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Governor Sean Parnell  
STATE OF ALASKA

February 21, 2012

The Honorable Mike Chenault  
Speaker of the House  
Alaska State Legislature  
State Capitol, Room 208  
Juneau, AK 99801-1182

Dear Speaker Chenault,

As we continue our efforts to combat crime to ensure safe homes and strong families in Alaska, I am transmitting a bill under the authority of Article III, Section 18 of the Alaska Constitution relating to conspiracy to commit human trafficking in the first degree or sex trafficking in the first degree; relating to the crime of furnishing indecent material to minors, the crime of online enticement of a minor, and the crime of sex trafficking; relating to forfeiture of property used in prostitution offenses; relating to sex offender registration; relating to testimony by videoconference; and adding Rule 38.3, Alaska Rules of Criminal Procedure.

Alaska law imposes the most severe penalty, an unclassified felony, for persons who exploit children by inducing them to engage in prostitution. It is also a Class A felony for a person to force another adult to engage in prostitution. The law also prohibits other conduct that encourages or allows for promotion of prostitution.

When children are victimized in Alaska, they should not be labeled with the actions of the offender who solicits sex, organizes its sale, and exploits children. This bill changes the terminology for the crime by describing the offender's conduct as sex trafficking rather than promoting prostitution.

Traffickers prey on the most vulnerable in our society – young girls and boys who may have tragically experienced varying levels of physical and sexual abuse and are often homeless. The most frequent entry age into prostitution for girls is 12 to 14 years old. We believe that any child engaged in prostitution (under the age of 18) is being trafficked, and thus, is victim of a severe and serious crime rather than a prostitute.

The crimes of sex trafficking and human trafficking are serious offenses which violate the most basic human rights and deprive victims of every shred of personal freedom. These crimes are often perpetrated by offenders working together. Cooperating to encourage victims to come to the state for illegal activity, or to induce children to engage in prostitution makes the ultimate offenses, human trafficking or sex trafficking, more likely to occur. To address this likelihood, the bill would add human trafficking in the first degree and sex trafficking in the first degree to the crimes defined as serious felony offenses for purposes of our conspiracy law.

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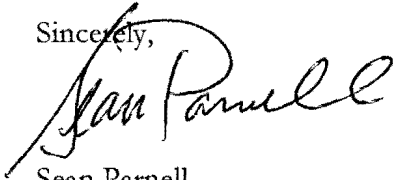
The bill also would address the recent court decision holding that AS 11.61.128, which prohibits distribution of indecent materials to minors, is unconstitutionally overbroad. The bill would change the statute to require the State to prove that the offender intentionally distributed, or possessed with the intent to distribute, harmful material to another person that the offender knew was under 16 years of age or believed was under 16 years of age.

The bill strengthens the sex offender registration law by requiring people who are considered sex offenders in other states to register in this state, if they relocate to Alaska.

The bill allows for video conference testimony in a criminal trial in limited circumstances; that is, when the witness is unavailable, the testimony is given under oath and subject to cross-examination, and use of the technology is necessary to further an important public policy. The bill also would allow two-way contemporaneous video conference testimony in hearings addressing the competency of a defendant to be tried for a crime.

I urge your prompt consideration and passage of this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean Parnell", written over a horizontal line.

Sean Parnell  
Governor

Enclosure