

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."

Explanation of Changes

Version F to Version U

Section 1:

Expands sexual assault in the first degree to include the defendant causing the victim to become incapacitated in order to engage in sexual penetration. Expands sexual assault in the first degree to include "rape by fraud," where an offender impersonates someone known to the person for the purpose of obtaining consent. Also expands sexual assault in the first degree to include force or implied threats of force against a person or property in order to engage in sexual penetration.

Classifies sexual penetration without consent by the use of force (or threat of force against person or property), or by causing another person to become incapacitated, as an unclassified felony. Classifies sexual penetration without consent by impersonating someone known to the victim as a class A felony.

Section 2:

Includes the same changes as sec. 1, but for sexual assault in the second degree (relating to sexual contact without consent).

Section 4:

Removes subsections (c)(3) and (c)(4), and inserts the following language from SB 187:

- (3) a current or previous dating, social, or sexual relationship between the defendant and the person involved with the defendant in the conduct at issue may not by itself constitute consent.
- (4) a person cannot consent if the person is fraudulently made to believe that the sexual act serves a professional purpose; in this paragraph, "professional purpose" means an act the defendant has represented as a necessary part or component of a provided service, part of the routine course of a procedure, or a component of the defendant's profession that would occur if a person sought services from another practitioner in the same field as the defendant.

Section 8 – 9:

Amends the statutory reference numbers in the statutes related to criminal sentencing and fines to reflect the new language in section 1.

Section 15:

Adds an effective date for this bill - January 1, 2023.