

**SENATE CS FOR CS FOR HOUSE BILL NO. 47(CRA)**

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

**THIRTY-FOURTH LEGISLATURE - SECOND SESSION**

**BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES VANCE, Underwood, Allard, McCabe, Costello, St. Clair, Prax, Johnson, Coulombe, Tomaszewski, Carrick, Galvin, Josephson**

**SENATORS Bjorkman, Tilton**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to crime and criminal procedure; relating to sexual abuse of a minor;**  
2 **relating to enticement of a minor; relating to unlawful exploitation of a minor; relating**  
3 **to generated obscene child sexual abuse material; relating to teaching certificates; and**  
4 **relating to licensing of school bus drivers."**

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

6 **\* Section 1.** AS 11.41.436(a) is amended to read:

7 (a) An offender commits the crime of sexual abuse of a minor in the second  
8 degree if,

9 (1) being 17 years of age or older, the offender engages in sexual  
10 penetration with a person who is 13, 14, or 15 years of age and at least four years  
11 younger than the offender, or aids, induces, causes, or encourages a person who is 13,  
12 14, or 15 years of age and at least four years younger than the offender to engage in  
13 sexual penetration with another person;

14 (2) being 16 years of age or older, the offender engages in sexual

1 contact with a person who is under 13 years of age or aids, induces, causes, or  
2 encourages a person under 13 years of age to engage in sexual contact with another  
3 person;

4 (3) being 18 years of age or older, the offender engages in sexual  
5 contact with a person who is under 18 years of age, and the offender is the victim's  
6 natural parent, stepparent, adopted parent, or legal guardian;

7 (4) being 16 years of age or older, the offender aids, induces, causes,  
8 or encourages a person who is under 16 years of age to engage in conduct described in  
9 AS 11.41.455(a)(2) - (6) or (8);

10 (5) being 18 years of age or older, the offender engages in sexual  
11 contact with a person who is under 16 years of age, and

12 (A) the victim at the time of the offense is residing in the same  
13 household as the offender and the offender has authority over the victim; or

14 (B) the offender occupies a position of authority in relation to  
15 the victim;

16 (6) being 18 years of age or older, the offender engages in sexual  
17 penetration with a person who is 16 or 17 years of age and at least three years younger  
18 than the offender, and the offender occupies a position of authority in relation to the  
19 victim; or

20 (7) being under 16 years of age, the offender engages in sexual  
21 penetration with a person who is under 13 years of age and at least three years younger  
22 than the offender.

23 \* **Sec. 2.** AS 11.41.452(a) is amended to read:

24 (a) A person commits the crime of enticement of a minor if the person, being  
25 18 years of age or older, knowingly communicates with another person to entice,  
26 solicit, or encourage the person to engage in an act described in AS 11.41.455(a)(1) -  
27 (8) [AS 11.41.455(a)(1) - (7)] and

28 (1) the other person is a child under 16 years of age; or

29 (2) the person believes that the other person is a child under 16 years  
30 of age.

31 \* **Sec. 3.** AS 11.41.452(c) is amended to read:

1 (c) In a prosecution under this section, it is not necessary for the prosecution  
2 to show that the act described in AS 11.41.455(a)(1) - (8) [AS 11.41.455(a)(1) - (7)]  
3 was actually committed.

4 \* **Sec. 4.** AS 11.41.455(a) is amended to read:

5 (a) A person commits the crime of unlawful exploitation of a minor if, in the  
6 state and with the intent of producing a live performance, film, audio, video,  
7 electronic, or electromagnetic recording, photograph, negative, slide, book,  
8 newspaper, magazine, or other material that visually or aurally depicts the conduct  
9 listed in (1) - (8) [(1) - (7)] of this subsection, the person knowingly induces or  
10 employs a child under 18 years of age to engage in, or photographs, films, records, or  
11 televises a child under 18 years of age engaged in, the following actual or simulated  
12 conduct:

13 (1) sexual penetration;

14 (2) the lewd touching of another person's genitals, anus, or breast;

15 (3) the lewd touching by another person of the child's genitals, anus, or  
16 breast;

17 (4) masturbation;

18 (5) bestiality;

19 (6) the lewd exhibition of the child's genitals; [OR]

20 (7) sexual masochism or sadism; or

21 (8) contact with semen.

