

# ALASKA STATE LEGISLATURE



REPRESENTATIVE GERAN TARR

## House Bill 5

**"An Act relating to sexual abuse of a minor; relating to sexual assault; relating to the code of military justice; relating to consent; relating to the testing of sexual assault examination kits; and providing for an effective date."**

### Sponsor Statement

Alaska's current statutes fail to achieve justice for Alaskans who have been sexually assaulted. House Bill 5 brings outdated laws into the 21<sup>st</sup> century, with improvements informed by years of study of how legal systems fail victims by being blind to rape in certain circumstances. The bill also includes the final piece of rape kit reform, with a requirement that kits be tested within 6 months.

House Bill 5 would rewrite the state's definition of consent to affirm that consent cannot be given by a person who is incompetent or unconscious, extracted by threat or force, or by fraud or deception, or assumed on the basis of a past or present romantic relationship, including marriage. This "affirmative" definition of consent is in contrast to Alaska's current consent definition, which only provides a definition of "without consent."

Furthermore, House Bill 5 seeks to protect teenagers who are victims of predatory behavior by adults more than 10 years older than them. It takes into consideration a significant difference in age between an offender and a minor to determine whether a sexual assault occurred, and to distinguish between assault in the first and second degree.

House Bill 5 requires sexual assault examination kits (also known as "rape kits") to be tested within six months. This provision was included in a bill that had unanimous, bipartisan support at the end of the last legislative session, but was delayed and did not pass. This legislation to reduce the processing time of rape kits to six months is the last provision of the multi-year Rape Kit Reform Initiative, with additional staff and resources being needed at each step of the way.

House Bill 5 brings Alaska one step closer to preventing and addressing sexual assault.

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