5). Alaska has the highest rate of sexual violence in the country and I believe that HB 5 is an effective and powerful tool to combat this trend. I know far too many people who are survivors of sexual assault from family members, friends, and fellow veterans, it is an unacceptable situation.

As a father, I am constantly teaching my sons what consent is and to respect other people's boundaries. As a parent it is my responsibility to raise my children into decent adults, it is the Alaska Legislature's responsibility to pass HB 5.

Modernizing the definition of consent is well overdue and given the unprecedented economic and social crisis that Alaska is facing, it is even more pressing that the legislature pass HB 5. The current definition of consent is antiquated and, in my opinion, compounds the violence a survivor has already experienced. The current definition of consent in AS § 11.41.470 and its lack of thoroughness, is, an act of statutory violence. HB 5 addresses these oversights and brings Alaska into the 21st century.

HB 5 also requires that rape kits be tested within 6 months of a laboratory receiving them. I cannot imagine the anguish a sexual assault survivor must go through knowing that their attacker walks free because the State of Alaska has not conducted a test. That is unacceptable.

I believe that HB 5 is fundamentally a public safety and criminal justice bill. The combination of an antiquated definition of consent and the unacceptable circumstance of untested rape kits puts communities in danger and denies justice to survivors. It is time to address these issues and HB 5 does that.

I urge legislators to expeditiously to pass HB 5. Sexual assault is everyone's problem and when fellow Alaskans are denied justice it undermines the integrity and safety of all Alaskans.

Thank you,

Michael Patterson

3 March, 2021

In regards to House Bill 05, redefining consent and protecting Alaskans from sexual assault and domestic violence:

Dear esteemed Alaska representatives,

I am writing to offer my urgent support for HB05.

As an undergraduate, I worked as a Peer Health Educator for my university's Student Health and Wellness Program which was embedded in the Counseling and Suicide Prevention services. My responsibilities included educating my peers about consent, which can be really awkward, but I took great pride in explaining what consent is, when it can and cannot be given, ways to give and ask your partner for consent without "killing the mood," and the importance of listening to and respecting your partner when consent is taken back or not given.

I wish I could say my responsibilities were all education outreach oriented, but the reality was that I had to teach consent to my peers because sexual assault and dating violence was the most under reported crime on campus and yet affected 1 in 3 women according to an anonymous poll of approximately 200 participants.

I recall sitting in the lobby of the counseling offices holding the hand of an inconsolable student who had been raped by someone who was in her friend group and who she shared classes with. She was afraid no one would believe her experience and could not face her rapist in class and had become suicidal over the course of a few weeks. A teacher who noticed she stopped attending class reached out to her and learned what had happened and escorted her to our offices. She became a regular in our offices and I watched her regain her confidence as administrative steps were completed to suspend her rapist from school and hold him accountable for his actions. Sometimes I wonder what would have happened if she was not brought to counseling services, and if I had not been there to sit with her and validate her experience until she could be seen by a counselor. Due to a pervasive shame culture and flawed justice system, many survivors of sexual assault and domestic violence do not tell their story or receive justice, and some victims do not live to become a survivor.

Alaska ranks as the deadliest state for women, with the highest rates of sexual assault than any other state in the union and consistently ranked in the top two states of women killed by men. 59% of adult women in Alaska have experienced intimate partner violence, sexual violence or both.

Furthermore, the Alaska State Department of Health and Social Services estimates that 37% of children in Alaska are a victim of abuse by the time they are nine years old and more than 9% of Alaska high school students have experienced sexual violence. In the

last year alone, hospitalizations of children with severe injuries due to suspected abuse increased by 173% during the pandemic at Providence Medical Center in Anchorage.

Women and children are being sexually assaulted, raped and beaten right now while you, esteemed representatives, decide if they should receive better protections.

I believe that HB05 will help make Alaska a safer and more just place to live by redefining the state's definition of consent to be a "freely given, **reversible** agreement specific to the conduct at issue by a competent person," as well as by requiring rape kits be tested within 6 months of collection. Additionally, this bill will better protect youth from predatory behavior by establishing that sex between an adult and a minor of ages 13 to 17, who is at least 10 years younger than the adult, is a crime of sexual abuse of a minor.

These measures must be implemented as soon as possible so that survivors of sexual assault and domestic violence of all ages see justice quicker, and offenders are held at higher accountability. Failure to implement HB05 will be a failure to protect those who have survived and are currently experiencing sexual assault and domestic violence. Failure to implement HB05 is a failure to protect me, my female colleagues, my female friends, and all women and children in Alaska from acts of violence.

