

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE**

February 3, 2025

1:30 p.m.

MEMBERS PRESENT

Senator Matt Claman, Chair
Senator Jesse Kiehl, Vice Chair
Senator Gary Stevens
Senator Löki Tobin
Senator Robert Myers

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 69

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

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 69

SHORT TITLE: SEXUAL ASSAULT EXAMINATION KITS/TRACKING

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

01/24/25	(S)	READ THE FIRST TIME - REFERRALS
01/24/25	(S)	JUD, FIN
02/03/25	(S)	JUD AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

JAMES COCKRELL, Commissioner
Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Introduced SB 69 on behalf of the administration.

DAVID KANARIS, Chief
Scientific Crime Detection Laboratory

Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Delivered the sectional analysis and presentation on SB 69.

ACTION NARRATIVE

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CHAIR CLAMAN called the Senate Judiciary Standing Committee meeting to order at 1:30 p.m. Present at the call to order were Senators Myers, Kiehl, Tobin, and Chair Claman. Senator Stevens arrived immediately thereafter.

SB 69-SEXUAL ASSAULT EXAMINATION KITS/TRACKING

[1:31:05 PM](#)

CHAIR CLAMAN announced the consideration of SENATE BILL NO. 69 "An Act relating to sexual assault examination kits; establishing the sexual assault examination kit tracking system; and providing for an effective date."

CHAIR CLAMAN said this is the first hearing of SB 69 in the Senate Judiciary Committee. He invited Commissioner Cockrell and Mr. Kanaris to put themselves on the record and present the Governor's bill.

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SENATOR STEVENS joined the meeting.

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JAMES COCKRELL, Commissioner, Department of Public Safety, Anchorage, Alaska, introduced SB 69 on behalf of the administration. He highlighted the Department of Public Safety's (DPS) progress in processing sexual assault kits over the past 25 years. He said DPS is now where it should be in terms of its testing protocols and commended the legislature and the administration for supporting the improvements. He said Alaska continues to experience the highest per capita rate of sexual assaults in the nation. He emphasized that holding offenders accountable is critical and asserted that the examination of sexual assault kits is an important component in ensuring accountability.

COMMISSIONER COCKRELL explained that SB 69 proposes to codify in statute the practices already in place at DPS. He stated that DPS seeks to maintain a defined timeline outlining how the State Crime Lab will examine sexual assault kits, regardless of which

law enforcement agency handled the case. All kits are processed through the State Crime Lab, which currently houses approximately 14,000 kits. He noted that a primary goal is to reduce the processing time.

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COMMISSIONER COCKRELL described the Department's tracking program, which allows sexual assault victims and their advocates to monitor the status of kits through an app. He emphasized that fostering victim confidence in the criminal justice system requires transparency in how sexual assault kits are managed and examined.

COMMISSIONER COCKRELL stated that SB 69 proposes statutory changes to reduce processing times, which align with national standards. The changes would primarily affect health care providers, law enforcement, and laboratories.

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DAVID KANARIS, Chief, Scientific Crime Detection Laboratory, Department of Public Safety, Anchorage, Alaska, delivered the sectional analysis and presentation on SB 69.

[Original punctuation provided.]

Senate Bill 69
SEXUAL ASSAULT EXAMINATION KITS/TRACKING
Sectional Analysis - Version 34-GH1317\A

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.

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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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SENATOR TOBIN remarked that one in three women have been victims of sexual assault. She stated that her questions focus on victims' rights. She referred to paragraph (1) at the bottom of page 3 and asked whether a victim retains the right to undergo a sexual assault examination without having the kit transmitted.

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MR. KANARIS responded that a victim may elect to submit a kit anonymously. In such cases, the kit is transmitted to the State Crime Lab but is not tested until the victim voluntarily discloses identifying information and chooses to engage further.

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SENATOR TOBIN referred to the use of the word "shall" in Section 2 and noted that it appears to mandate transmission of the evidence once collected. She asked whether this language implies that the victim's right to withhold transmission would no longer be honored.

MR. KANARIS confirmed that the kit must be transmitted to the State Crime Lab; however, it will not be tested unless the victim voluntarily provides identifying information. If the victim remains anonymous, the kit will be stored but not analyzed.

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SENATOR TOBIN asked whether these protections are addressed elsewhere in statute and requested that relevant statutory references be shared with her office. She affirmed her commitment to victim and trauma-informed care, noting that such decisions often require time, and she wants to ensure that victims' rights are preserved.

MR. KANARIS agreed to provide the requested information to her office.

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COMMISSIONER COCKRELL stated that it is not uncommon for an anonymous kit donor to later decide they want the kit tested. He emphasized that if the DPS does not take possession of the kit,

the opportunity to test it is lost. He explained that from a law enforcement standpoint, if officers respond to a sexual assault and the victim chooses to remain anonymous, it is still important that the kit be delivered to the State Crime Lab. This ensures that if the victim changes their mind in six or seven years, the evidence is preserved.

