

# ABOUT HOUSE BILL 325

— ALASKA —

## 1 What does this mean?

We're talking about Alaska's new consent law. For more than 40 years, we have had a broken law that routinely denies justice to Alaskans who have been sexually assaulted. To understand how this happened, please consider that law was written at a time when citizens were fighting for domestic violence and sexual assault just to be recognized as crimes.

Historically, these were "family" issues and kept quiet. It took a massive effort on the part of survivors and advocates to change the system and recognize these crimes. In Alaska, survivors came together in 1977 to form the grassroots organization, Alaska Network on Domestic Violence and Sexual Assault, and then in 1981 the Council on Domestic Violence and Sexual Assault was created to ensure funding and support would be dedicated to the issue statewide.

## 2 What was wrong with the old law?

The old law represents outdated views that amount to victim blaming. Specifically, the law required the use of force or threat of force to be considered a sexual assault. This fails to recognize well-known, documented responses to trauma, such as freezing or dissociation, and implies that unless someone was beaten bloody and left with visible injuries, they were not assaulted. Being left with visible injuries is not the norm for most survivors of sexual assault, but juries were instructed to believe so regardless. **We know that a person may freeze, for example, because the other person can physically overpower the other person and they believe freezing is necessary for survival.**



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### What does the new law say and how does it fix it?

This is not new. The federal definition of rape removed the element of force years ago, as have many states. This definition is also widely used across the country, as well as other nations, to teach consent. The law will now match what we understand consent to mean. A popular acronym used is FRIEST<sup>™</sup> to stand for: Freely given, Reversible, Informed, Enthusiastic and Specific.

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### What are potential outcomes?

There are two ways to think of outcomes, first as improving criminal justice response and second as a prevention opportunity. With the criminal justice response, it is expected more cases will be referred for prosecution. This does not mean more sexual assaults are happening; it means the law will consider for prosecution sexual assaults that were unable to be prosecuted under the broken law, giving a free pass to those who would do harm.

However, the difficult and tragic aspect of the criminal justice response is that it is reactive, meaning an Alaskan may have already been harmed. There is no positive outcome to this life changing act of violence, which is why the prevention opportunity is so important.

The prevention opportunity is the way we educate all Alaskans about this new law. We hope this will generate important and needed conversations about consent. We see a day where Alaska isn't a leader in domestic violence and sexual assault, and we want today to be the first day we fully commit to doing everything we can to change this culture.



## Notes

We know you share our desire to reduce violence in our state and lose the designation of being number one on all the wrong lists. To do this, we need your help and we are asking everyone to get involved in this effort. Fundamentally, consent is about communication, and these are necessary conversations for us to have. We would welcome an invitation to your board meeting, church group, club, or organization to speak about this important change in the law.

To help Alaskans understand the new law, we have produced a FAQs that can be found at <https://www.staralaska.com/hb325>. We hope you will visit this site and review and use this and other materials.

**Working together, Alaska will become a safer state for everyone.**