

32-GS2029\B  
Radford  
3/11/22

**CS FOR SENATE BILL NO. 189(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:  
Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to sex trafficking; establishing the crime of patron of a victim of sex  
2 trafficking; relating to the crime of human trafficking; relating to prostitution; relating  
3 to sentencing for sex trafficking, patron of a victim of sex trafficking, and human  
4 trafficking; establishing the process for vacating judgments for certain convictions of  
5 prostitution; relating to permanent fund dividends for certain individuals whose  
6 convictions are vacated; and providing for an effective date."

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

8 \* **Section 1.** AS 04.06.110 is amended to read:

9 **Sec. 04.06.110. Peace officer powers.** The director and the persons employed  
10 for the administration and enforcement of this title may, with the concurrence of the  
11 commissioner of public safety, exercise the powers of peace officers when those  
12 powers are specifically granted by the board. Powers granted by the board under this  
13 section may be exercised only when necessary for the enforcement of the criminally

punishable provisions of this title, regulations of the board, and other criminally punishable laws and regulations, including investigation of violations of laws against prostitution and sex trafficking described in AS 11.66.100 - 11.66.137 [AS 11.66.100 - 11.66.135] and laws against gambling, promoting gambling, and related offenses described in AS 11.66.200 - 11.66.280. Unless authorized by a search warrant described in AS 12.35, nothing in this section authorizes the use of metal keys, magnetic card keys, or identification cards to access private clubs.

\* **Sec. 2.** AS 11.41.360(a) is amended to read:

(a) A person commits the crime of human trafficking in the first degree if, under circumstances not proscribed under AS 11.66.110 - 11.66.137, the person

(1) [COMPELS OR] induces or causes another person to engage in [SEXUAL CONDUCT,] adult entertainment [,] or labor [IN THE STATE] by force or threat of force against any person; or

(2) violates AS 11.41.365 and the victim is under 20 years of age [, OR BY DECEPTION].

\* **Sec. 3.** AS 11.41.360(c) is amended to read:

(c) Human trafficking in the first degree is an unclassified [A CLASS A] felony.

\* **Sec. 4.** AS 11.41.365 is amended to read:

**Sec. 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, under circumstances not proscribed under AS 11.66.110 - 11.66.137, and with the intent to promote human trafficking, recruits, entices, or otherwise induces or causes another person to engage in adult entertainment or labor by

(1) exposing or threatening to expose confidential information, whether true or false, that would subject a person to hatred, contempt, or ridicule;

(2) destroying, concealing, or threatening to destroy or conceal an actual or purported passport or immigration document or another actual or purported identification document of any person;

(3) threatening to report a person to a government agency for the

**purpose of arrest or deportation;**

**(4) threatening to collect a debt;**

**(5) instilling in a person a fear that lodging, food, clothing, or medication will be withheld from any person;**

**(6) providing a controlled substance or withholding a controlled substance from the other person; or**

**(7) deception** [OBTAINS A BENEFIT FROM THE COMMISSION OF HUMAN TRAFFICKING UNDER AS 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 A [B] felony.

\* **Sec. 5.** AS 11.41 is amended by adding new sections to read:

**Sec. 11.41.366. Human trafficking in the third degree.** (a) A person commits the crime of human trafficking in the third degree if the person provides services, resources, or other assistance in furtherance of a violation of AS 11.41.360 or 11.41.365.

(b) Human trafficking in the third degree is a class B felony if the value of the services, resources, or other assistance provided is \$200 or more.

(c) Human trafficking in the third degree is a class C felony if the value of the services, resources, or other assistance provided is less than \$200.

**Sec. 11.41.367. Corroboration of certain testimony not required.** In a prosecution under AS 11.41.360 - 11.41.366, it is not necessary that the testimony of the person whose conduct is alleged to have been induced be corroborated by the testimony of any other witness or by documentary or other types of evidence.

**Sec. 11.41.368. Forfeiture.** Property used to institute, aid, or facilitate, or received or derived from, a violation of AS 11.41.360 - 11.41.366, including real property, may be forfeited at sentencing.

\* **Sec. 6.** AS 11.41.530(a) is amended to read:

(a) A person commits the crime of coercion if, **under circumstances not proscribed under AS 11.41.360 - 11.41.366 or AS 11.66.110 - 11.66.137,** the person compels another to engage in conduct from which there is a legal right to abstain or abstain from conduct in which there is a legal right to engage, by means of instilling in

the person who is compelled a fear that, if the demand is not complied with, the person who makes the demand or another may

(1) inflict physical injury on anyone, except under circumstances constituting robbery in any degree, or commit any other crime;

(2) accuse anyone of a crime;

(3) expose confidential information or a secret, whether true or false, tending to subject a person to hatred, contempt, or ridicule or to impair the person's credit or business repute;

(4) take or withhold action as a public servant or cause a public servant to take or withhold action;

(5) bring about or continue a strike, boycott, or other collective unofficial action, if the property is not demanded or received for the benefit of the group in whose interest the person making the threat or suggestion purports to act;

(6) testify or provide information or withhold testimony or information with respect to a person's legal claim or defense.

\* Sec. 7. AS 11.66.100(d) is amended to read:

(d) **Prostitution** [EXCEPT AS PROVIDED IN (e) OF THIS SECTION, PROSTITUTION] is a

**(1) class B misdemeanor if the defendant violates (a)(1) of this section;**

**(2) class A misdemeanor if the defendant violates (a)(2) of this section;**

**(3) class C felony if the defendant violates (a)(2) of this section and, within the preceding five years, the defendant has been previously convicted on two or more separate occasions in this or another jurisdiction of an offense under (a)(2) of this section or an offense under another law or ordinance with similar elements.**

\* Sec. 8. AS 11.66.100 is amended by adding a new subsection to read:

(f) Upon conviction under (d)(3) of this section, any property used to institute, aid, or facilitate a violation of (d)(3) of this section may be forfeited.

