

HB

270

(7)

Date Referred to Committee: February 18, 2000

HOUSE COMMITTEE REPORT

FURTHER REFERRALS:

HES
Finance

Date of Committee Action: 3/9/00

The STATE AFFAIRS Committee considered:

SSHB 270

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 270

SEXUAL ASSAULT EXAMINATIONS

"An Act relating to sexual assault and sexual abuse and to payment for certain examinations in cases of alleged sexual assault or sexual abuse."

recommends it be replaced with the following committee substitute SSHB 270 (STA) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dep/Date) _____

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) DPS

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Deonnelle James</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			

CHAIR'S SIGNATURE Deonnelle James

1-LS1108M
Luckhaupt
2/25/00

Adopted

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 270()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES CROFT, Halcro, Kerttula, Smalley

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to payment for certain examinations in cases of sexual assault."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1. AS 18.68 is amended by adding a new section to read:**

4 **Sec. 18.68.040. Sexual assault victim may not be required to pay for**
5 **examination. A law enforcement agency, health care facility, or other entity may not**
6 **require an adult victim of sexual assault under AS 11.41.410 - 11.41.425 to pay,**
7 **directly or indirectly, through health insurance or any other means, for the costs of**
8 **examination of the victim necessary for**

9 (1) **collecting evidence using the sexual assault examination kit under**
10 **AS 18.68.010 or otherwise; or**

11 (2) **determining whether a sexual assault has occurred.**



Representative Eric Croft

Sponsor Statement

Sponsor Substitute for House Bill 270

"Payment of Evidentiary Forensic Exams"

SSHB 270 makes sure that adult victims of sexual assault are not charged for the costs of evidentiary forensic exams.

A victim of sexual assault has by definition been victimized once. In order to facilitate investigation of the crime and prosecution of the criminal, a victim is often asked to submit to a forensic exam to gather evidence. The forensic exams often involve taking physical samples and photographs. While it is the ordinary police practice to pay for these evidence gathering exams, some victims now report that they have been asked to pay for the cost of the forensic exam itself through their medical insurance. To many victims of sexual assault, this is a third victimization.

No victim should have to pay the cost of the exam, especially after such a traumatic and painful experience. When a house is burglarized and law enforcement takes photos, fingerprints or electronic analysis of evidence, the victim is never sent the bill, directly or indirectly. Nor should they. We have faith that most law enforcement agencies take responsibility for victims' needs and appropriately pay for evidentiary exams as needed. Those few law enforcement agencies that attempt to transfer this cost to the victim should be stopped.

With the passage of HB 270, victims would be assured that they could not be required to pay for evidentiary forensic exams.

REPRESENTATIVE ERIC CROFT

Memorandum

TO: Rep. Jeanette James, Chair
House State Affairs

FROM: Rep. Eric Croft *Eric Croft*

DATE: February 17, 2000

RE: SSHB 270

I am requesting a hearing on SSHB 270, relating to payment for certain medical costs and examinations in cases of sexual assault. Though cases of victims of sexual assault paying either out of pocket or through private insurance is rare, I believe this bill would eliminate any case from occurring in the future.

I have included with this memo:

- Copy of the bill
- Sponsor statement

*Who does
pay - ??*



Subject: SSHB 270

Date: Wed, 23 Feb 2000 10:28:32 -0900

From: Sam Shepard <Sam_Shepard@legis.state.ak.us>

Organization: Alaska State Legislature

To: Barbara Cotting <Barbara_Cotting@legis.state.ak.us>

Can you please, please, please schedule our bill for next week????
Pretty please?

Call Sam

Per Sam 2/29/00

*now Public Safety
pays - Victim
Should NOT
Pay - This
is open to
discussion RE
WHO pays.*

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355

February 3, 2000

COPY

Business Manager

Joseph E. Young
Anchorage

Board of Directors

John Charbonneau, President
Anchorage

Robin Lown, Vice President
Juneau

Michael Corkill, Past President
Anchorage

Tod McGillivray, Member
Kenai
Pres. Kenai Chapter

Leo Brandlen, Member
Anchorage
Pres. Anchorage Chapter

Angella Long, Member
Palmer
Pres. Mat-Su Chapter

Tonya Barnes, Member
Fairbanks
Pres. Farthest North Chapter

Robert Fletcher, Member
Juneau
Pres. Capitol City Chapter

Leroy Mestas, Member
Ketchikan
Pres. First City Chapter

Robert Claus, Member
Craig
Pres. Prince of Wales Chapter

John Lucking, Jr., Member
Unalaska
Pres. Aleutian Islands Chapter

Representative Eric Croft
Alaska State Legislature
State Capital
Juneau, Alaska 99801-1182

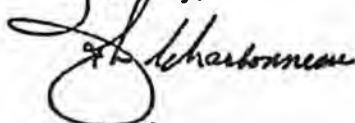
Dear Representative Croft:

Thank you for providing us yesterday with a copy of the current (attached) work draft of CSHB 270.

