

CS FOR HOUSE BILL NO. 242()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-FOURTH LEGISLATURE - SECOND SESSION**

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE HANNAN

A BILL

FOR AN ACT ENTITLED

"An Act relating to sexual assault."

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

*** Section 1.** AS 11.41.410(a) is amended to read:

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

(1) the offender engages in sexual penetration with another person

(A) without consent of that person by

(i) the use of force or the express or implied threat of

force against any person or property; or

(ii) causing the person to become incapacitated;

(B) by impersonating someone known to the person for the purpose of obtaining consent;

(2) the offender attempts to engage in sexual penetration with another person without consent of that person and causes serious physical injury to that person;

(3) the offender engages in sexual penetration with another person

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- (A) who the offender knows is mentally incapable; and
- (B) who is in the offender's care
 - (i) by authority of law; or
 - (ii) in a facility or program that is required by law to be licensed by the state; or
- (4) the offender is a health care worker who engages in sexual penetration with a person without consent of that person and during the course of professional treatment of the person [WHO THE OFFENDER KNOWS IS UNAWARE THAT A SEXUAL ACT IS BEING COMMITTED AND
 - (A) THE OFFENDER IS A HEALTH CARE WORKER;
 - AND
 - (B) THE OFFENSE TAKES PLACE DURING THE COURSE OF PROFESSIONAL TREATMENT OF THE VICTIM].

* Sec. 2. AS 11.41.420(a) is amended to read:

- (a) An offender commits the crime of sexual assault in the second degree if
 - (1) the offender engages in sexual contact with another person
 - (A) without consent of that person by
 - (i) the use of force or the express or implied threat of force against any person or property; or
 - (ii) causing the person to become incapacitated;
 - (B) by impersonating someone known to the person for the purpose of obtaining consent;
 - (2) the offender engages in sexual contact with a person
 - (A) who the offender knows is mentally incapable; and
 - (B) who is in the offender's care
 - (i) by authority of law; or
 - (ii) in a facility or program that is required by law to be licensed by the state;
 - (3) the offender engages in sexual penetration with a person who is
 - (A) mentally incapable;
 - (B) incapacitated; or

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

(4) the offender is a health care worker who engages in sexual contact with a person without consent of that person and during the course of professional treatment of the person [WHO THE OFFENDER KNOWS IS UNAWARE THAT A SEXUAL ACT IS BEING COMMITTED AND

(A) THE OFFENDER IS A HEALTH CARE WORKER;

AND

(B) THE OFFENSE TAKES PLACE DURING THE COURSE OF PROFESSIONAL TREATMENT OF THE VICTIM]; or

(5) under circumstances not proscribed under AS 11.41.410, the offender engages in sexual penetration with another person without consent of that person.

* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. AS 11.41.410(a), as amended by sec. 1 of this Act, and AS 11.41.420(a), as amended by sec. 2 of this Act, apply to offenses committed on or after the effective date of this Act.