

Office of Representative Geran Tarr
State Capitol Room 128
Juneau AK, 99801

March 25, 2021

Subject: Alaska Coalition for Justice supports passage of HB5

Dear Representative Tarr,

The Alaska Coalition for Justice (ACJ) is a statewide network of advocacy organizations, direct service providers, and nonprofits formed in the summer of 2020 in response to ongoing police brutality. We are collaborating to transform Alaska's public safety system by ending racial and systemic injustice, seeking accountability, and eradicating harm from our criminal justice and policing systems. We are Alaskans with decades of knowledge and experience in criminal justice, health and wellness, and community organizing working to end systems of oppression impacting Black, Indigenous, people of color (BIPOC), and other marginalized communities. We are writing to express our support for HB5.

HB5 provides long overdue changes to our laws to provide more justice for victims of sexual assault. Providing a comprehensive definition of "consent" is absolutely essential in Alaska. Current law allows for consent to be given by someone who is sleeping or unconscious. Our laws also allow perpetrators to use the "marriage defense" when they sexually assault a victim who is mentally incapable, incapacitated, or unaware that a sexual act is being committed¹. HB5 clarifies both what consent is and also ways in which consent cannot be given. Another crucial aspect of HB5 is that it strengthens the law when it comes to sexual abuse of minors. It would also require labs to finish testing sexual assault examination kits within six months of receiving them. This change would cut the current requirement in half.

We respectfully request two amendments to HB5. First, adding a definition of "professional purposes" is necessary because there is currently no definition in state law. We believe the commonly used definitions are too narrow. Please refer to Washington, D.C.'s code 22-3015² for an example. Secondly, including an aggravator in sentencing if a perpetrator commits a crime against a sex worker or sex trafficking victim would provide a more appropriate level of justice for victims. Including this aggravator language in the bill would ensure that perpetrators can not defend their crimes simply by calling someone a sex worker. Just as importantly, this amendment would show sex workers and sex trafficking survivors that our criminal justice system values their lives equally.

1

<https://www.juneauempire.com/news/lawmakers-ask-why-alaska-still-has-marriage-defense-against-spousal-rape/>

² <https://code.dccouncil.us/dc/council/code/sections/22-3015.html>

We are grateful to you and your staff for crafting and introducing this bill. Passing this bill will allow more victims to receive the justice they deserve so that they can heal from the traumas they have experienced. We hope the legislature will ensure its passage during the 2021 legislative session.

Thank you for your support.

Alaska Coalition for Justice

Alaska Poor People's Campaign
Alaska Public Interest Research Group
Bread Line, Inc.
Native Movement
Sovereign Inupiat for a Living Arctic
Lisa Ellanna