\* Sec. 9. AS 11.66.110(a) is amended to read:

(a) A person commits the crime of sex trafficking in the first degree if the person

(1) acting as other than a patron of a victim of sex trafficking, induces or causes another person to engage in commercial sexual conduct [PROSTITUTION] through the use of force or threat of force against any person;

(2) violates AS 11.66.120 and the person recruited, enticed, or otherwise induced [AS OTHER THAN A PATRON OF A PROSTITUTE, INDUCES OR CAUSES ANOTHER PERSON WHO] is 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 commercial sexual conduct; or

(4) manages, supervises, controls, or owns, either alone or in association with others, a prostitution enterprise or a place of prostitution.

\* Sec. 10. AS 11.66.110(c) is amended to read:

(c) Sex [EXCEPT AS PROVIDED IN (d) OF THIS SECTION, SEX] trafficking in the first degree is an unclassified [A CLASS A] felony.

\* Sec. 11. AS 11.66.120 is amended to read:

**Sec. 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; or

(4) acting as other than a patron of a victim of sex trafficking, and with the intent to promote sex trafficking, recruits, entices, or otherwise induces or causes another person to engage in commercial sexual conduct by

(A) exposing or threatening to expose confidential information, whether true or false, that would subject a person to hatred,

contempt, or ridicule;

(B) destroying, concealing, or threatening to destroy or conceal an actual or purported passport or immigration document or another actual or purported identification document of a person;

(C) threatening to report a person to a government agency for the purpose of arrest or deportation;

(D) threatening to collect a debt;

(E) instilling in a person a fear that lodging, food, clothing, or medication will be withheld;

(F) providing a controlled substance to or withholding a controlled substance from the other person; or

(G) deception.

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

\* **Sec. 12.** AS 11.66.130(a) is amended to read:

(a) A person commits the crime of sex trafficking in the third degree if the person

(1) receives compensation for prostitution services rendered by another; [AND]

(2) with the intent to promote prostitution,

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

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

(C) receives or agrees to receive money or other property under an agreement or understanding that the money or other property is derived from prostitution; or

(D) engages in conduct that institutes, aids, or facilitates a prostitution enterprise; or

(3) acting as other than a patron of a victim of sex trafficking, provides services, resources, or other assistance in furtherance of a violation of AS 11.66.110 or 11.66.120.

\* **Sec. 13.** AS 11.66.130(c) is amended to read:

(c) Sex trafficking in the third degree is a

(1) class B [C] felony if the value of the services, resources, or other assistance provided is \$200 or greater; or

(2) class C felony if the value of the services, resources, or other assistance provided is less than \$200.

\* **Sec. 14.** AS 11.66 is amended by adding a new section to read:

**Sec. 11.66.137. Patron of a victim of sex trafficking.** (a) A person commits the crime of patron of a victim of sex trafficking if the person solicits commercial sexual conduct

(1) with reckless disregard that the person engaging in the sexual conduct is a victim of sex trafficking; or

(2) from a person who is under 18 years of age.

(b) In a prosecution under (c)(2) of this section, it is an affirmative defense that at the time of the alleged offense the defendant

(1) reasonably believed the person to be 18 years of age or older; and

(2) undertook reasonable measures to verify that the person was 18 years of age or older.

(c) Patron of a victim of sex trafficking is a

(1) class C felony if the person violates (a)(1) of this section;

(2) class B felony if the person violates (a)(2) of this section.

\* **Sec. 15.** AS 11.66.140 is amended to read:

**Sec. 11.66.140. Corroboration of certain testimony not required.** In a prosecution under AS 11.66.110 - 11.66.137 [AS 11.66.110 - 11.66.135], it is not necessary that the testimony of the person whose prostitution is alleged to have been induced [COMPELLED OR PROMOTED] be corroborated by the testimony of any other witness or by documentary or other types of evidence.

\* **Sec. 16.** AS 11.66.145 is amended to read:

**Sec. 11.66.145. Forfeiture.** Property used to institute, aid, or facilitate, or received or derived from, a violation of AS 11.66.110 - 11.66.137 [AS 11.66.100(e) OR 11.66.110 - 11.66.135] may be forfeited at sentencing.

1 \* **Sec. 17.** AS 11.66.150(2) is amended to read:

2 (2) "place of prostitution" means any place where a person engages in  
3 **commercial** sexual conduct [IN RETURN FOR A FEE];

4 \* **Sec. 18.** AS 11.66.150(3) is amended to read:

5 (3) "prostitution enterprise" means an arrangement in which two or  
6 more persons are organized to render **commercial** sexual conduct [IN RETURN FOR  
7 A FEE];

8 \* **Sec. 19.** AS 11.81.250(a) is amended to read:

9 (a) For purposes of sentencing under AS 12.55, all offenses defined in this  
10 title, except murder in the first and second degree, attempted murder in the first  
11 degree, solicitation to commit murder in the first degree, conspiracy to commit murder  
12 in the first degree, murder of an unborn child, **human trafficking in the first degree,**  
13 sexual assault in the first degree, sexual abuse of a minor in the first degree,  
14 misconduct involving a controlled substance in the first degree, sex trafficking in the  
15 first degree [UNDER AS 11.66.110(a)(2)], and kidnapping, are classified on the basis  
16 of their seriousness, according to the type of injury characteristically caused or risked  
17 by commission of the offense and the culpability of the offender. Except for murder in  
18 the first and second degree, attempted murder in the first degree, solicitation to  
19 commit murder in the first degree, conspiracy to commit murder in the first degree,  
20 murder of an unborn child, **human trafficking in the first degree,** sexual assault in  
21 the first degree, sexual abuse of a minor in the first degree, misconduct involving a  
22 controlled substance in the first degree, sex trafficking in the first degree [UNDER  
23 AS 11.66.110(a)(2)], and kidnapping, the offenses in this title are classified into the  
24 following categories:

25 (1) class A felonies, which characteristically involve conduct resulting  
26 in serious physical injury or a substantial risk of serious physical injury to a person;

27 (2) class B felonies, which characteristically involve conduct resulting  
28 in less severe violence against a person than class A felonies, aggravated offenses  
29 against property interests, or aggravated offenses against public administration or  
30 order;

31 (3) class C felonies, which characteristically involve conduct serious



1 enough to deserve felony classification but not serious enough to be classified as A or  
2 B felonies;

3 (4) class A misdemeanors, which characteristically involve less severe  
4 violence against a person, less serious offenses against property interests, less serious  
5 offenses against public administration or order, or less serious offenses against public  
6 health and decency than felonies;

7 (5) class B misdemeanors, which characteristically involve a minor  
8 risk of physical injury to a person, minor offenses against property interests, minor  
9 offenses against public administration or order, or minor offenses against public health  
10 and decency;

11 (6) violations, which characteristically involve conduct inappropriate  
12 to an orderly society but which do not denote criminality in their commission.

