

**ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY STANDING COMMITTEE**

February 5, 2025

1:02 p.m.

**MEMBERS PRESENT**

Representative Andrew Gray, Chair  
Representative Chuck Kopp, Vice Chair  
Representative Ted Eischeid  
Representative Genevieve Mina  
Representative Mia Costello  
Representative Jubilee Underwood

**MEMBERS ABSENT**

Representative Sarah Vance

**COMMITTEE CALENDAR**

HOUSE BILL NO. 62

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

- HEARD & HELD

PRESENTATION(S): THERAPEUTIC COURT

- HEARD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 62

SHORT TITLE: SEXUAL ASSAULT EXAMINATION KITS/TRACKING

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

01/22/25	(H)	READ THE FIRST TIME - REFERRALS
01/22/25	(H)	JUD, FIN
02/05/25	(H)	JUD AT 1:00 PM GRUENBERG 120

**WITNESS REGISTER**

JAMES COCKRELL, Commissioner  
Department of Public Safety  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 62 on behalf of the House Rules Standing Committee, sponsor by request of the governor.

DAVID KANARIS, Chief  
Scientific Crime Detection Laboratory  
Department of Public Safety  
Juneau, Alaska

**POSITION STATEMENT:** Provided the sectional analysis and PowerPoint presentation for HB 62 on behalf of the House Rules Standing Committee, sponsor by request of the governor.

LAUREE MORTON, Deputy Director  
Alaska Network on Domestic Violence and Sexual Assault  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 62.

MEGAN EDGE, Alaska Prison Project Director  
Alaska Civil Liberties Union  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 62.

TERRA HENRY, Forensic Nurse Practitioner  
Friends of Nursing  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 62.

NANCY MEADE, General Counsel  
Alaska Court System  
Juneau, Alaska

**POSITION STATEMENT:** Gave introductory remarks and answered questions about Alaska's therapeutic courts.

MICHELLE BARTLEY, Therapeutic Court Coordinator  
Alaska Court System  
Juneau, Alaska

**POSITION STATEMENT:** Gave a presentation on Alaska's therapeutic courts.

#### **ACTION NARRATIVE**

[1:02:07 PM](#)

**CHAIR ANDREW GRAY** called the House Judiciary Standing Committee meeting to order at 1:02 p.m. Representatives Costello, Eischeid, Kopp, Underwood, and Gray were present at the call to order. Representative Mina arrived as the meeting was in progress.

**HB 62-SEXUAL ASSAULT EXAMINATION KITS/TRACKING**

[1:02:43 PM](#)

CHAIR GRAY announced that the first order of business would be HOUSE BILL NO. 62, "An Act relating to sexual assault examination kits; establishing the sexual assault examination kit tracking system; and providing for an effective date."

[1:03:54 PM](#)

JAMES COCKRELL, Commissioner, Office of the Commissioner, Department of Public Safety (DPS), presented HB 62 on behalf of the House Rules Standing Committee, sponsor by request of the governor. He said the state has come a long way in how it handles sexual assault investigations and examines evidence. The goal of the bill is to track sexual assault examination kits and implement a 14-day timeline for health care providers. It would also shorten the timeline for law enforcement from 30 days to 20 days. In addition, the bill would notify individuals when their sexual assault examination kits were processed in the state crime lab. He noted that HB 62 is a continuation of legislation that was vetted during the last legislative session.

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DAVID KANARIS, Chief, Scientific Crime Detection Laboratory, Department of Public Safety (DPS), on behalf of the House Rules Standing Committee, sponsor by request of the governor, presented the sectional analysis for HB 62 [included in the committee packet], which read as follows [original punctuation provided]:

Section 1

Amends AS 12.61.010 Rights of crime victims, subsection (a) to add paragraph (16) to include the right to be notified of location and testing date of a sexual assault examination kit that is collected from the victim.

Section 2

Amends AS 44.41.065 Sexual examination kits subsection (a) to require that within 14 days after gathering the evidence, health care providers shall notify the appropriate law enforcement agency that the sexual assault examination kit is available to be sent to an

accredited laboratory in coordination with the Department of Public Safety. Previously this section was only applicable to law enforcement agencies.

Requires that a law enforcement agency must send the kit identified by the health care provider in the scenario above must send the sexual assault examination kit to an accredited laboratory in coordination with the Department of Public Safety.

Requires that within 120 days of when a sexual examination kit is received by the laboratory to which it is sent, the sexual assault examination kit must be tested within 120 days.

Clarifies that if the case is resolved before the sexual assault examination kit is tested, then the health care provider, law enforcement agency, or laboratory in possession of the sexual assault examination kit is not required to meet the time limits established in (a) of this section.

Section 3 Amends AS 44.41.065 Sexual examination kits to add subsection (e), which clarifies that the sexual assault examination kit information must be entered into the tracking system established by the Department of Public Safety.