Our suffering and opportunity for justice is in your hands. I beg that you pass HB05.

Sincerely,

Rose Sierra Hart, 26
Environmental Scientist
Anchorage, AK

March 9, 2021

Dear Legislators,

My name is Kipp Wilkinson. I am a solar project manager for Alaska Solar, and I am writing to express my support to amendments in HB05. Alaska has the highest rate of sexual violence in the United States and I believe the amendments in this bill will help will allow for a safer environment for all Alaskans.

As a white male, I have quickly been understanding more and more about the privilege I have been born into. Unfortunately, I expect the majority of men do not attempt to understand how their decisions, behaviors and attitudes can so easily obstruct the truths and experiences of women. I find it hard to accept that we are still debating these policies as countless women are continually harassed, sexualized, and abused by men who continue to evade prosecution or any accountability.

Though I have no first-hand experience with incidences of sexual assault or domestic violence, I have heard countless accounts from my partner, female friends, coworkers, and classmates about the micro-aggressions and harassment they face day to day by the men they work with or even encounter in brief passing. I understand that HB05 will add protections for Alaska's women and minors and aims to protect them from future acts of violence. It would be damning for me to sit idly by when I have an opportunity to use my voice and be an ally for the women and children in my community who are silenced by violence.

According to KNOM radio mission, only 9% of reported felony-level sex offenders resulted in conviction. Such a low rate of conviction is shameful considering that a third of Alaskan women experienced sexual violence in their lifetime. I believe that by implementing HB05 these statistics will positively change in favor of protecting survivors of sexual assault and domestic violence and holding offenders accountable.

Additionally, HB05 will require law enforcement agencies to process new sexual assault examination kits within six months of collection. At a minimum, this mandate should be implemented immediately. The current uncertainty of when a rape kit will be tested undermines survivors' experience and allows for their predators to continue to live their lives without accountability.

If this bill is not implemented, not only will past victims receive no justice for the crimes committed against them, but it will allow predators to continue to assault without fear of culpability. I believe that HB05 will allow all Alaskans to feel safer knowing survivors are able to see justice and offenders held accountable.

I urge legislators to immediately pass HB05 and fight for the better protection of survivors of sexual assault and domestic violence here in Alaska.

Thank you,

Kipp Harold Wilkinson
Solar Project Manager
Anchorage AK

February 25, 2021

Rep. Geran Tarr
State Capitol Room 126
Juneau AK, 99801

Sent by e-mail

Re: Support for HB 5

To Rep. Geran Tarr and the Alaska State Legislature,

I am writing to you today in order to voice my enthusiastic support for HB 5, An Act relating to sexual abuse of a minor; relating to sexual assault; relating to the code of military justice; relating to consent; relating to the testing of sexual assault examination kits; and providing for an effective date.

As you are aware, our state has the shameful distinction of having the highest sexual assault rate in the country, a rate nearly 4 times higher than the national average. These assaults also disproportionately impact our BIPOC community, with 44% of survivors identifying as Alaska Native women.

However, these assaults are not necessarily relegated to any particular class, political ideology, race, or location. We have seen a series of resignations from the Dunleavy administration for statutory rape of a minor and excessive sexual harassment from two different Attorneys General. We have also seen resignations/arrests of Democrats in recent years, namely Rep. Zach Fansler, his aide Benjamin Anderson-Agimuk, and Rep. Dean Westlake, all of whom have committed terrible acts of sexual violence while in office. It is worth mentioning that for many of the men listed above, their sexual crimes were against children, although several of them used the vague language surrounding the age of consent to justify their actions.

Additionally, through my previous roles in non-profit advocacy, I have heard many accounts of law enforcement complicity. The ways that the current paradigm of law enforcement work to uphold this culture of sexual violence are multitudinous: sometimes officers themselves are the perpetrators, but oftentimes this looks like gaslighting from officers called to a household for DV/SA issues, or a complete lack of prioritization for processing rape kits. When our law enforcement officials do not understand the severity of sexual violence and do not work to seek justice for our survivors, it has a chilling effect for individuals seeking to report their abusers in the future. If our legal system won't take the initiative to seek justice on its own, that responsibility falls upon the legislature, which can hold these people's feet to the fire.