13 \* **Sec. 20.** AS 11.81.250(b) is amended to read:

14 (b) The classification of each felony defined in this title, except murder in the  
15 first and second degree, attempted murder in the first degree, solicitation to commit  
16 murder in the first degree, conspiracy to commit murder in the first degree, murder of  
17 an unborn child, human trafficking in the first degree, sexual assault in the first  
18 degree, sexual abuse of a minor in the first degree, misconduct involving a controlled  
19 substance in the first degree, sex trafficking in the first degree [UNDER  
20 AS 11.66.110(a)(2)], and kidnapping, is designated in the section defining it. A felony  
21 under the law of this state defined outside this title for which no penalty is specifically  
22 provided is a class C felony.

23 \* **Sec. 21.** AS 11.81.900(b) is amended by adding new paragraphs to read:

24 (69) "adult entertainment" means the conduct described in  
25 AS 23.10.350(f)(1) - (3)(A) and (B);

26 (70) "commercial sexual conduct" means sexual conduct for which  
27 anything of value is given or received by any person; in this paragraph, "anything of  
28 value" does not include compensation for reasonably apportioned shared expenses of a  
29 residence;

30 (71) "services, resources, or other assistance" includes financial  
31 support, business services, lodging, transportation, providing false identification

documents or other documentation, equipment, facilities, or any other service or property, regardless of whether the person is compensated; "services, resources, or other assistance" does not include charitable or humanitarian aid provided directly to a victim of sex trafficking;

(72) "sexual conduct" means genital or anal intercourse, cunnilingus, fellatio, or masturbation of one person by another person;

(73) "victim of sex trafficking" means a person who has been recruited, enticed, induced, or caused to engage in commercial sexual conduct under AS 11.66.110 or 11.66.120;

\* **Sec. 22.** AS 12.10.010(a) is amended to read:

(a) Prosecution for the following offenses may be commenced at any time:

(1) murder;

(2) attempt, solicitation, or conspiracy to commit murder or hindering the prosecution of murder;

(3) felony sexual abuse of a minor;

(4) sexual assault that is an unclassified, class A, or class B felony or a violation of AS 11.41.425(a)(2) - (4);

(5) a violation of AS 11.41.425, 11.41.427, 11.41.450 - 11.41.458, **AS 11.66.130** [AS 11.66.110 - 11.66.130], or former AS 11.41.430, when committed against a person who, at the time of the offense, was under 18 years of age;

(6) kidnapping;

(7) distribution of child pornography in violation of AS 11.61.125;

(8) sex trafficking in **the first or second degree** [VIOLATION OF AS 11.66.110 - 11.66.130 THAT IS AN UNCLASSIFIED, CLASS A, OR CLASS B FELONY OR THAT IS COMMITTED AGAINST A PERSON WHO, AT THE TIME OF THE OFFENSE, WAS UNDER 20 YEARS OF AGE];

(9) human trafficking in **the first or second degree** [VIOLATION OF AS 11.41.360 OR 11.41.365].

\* **Sec. 23.** AS 12.37.010 is amended to read:

**Sec. 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:

- (1) murder in the first or second degree under AS 11.41.100 - 11.41.110;
- (2) kidnapping under AS 11.41.300;
- (3) a class A or unclassified felony drug offense under AS 11.71;
- (4) sex trafficking in the first or second degree under AS 11.66.110 or [AND] 11.66.120; or
- (5) human trafficking in the first or second degree under AS 11.41.360 or 11.41.365.

\* **Sec. 24.** AS 12.55.035(b) is amended to read:

(b) Upon conviction of an offense, a defendant who is not an organization may be sentenced to pay, unless otherwise specified in the provision of law defining the offense, a fine of not more than

(1) \$500,000 for murder in the first or second degree, attempted murder in the first degree, murder of an unborn child, human trafficking in the first degree, sexual assault in the first degree, sexual abuse of a minor in the first degree, kidnapping, sex trafficking in the first degree [UNDER AS 11.66.110(a)(2)], or misconduct involving a controlled substance in the first degree;

- (2) \$250,000 for a class A felony;
- (3) \$100,000 for a class B felony;
- (4) \$50,000 for a class C felony;
- (5) \$25,000 for a class A misdemeanor;
- (6) \$2,000 for a class B misdemeanor;
- (7) \$500 for a violation.

\* **Sec. 25.** AS 12.55.078(f) is amended to read:

(f) The court may not suspend the imposition or entry of judgment and may not defer prosecution under this section of a person who

- (1) is charged with a violation of AS 11.41.100 - 11.41.220, 11.41.260

- 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400, AS 11.61.125 - 11.61.128, or AS 11.66.110 - 11.66.137 [AS 11.66.110 - 11.66.135];

(2) uses a firearm in the commission of the offense for which the person is charged;

(3) has previously been granted a suspension of judgment under this section or a similar statute in another jurisdiction, unless the court enters written findings that by clear and convincing evidence the person's prospects for rehabilitation are high and suspending judgment under this section adequately protects the victim of the offense, if any, and the community;

(4) is charged with a violation of AS 11.41.230, 11.41.250, or a felony and the person has one or more prior convictions for a misdemeanor violation of AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a felony in this state; for the purposes of this paragraph, a person shall be considered to have a prior conviction even if

(A) the charges were dismissed under this section;

(B) the conviction has been set aside under AS 12.55.085; or

(C) the charge or conviction was dismissed or set aside under an equivalent provision of the laws of another jurisdiction; or

(5) is charged with a crime involving domestic violence, as defined in AS 18.66.990.