Section 4 Amends AS 44.41 Department of Public Safety to add a new section, AS 44.41.067 Sexual assault examination kit tracking system. Requires the Department of Public Safety to develop and operate a sexual assault examination tracking system to track status and location of a sexual assault examination kit from the point of evidence collection to testing. Requires that the sexual assault examination kit tracking system allow the victim to access and, if the victim chooses, to receive automated notifications of the status of the kit and when a kit has been tested. Establishes the sexual assault examination kit tracking system as confidential and not subject to public records, except that the Department of Public Safety may use the information to provide the report required by AS 44.41.070 Report on untested sexual assault examination kits.

Section 5 Repeals AS 44.41.070 Report on untested sexual assault examination kits subsection (a). Section 6 Adds uncodified law to allow the Department of Public Safety to establish regulations. Section 7 Provides an immediate effective date for Section 6 of the bill.

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MR. KANARIS presented a PowerPoint on HB 62 [hard copy included in the committee packet], beginning on slide 2, "Key Provisions," which read as follows [original punctuation provided]:

- Timelines for transmittal and testing of Sexual Assault Kits
- Codifying the Sexual Assault Kit Tracking System
- Survivor Rights and Transparency

MR. KANARIS continued to slide 3, "Time Processing of Kits," which read as follows [original punctuation provided]:

- Medical providers must notify law enforcement within 14 days after evidence collection
- New Requirement
- Law enforcement must transfer kits to an accredited laboratory within 20 days
- Currently 30 days
- Laboratory must complete testing within 120 days
- Currently 180 days

MR. KANARIS turned to slide 4, "Survivor Rights and Transparency," which read as follows [original punctuation provided]:

- Survivors must be notified when their kits are tested
- The tracking system enables survivors to stay informed and connected to their case without compromising their privacy or needing to re-engage with law enforcement
- The system ensures survivors can securely monitor the status of their kits and opt-in for automated updates

MR. KANARIS proceeded to slide 5, "Codification of the Sexual Assault Kit Tracking System," which read as follows [original punctuation provided]:

- Sexual assault examination kit tracking system will be operated by the Department of Public Safety
- Data remains confidential to protect survivor privacy

MR. KANARIS described two photos on slide 6 that showed the crime lab's long-term storage room where all the kits are stored in perpetuity.

[1:15:30 PM](#)

CHAIR GRAY referred to subsection (c) beginning on page 4, line 30 of the bill, and asked what happens to the kits when charges are dropped, or the case is resolved.

MR. KANARIS said all kits are saved in perpetuity.

CHAIR GRAY inquired about the tracking system and whether it's currently being used.

MR. KANARIS responded yes, the tracking system was deployed in 2023 and is currently used by law enforcement agencies, the crime lab, and medical providers.

CHAIR GRAY concluded that the bill seeks to codify existing practices into law.

MR. KANARIS answered yes, in addition to establishing turnaround times to ensure that the kits are moved through the system as quickly as possible.

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REPRESENTATIVE COSTELLO asked what processes occur during the department's 20-day timeframe.

COMMISSIONER COCKRELL said the kits are stored in an evidence locker until they are sent to the lab.

REPRESENTATIVE COSTELLO asked whether there is a plan to communicate the proposed deadline with medical providers if the bill were to pass.

MR. KANARIS said yes, the crime lab has a training position that works exclusively on the kit tracking system. It would be their job [to train the medical providers].

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REPRESENTATIVE UNDERWOOD asked whether 120 days is a national standard and whether that timeframe could be shortened.

MR. KANARIS explained that on average, it takes 5 weeks to process DNA through the system with the crime lab's current technology. He acknowledged the importance of striving to improve the turnaround time and speculated that 90 days may be realistic in the future.

REPRESENTATIVE UNDERWOOD asked whether there was any opposition to the bill last year.

MR. KANARIS recalled that medical providers expressed some concern about the 7-day turnaround time. He opined that with an average turnaround time of 8 days, a 14-day turnaround time is realistic for everyone.

[1:23:26 PM](#)

REPRESENTATIVE KOPP asked how training would be administered to ensure that this plan is followed and enforced.

COMMISSIONER COCKRELL reiterated that the crime lab has a position that's specifically dedicated to training. He assured Representative Kopp that law enforcement would follow the law and that the deadlines would be met.

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REPRESENTATIVE EISCHEID shared that public safety is of huge importance to his constituents. He asked for a brief history of the backlog in Alaska.

MR. KANARIS explained that around 2015, DPS applied for a federal grant to investigate the backlog of 500-600 sexual assault kits that had not been tested. By 2018, all outstanding kits had been tested under the grant. In 2018, a capital appropriation of \$2.75 million was awarded by the legislature to audit the evidence rooms of law enforcement agencies across the state for untested sexual assault kits. This audit uncovered 2,500 additional kits that were subsequently sent out of state for testing and entered into Alaska's DNA database. He added that currently, the lab receives around 600 sexual assault cases per year.