22 \* **Sec. 5.** AS 11.61.118(a) is amended to read:

23 (a) A person commits the crime of harassment in the first degree if, under  
24 circumstances not proscribed under AS 11.41.410 - 11.41.427, [OR] 11.41.434 -  
25 11.41.440, or 11.41.455, the person violates AS 11.61.120(a)(5) and the offensive  
26 physical contact is contact

27 (1) with human or animal blood, mucus, saliva, semen, urine, vomitus,  
28 or feces; or

29 (2) by the person touching through clothing another person's genitals,  
30 buttocks, or female breast.

31 \* **Sec. 6.** AS 11.61.120(a) is amended to read:

1 (a) A person commits the crime of harassment in the second degree if, with  
2 intent to harass or annoy another person, that person

3 (1) insults, taunts, or challenges another person in a manner likely to  
4 provoke an immediate violent response;

5 (2) telephones another and fails to terminate the connection with intent  
6 to impair the ability of that person to place or receive telephone calls;

7 (3) makes repeated telephone calls at extremely inconvenient hours;

8 (4) makes an anonymous or obscene telephone call, an obscene  
9 electronic communication, or a telephone call or electronic communication that  
10 threatens physical injury or sexual contact;

11 (5) subjects another person to offensive physical contact;

12 (6) except as provided in AS 11.61.116, publishes or distributes  
13 electronic or printed photographs, pictures, or films that show the genitals, anus, or  
14 female breast of the other person or show that person engaged in a sexual act;

15 (7) repeatedly sends or publishes an electronic communication that  
16 insults, taunts, challenges, or intimidates a person under 18 years of age in a manner  
17 that places the person in reasonable fear of physical injury; or

18 (8) under circumstances not proscribed under AS 11.41.455,  
19 AS 11.61.121, 11.61.125 [AS 11.61.125], or 11.61.128, repeatedly sends to another  
20 person, publishes, or distributes electronic or printed photographs, pictures, or films  
21 that show the genitals of any person.

22 \* **Sec. 7.** AS 11.61 is amended by adding new sections to read:

23 **Sec. 11.61.121. Distribution of generated obscene child sexual abuse**  
24 **material.** (a) A person commits the crime of distribution of generated obscene child  
25 sexual abuse material if the person knowingly distributes in this state or advertises,  
26 promotes, solicits, or offers to distribute in this state any material that is proscribed  
27 under AS 11.61.122.

28 (b) The possession of 100 or more films, audio, video, electronic, or  
29 electromagnetic recordings, photographs, negatives, slides, books, newspapers,  
30 magazines, or other materials, including a combination of these items totaling 100 or  
31 more, is prima facie evidence of distribution and intent to distribute under (a) of this

1 section.

2 (c) In this section, "distribution" includes the following, whether or not for  
3 monetary or other consideration: delivering, selling, renting, leasing, lending, giving,  
4 circulating, exhibiting, presenting, providing, exchanging, placing on a computer  
5 network or computer system, and providing billing collection, or other ancillary  
6 services for or otherwise supporting these activities.

7 (d) Distribution of generated obscene child sexual abuse material is a

8 (1) class B felony; or

9 (2) class A felony if the person has been previously convicted of  
10 distribution of generated obscene child sexual abuse material in this jurisdiction,  
11 distribution of child sexual abuse materials under AS 11.61.125, or a similar crime in  
12 this or another jurisdiction.