\* **Sec. 26.** AS 12.55.085(f) is amended to read:

(f) The court may not suspend the imposition of sentence of a person who

(1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400, AS 11.61.125 - 11.61.128, or AS 11.66.110 - 11.66.137 [AS 11.66.110 - 11.66.135];

(2) uses a firearm in the commission of the offense for which the person is convicted; or

(3) is convicted of a violation of AS 11.41.230 - 11.41.250 or a felony and the person has one or more prior convictions for a misdemeanor violation of AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction

1 having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a  
2 felony in this state; for the purposes of this paragraph, a person shall be considered to  
3 have a prior conviction even if that conviction has been set aside under (e) of this  
4 section or under the equivalent provision of the laws of another jurisdiction.

5 \* **Sec. 27.** AS 12.55.125(b) is amended to read:

6 (b) A defendant convicted of attempted murder in the first degree, solicitation  
7 to commit murder in the first degree, conspiracy to commit murder in the first degree,  
8 kidnapping, human trafficking in the first degree, or misconduct involving a  
9 controlled substance in the first degree shall be sentenced to a definite term of  
10 imprisonment of at least five years but not more than 99 years. A defendant convicted  
11 of murder in the second degree or murder of an unborn child under  
12 AS 11.41.150(a)(2) - (4) shall be sentenced to a definite term of imprisonment of at  
13 least 15 years but not more than 99 years. A defendant convicted of murder in the  
14 second degree shall be sentenced to a definite term of imprisonment of at least 20  
15 years but not more than 99 years when the defendant is convicted of the murder of a  
16 child under 16 years of age and the court finds by clear and convincing evidence that  
17 the defendant (1) was a natural parent, a stepparent, an adoptive parent, a legal  
18 guardian, or a person occupying a position of authority in relation to the child; or (2)  
19 caused the death of the child by committing a crime against a person under  
20 AS 11.41.200 - 11.41.530. In this subsection, "legal guardian" and "position of  
21 authority" have the meanings given in AS 11.41.470.

22 \* **Sec. 28.** AS 12.55.125(i) is amended to read:

23 (i) A defendant convicted of

24 (1) sexual assault in the first degree, sexual abuse of a minor in the  
25 first degree, unlawful exploitation of a minor under AS 11.41.455(c)(2), or sex  
26 trafficking in the first degree [UNDER AS 11.66.110(a)(2)] may be sentenced to a  
27 definite term of imprisonment of not more than 99 years and shall be sentenced to a  
28 definite term within the following presumptive ranges, subject to adjustment as  
29 provided in AS 12.55.155 - 12.55.175:

30 (A) if the offense is a first felony conviction, the offense does  
31 not involve circumstances described in (B) of this paragraph, and the victim

1 was

2 (i) less than 13 years of age, 25 to 35 years;

3 (ii) 13 years of age or older, 20 to 30 years;

4 (B) if the offense is a first felony conviction and the defendant  
5 possessed a firearm, used a dangerous instrument, or caused serious physical  
6 injury during the commission of the offense, 25 to 35 years;

7 (C) if the offense is a second felony conviction and does not  
8 involve circumstances described in (D) of this paragraph, 30 to 40 years;

9 (D) if the offense is a second felony conviction and the  
10 defendant has a prior conviction for a sexual felony, 35 to 45 years;

11 (E) if the offense is a third felony conviction and the defendant  
12 is not subject to sentencing under (F) of this paragraph or (I) of this section, 40  
13 to 60 years;

14 (F) if the offense is a third felony conviction, the defendant is  
15 not subject to sentencing under (I) of this section, and the defendant has two  
16 prior convictions for sexual felonies, 99 years;

17 (2) unlawful exploitation of a minor under AS 11.41.455(c)(1),  
18 enticement of a minor under AS 11.41.452(e), **sex trafficking in the second degree,**  
19 [OR] attempt, conspiracy, or solicitation to commit sexual assault in the first degree,  
20 sexual abuse of a minor in the first degree, **unlawful exploitation of a minor under**  
21 **AS 11.41.455(c)(2),** or sex trafficking in the first degree [UNDER  
22 AS 11.66.110(a)(2)] may be sentenced to a definite term of imprisonment of not more  
23 than 99 years and shall be sentenced to a definite term within the following  
24 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

25 (A) if the offense is a first felony conviction, the offense does  
26 not involve circumstances described in (B) of this paragraph, and the victim  
27 was

28 (i) under 13 years of age, 20 to 30 years;

29 (ii) 13 years of age or older, 15 to 30 years;

30 (B) if the offense is a first felony conviction and the defendant  
31 possessed a firearm, used a dangerous instrument, or caused serious physical

injury during the commission of the offense, 25 to 35 years;

(C) if the offense is a second felony conviction and does not involve circumstances described in (D) of this paragraph, 25 to 35 years;

(D) if the offense is a second felony conviction and the defendant has a prior conviction for a sexual felony, 30 to 40 years;

(E) if the offense is a third felony conviction, the offense does not involve circumstances described in (F) of this paragraph, and the defendant is not subject to sentencing under (I) of this section, 35 to 50 years;

(F) if the offense is a third felony conviction, the defendant is not subject to sentencing under (I) of this section, and the defendant has two prior convictions for sexual felonies, 99 years;

