

Offered: 3/28/84
Referred: Judiciary

Original sponsor: Health, Education and
Social Services Committee

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2

CS FOR SENATE BILL NO. 528 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the spousal defense to sexual
7 assault."

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

9 * Section 1. AS 11.41 is amended by adding a new section to read:

10 Sec. 11.41.443. SPOUSAL RELATIONSHIP NO DEFENSE. In a prosecu-
11 tion under AS 11.41.410 - 11.41.420, it is not a defense that the
12 victim was, at any time, the legal spouse of the defendant.

13 * Sec. 2. AS 11.41.445(a) is amended to read:

14 (a) In a prosecution under AS 11.41.434 - 11.41.440 [AS 11.41.-
15 410 - 11.41.440], it is an affirmative defense that, at the time of
16 the alleged offense, the victim was the legal spouse of the defendant
17 unless the defendant engaged or attempted to engage in sexual pene-
18 tration or sexual contact with the victim without consent of the
19 victim

20 [(1) THE SPOUSES WERE LIVING APART; OR

21 (2) THE DEFENDANT CAUSED PHYSICAL INJURY TO THE VICTIM].