COMMISSIONER COCKRELL expressed his belief that the best practice is to send sexual assault kits to the State Crime Lab so they can be forensically processed if the victim later decides to proceed.

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SENATOR TOBIN agreed but said this presents a dilemma for women. She said for every 100 rapes processed and examined through kits, only 18 result in prosecution. She pointed out the difficulty this poses for women, who are most often the victims of these crimes, particularly when facing the possibility of retaliation. She emphasized the importance of ensuring that victims' rights are fully protected.

COMMISSIONER COCKRELL responded that he understood.

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SENATOR MYERS asked for the justification behind repealing the report referenced in Section 5.

MR. KANARIS expressed his understanding that SB 69 does not repeal the entire report, but rather the requirement for each law enforcement agency to provide an accurate count of the sexual assault kits in their possession. He explained that the kits are now tracked through a centralized kit tracking system, enabling DPS to compile the report independently. While the Department will continue to provide the information, it is no longer necessary to collect the data directly from law enforcement agencies.

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CHAIR CLAMAN raised a question regarding the preservation and maintenance of evidence, particularly custodial requirements that could arise if the evidence were later introduced in court. He questioned whether health care providers are equipped to collect and indefinitely store evidence for individuals who choose to remain anonymous. He asked whether there are advantages, in terms of evidence preservation, to having the kits sent directly to the State Crime Lab rather than retained by the private entity that initially collects the evidence.

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COMMISSIONER COCKRELL responded that the kits should be transferred to a law enforcement agency. He explained that establishing a clear chain of custody is essential, and that begins when DPS secures the kits in its evidence locker. Once secured, there is no ambiguity regarding the chain of evidence from collection through analysis at the State Crime Lab. He recommended that all anonymous kits be sent to the lab.

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CHAIR CLAMAN asked what happens to a rape test kit after the State Crime Lab completes testing. He inquired whether the kit remains in the possession of the lab or is destroyed following completion. He clarified that his question pertains to an identified kit, not an anonymous one.

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MR. KANARIS replied that the State Crime Lab currently stores over 14,000 sexual assault kits in a temperature-controlled facility using high-density shelving. He expressed confidence that the State Crime Lab is the most appropriate entity to store these kits. He explained that the kits are retained in perpetuity because circumstances may change over time. Court cases may take years to progress, and technological advancements could allow for improved testing in the future. He stated that the lab may choose to reanalyze previously tested kits as technology evolves.

MR. KANARIS clarified that unlike other forms of evidence, which are returned to the originating law enforcement agencies after analysis, sexual assault kits remain at the State Crime Lab indefinitely.

CHAIR CLAMAN sought confirmation that the kits remain in the State Crime Lab even after testing.

MR. KANARIS confirmed that they do.

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COMMISSIONER COCKRELL drew attention to slide 6 of the presentation, which pictures the evidence storage system for sexual assault examination kits.

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MR. KANARIS began his presentation SB 69 Sexual Assault Examination Kit Tracking System.

MR. KANARIS moved to slide 2, Key Provision:

[Original punctuation provided.]

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

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MR. KANARIS moved to slide 3, Time Processing of Kits:

[Original punctuation provided.]

- **Medical providers** must notify law enforcement within **14 days** after evidence collection
 - New Requirement

MR. KANARIS stated that current statute does not include a provision specifying how quickly medical providers must submit or release evidence to law enforcement. He explained that SB 69 seeks to establish a 14-day time limit for notifying law enforcement that a kit is ready for pickup.

- **Law enforcement** must transfer kits to an accredited laboratory within **20 days**
 - Currently 30 days

MR. KANARIS stated that under current law, law enforcement agencies have 30 days to submit kits to the State Crime Lab. SB 69 proposes reducing that timeframe to 20 days. He explained that the 20-day period would begin when the medical provider notifies law enforcement of the release of evidence, at which point law enforcement would have 20 days to submit the kit to the lab.

- **Laboratory** must complete testing within **120 days**
 - Currently 180 days

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MR. KANARIS moved to slide 4, Survivor Rights and Transparency:

[Original punctuation provided.]

- Survivors must be notified when their kits are tested

MR. KANARIS stated that current statute requires victims to be notified within 14 days once their kit has been tested, and this provision is preserved in SB 69. He emphasized that this notification helps victim survivors engage with the criminal justice system in a manner that is least traumatic for them.

- 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

MR. KANARIS explained that, during development of the sexual assault kit tracking system, the Department of Public Safety met with survivor advocacy agencies and victim survivors. A consistent concern was the difficulty of having to re-engage with law enforcement agencies in order to obtain updates on the status of their kits.