(3) sexual assault in the second degree, sexual abuse of a minor in the second degree, enticement of a minor under AS 11.41.452(d), indecent exposure in the first degree under AS 11.41.458(b)(2), [OR] distribution of child pornography under AS 11.61.125(e)(2), sex trafficking in the third degree under AS 11.66.130(c)(1), patron of a victim of sex trafficking under AS 11.66.137(c)(2), or attempt, conspiracy, or solicitation to commit, unlawful exploitation of a minor under AS 11.41.455(c)(1), enticement of a minor under AS 11.41.452(e), or sex trafficking in the second degree may be sentenced to a definite term of imprisonment of not more than 99 years and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(A) if the offense is a first felony conviction, five to 15 years;

(B) if the offense is a second felony conviction and does not involve circumstances described in (C) of this paragraph, 10 to 25 years;

(C) if the offense is a second felony conviction and the defendant has a prior conviction for a sexual felony, 15 to 30 years;

(D) if the offense is a third felony conviction and does not involve circumstances described in (E) of this paragraph, 20 to 35 years;

(E) if the offense is a third felony conviction and the defendant has two prior convictions for sexual felonies, 99 years;

(4) sexual assault in the third degree, sexual abuse of a minor in the third degree under AS 11.41.438(c), incest, indecent exposure in the first degree under AS 11.41.458(b)(1), indecent viewing or production of a picture under **AS 11.61.123(g)(1) or (2)** [AS 11.61.123(f)(1) OR (2),] possession of child pornography, distribution of child pornography under AS 11.61.125(e)(1), **sex trafficking in the third degree under AS 11.66.130(c)(2), patron of a victim of sex trafficking under AS 11.66.137(c)(1),** or attempt, conspiracy, or solicitation to commit sexual assault in the second degree, sexual abuse of a minor in the second degree, [UNLAWFUL EXPLOITATION OF A MINOR, OR] distribution of child pornography **under AS 11.61.125(e)(2), sex trafficking in the third degree under AS 11.66.130(c)(1), or patron of a victim of sex trafficking under AS 11.66.137(c)(2)** may be sentenced to a definite term of imprisonment of not more than 99 years and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(A) if the offense is a first felony conviction and does not involve the circumstances described in (B) or (C) of this paragraph, two to 12 years;

(B) if the offense is a first felony conviction under AS 11.61.125(e)(1) and does not involve circumstances described in (C) of this paragraph, four to 12 years;

(C) if the offense is a first felony conviction under AS 11.61.125(e)(1), and the defendant hosted, created, or helped host or create a mechanism for multi-party sharing or distribution of child pornography, or received a financial benefit or had a financial interest in a child pornography sharing or distribution mechanism, six to 14 years;

(D) if the offense is a second felony conviction and does not involve circumstances described in (E) of this paragraph, eight to 15 years;

(E) if the offense is a second felony conviction and the defendant has a prior conviction for a sexual felony, 12 to 20 years;

(F) if the offense is a third felony conviction and does not involve circumstances described in (G) of this paragraph, 15 to 25 years;



(G) if the offense is a third felony conviction and the defendant has two prior convictions for sexual felonies, 99 years.

\* **Sec. 29.** AS 12.55.135 is amended by adding a new subsection to read:

(q) A defendant convicted under AS 11.66.100(a)(2) shall be sentenced to a minimum term of imprisonment of

(1) 72 hours if the defendant has been previously convicted once in this or another jurisdiction of an offense under AS 11.66.100(a)(2) or an offense under another law or ordinance with similar elements;

(2) 20 days if the defendant has been previously convicted two or more times in this or another jurisdiction of an offense under AS 11.66.100(a)(2) or an offense under another law or ordinance with similar elements and the defendant is not subject to punishment under AS 11.66.100(d)(3).

\* **Sec. 30.** AS 12.55.185(10) is amended to read:

(10) "most serious felony" means

(A) arson in the first degree, sex trafficking in the first degree under AS 11.66.110 [AS 11.66.110(a)(2)], enticement of a minor under AS 11.41.452(e), or any unclassified or class A felony prescribed under AS 11.41; or

(B) an attempt, or conspiracy to commit, or criminal solicitation under AS 11.31.110 of, an unclassified felony prescribed under AS 11.41;

\* **Sec. 31.** AS 12.55.185(16) is amended to read:

(16) "sexual felony" means sexual assault in the first degree, sexual abuse of a minor in the first degree, sex trafficking in the first degree, sexual assault in the second degree, sexual abuse of a minor in the second degree, sex trafficking in the second degree, sexual abuse of a minor in the third degree under AS 11.41.438(c), sex trafficking in the third degree, unlawful exploitation of a minor, indecent viewing or production of a picture under AS 11.61.123(g)(1) or (2), patron of a victim of sex trafficking [AS 11.61.123(f)(1) OR (2)], distribution of child pornography, sexual assault in the third degree, incest, indecent exposure in the first degree, possession of child pornography, enticement of a minor, and felony attempt,

conspiracy, or solicitation to commit those crimes;

\* **Sec. 32.** AS 12.62.900(23) is amended to read:

(23) "serious offense" means a conviction for a violation or for an attempt, solicitation, or conspiracy to commit a violation of any of the following laws, or of the laws of another jurisdiction with substantially similar elements:

(A) a felony offense;

(B) a crime involving domestic violence;

(C) AS 11.41.410 - 11.41.470;

(D) AS 11.51.130, 11.51.200, or 11.51.210 [11.51.200 - 11.56.210];

(E) AS 11.61.110(a)(7) or 11.61.125;

(F) [AS 11.66.100 - 11.66.130;

(G)] former AS 11.15.120, former 11.15.134, or assault with the intent to commit rape under former AS 11.15.160; or

(G) [(H)] former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 - 11.40.420, if committed before January 1, 1980.

