

ALASKA STATE SENATE



Explanation of Changes in Committee Substitute for CSSB35

Version A to U

Title Changes: The following has been added to the title to the bill in order to conform to added provisions of the CS;

- relating to sexual abuse of a minor
- relating to indecent exposure
- relating to the distribution of child pornography
- relating to automated victim notification system
- relating to the definition of 'sex offense'

Section 1: Conforming changes to clarify references with the new work draft and references to previous legislation in order to clarify legislative intent.

Section 7: Amends AS 11.41.458(a) to make masturbation in front of someone under the age of 16 the crime of indecent exposure in the first degree. (Conforming language will add this as a registerable sex offense) **(Page 3, Line 31 through Page 4, Line 11)**

Section 12: Amends AS 11.61.123(f) to indecent viewing or production of a picture a class B felony, when the person capturing the picture is an adult and the picture being captured in of a minor. **(Page 5, Line 31 through Page 6, Line 10)**

Section 13: Amends AS 11.61.125(e) to make distribution of child pornography a class A felony on first offense. **(Page 6, Line 11 through line 17)**

Section 14: Amends AS 12.55.015 by adding a new subsection (l) that states there is a presumption of a no contact order between the defendant and the victim until the defendant is unconditionally discharged. **(Page 6, lines 18 through 23)**

Section 16: Amends AS 12.55.125(i) with sentencing guideline language to conform with Section 7 "sexual abuse of a minor in the third degree", Section 9 "indecent viewing or production of a picture" and Section 13 "distribution of child pornography". **(Page 7, line 14 through Page 10, line 5) (Section changes are found on page 8, line 5 and Page 8, lines 18 through 21)**

Section 17: No substantive change but a clean up in wording for AS 12.55.145(a)(4)(D). **(Page 11, line 31 through Page 12, line 2)**

Section 19: Conforming language for the definition of "sexual felony" to include "sexual abuse of a minor in the third degree" and "indecent viewing or production of a picture". These changes in sentence structure conform to changes in Sections 7 and 9 of the bill.

Section 20: Amends AS 12.61.050(c) to direct the Department of Corrections to include in the Victim Notification System (VINE) information for victims of a crime involving domestic violence or a sex offense, on how to request a protective order and to provide contact information for state victim resources. **(Page 13, lines 6 through 13)**

Section 21: Amends AS 12.63.010(d) with conforming language for Sections 22 and 23. **(Page 13, Lines 14 through 27)**

Section 22: Amends AS 12.63.020 with language to reconcile the duration requirements in Section 23 for sex offenders from other jurisdictions to register when in the state of Alaska. **(Page 13, line 28 through Page 15, line 23)**

Section 26: Amends AS 33.16.090(b) with conforming language for Section 25, as well as making class B and C sex offenses ineligible for discretionary parole. **(Page 18, line 24 through Page 20, line 23)**

Section 27: Amends AS 44.19.647(a) and instructs the Alaska Judicial Council to include in their annual report, data collected by the Department of Law as described in Section 29. **(Page 20, line 24 through Page 21, line 8)**

Section 28: Adds a new subsection (k) to AS 44.23.020 instructing the Department of Law to develop a toll to track certain information regard sex offense complaints by region. **(Page 21, line 9 through line 19)**

Section 29: Adds a new subsection (b) to AS 44.23.040 instructing the Department of Law to gather and report data on felony sex offenses including the number reported but not referred for prosecution, the number referred for prosecution that were not prosecuted, and the number the number that resulted in a conviction of a crime other than a sex offense. **(Page 21, line 20 through line 29)**

Section 30: Amends AS 47.17.020(e) adds indecent viewing or production of a picture as described in Sections 8 and 9, as possible criminal conduct that must be reported under the State's "duty to report" statutes. **(Page 21, line 30 through Page 22, line 12)**

Section 33: Instructions for revisor to change the heading of AS 11.61.123 to "Indecent viewing or production". **(Page 23, line 11 through Page 23, line 16)**