Such a widespread issue of sexual abuse/assault cannot be attributed to isolated incidents of individual misconduct, but rather are manifestations of a systemic issue. We have a law enforcement system (and even elected officials at the highest levels of our government) which has historically violated, ignored, and even denigrated survivors of sexual assault. HB 5 is a critical step towards acknowledging this deeply ingrained culture of sexual violence in our state, and is an important indication that Alaska is finally ready to enter a new era of justice for our survivors.

I wholeheartedly support all of the components of this bill, as it takes significant steps towards clarifying our laws around the definition of consent. Additionally, if enacted, would either prevent aforementioned crimes (or at least provide meaningful legal recourse for the survivors of crimes committed by powerful men in our state). HB 5's affirmation that consent can be rescinded by either party in a relationship would prevent individuals like Rep. Fansler from using the vagueness of "consent" as a convenient way to

escape accountability. HB 5's stipulation that regardless of the "age of consent," sex between a minor and an adult at least 10 years older should be illegal, would prevent individuals like AG Sniffen from using the age of consent as a defense for their statutory rapes. The time limit placed on law enforcement would actually force our police to process years of rape kits that are sitting in backlogs around the state, and finally vindicate the efforts of community activists who have been pushing for justice and have been stonewalled. I also fully support the language clarifying that even if both parties in a relationship are adults, consent cannot be given if one of the individuals has misrepresented their identity. Consent must be informed, reversible, and can only be given by adults.

In conclusion, I believe that this is a critical piece of legislation that cuts to the core of many of the issues surrounding sexual violence and is a key first step towards providing justice for survivors who have been ignored for generations. I commend you, Representative Tarr, for listening to our community advocates and for incorporating their concerns into this bill. I urge all members of the Alaska State Legislature to support this bill so that we can create a safer Alaska for future generations.

Sincerely,

David Song

Dear Legislators,

We have to do better as a state in working to eliminate the prevalence of sexual assault in our communities and in persecuting and punishing sexual abusers and rapists. In order to accomplish this necessity, the legislature must pass House Bill 5 which will, among other things, update the definition of consent and expedite the process of examining rape kits, in turn allowing victims of sexual assault who otherwise would be silenced to seek justice.

1 in 3 women in Alaska have experienced sexual assault in their lifetime and almost everyone knows somebody who is a victim of sexual violence. Alaska continues, year after year, to lead the nation in sexual assault and as a state, we are failing to effectively combat this problem. In 2020, the state had 811 untested sexual assault examination kits, and even upon examination these kits rarely lead to a conviction. Of these untested sexual assault examination kits, there are individuals who are targeted by someone they know or are close to - a friend, a partner, a relative, a parent, and even respected community leaders and government officials are found to be guilty of sexual violence and harrasment. Despite this, many people who have experienced sexual assault do not come forward and often, it is the fear that they will not be taken seriously or that their abuser will not face any consequences that prevents them from doing so. House Bill 5 will help to remedy these issues by broadening the definition of consent and requiring sexual assault examination kits to be tested in a timely manner, thereby encouraging more victims to come forward and have their cases taken seriously, with the abusers prosecuted to the fullest extent of the law. That lack of consent cannot already be determined based on a person being incapacitated, or according to surrounding circumstances, including lack of resistance or cessation of resistance, and that "consent" itself, in the legal meaning of the word is not already considered reversible is ridiculous and is allowing cases of sexual assault to go unpunished. That sexual assault examination kits are not already required to be examined by a serological or DNA test within six months (as HB5 would mandate) is ridiculous and is allowing cases of sexual assault to go unpunished, as proven by the hundreds of untested sexual assault examination kits that the state possesses. Sexual assault can happen to anybody, regardless of relationship status and regardless of the reputation of the abuser in question. House Bill 5 will mandate that rapists are persecuted and will help to ensure that victims of sexual assault do not fear coming forward. It will ensure that victims can be certain their case will be handled expeditiously and with a broader definition of consent that will no longer inhibit them from receiving justice. House Bill 5 will hold rapists accountable for their heinous crimes - something the state has failed to effectively accomplish until this point. It must be passed.

Signed,
Austin Reynolds

15 March, 2021

Re: House Bill 05, *Sexual Assault/Definition of Consent*:

Dear esteemed representatives,

I am writing to urge support for House Bill 05, Alaska's Sexual Assault/Definition of Consent bill.