\* **Sec. 33.** AS 12.63.100(7) is amended to read:

(7) "sex offense" means

(A) a crime under AS 11.41.100(a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit a sexual offense, or a similar offense under the laws of the other jurisdiction; in this subparagraph, "sexual offense" has the meaning given in AS 11.41.100(a)(3);

(B) a crime under AS 11.41.110(a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit one of the following crimes, or a similar law of another jurisdiction:

(i) sexual assault in the first degree;

(ii) sexual assault in the second degree;

(iii) sexual abuse of a minor in the first degree; or

(iv) sexual abuse of a minor in the second degree;

(C) a crime, or an attempt, solicitation, or conspiracy to commit

a crime, under the following statutes or a similar law of another jurisdiction:

(i) AS 11.41.410 - 11.41.438;

(ii) AS 11.41.440(a)(2);

(iii) AS 11.41.450 - 11.41.458;

(iv) AS 11.41.460 or AS 26.05.900(c) if the indecent exposure is before a person under 16 years of age and the offender has previously been convicted under AS 11.41.460 or AS 26.05.900(c);

(v) AS 11.61.125 - 11.61.128;

(vi) [AS 11.66.110, 11.66.130(a)(2)(B), OR] AS 26.05.900(b) if the person who was induced or caused to engage in prostitution was under 20 years of age at the time of the offense;

(vii) former AS 11.15.120, former 11.15.134, or assault with the intent to commit rape under former AS 11.15.160, former AS 11.40.110, or former 11.40.200;

(viii) AS 11.61.118(a)(2) if the offender has a previous conviction for that offense;

(ix) [AS 11.66.100(a)(2) IF THE OFFENDER IS SUBJECT TO PUNISHMENT UNDER AS 11.66.100(e);

(x)] AS 26.05.890 if the person engaged in sexual penetration or sexual contact with the victim;

(xi) [(xi)] AS 26.05.890 if, at the time of the offense, the victim is under a duty to obey the lawful orders of the offender, regardless of whether the offender is in the direct chain of command over the victim;

(xi) [(xii)] AS 26.05.893 if the person engaged in sexual penetration or sexual contact with the victim;

(xii) [(xiii)] AS 26.05.900(a)(1) - (4) if the victim is under 18 years of age at the time of the offense;

(xiii) [(xiv)] AS 26.05.900 if, at the time of the offense, the victim is under a duty to obey the lawful orders of the offender, regardless of whether the offender is in the direct chain of command

over the victim; or

(xiv) [(xv)] AS 11.61.123 if the offender is subject to punishment under AS 11.61.123(g)(1) or (2);

(xv) AS 11.66.110, 11.66.120, or 11.66.137  
[AS 11.61.123(f)(1) OR (2)];

(D) an offense, or an attempt, solicitation, or conspiracy to commit an offense, under AS 26.05.935(b), or a similar law of another jurisdiction, if the member of the militia commits one of the following enumerated offenses punishable under Article 134, 10 U.S.C. 934 (Uniform Code of Military Justice):

(i) child pornography; or

(ii) pandering and prostitution if the person who is induced, enticed, caused, or procured to engage in a sexual act is under 20 years of age at the time of the offense; or

(E) an offense in which the person is required to register as a sex offender under the laws of another jurisdiction;

\* **Sec. 34.** AS 12.72 is amended by adding new sections to read:

**Sec. 12.72.100. Vacation of judgment of conviction for prostitution.** A person convicted or adjudicated delinquent for prostitution under AS 11.66.100(a)(1) or a similar municipal ordinance may petition the court to vacate the judgement if, at the time of the offense, the person was or would have been a victim of sex trafficking as defined in AS 11.81.900.

**Sec. 12.72.105. Filing of petition for vacation of judgment of conviction for prostitution.** (a) A petition under this chapter must be filed with the clerk at the court location where the underlying criminal case was filed and a copy must be served on the prosecuting authority responsible for obtaining the conviction.

(b) The prosecuting authority shall file a response within 45 days after service of the petition. If no response is filed or if the prosecuting authority does not oppose the petition, the court shall grant the vacation of judgment.

**Sec. 12.72.110. Limitations on petitions for vacation of judgment.** (a) A petition under this chapter may not be filed until a judgment has been entered or, if the

conviction was appealed, until the court's decision is final under the Alaska Rules of Appellate Procedure.

(b) An action for a petition for a vacation of judgment under AS 12.72.100 does not give rise to the right to a trial by jury.

**Sec. 12.72.115. Presumption and burden of proof in vacation of judgment proceedings.** (a) The person petitioning the court for a vacation of judgment of conviction or adjudication of delinquency for prostitution under AS 11.66.100(a)(1) must prove all factual assertions by a preponderance of the evidence.

(b) There is rebuttable presumption that a person who was under 18 years of age at the time of the offense under AS 11.66.100(a)(1) was or would have been a victim of sex trafficking.

**Sec. 12.72.120. Vacation of judgment.** (a) If the court grants the petition for a vacation of judgment,

(1) the judgment of conviction or adjudication of delinquency for prostitution under AS 11.66.100(a)(1) or a similar municipal ordinance shall be vacated;

(2) the Alaska Court System may not publish on a publicly available Internet website the court records of the conviction for prostitution under AS 11.66.100(a)(1) or a similar municipal ordinance if the person was not convicted of a felony charge in that case; and

(3) the Department of Public Safety may not release information related to the conviction for prostitution under AS 11.66.100(a)(1) or a similar municipal ordinance in response to a request under AS 12.62.160(b)(6), (8), or (9).

(b) The Alaska Court System shall remove a person's court records from a publicly available Internet website under (a)(2) of this section within 30 days after granting a petition for vacation of judgment.