13 **Sec. 11.61.122. Possession of generated obscene child sexual abuse**  
14 **material.** (a) A person commits the crime of possession of generated obscene child  
15 sexual abuse material if the person knowingly possesses or knowingly accesses on a  
16 computer with intent to view any material that

17 (1) the average person, applying contemporary community standards,  
18 would find, when considered as a whole, appeals to the prurient interest;

19 (2) depicts, in a patently offensive way, a child under 18 years of age  
20 who, by manipulation, creation, or modification, appears to be engaged in conduct  
21 described in AS 11.41.455(a)(1) - (8), regardless of whether an actual child was used;  
22 and

23 (3) when considered as a whole, lacks serious literary, artistic,  
24 political, or scientific value.

25 (b) This section does not apply to an employee or contractor of an interactive  
26 computer service, Internet service provider, cloud service provider, or  
27 telecommunications network who, while acting in the scope of employment, possesses  
28 or accesses the material described in (a) of this section solely to prevent, detect, report,  
29 or otherwise respond to the production, generation, manipulation, or modification of  
30 the material. In this subsection, "interactive computer service" has the meaning given  
31 in AS 11.61.127(b).

1 (c) In this section, "computer" has the meaning given in AS 11.46.990.

2 (d) Possession of generated obscene child sexual abuse material is a class C  
3 felony.

4 \* **Sec. 8.** AS 11.61.125(e) is amended to read:

5 (e) Distribution of child sexual abuse material is a

6 (1) class B felony; or

7 (2) class A felony if the person has been previously convicted of  
8 distribution of child sexual abuse material in this jurisdiction, **distribution of**  
9 **generated obscene child sexual abuse material under AS 11.61.121**, or a similar  
10 crime in this or another jurisdiction.

11 \* **Sec. 9.** AS 11.61.127(a) is amended to read:

12 (a) A person commits the crime of possession of child sexual abuse material if  
13 the person knowingly possesses or knowingly accesses on a computer with intent to  
14 view any material that visually depicts conduct described in **AS 11.41.455(a)(1) - (8)**  
15 [AS 11.41.455(a)] knowing that the

16 **(1)** production of the material involved the use of a child under 18  
17 years of age who engaged in the conduct; or

18 **(2) material depicts** [A DEPICTION OF] a part of an actual child  
19 under 18 years of age who, by manipulation, creation, or modification, appears to be  
20 engaged in the conduct.

21 \* **Sec. 10.** AS 11.61.127(b) is amended to read:

22 (b) This section does not apply to

23 **(1)** persons providing plethysmograph assessments in the course of a  
24 sex offender treatment program that meets the minimum standards under  
25 AS 33.30.011(a)(5); or

26 **(2) an employee or contractor of an interactive computer service,**  
27 **Internet service provider, cloud service provider, or telecommunications network**  
28 **who, while acting in the scope of employment, possesses or accesses the material**  
29 **described in (a) of this section solely to prevent, detect, report, or otherwise**  
30 **respond to the production, generation, manipulation, or modification of the**  
31 **material; in this paragraph, "interactive computer service" means an**

1 **information service, system, or access software provider that provides or enables**  
 2 **computer access by multiple users to a computer server, including specifically a**  
 3 **service or system that provides access to the Internet and those systems operated**  
 4 **or services offered by libraries or educational institutions.**

5 \* **Sec. 11.** AS 11.61.129(a) is amended to read:

6 (a) Property used to aid a violation of **AS 11.61.121 - 11.61.128**  
 7 [AS 11.61.123 - 11.61.128] or to aid the solicitation of, attempt to commit, or  
 8 conspiracy to commit a violation of **AS 11.61.121 - 11.61.128** [AS 11.61.123 -  
 9 11.61.128] may be forfeited to the state upon the conviction of the offender.

