

HOUSE BILL NO. 275

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/18/24

Referred: Health and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to sexual assault examination kits; establishing the sexual assault
2 examination kit tracking system; and providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 44.41.065(a) is amended to read:

5 (a) When [A LAW ENFORCEMENT AGENCY COLLECTS] a sexual
6 assault examination kit is used to gather evidence under AS 18.68.010, [THE
7 AGENCY SHALL]

8 (1) a health care provider that gathers the evidence shall, within
9 seven days after using the sexual assault examination kit to gather the evidence,
10 notify the appropriate law enforcement agency that the sexual assault
11 examination kit is available to be sent to an accredited laboratory in coordination
12 with the Department of Public Safety or a laboratory operated by the
13 Department of Public Safety;

14 (2) a law enforcement agency that is notified by the health care

1 **provider under (1) of this subsection or that uses a sexual assault examination kit**
 2 **to gather the evidence shall**

3 (A) within 30 days after **receiving notification from the**
 4 **health care provider or using the sexual assault examination kit to gather**
 5 **the evidence** [AGENCY COLLECTS THE SEXUAL ASSAULT
 6 EXAMINATION KIT], send the sexual assault examination kit to an
 7 accredited laboratory in coordination with the Department of Public Safety or a
 8 laboratory operated by the Department of Public Safety; **and**

9 (B) [(2) ENSURE THAT THE LABORATORY TO WHICH
 10 THE SEXUAL ASSAULT EXAMINATION KIT IS SENT UNDER (1) OF
 11 THIS SUBSECTION CONDUCTS A SEROLOGICAL OR DNA TEST ON
 12 THE SEXUAL ASSAULT EXAMINATION KIT WITHIN SIX MONTHS
 13 AFTER THE LABORATORY RECEIVES THE SEXUAL ASSAULT
 14 EXAMINATION KIT; AND (3)] within two weeks after the laboratory that
 15 receives the sexual assault examination kit under [(1) OF] this subsection
 16 completes serological or DNA testing, make a reasonable effort to notify the
 17 victim from whom the sexual assault examination kit was collected that the
 18 sexual assault examination kit has been tested; **and**

19 **(3) a laboratory to which the sexual assault examination kit is sent**
 20 **shall, within six months after the laboratory receives the sexual assault**
 21 **examination kit, conduct a serological or DNA test on the sexual assault**
 22 **examination kit.**

23 * **Sec. 2.** AS 44.41.065(b) is amended to read:

24 (b) A criminal action may not be dismissed nor the evidence deemed
 25 nonadmissible for failure to be tested within the times established in **(a)** [(a)(1) AND
 26 (2)] of this section.

27 * **Sec. 3.** AS 44.41.065(c) is amended to read:

28 (c) If a case is resolved before a sexual assault examination kit is tested, **a**
 29 **health care provider,** a law enforcement agency, **or a laboratory in possession of**
 30 **the sexual assault examination kit** is not required to meet the time limits established
 31 in (a) of this section.

1 * **Sec. 4.** AS 44.41.065 is amended by adding a new subsection to read:

2 (e) A health care provider, law enforcement agency, or laboratory in
3 possession of a sexual assault examination kit shall enter information specified by the
4 Department of Public Safety into the sexual assault examination kit tracking system
5 under AS 44.41.067. The information must be entered at the time and in the form and
6 manner specified by the Department of Public Safety.

7 * **Sec. 5.** AS 44.41 is amended by adding a new section to read:

8 **Sec. 44.41.067. Sexual assault examination kit tracking system.** (a) The
9 Department of Public Safety shall develop and operate a sexual assault examination
10 kit tracking system to track the status and location of a sexual assault examination kit
11 from the point of evidence collection to serological or DNA testing.

12 (b) The sexual assault examination kit tracking system must allow the victim
13 from whom the sexual assault examination kit was collected to access the tracking
14 information associated with the kit and, if the victim chooses, receive automated
15 notifications of the status of the kit.

16 (c) The sexual assault examination kit tracking system is confidential and is
17 not a public record under AS 40.25.110 - 40.25.140, except that the Department of
18 Public Safety may include information from the tracking system in the report required
19 under AS 44.41.070.

20 * **Sec. 6.** AS 44.41.070(a) is repealed.

21 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 **TRANSITION: REGULATIONS.** The Department of Public Safety may proceed to
24 adopt regulations necessary to implement the changes made by this Act. The regulations take
25 effect under AS 44.62 (Administrative Procedure Act) but not before the effective date of the
26 law implemented by the regulations.

27 * **Sec. 8.** Section 7 of this Act takes effect immediately under AS 01.10.070(c).