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Martin  
3/22/17

**CS FOR HOUSE BILL NO. 112( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**THIRTIETH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVE CLAMAN**

**A BILL**

**FOR AN ACT ENTITLED**

**"An Act relating to sexual assault by a peace officer against a person who is a perpetrator of a crime."**

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

**\* Section 1.** AS 11.41.425(a) is amended to read:

(a) An offender commits the crime of sexual assault in the third degree if the offender

(1) engages in sexual contact with a person who the offender knows is

(A) mentally incapable;

(B) incapacitated; or

(C) unaware that a sexual act is being committed;

(2) while employed in a state correctional facility or other placement designated by the commissioner of corrections for the custody and care of prisoners, engages in sexual penetration with a person who the offender knows is committed to the custody of the Department of Corrections to serve a term of imprisonment or

period of temporary commitment;

(3) engages in sexual penetration with a person 18 or 19 years of age who the offender knows is committed to the custody of the Department of Health and Social Services under AS 47.10 or AS 47.12 and the offender is the legal guardian of the person;

(4) while employed in the state by a law enforcement agency as a peace officer, or while acting as a peace officer in the state, engages in sexual penetration with a person with reckless disregard that the person is in the custody or the apparent custody of the offender, [OR] is committed to the custody of a law enforcement agency, **or is the perpetrator of a crime under investigation by the offender;**

(5) while employed by the state or a municipality of the state as a probation officer or parole officer, or while acting as a probation officer or parole officer in the state, engages in sexual penetration with a person with reckless disregard that the person is on probation or parole; or

(6) while employed as a juvenile probation officer or as a juvenile facility staff, engages in sexual penetration with a person 18 or 19 years of age with reckless disregard that the person is committed to the custody or probationary supervision of the Department of Health and Social Services.

\* **Sec. 2.** AS 11.41.427(a) is amended to read:

(a) An offender commits the crime of sexual assault in the fourth degree if

(1) while employed in a state correctional facility or other placement designated by the commissioner of corrections for the custody and care of prisoners, the offender engages in sexual contact with a person who the offender knows is committed to the custody of the Department of Corrections to serve a term of imprisonment or period of temporary commitment;

(2) the offender engages in sexual contact with a person 18 or 19 years of age who the offender knows is committed to the custody of the Department of Health and Social Services under AS 47.10 or AS 47.12 and the offender is the legal guardian of the person;

(3) while employed in the state by a law enforcement agency as a

1 peace officer, or while acting as a peace officer in the state, the offender engages in  
2 sexual contact with a person with reckless disregard that the person is in the custody or  
3 the apparent custody of the offender, [OR] is committed to the custody of a law  
4 enforcement agency, **or is the perpetrator of a crime under investigation by the**  
5 **offender;**

6 (4) while employed by the state or a municipality of the state as a  
7 probation officer or parole officer, or while acting as a probation officer or parole  
8 officer in the state, the offender engages in sexual contact with a person with reckless  
9 disregard that the person is on probation or parole; or

10 (5) while employed as a juvenile probation officer or as a juvenile  
11 facility staff, the offender engages in sexual contact with a person 18 or 19 years of  
12 age with reckless disregard that the person is committed to the custody or probationary  
13 supervision of the Department of Health and Social Services.

14 \* **Sec. 3.** AS 11.41.432(c) is amended to read:

15 (c) It is an affirmative defense to a crime charged under

16 **(1) AS 11.41.425(a)(5) or 11.41.427(a)(4) that the offender and the**  
17 **person on probation or parole had, before the person was placed on probation or**  
18 **parole, a dating relationship or a sexual relationship, and the relationship continued**  
19 **until the date of the alleged offense;**

20 **(2) AS 11.41.425(a)(4) or 11.41.427(a)(3) that the offender and the**  
21 **person who is a perpetrator of a crime under investigation by the offender had,**  
22 **before the person was a perpetrator of a crime under investigation by the**  
23 **offender, a dating or sexual relationship, and the relationship continued until the**  
24 **date the person became the perpetrator of a crime under investigation by the**  
25 **offender.**

26 \* **Sec. 4.** The uncoded law of the State of Alaska is amended by adding a new section to  
27 read:

28 APPLICABILITY. This Act applies to offenses committed on or after the effective  
29 date of this Act.