POLARIS PROJECT

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Alaska State Report
State Ratings 2013

The Polaris Project annual state ratings process tracks the presence or absence of 10 categories of state statutes that Polaris Project believes are critical to a comprehensive anti-trafficking legal framework. It is important to note that these 10 categories are not exhaustive of all the important legislation that helps combat human trafficking in a given state. Moreover, the ratings do not assess the effectiveness or implementation of these laws, nor the anti-trafficking efforts of task forces, law enforcement, prosecutors, judges, service providers, and advocates in the state. The purpose of the annual state ratings process is to document laws on the books, to motivate legislators and policy advocates, and to focus the attention of states on the statutes that still need to be enacted in order to achieve a strong anti-trafficking legal framework.

Rating: Tier One (green)
Total Points: 7
Credited Categories: 1 Sex Trafficking; 2 Labor Trafficking; 3(a) Asset Forfeiture; 3(b) Investigative Tools; 4(a) Training for Law Enforcement; 7 No Requirement of Force, Fraud, or Coercion for Sex Trafficking of Minors; 9 Civil Remedy.
Categories Still Needed: 4(b) Task Force; 5 Posting of the National Hotline; 6 Safe Harbor for Minors; 8 Victim Assistance; and 10 Vacating Convictions
Category By Category Break-Down:

Category 1: Sex Trafficking Statute

§11.66.110. Sex Trafficking in the First Degree
(a)A person commits the crime of sex trafficking in the first degree if the person
(1)induces or causes a person to engage in prostitution through the use of force;
(2)as other than a patron of a prostitute, induces or causes a person under 20 years of age to engage in prostitution; or
(3)induces or causes a person in that person's legal custody to engage in prostitution.
(b) In a prosecution under (a)(2) of this section, it is not a defense that the defendant reasonably believed that the person induced or caused to engage in prostitution was 20 years of age or older.
(c) Except as provided in (d) of this section, sex trafficking in the first degree is a class A felony.

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§11.66.120 Sex trafficking in the second degree.
(a) A person commits the crime of sex trafficking in the second degree if the person

(1) manages, supervises, controls, or owns, either alone or in association with others, a prostitution enterprise other than a place of prostitution;

(2) procures or solicits a patron for a prostitute; or

(3) offers, sells, advertises, promotes, or facilitates travel that includes commercial sexual conduct as enticement for the travel; in this paragraph, "commercial sexual conduct" means sexual conduct for which anything of value is given or received by any person.

(b)Sex trafficking in the second degree is a class B felony.

§11.66.130 Sex trafficking in the third degree. (is amended to read:)
(a) A person commits the crime of sex trafficking in the third degree if, with intent to promote prostitution, the person

(1) manages, supervises, controls, or owns, either alone or in association with others, a place of prostitution;

(2) as other than a patron of a prostitute, induces or causes a person 20 years of age or older to engage in prostitution;

(3) as other than a prostitute receiving compensation for personally rendered prostitution services, receives or agrees to receive money or other under an agreement or understanding that the money or other derived from prostitution; or

(4) engages in conduct that institutes, aids, or facilitates a prostitution enterprise.

(b) Sex trafficking in the third degree is a class C felony.

§11.66.135 Sex trafficking in the fourth degree.
(a) A person commits the crime of sex trafficking in the fourth degree if the person engages in conduct that institutes, aids, or facilitates prostitution under circumstances not proscribed under AS 11.66.130(a)(4).
(b) Sex trafficking in the fourth degree is a class A misdemeanor.

Category 2: Labor Trafficking Statute

§11.41.360. Human trafficking in the first degree.
(a) A person commits the crime of human trafficking in the first degree if the person compels or induces another person to engage in sexual conduct, adult entertainment, or labor in the state by force or threat of force against any person, or by deception.
(b) In this section,

(1) "adult entertainment" means the conduct described in AS 23.10.350(f)(1) - (3);

(2) "deception" has the meaning given in AS 11.46.180 ;

(3) "sexual conduct" has the meaning given in AS 11.66.150 .

(c) Human trafficking in the first degree is a class A felony.

§11.41.365. Human trafficking in the second degree.
(a) A person commits the crime of human trafficking in the second degree if the person obtains a benefit from the commission of human trafficking under 11.41.360, with reckless disregard that the benefit is a result of the trafficking.
(b) Human trafficking in the second degree is a class B felony.

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Category 3(a): Asset Forfeiture

§11.66.145. Forfeiture.
Property used to institute, aid, or facilitate, or received or derived from, a violation of **AS 11.66.100(c) or 11.66.110 - 11.66.135** shall be forfeited.

Category 3(b): Investigative Tools

SB 22 (2013)
§ 12.37.010. Authorization to intercept communications.
The attorney general, or a person designated in writing or by law to act for the attorney general, may authorize, in writing, an ex parte application to a court of competent jurisdiction for an order authorizing the interception of a private communication if the interception may provide evidence of, or may assist in the apprehension of persons who have committed, are committing, or are planning to commit, the following offenses:

(4) sex trafficking in the first or second degree under AS 11.66.110 and 11.66.120; or

(5) human trafficking in the first degree under AS 11.41.360.

Category 4(a): Training for Law Enforcement

HB 65 Appropriations (2013)
"It is the intent of the legislature that the Department of Public Safety, Alaska State Troopers, allocate funding for training and investigation of sex trafficking during the fiscal year ending June 30, 2014."

Category 4(b): Human Trafficking Task Force

None. Repealed by Section 19 of SB 210 (2012).

Category 5: Posting of a Human Trafficking Hotline

None.

Category 6: Safe Harbor

None.

Category 7: No Requirement of Force, Fraud, or Coercion for Sex Trafficking of Minors

Yes. See §11.66.110 (a)(2).

Category 8: Victim Assistance

None.

Category 9: Civil Remedy

SB 22 (2013)

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§09.10.065. Commencement of actions for acts constituting sexual offenses.
(a) A person may bring an action at any time for conduct that would have, at the time the conduct occurred, violated provisions of any of the following offenses: (1) felony sexual abuse of a minor; (2) felony sexual assault; [OR] (3) unlawful exploitation of a minor**; (4) felony sex trafficking; or (5) felony human trafficking**.

Category 10: Vacating Convictions

None.

For guidelines and examples of bill language, please consult Polaris Project's Model Provisions of Comprehensive State Legislation to Combat Human Trafficking and Commentary available on our website (www.polarisproject.org). If you need technical assistance in enacting laws to fill in the gaps, please contact the Polaris Project Policy Program at policy@polarisproject.org.

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