10 \* **Sec. 12.** AS 11.66.100(c) is amended to read:

11 (c) A person may not be prosecuted under (a)(1) of this section if the

12 (1) person witnessed or was a victim of, and reported to law  
 13 enforcement in good faith, one or more of the following crimes:

- 14 (A) murder in the first degree under AS 11.41.100;
- 15 (B) murder in the second degree under AS 11.41.110;
- 16 (C) manslaughter under AS 11.41.120;
- 17 (D) criminally negligent homicide under AS 11.41.130;
- 18 (E) assault in the first degree under AS 11.41.200;
- 19 (F) assault in the second degree under AS 11.41.210;
- 20 (G) assault in the third degree under AS 11.41.220;
- 21 (H) assault in the fourth degree under AS 11.41.230;
- 22 (I) sexual assault in the first degree under AS 11.41.410;
- 23 (J) sexual assault in the second degree under AS 11.41.420;
- 24 (K) sexual assault in the third degree under AS 11.41.425;
- 25 (L) sexual assault in the fourth degree under AS 11.41.427;
- 26 (M) sexual abuse of a minor in the first degree under  
 27 AS 11.41.434;
- 28 (N) sexual abuse of a minor in the second degree under  
 29 AS 11.41.436;
- 30 (O) sexual abuse of a minor in the third degree under  
 31 AS 11.41.438;

1 (P) sexual abuse of a minor in the fourth degree under  
2 AS 11.41.440;

3 (Q) robbery in the first degree under AS 11.41.500;

4 (R) robbery in the second degree under AS 11.41.510;

5 (S) extortion under AS 11.41.520;

6 (T) coercion under AS 11.41.530;

7 (U) distribution of child sexual abuse material under  
8 AS 11.61.125;

9 (V) possession of child sexual abuse material under  
10 AS 11.61.127;

11 (W) sex trafficking in the first degree under AS 11.66.110;

12 (X) sex trafficking in the second degree under AS 11.66.120;

13 (Y) sex trafficking in the third degree under AS 11.66.130;

14 [OR]

15 (Z) sex trafficking in the fourth degree under AS 11.66.135;

16 **(AA) distribution of generated obscene child sexual abuse**  
17 **material under AS 11.61.121; or**

18 **(BB) possession of generated obscene child sexual abuse**  
19 **material under AS 11.61.122;**

20 (2) evidence supporting the prosecution under (a)(1) of this section  
21 was obtained or discovered as a result of the person reporting the crime to law  
22 enforcement; and

23 (3) person cooperated with law enforcement personnel.

24 \* **Sec. 13.** AS 12.10.010(a) is amended to read:

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

26 (1) murder;

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

29 (3) felony sexual abuse of a minor;

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

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

4 (6) kidnapping;

5 (7) **distribution of generated obscene child sexual abuse material in**  
6 **violation of AS 11.61.121 or** distribution of child sexual abuse material in violation of  
7 AS 11.61.125;

8 (8) sex trafficking in violation of AS 11.66.110 - 11.66.130 that is an  
9 unclassified, class A, or class B felony or that is committed against a person who, at  
10 the time of the offense, was under 20 years of age;

11 (9) human trafficking in violation of AS 11.41.360 or 11.41.365.

12 \* **Sec. 14.** AS 12.55.078(f) is amended to read:

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

15 (1) is charged with a violation of AS 11.41.100 - 11.41.220, 11.41.260  
16 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400,  
17 **AS 11.61.121, 11.61.122, 11.61.125 - 11.61.128** [AS 11.61.125 - 11.61.128], or  
18 AS 11.66.110 - 11.66.135;

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

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

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

- 1 (A) the charges were dismissed under this section;
- 2 (B) the conviction has been set aside under AS 12.55.085; or
- 3 (C) the charge or conviction was dismissed or set aside under
- 4 an equivalent provision of the laws of another jurisdiction; or
- 5 (5) is charged with a crime involving domestic violence, as defined in
- 6 AS 18.66.990.

7 \* **Sec. 15.** AS 12.55.085(f) is amended to read:

- 8 (f) The court may not suspend the imposition of sentence of a person who
- 9 (1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260
- 10 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400,
- 11 AS 11.61.121, 11.61.122, 11.61.125 - 11.61.128 [AS 11.61.125 - 11.61.128], or
- 12 AS 11.66.110 - 11.66.135;
- 13 (2) uses a firearm in the commission of the offense for which the
- 14 person is convicted; or
- 15 (3) is convicted of a violation of AS 11.41.230 - 11.41.250 or a felony
- 16 and the person has one or more prior convictions for a misdemeanor violation of
- 17 AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction
- 18 having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a
- 19 felony in this state; for the purposes of this paragraph, a person shall be considered to
- 20 have a prior conviction even if that conviction has been set aside under (e) of this
- 21 section or under the equivalent provision of the laws of another jurisdiction.