Alaska ranks as the deadliest state for women, with the highest rates of sexual assault in the country and consistently ranked in the top two states of women killed by men. 59% of adult women in Alaska have experienced intimate partner violence, sexual violence or both.

Furthermore, the Alaska State Department of Health and Social Services estimates that 37% of children in Alaska are a victim of abuse by the time they are nine years old and more than 9% of Alaska high school students have experienced sexual violence. In the last year alone, hospitalizations of children with severe injuries due to suspected abuse increased by 173% during the pandemic at Providence Medical Center in Anchorage.

Collectively, must do more to curb this horrible trend, and you, esteemed representatives, hold the power to provide better protections to our most vulnerable Alaskans.

HB05 will help make Alaska a safer and more just place to live by redefining the state's definition of consent to a "freely given, reversible agreement specific to the conduct at issue by a competent person," as well as by requiring rape kits be tested within 6 months of collection. Additionally, this bill will better protect youth from predatory behavior by establishing that sex between an adult and a minor of ages 13 to 15, who is at least 10 years younger than the adult, as a crime of sexual abuse of a minor.

HB5 is a bill that addresses pressing issues in practical ways: refining the definition of consent to reduce burden of proof on victims; recognizing the far-reaching impacts of sexual assault, expanding protection to youth victims; and ensuring that victims receive notification regarding their sexual assault forensic kit results within six months.

Please consider and pass this important bill.

Sincerely,

Carrington Christie
Anchorage, AK



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March 17, 2021

Representative Geran Tarr
Room 126, State Capitol
Juneau, AK 99801-1182

Honorable Representative Tarr,

The Joyful Heart Foundation strongly supports [House Bill 5](#), which would ensure the swift testing of rape kits, take dangerous offenders off the street, and bring justice to survivors. Among 19 states that codified lab testing timelines for sexual assault kits, the current one-year testing mandate in Alaska is the longest. Average lab testing mandate among those 18 states is 100 days, while seven of those states mandate 90 days for testing. With H.B. 5, Alaska is poised to join the other states in ensuring swift rape kit processing timelines.

Every 73 seconds, someone is sexually assaulted in the United States. In the immediate aftermath, a victim may choose to undergo a medical forensic examination—which can take four to six hours—to collect DNA evidence left behind by the attacker in what is commonly called a rape kit. When tested, this evidence can identify an unknown assailant, reveal serial offenders, and exonerate the wrongfully convicted.

The Alaskan legislature has taken tremendous steps in the past few years to improve rape kit handling: submitting and analyzing previously untested rape kits; appropriating \$2.75m in funding; an annual inventory of untested rape kits and law enforcement training in sexual assault. Passed in 2019, H.B.49 requires law enforcement agencies to submit kits to a laboratory for DNA analysis within 30 days of receipt, and the laboratory to test the kit within one year. However, one year for testing a rape kit is too long of a time frame.

HB 5 would require the lab to test newly submitted kits within six months instead of one year mandated by current law. A shorter timeline would ensure that rape kits are handled swiftly across the state, potentially preventing crime including [serial rapes](#). In December 2000, a woman waiting for her bus was raped by [Eric Eugene Wilkes in Detroit](#). Her rape kit was shelved. Four months later, another rape kit was shelved with the same assailant. The third kit was collected three days later. Like the first one, these two kits were left untested, leaving Wilkes free on the streets. After Wayne County started testing 11,341 backlogged rape kits in 2009, Wilkes' DNA was found in 11 violent rape cases, spanning between 2000 and 2012. Had the investigators sent the first kit to testing, Wilkes' DNA would be in local and national

databases. The second kit would have matched in the database, leading to his identification earlier and preventing later rapes. **This case shows the importance of speedy testing and how it can prevent additional crimes.**

By mandating shorter testing deadlines, House Bill 5 is a critical step toward comprehensive rape kit reform in Alaska. Moreover, testing every rape kit quickly sends a message to survivors that they—and their cases—matter and to perpetrators that we will use every tool to bring them to accountability in the shortest time possible.

The Joyful Heart Foundation thanks you for your leadership on this issue. We stand ready to assist you in creating safer communities and offering a path to healing and justice to all sexual assault survivors in Alaska.

Sincerely,

Ilse Knecht

A handwritten signature in cursive script that reads "Ilse Knecht". The signature is written in black ink and is positioned below the typed name.

Director, Policy and Advocacy
Joyful Heart Foundation
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i.knecht@joyfulheartfoundation.org