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REPRESENTATIVE UNDERWOOD inquired about the proper chain of custody for sexual assault kits.

MR. KANARIS said medical providers are not responsible for maintaining a legal chain of custody. The lab's chain of custody is kept in the lab information management system and law enforcement's chain of custody is maintained in its record management system.

REPRESENTATIVE UNDERWOOD asked whether the kit could be disqualified from court for any reason.

MR. KANARIS answered no.

REPRESENTATIVE KOPP confirmed that the custody log is attached to the kit at all times and must be signed for at various intervals.

CHAIR GRAY asked what causes the delay between evidence collection and law enforcement taking custody.

MR. KANARIS described several factors that may delay the process, including a peer review of the paperwork and staffing issues.

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REPRESENTATIVE MINA asked whether there had been more engagement with medical providers since the previous iteration of the bill.

COMMISSIONER COCKRELL responded that the department is comfortable with the 14-day timeline and has not received any additional feedback from medical providers.

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CHAIR GRAY opened public testimony on HB 62.

[1:34:44 PM](#)

LAUREE MORTON, Deputy Director, Alaska Network on Domestic Violence and Sexual Assault (ANDVA), testified in support of HB 62. She described the history of sexual assault kits in Alaska and asked whether the state is doing everything possible to ensure that victims are treated with dignity and respect; are able to make choose how and when to interact with the criminal

justice system; and have access to support. Streamlining the timeline and establishing a kit tracking system are great strides forward, she said. She urged favorable consideration of HB 62.

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MEGAN EDGE, Alaska Prison Project Director, Alaska Civil Liberties Union (ACLU), testified in support of HB 62. She said the bill would take steps to ensure that kits are tested in a timely fashion and that victims are better informed of the process, thereby improving access to justice for survivors. She shared her personal history and explained why she chose not to come forward to law enforcement. She said the bill would increase confidence that kits are handled in an expeditious and transparent way and ensure that Alaska is upholding its promise to a safe, fair, and balanced legal system.

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TERRA HENRY, Forensic Nurse Practitioner, Friends of Nursing, testified in support of HB 62. She shared her personal experience as a forensic nurse and said with the implementation of tracking, patients would have the ability to monitor the status of their sexual assault kit. She spoke favorably of the medical facilities' 14-day timeframe and urged members to pass HB 62, as written.

[1:45:16 PM](#)

The committee took a brief at-ease at 1:45 p.m.

[1:45:39 PM](#)

CHAIR GRAY announced that public testimony would be left open.

[HB 62 was held over].

[1:46:09 PM](#)

The committee took an at-ease from 1:46 p.m. to 1:48 p.m.

**PRESENTATION(S): Therapeutic Court**

[1:48:39 PM](#)

CHAIR GRAY announced that the final order of business would be the Therapeutic Court presentation.

[1:49:13 PM](#)

NANCY MEADE, General Counsel, Alaska Court System (ACS), gave introductory remarks and introduced Ms. Bartley.

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MICHELLE BARTLEY, Therapeutic Court Coordinator, Alaska Court System (ACS), presented a PowerPoint on Alaska's therapeutic courts [hard copy included in the committee packet]. She gave an overview of the therapeutic courts and their community partners. She outlined the program requirements and categories: addiction courts, mental health courts, Veterans Court, Child-In-Need-of Aid (CINA) Court, and Palmer Families with Infants and Toddlers Court (PFIT). She reported that 74 percent of individuals who exited the court between 2020 and 2024 had no new convictions, and in 2024, 7 drug and alcohol and drug free babies were born. She estimated that in total, 118 years of jail time and a cost of \$8.7 million to the state was saved.

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MS. BARTLEY, in response to a series of committee questions, said the initial referral for therapeutic court is primarily issued by defense attorneys; legal parameters on the types of cases that can be accepted by the therapeutic courts may disqualify prospective candidates.

MS. MEADE, in response to committee questions, said certain crimes such as sexual assault and violent assault would disqualify a candidate from entering therapeutic court in the interest of public safety; the criteria for therapeutic court is constantly being reviewed and expanded; recidivism is tracked on a five-year lookback period; the success of the program is attributed to intensive oversight by an individualized team of state employees.

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MS. BARTLEY, in response to committee question, said therapeutic discharge reflects individuals whose clinical or medical needs cannot be met by the court; before standing up a court in a rural community, the volume of cases is considered, as well as judge availability, ready

treatment access, community supervision, law enforcement support, and access to housing and employment; Tribal Courts require an agreement with the Department of Law (DOL) to operate; the Alaska Court System is conducting in-reach and outreach to facilities and agencies who may be inclined to make referrals.

MS. MEADE added that several years ago, the legislature changed the DUI statutes to provide a route for therapeutic court participants to gain a limited license back, which serves as a "carrot" to entice individuals to enter the court. In response to additional committee questions, she clarified that therapeutic court is for individuals with a pending criminal charge - not a treatment program.

[2:35:00 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:35 p.m.