22 \* **Sec. 16.** AS 12.55.100(e) is amended to read:

- 23 (e) In addition to other conditions imposed on the defendant, while on
- 24 probation and as a condition of probation
- 25 (1) for a sex offense, as described in AS 12.63.100, the defendant
- 26 (A) shall be required to submit to regular periodic polygraph
- 27 examinations;
- 28 (B) may be required to provide each electronic mail address,
- 29 instant messaging address, and other Internet communication identifier that the
- 30 defendant uses to the defendant's probation officer; the probation officer shall
- 31 forward those addresses and identifiers to the Alaska state troopers and to the

1 local law enforcement agency;

2 (2) if the defendant was convicted of a violation of AS 11.41.434 -  
3 11.41.455, AS 11.61.121, 11.61.122, 11.61.125 - 11.61.128 [AS 11.61.125 -  
4 11.61.128], or a similar offense in another jurisdiction, the defendant may be required  
5 to refrain from

6 (A) using or creating an Internet site;

7 (B) communicating with children under 16 years of age;

8 (C) possessing or using a computer; or

9 (D) residing within 500 feet of school grounds; in this  
10 subparagraph, "school grounds" has the meaning given in AS 11.71.900.

11 \* **Sec. 17.** AS 12.55.125(i) is amended to read:

12 (i) A defendant convicted of

13 (1) sexual assault in the first degree under AS 11.41.410(a)(1)(A), (2),  
14 (3), or (4), sexual abuse of a minor in the first degree, unlawful exploitation of a minor  
15 under AS 11.41.455(c)(2), or sex trafficking in the first degree under  
16 AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more  
17 than 99 years and shall be sentenced to a definite term within the following  
18 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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

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

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

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

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

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

31 (E) if the offense is a third felony conviction and the defendant

1 is not subject to sentencing under (F) of this paragraph or (I) of this section, 40  
2 to 60 years;

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

6 (2) sexual assault in the first degree under AS 11.41.410(a)(1)(B),  
7 unlawful exploitation of a minor under AS 11.41.455(c)(1), enticement of a minor  
8 under AS 11.41.452(e), or attempt, conspiracy, or solicitation to commit sexual assault  
9 in the first degree under AS 11.41.410(a)(1)(A), (2), (3), or (4), sexual abuse of a  
10 minor in the first degree, or sex trafficking in the first degree under  
11 AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more  
12 than 99 years and shall be sentenced to a definite term within the following  
13 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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

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

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

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

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

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

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

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

1 (3) sexual assault in the second degree, sexual abuse of a minor in the  
 2 second degree, enticement of a minor under AS 11.41.452(d), indecent exposure in the  
 3 first degree under AS 11.41.458(b)(2), **distribution of generated obscene child**  
 4 **sexual abuse material under AS 11.61.121(d)(2)**, distribution of child sexual abuse  
 5 material under AS 11.61.125(e)(2), patron of a victim of sex trafficking under  
 6 AS 11.66.137, or attempt, conspiracy, or solicitation to commit sexual assault in the  
 7 first degree under AS 11.41.410(a)(1)(B) may be sentenced to a definite term of  
 8 imprisonment of not more than 99 years and shall be sentenced to a definite term  
 9 within the following presumptive ranges, subject to adjustment as provided in  
 10 AS 12.55.155 - 12.55.175:

