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Governor Mike Dunleavy STATE OF ALASKA

January 16, 2024

The Honorable Gary Stevens
Senate President
Alaska State Legislature
State Capitol, Room 111
Juneau, AK 99801-1182

Dear President Stevens:

Under the authority of Article III, Section 18 of the Alaska Constitution, I am transmitting a bill to establish timelines for submitting sexual assault examination kits to the lab for testing and to establish a sexual assault examination kit tracking system. The amendments in this bill will assist in the timely transmission and testing of sexual assault examination kits, as well as assist victims in tracking the kits associated with their cases.

When a sexual assault examination kit is used to collect evidence, it is the responsibility of law enforcement to submit that kit to the lab for testing. This means that if a health care provider uses a sexual assault examination kit to collect evidence, law enforcement is responsible for picking up the kit from the health care provider and submitting it to the lab. Current law contains timelines for law enforcement agencies to submit sexual assault examination kits to the lab for testing; however, the law does not include timelines for the health care providers who collect evidence using the kits to notify law enforcement that the kits are available for pickup. Therefore, this legislation requires health care providers to notify law enforcement that a kit is available for pickup within seven days of using the kit to collect evidence. Adding this timeline for health care providers will help ensure that sexual assault examination kits do not sit awaiting pickup and submission longer than necessary. This will, in turn, help ensure that sexual assault examination kits are processed in a timelier manner as intended by the underlying statute.

Additionally, this legislation establishes a sexual assault examination kit tracking system. The tracking system will be used throughout the collection and testing process. Health care providers and law enforcement will be able to upload information about when a kit was collected and sent to the lab. The lab will also be able to update the information as the kit is processed for testing. Victims will have the ability to log into the system and see where the kit associated with their case is in the process. They may even elect to receive automated notifications as the kit moves

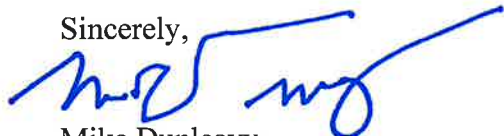
The Honorable Gary Stevens
January 16, 2024
Page 2 of 2

through the process. Requiring the use of the sexual assault examination kit tracking system at every phase of the process will go a long way towards helping victims stay informed.

These changes will help ensure timely processing of important evidence and will help increase transparency and accountability as sexual assault examination kits moves through the process. This is the least we can do for the victims of these horrendous crimes.

I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Dunleavy", with a long horizontal stroke extending to the right.

Mike Dunleavy
Governor

Enclosure

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

**Introduced:
Referred:**

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).

Fiscal Note

State of Alaska
2024 Legislative Session

Bill Version: GB 58
Fiscal Note Number: _____
() Publish Date: _____

Identifier: 0317-DPS-SWS-1-9-24
Title: SEXUAL ASSAULT KIT TRACKING SYSTEM
Sponsor: R
Requester: Governor

Department: Department of Public Safety
Appropriation: Statewide Support
Allocation: Laboratory Services
OMB Component Number: 527

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2025 Appropriation Requested	Included in Governor's FY2025 Request	Out-Year Cost Estimates				
			FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
OPERATING EXPENDITURES	FY 2025	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Personal Services	92.0		122.7	122.7	122.7	122.7	122.7
Travel	16.5		16.5	16.5	16.5	16.5	16.5
Services	64.0		65.0	65.9	66.9	68.0	69.0
Commodities	5.0		5.0	5.0	5.0	5.0	5.0
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	177.5	0.0	209.2	210.1	211.1	212.2	213.2

Fund Source (Operating Only)

1004 Gen Fund (UGF)	177.5		209.2	210.1	211.1	212.2	213.2
Total	177.5	0.0	209.2	210.1	211.1	212.2	213.2

Positions

Full-time	1.0		1.0	1.0	1.0	1.0	1.0
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2024) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2025) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed? N/A

Why this fiscal note differs from previous version/comments:

Not applicable, initial version.

Prepared By:	Lisa Purinton, Director	Phone:	(907)269-5581
Division:	Statewide Services	Date:	01/09/2024 07:00 PM
Approved By:	Pam Halloran, Division of Administrative Services Director	Date:	01/10/24
Agency:	Public Safety		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2024 LEGISLATIVE SESSION

BILL NO. LL0317

Analysis

This proposed legislation will add a new section under Alaska Statute (AS) 44.41 to incorporate language authorizing the Department of Public Safety to implement a statewide sexual assault examination kit tracking program. The program will require participation by all law enforcement agencies and healthcare providers charged with the collection of a sexual assault kit. The Department of Public Safety has already implemented a Sexual Assault Kit Tracking System. Mandating the use of the Sexual Assault Kit Tracking System throughout the process from manufacturer, medical provider, law enforcement, to the laboratory will increase transparency and accountability of stakeholders. The Sexual Assault Kit Tracking System is a web-based software system to track the submission and processing status and provides victim survivors with a portal to track their kit through testing completion. It will assist in meeting the requirement of AS 44.41.065(a)(3) to notify the victim within 14 days that their kit has been tested, will assist in the annual inventory report under AS 44.41.070, is a recommendation from the Sexual Assault Kit Initiative working group, and is included in the Joyful Heart foundation’s pillars of sexual assault kit reform.

DPS leveraged federal funding to secure the web-based Sexual Assault Kit Tracking System and will need additional funding to pay for the annual maintenance costs for the application. Additionally, DPS has two long-term, non-permanent staff federally funded that manage the application and provide training and outreach to stakeholder organizations. The federal funding for the positions ends September 2024, and the department is requesting funding for one of the two positions. With the statewide rollout of the application now complete, the department will not require both positions, but will need one position for program management, training, and outreach. No startup costs will be needed since this is a currently filled position, however, travel costs will be needed to fund statewide training initiatives. The application and position costs are as follows:

InVita Healthcare Technologies (SAK Software As a Service):

FY2025	\$48.0
FY2026	\$49.0
FY2027	\$49.9
FY2028	\$50.9
FY2029	\$52.0
FY2023	\$53.0

Personnel Services: Program Coordinator 1 \$122.7
FY2025 reduced since FY2025 quarter 1 will be federally funded

Travel: Twelve trips annually \$16.5

Services: Core services chargebacks \$16.0

Commodities:
Training material, handouts, supplies \$5.0