\* **Sec. 35.** AS 18.67.101 is amended to read:

**Sec. 18.67.101. Incidents and offenses to which this chapter applies.** The board may order the payment of compensation in accordance with the provisions of this chapter for personal injury or death that resulted from

(1) an attempt on the part of the applicant to prevent the commission of

crime, or to apprehend a suspected criminal, or aiding or attempting to aid a police officer to do so, or aiding a victim of crime; [OR]

(2) the commission or attempt on the part of one other than the applicant to commit any of the following offenses:

(A) murder in any degree;

(B) manslaughter;

(C) criminally negligent homicide;

(D) assault in any degree;

(E) kidnapping;

(F) sexual assault in any degree;

(G) sexual abuse of a minor;

(H) robbery in any degree;

(I) threats to do bodily harm;

(J) driving while under the influence of an alcoholic beverage, inhalant, or controlled substance or another crime resulting from the operation of a motor vehicle, boat, or airplane when the offender is under the influence of an alcoholic beverage, inhalant, or controlled substance;

(K) arson in the first degree;

(L) [SEX TRAFFICKING IN VIOLATION OF AS 11.66.110 OR 11.66.130(a)(2)(B);

(M)] human trafficking in any degree; or

(M) [(N)] unlawful exploitation of a minor; or

(3) the applicant being a victim of sex trafficking under circumstances described in AS 11.81.900(b).

\* Sec. 36. AS 18.85.100(c) is amended to read:

(c) An indigent person is entitled to representation under (a) and (b) of this section for purposes of bringing a timely application for post-conviction relief or a petition for vacation of judgment under AS 12.72. An indigent person is not entitled to representation under (a) and (b) of this section for purposes of bringing

(1) an untimely or successive application for post-conviction relief or a petition for vacation of judgment under AS 12.72 or an untimely or successive

1 motion for reduction or modification of sentence;

2 (2) a petition for review or certiorari from an appellate court ruling on  
3 an application for post-conviction relief; or

4 (3) an action or claim for habeas corpus in federal court attacking a  
5 state conviction.

6 \* **Sec. 37.** AS 28.15.046(c) is amended to read:

7 (c) The department may not issue a license under this section to an applicant

8 (1) who has been convicted of any of the following offenses:

9 (A) a violation, or an attempt, solicitation, or conspiracy to  
10 commit a violation, of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320,  
11 11.41.360 - 11.41.370, 11.41.410 - 11.41.470, or 11.41.500 - 11.41.530;

12 (B) a felony violation of endangering the welfare of a child in  
13 the first degree under AS 11.51.100;

14 (C) felony indecent viewing or production of a picture under  
15 AS 11.61.123;

16 (D) distribution of child pornography under AS 11.61.125;

17 (E) possession of child pornography under AS 11.61.127;

18 (F) distribution of indecent material to minors under  
19 AS 11.61.128;

20 (G) [FELONY PROSTITUTION UNDER AS 11.66.100(e);

21 (H)] sex trafficking in the first, second, or third degree under  
22 AS 11.66.110 - 11.66.130;

23 **(H)** [(I)] a felony involving distribution of a controlled  
24 substance under AS 11.71 or imitation controlled substance under AS 11.73;

25 **(I)** [(J)] a felony violation under AS 28.35.030(n) or  
26 28.35.032(p);

27 **(J) patron of a victim of sex trafficking under AS 11.66.137;**

28 or

29 (2) who has been convicted of any of the following offenses and less  
30 than two years have elapsed since the applicant's date of conviction for the offense:

31 (A) assault in the fourth degree under AS 11.41.230;

(B) reckless endangerment under AS 11.41.250;

(C) contributing to the delinquency of a minor under AS 11.51.130;

(D) misdemeanor prostitution under AS 11.66.100(a)(2);

(E) a misdemeanor violation of endangering the welfare of a child in the first degree under AS 11.51.100.

\* **Sec. 38.** AS 34.03.360(10) is amended to read:

(10) "illegal activity involving a place of prostitution" means a violation of **AS 11.66.110 - 11.66.137** [AS 11.66.120(a)(1) OR 11.66.130(a)(2)(A) OR (D)];

\* **Sec. 39.** AS 43.23.005 is amended by adding a new subsection to read:

(i) The provisions of (d) of this section do not apply if an individual's conviction or adjudication of delinquency was vacated during the qualifying year under AS 12.72. If an individual becomes eligible under this subsection, the individual is eligible to receive a permanent fund dividend only for the qualifying year in which the conviction was vacated and each subsequent qualifying year that the individual is otherwise eligible under this section.

\* **Sec. 40.** AS 43.23.025(a) is amended to read:

(a) By October 1 of each year, the commissioner shall determine the value of each permanent fund dividend for that year by

(1) determining the total amount available for dividend payments, which equals

(A) the amount of income of the Alaska permanent fund transferred to the dividend fund under AS 37.13.145(b) during the current year;

(B) plus the unexpended and unobligated balances of prior fiscal year appropriations that lapse into the dividend fund under AS 43.23.045(d);

(C) less the amount necessary to pay prior year dividends from the dividend fund in the current year under AS 43.23.005(h) **and (i)**, 43.23.021, and 43.23.055(3) and (7);

(D) less the amount necessary to pay dividends from the



dividend fund due to eligible applicants who, as determined by the department, filed for a previous year's dividend by the filing deadline but who were not included in a previous year's dividend computation;

(E) less appropriations from the dividend fund during the current year, including amounts to pay costs of administering the dividend program and the hold harmless provisions of AS 43.23.240;

(2) determining the number of individuals eligible to receive a dividend payment for the current year and the number of estates and successors eligible to receive a dividend payment for the current year under AS 43.23.005(h); and

(3) dividing the amount determined under (1) of this subsection by the amount determined under (2) of this subsection.