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

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

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

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

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

20 (4) sexual assault in the third degree, sexual abuse of a minor in the  
 21 third degree under AS 11.41.438(c), incest, indecent exposure in the first degree under  
 22 AS 11.41.458(b)(1), **distribution of generated obscene child sexual abuse material**  
 23 **under AS 11.61.121(d)(1)**, **possession of generated obscene child sexual abuse**  
 24 **material**, indecent viewing or production of a picture under AS 11.61.123(g)(1) or  
 25 (2), possession of child sexual abuse material, distribution of child sexual abuse  
 26 material under AS 11.61.125(e)(1), patron of a victim of sex trafficking under  
 27 AS 11.66.137, or attempt, conspiracy, or solicitation to commit sexual assault in the  
 28 second degree, sexual abuse of a minor in the second degree, **distribution of**  
 29 **generated obscene child sexual abuse material**, unlawful exploitation of a minor,  
 30 distribution of child sexual abuse material **under AS 11.61.125(e)(2)**, or patron of a  
 31 victim of sex trafficking under AS 11.66.137, may be sentenced to a definite term of

1 imprisonment of not more than 99 years and shall be sentenced to a definite term  
2 within the following presumptive ranges, subject to adjustment as provided in  
3 AS 12.55.155 - 12.55.175:

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

7 (B) if the offense is a first felony conviction under  
8 AS 11.61.121(d)(1) or 11.61.125(e)(1) [AS 11.61.125(e)(1)] and does not  
9 involve circumstances described in (C) of this paragraph, four to 12 years;

10 (C) if the offense is a first felony conviction under  
11 AS 11.61.121(d)(1) or 11.61.125(e)(1) [AS 11.61.125(e)(1)], and the  
12 defendant hosted, created, or helped host or create a mechanism for multi-party  
13 sharing or distribution of generated obscene child sexual abuse material or  
14 child sexual abuse material, or received a financial benefit or had a financial  
15 interest in a generated obscene child sexual abuse material or child sexual  
16 abuse material sharing or distribution mechanism, six to 14 years;

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

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

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

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

25 \* **Sec. 18.** AS 12.55.127(d) is amended to read:

26 (d) If the defendant is being sentenced for two or more crimes of distribution  
27 of generated obscene child sexual abuse material under AS 11.61.121, possession  
28 of generated obscene child sexual abuse material under AS 11.61.122, distribution  
29 of child sexual abuse material under AS 11.61.125, possession of child sexual abuse  
30 material under AS 11.61.127, or distribution of indecent material to minors under  
31 AS 11.61.128, a consecutive term of imprisonment shall be imposed for some

1 additional term of imprisonment for each additional crime or each additional attempt  
2 or solicitation to commit the offense.

3 \* **Sec. 19.** AS 12.55.185(16) is amended to read:

4 (16) "sexual felony" means sexual assault in the first degree, sexual  
5 abuse of a minor in the first degree, sex trafficking in the first degree, sexual assault in  
6 the second degree, sexual abuse of a minor in the second degree, sexual abuse of a  
7 minor in the third degree under AS 11.41.438(c), unlawful exploitation of a minor,  
8 patron of a victim of sex trafficking, **distribution of generated obscene child sexual**  
9 **abuse material, possession of generated obscene child sexual abuse material,**  
10 indecent viewing or production of a picture under AS 11.61.123(g)(1) or (2),  
11 distribution of child sexual abuse material, sexual assault in the third degree, incest,  
12 indecent exposure in the first degree, possession of child sexual abuse material,  
13 enticement of a minor, and felony attempt, conspiracy, or solicitation to commit those  
14 crimes;

15 \* **Sec. 20.** AS 12.62.900(22) is amended to read:

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

19 (A) a felony offense;

20 (B) a crime involving domestic violence;

21 (C) AS 11.41.410 - 11.41.470;

22 (D) AS 11.51.130, **11.51.200 - 11.51.220, or AS 11.56.100 -**

23 **11.56.210** [OR 11.51.200 - 11.56.210];

24 (E) AS 11.61.110(a)(7), **11.61.121**, or 11.61.125;

25 (F) AS 11.66.100 - 11.66.130;

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

28 (H) former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 -  
29 11.40.420, if committed before January 1, 1980.

