

Introduced: 2/8/82
Referred: Health, Education &
Social Services and Judiciary

1 IN THE SENATE

BY BRADLEY

2 SENATE BILL NO. 726

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to medical and psychological assis-
7 tance to victims of sexual assault."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 18 is amended by adding a new chapter to read:

10 CHAPTER 68. MEDICAL AND PSYCHOLOGICAL ASSISTANCE TO
11 VICTIMS OF SEXUAL ASSAULT.

12 Sec. 18.68.010. ASSISTANCE TO VICTIMS OF SEXUAL ASSAULT. The
13 Department of Health and Social Services shall provide for medical and
14 psychological assistance for victims of sexual assault in accordance
15 with the provisions of this chapter.

16 Sec. 18.68.020. EMERGENCY MEDICAL CARE. (a) A victim of sexual
17 assault may request and receive initial emergency medical care at a
18 public or private hospital in the state for any physical injuries that
19 resulted from the sexual assault.

20 (b) All costs incurred for emergency medical care under (a) of
21 this section shall be charged to and paid by the department.

22 Sec. 18.68.030. APPLICATION FOR TREATMENT. (a) If a victim of
23 sexual assault requires medical treatment for physical injuries as a
24 result of the sexual assault, in addition to any initial emergency
25 medical care provided, or if a victim or spouse of a victim suffers
26 emotional trauma as a result of the sexual assault, the victim or spouse
27 may, upon submitting an affidavit as required by (b) of this section,
28 apply to the department for treatment at state expense.

29 (b) The department shall approve an application for treatment upon

1 receiving an affidavit from the applicant declaring that

2 (1) the applicant is a victim of sexual assault or the spouse
3 of a victim of sexual assault;

4 (2) the sexual assault occurred in the state; and

5 (3) the victim requires medical treatment for physical
6 injuries, or the victim or spouse has suffered emotional trauma, as a
7 result of the sexual assault, and requires psychological treatment.

8 (c) The filing of a report of the sexual assault with the appropri-
9 ate law enforcement agency is a prerequisite to qualifying for treatment
10 under the provisions of this section.

11 Sec. 18.68.040. TREATMENT AND LIMITATION. (a) Upon approval by
12 the department, as provided in AS 18.68.030, medical treatment for a
13 victim's physical injuries or treatment in the form of psychological,
14 psychiatric, and marital counseling for the victim and the victim's
15 spouse shall be made available at a hospital, clinic, or health facility
16 designated by the department or at another facility with which the
17 department contracts for the purpose of providing treatment under this
18 section.

19 (b) Costs for treatment provided under this section, not exceeding
20 \$1,000 for each person treated, shall be paid by the department. A new
21 \$1,000 limit is applied if a victim of sexual assault or the victim's
22 spouse reapplies for treatment required because of another sexual assault
23 committed against the victim or victim's spouse.

24 Sec. 18.68.050. CERTIFICATION OF PSYCHOLOGICAL TREATMENT. (a)
25 The department shall require the psychologist, psychiatrist, or counselor
26 treating a victim of sexual assault or the victim's spouse for emotional
27 trauma suffered as a result of the sexual assault to certify from time
28 to time that the counseling relates to the sexual assault and that the
29 victim or spouse still suffers from the effects of the emotional trauma

1 that resulted from the sexual assault.

2 (b) If the person providing the psychological treatment fails to
3 make the certification required by this section upon request by the
4 department, the department may order the treatment terminated.

5 Sec. 18.68.060. PREREQUISITES TO TREATMENT. An order for treatment
6 under AS 18.68.030 and 18.68.040 may be made by the department only if

7 (1) the application for treatment is made within 60 days
8 after the date of the sexual assault; and

9 (2) the sexual assault was reported to the police within
10 three days after its occurrence, or, if the offense could not reasonably
11 have been reported within that period, within three days after the time
12 when a report could reasonably have been made.

13 Sec. 18.68.070. REGULATIONS PRESCRIBING PROCEDURES. The department
14 may adopt regulations to carry out its functions under this chapter.

15 Sec. 18.68.900. DEFINITIONS. In this chapter

16 (1) "department" means the Department of Health and Social
17 Services; and

18 (2) "victim of sexual assault" means a person who has been
19 sexually assaulted as defined by AS 11.41.410 - 11.41.450 or AS 11.51.-
20 130(a)(4).
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