- The system ensures survivors can securely monitor the status of their kits and opt-in for automated updates

MR. KANARIS said DPS designed the tracking system to allow victims to monitor the status of their kits securely and independently. The system enables users to opt in for text or email notifications when the status of their kit changes.

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MR. KANARIS moved to slide 5, Codification of the Sexual Assault Kit Tracking System:

[Original punctuation provided.]

- Sexual assault examination kit tracking system will be operated by the Department of Public Safety

MR. KANARIS stated that although the Department of Public Safety received a federal grant to procure and build the tracking system, which was deployed in June 2023, that grant will expire in September 2025. He noted that while the current administration has been supportive of the sexual assault kit tracking system, DPS wants to ensure the program is codified in

statute so that future administrations are obligated to maintain and support the system.

- Data remains confidential to protect survivor privacy

MR. KANARIS stated that DPS would like the data in the tracking system to be exempt from Freedom of Information Act (FOIA) requests. He clarified that the system does not store any personally identifying information. Instead, victims access the status of their kits using a barcode, allowing them to track progress without having any personal data recorded in the system.

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MR. KANARIS moved to slide 6, showing the facility where sexual assault examination kits are stored. He reflected that when he began working at the State Crime Lab 12 years ago, he had no idea of the extent of the problems Alaska faced with domestic violence and sexual assault. He said it was eye-opening to walk in and see all of these kits representing the misery of victims. He stated that it has become a mission for himself and the Department to help alleviate some of that misery. He expressed his belief that the kit tracking system is a big step in the right direction.

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SENATOR TOBIN expressed appreciation for the legislation and asked about the timeline for medical providers. She inquired whether providers, particularly those in rural Alaska, had given feedback on their ability to meet the 14-day requirement. She noted that weather events could disrupt transportation and asked how such situations might be accommodated if they prevent timely transmission.

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MR. KANARIS reported that data collected from the past year indicates that, on average, medical providers notify law enforcement within eight days, well within the 14-day requirement. He stated that DPS reviewed the data specifically for rural versus urban providers and found no significant difference.

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SENATOR TOBIN asked whether DPS consulted Child Advocacy Centers (CACs) on SB 69.

MR. KANARIS replied that he does not have any specific data on CACs. He expressed his belief that the policy center who works on the kit tracking system had engaged in those discussions but he had not personally participated in those meetings. He said he would follow up and provide an answer.

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SENATOR TOBIN remarked that healthcare data in Alaska is not necessarily immune from bad actors who may attempt to gain unauthorized access. She acknowledged the use of barcodes in the kit tracking system, asking whether there is double-end encryption or other mechanisms in place to ensure that a victim's privacy is protected as much as it can be.

MR. KANARIS replied that he was unsure of the specific security requirements or features built into the tracking system. He stated that DPS had discussed the matter with its Information Technology Division and believed the strongest safeguard is that the system contains no personally identifying information. He explained that unless someone were able to access both the lab's information management system and match it with the barcode, they would be unable to determine whose kit it is.

MR. KANARIS likened the tracking system to a package delivery tracker. Users can follow where a kit is in the process, such as from collection to shipment and arrival at various locations, but they cannot see the contents.

MR. KANARIS highlighted a safety feature within the system: a "safe" button. If a victim survivor is viewing their kit status and someone unexpectedly enters the room, they can click the button to instantly redirect the screen to a neutral page, such as Google, clearing any sensitive information from view.

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SENATOR MYERS raised the subject of pressing charges and asked whether sexual assault examination kits are typically tested prior to pressing charges.

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MR. KANARIS replied that it is probably a mixed bag. In the absence of results from the sexual assault kit, it depends on what other evidence is available in the case. He surmised that law enforcement would hold off on pursuing charges if the kit is the only evidence.

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CHAIR CLAMAN raised a question regarding victims who choose to remain anonymous and the use of barcodes. He asked whether the State Crime Lab retains any identifying information linked to a kit labeled with a barcode. He inquired, specifically, whether the lab possesses any record of the victim's identity. He asked whether the lab's records contain anything beyond the barcode number.

MR. KANARIS replied that lab staff only see the "request for laboratory services" form and the physical evidence itself. Unless the submitting agency includes identifying information on the form or writes something on the packaging, which DPS instructs against, lab staff would not have access to any personal information. He explained that the kit remains unopened and stored on a shelf until the victim chooses to engage with the process and notifies DPS.

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CHAIR CLAMAN asked whether that would start with a local law enforcement agency.

MR. KANARIS replied, correct.

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CHAIR CLAMAN held SB 69 in committee.

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There being no further business to come before the committee, Chair Claman adjourned the Senate Judiciary Standing Committee meeting at 1:57 p.m.