\* **Sec. 41.** AS 47.10.990(33) is amended to read:

(33) "sexual abuse" means the conduct described in AS 11.41.410 - 11.41.460; conduct constituting "sexual exploitation" as defined in AS 47.17.290, and conduct prohibited by AS 11.66.110 - 11.66.137 [AS 11.66.100 - 11.66.150];

\* **Sec. 42.** AS 47.12.110(d) is amended to read:

(d) Notwithstanding (a) of this section, a court hearing on a petition seeking the adjudication of a minor as a delinquent shall be open to the public, except as prohibited or limited by order of the court, if

(1) the department files with the court a motion asking the court to open the hearing to the public, and the petition seeking adjudication of the minor as a delinquent is based on

(A) the minor's alleged commission of an offense, and the minor has knowingly failed to comply with all the terms and conditions required of the minor by the department or imposed on the minor in a court order entered under AS 47.12.040(a)(2) or 47.12.120;

(B) the minor's alleged commission of

(i) a crime against a person that is punishable as a felony;

(ii) a crime in which the minor employed a deadly weapon, as that term is defined in AS 11.81.900(b), in committing the

crime;

(iii) arson under AS 11.46.400 - 11.46.410;

(iv) burglary under AS 11.46.300;

(v) distribution of child pornography under AS 11.61.125;

(vi) sex trafficking [IN THE FIRST DEGREE] under AS 11.66.110 or 11.66.120; or

(vii) misconduct involving a controlled substance under AS 11.71 involving the delivery of a controlled substance or the possession of a controlled substance with intent to deliver, other than an offense under AS 11.71.040 or 11.71.050; or

(C) the minor's alleged commission of a felony and the minor was 16 years of age or older at the time of commission of the offense when the minor has previously been convicted or adjudicated a delinquent minor based on the minor's commission of an offense that is a felony; or

(2) the minor agrees to a public hearing on the petition seeking adjudication of the minor as a delinquent.

\* **Sec. 43.** AS 47.12.315(a) is amended to read:

(a) Notwithstanding AS 47.12.310 and except as otherwise provided in this section, the department shall disclose information to the public, on request, concerning a minor subject to this chapter who was at least 13 years of age at the time of commission of

(1) a felony offense against a person under AS 11.41;

(2) arson in the first or second degree;

(3) burglary in the first degree;

(4) distribution of child pornography;

(5) sex trafficking under AS 11.66.110 or 11.66.120 [IN THE FIRST DEGREE];

(6) misconduct involving a controlled substance in the first, second, or third degrees involving distribution or possession with intent to deliver; or

(7) misconduct involving weapons in the first through fourth degrees.

\* **Sec. 44.** AS 47.17.290(18) is amended to read:

(18) "sexual exploitation" includes

(A) allowing, permitting, or encouraging a child to engage in **commercial sexual conduct prohibited by AS 11.66.110 - 11.66.137 or prostitution prohibited by AS 11.66.100** [AS 11.66.100 - 11.66.150], by a person responsible for the child's welfare;

(B) allowing, permitting, encouraging, or engaging in activity prohibited by AS 11.41.455(a), by a person responsible for the child's welfare.

\* **Sec. 45.** AS 11.31.120(h)(2)(E), 11.31.120(h)(2)(F); AS 11.41.360(b); AS 11.66.100(b), 11.66.100(c)(1)(Z), 11.66.100(e), 11.66.110(b), 11.66.110(d), 11.66.120(a)(1), 11.66.120(a)(2), 11.66.120(a)(3), 11.66.130(a)(1), 11.66.130(a)(2), 11.66.135, and 11.66.150(4) are repealed.

\* **Sec. 46.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. (a) The following sections apply to offenses committed on or after the effective date of those sections:

- (1) AS 11.41.360(a), as amended by sec. 2 of this Act;
- (2) AS 11.41.360(c), as amended by sec. 3 of this Act;
- (3) AS 11.41.365, as amended by sec. 4 of this Act;
- (4) AS 11.41.366 - 11.41.368, enacted by sec. 5 of this Act;
- (5) AS 11.41.530(a), as amended by sec. 6 of this Act;
- (6) AS 11.66.100(d), as amended by sec. 7 of this Act;
- (7) AS 11.66.100(f), enacted by sec. 8 of this Act;
- (8) AS 11.66.110(a), as amended by sec. 9 of this Act;
- (9) AS 11.66.110(c), as amended by sec. 10 of this Act;
- (10) AS 11.66.120, as amended by sec. 11 of this Act;
- (11) AS 11.66.130(a), as amended by sec. 12 of this Act;
- (12) AS 11.66.130(c), as amended by sec. 13 of this Act;
- (13) AS 11.66.137, enacted by sec. 14 of this Act;
- (14) AS 11.66.140, as amended by sec. 15 of this Act;
- (15) AS 11.66.145, as amended by sec. 16 of this Act;

- (16) AS 11.66.150(2), as amended by sec. 17 of this Act;
- (17) AS 11.66.150(3), as amended by sec. 18 of this Act;
- (18) AS 11.81.250(a), as amended by sec. 19 of this Act;
- (19) AS 11.81.250(b), as amended by sec. 20 of this Act;
- (20) AS 12.10.010(a), as amended by sec. 22 of this Act;
- (21) AS 12.37.010, as amended by sec. 23 of this Act.

(b) The following sections apply to sentences imposed on or after the effective date of those sections for conduct occurring on or after the effective date of those sections:

- (1) AS 12.55.035(b), as amended by sec. 24 of this Act;
- (2) AS 12.55.078(f), as amended by sec. 25 of this Act;
- (3) AS 12.55.085(f), as amended by sec. 26 of this Act;
- (4) AS 12.55.125(b), as amended by sec. 27 of this Act;
- (5) AS 12.55.125(i), as amended by sec. 28 of this Act;
- (6) AS 12.55.135(q), enacted by sec. 29 of this Act;
- (7) AS 12.55.185(10), as amended by sec. 30 of this Act;
- (8) AS 12.55.185(16), as amended by sec. 31 of this Act;
- (9) AS 12.62.900(23), as amended by sec. 32 of this Act.

(c) AS 12.63.100(7), as amended by sec. 33 of this Act, applies to the duty to register as a sex offender for offenses committed on or after the effective date of sec. 33 of this Act.

(d) AS 12.72.100 - 12.72.120, enacted by sec. 34 of this Act, and AS 18.85.100(c), as amended by sec. 36 of this Act, apply to petitions filed on or after the effective date of this Act for conduct occurring before, on, or after the effective date of secs. 34 and 36 of this Act.

\* **Sec. 47.** Section 34 of this Act takes effect January 1, 2023.

\* **Sec. 48.** Except as provided in sec. 47 of this Act, this Act takes effect July 1, 2022.