Our original opposition was to the financial responsibility for testing for sexually transmitted diseases and emergency contraception. Those matters were not law enforcement related. Now that those components have been removed from the bill, we have changed our position. We agree that victims should not have to pay for evidentiary exams. We've reviewed the changes and now endorse the attached work draft of CSHB 270.

You may contact us at the APOA office in Anchorage at 277-0515.

Sincerely,



John Charbonneau
State President

Attachment

cc: Representative Jeannette James

RECEIVED BY

FEB - 7 2000

Rep. Jeannette James

WORK DRAFT

WORK DRAFT

WORK DRAFT

1-LS1108VG
Luckhaupt
1/21/00

CS FOR HOUSE BILL NO. 270()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES CROFT, Halcro, Kerttula

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to sexual assault and sexual abuse and to payment for certain
2 medical costs and examinations in cases of alleged sexual assault or sexual abuse."

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

4 * Section 1. AS 18.68 is amended by adding new sections to read:

5 Sec. 18.68.040. Sexual assault victim may not be required to pay for
6 examination. A law enforcement agency or other authority that is investigating a
7 sexual assault that is alleged or suspected to have occurred within its jurisdiction or
8 a health care provider or health care facility may not require the victim to pay for the
9 costs of examination of the victim necessary for

10 (1) collecting evidence using the sexual assault examination kit under
11 AS 18.68.010 or otherwise; or

12 (2) determining whether a sexual assault has occurred.

13 Sec. 18.68.100. Definition. In this chapter, "sexual assault" has the meaning
14 given in AS 18.66.990.

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355

January 27, 2000

Business Manager

Joseph E. Young
Anchorage

Board of Directors

John Charbonneau, President
Anchorage

Robin Lown, Vice President
Juneau

Michael Corkill, Past President
Anchorage

Tod McGillivray, Member
Kenai
Pres. Kenai Chapter

Leo Brandlen, Member
Anchorage
Pres. Anchorage Chapter

Angella Long, Member
Palmer
Pres. Mat-Su Chapter

Tonya Barnes, Member
Fairbanks
Pres. Farthest North Chapter

Robert Fletcher, Member
Juneau
Pres. Capitol City Chapter

Leroy Mestas, Member
Ketchikan
Pres. First City Chapter

Robert Claus, Member
Craig
Pres. Prince of Wales Chapter

John Lucking, Jr., Member
Unalaska
Pres. Aleutian Islands Chapter

Representative Jeannette James
Alaska State Legislature
State Capital
Juneau, Alaska 99801-1182

Dear Representative James:

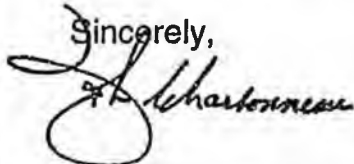
At a recent meeting of the APOA Board of Directors, we unanimously agreed to oppose HB 270.

We oppose the proposed amendment to AS 18.68 regarding the financial responsibility for testing for sexually transmitted diseases and emergency contraception. These matters are not law enforcement related.

We feel this amendment is inappropriate and should not be enacted.

You may contact us at the APOA office in Anchorage at 277-0515.

Sincerely,



John Charbonneau
State President

cc: Representatives Eric Croft and Andrew Halcro

RECEIVED BY

FEB - 1 2000

Rep. Jeannette James

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. SSHB 270

Revision Date _____	Dept. Affected <u>Public Safety</u>	
Title <u>SEXUAL ASSAULT & SEXUAL ABUSE</u>	BRU <u>Alaska State Trooper Detachments</u>	
	Component: <u>Alaska State Trooper Detachments</u>	
Sponsor <u>Representative Croft</u>		
Requester <u>H. State Affairs Committee</u>	Component No. <u>2325</u>	

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

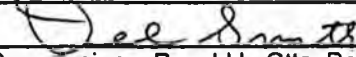
Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill is not expected to have an adverse impact on the budget.

Prepared by: <u>Royce Weller, Special Assistant</u>	Phone <u>465-4322</u>
Division <u>Office of the Commissioner</u>	Date/Time <u>3/3/2000</u>
Approved by: <u></u>	Date <u>3-6-00</u>
Agency <u>Commissioner Ronald L. Otte, Dept. of Public Safety</u>	

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information, call the Governor's Legislative Office