

ALASKA STATE LEGISLATURE



Representative Geran Tarr

House Bill 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."

Sponsor Statement

Alaska's current statutes regarding sexual assault fail to achieve justice for survivors. House Bill 5 will modernize our current statutes regarding the definition of consent, address current loopholes that currently allow for certain types of sexual assault to go unpunished, and expedite the processing of rape kits from 1 year of receipt to 6 months.

House Bill 5 would define consent in law as a "freely-given, reversible agreement specific to the conduct at issue," which mirrors our modern understanding of consent. Under current statutes, prosecutors must prove that there was use of force in order to obtain sex, which does not cover instances where the victim exhibits a "freeze" response. Additionally, House Bill 5 puts into statute that neither an individual's manner of dress nor any previous/current relationship alone can constitute consent.

House Bill 5 also establishes the crime of "rape by fraud" in Alaska, mirroring actions taken by many states across the country. Currently, it remains legal for a perpetrator to impersonate another individual's partner, spouse, etc. in order to obtain sex – although the individual would not have otherwise consented. Due to the current requirement of an element of force, this behavior cannot currently be prosecuted, although this would be widely considered as non-consensual.

Finally, House Bill 5 will ensure that survivors of sexual assault will achieve swifter justice by requiring rape kits to be processed within 6 months of receipt by the lab, halving the current 1-year requirement.

Ultimately, this bill will not be a panacea for Alaska's high rate of sexual assault, but it will ensure that at least our prosecutors will have the tools necessary to pursue charges and achieve justice. This is a necessary and long overdue overhaul of Alaska's outdated laws.