30 \* **Sec. 21.** AS 12.63.100(7) is amended to read:

31 (7) "sex offense" means

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

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

- 9 (i) sexual assault in the first degree;
- 10 (ii) sexual assault in the second degree;
- 11 (iii) sexual abuse of a minor in the first degree; or
- 12 (iv) sexual abuse of a minor in the second degree;

13 (C) a crime, or an attempt, solicitation, or conspiracy to commit  
 14 a crime, under the following statutes or a similar law of another jurisdiction:

- 15 (i) AS 11.41.410 - 11.41.438;
- 16 (ii) AS 11.41.440(a)(2);
- 17 (iii) AS 11.41.450 - 11.41.458;
- 18 (iv) AS 11.41.460 or AS 26.05.900(c) if the indecent  
 19 exposure is before a person under 16 years of age and the offender has  
 20 previously been convicted under AS 11.41.460 or AS 26.05.900(c);
- 21 (v) **AS 11.61.121 or 11.61.122;**
- 22 **(vi)** AS 11.61.125 - 11.61.128;
- 23 **(vii)** [(vi)] AS 11.66.130(a)(2)(B) or AS 26.05.900(b) if  
 24 the person who was induced or caused to engage in prostitution was  
 25 under 20 years of age at the time of the offense;
- 26 **(viii)** [(vii)] former AS 11.15.120, former 11.15.134, or  
 27 assault with the intent to commit rape under former AS 11.15.160,  
 28 former AS 11.40.110, or former 11.40.200;
- 29 **(ix)** [(viii)] AS 11.61.118(a)(2) if the offender has a  
 30 previous conviction for that offense;
- 31 **(x)** [(ix)] AS 11.66.100(a)(2) if the offender is subject

1 to punishment under former AS 11.66.100(e);

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

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

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

10 (xiv) [(xiii)] AS 26.05.900(a) if the victim is under 18  
11 years of age at the time of the offense;

12 (xv) [(xiv)] AS 26.05.900 if, at the time of the offense,  
13 the victim is under a duty to obey the lawful orders of the offender,  
14 regardless of whether the offender is in the direct chain of command  
15 over the victim;

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

18 (xvii) [(xvi)] AS 11.66.137;

19 (xviii) [(xvii)] AS 11.61.130(a)(2); or

20 (xix) [(xviii)] AS 11.66.110 and 11.66.120;

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

26 (i) child sexual abuse material; or

27 (ii) pandering and prostitution if the person who is  
28 induced, enticed, caused, or procured to engage in a sexual act is under  
29 20 years of age at the time of the offense; or

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

1 \* **Sec. 22.** AS 14.20.030(b) is amended to read:

2 (b) The commissioner or the Professional Teaching Practices Commission  
3 shall revoke for life the certificate of a person who has been convicted of a crime, or  
4 an attempt, solicitation, or conspiracy to commit a crime, involving a minor under  
5 AS 11.41.410 - 11.41.460, AS 11.61.121, 11.61.122, 11.61.125 [AS 11.61.125], or  
6 11.61.127, or a law or ordinance in another jurisdiction with elements similar to an  
7 offense described in this subsection.

8 \* **Sec. 23.** AS 28.15.046(c) is amended to read:

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

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

11 (A) a violation, or an attempt, solicitation, or conspiracy to  
12 commit a violation, of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320,  
13 11.41.360 - 11.41.370, 11.41.410 - 11.41.470, or 11.41.500 - 11.41.530;

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

16 (C) felony indecent viewing or production of a picture under  
17 AS 11.61.123;

18 (D) distribution of child sexual abuse material under  
19 AS 11.61.125;

20 (E) possession of child sexual abuse material under  
21 AS 11.61.127;

22 (F) distribution of indecent material to minors under  
23 AS 11.61.128;

24 (G) patron of a victim of sex trafficking under AS 11.66.137;

25 (H) sex trafficking in the first, second, or third degree under  
26 AS 11.66.110 - 11.66.130;

27 (I) a felony involving distribution of a controlled substance  
28 under AS 11.71 or imitation controlled substance under AS 11.73;

29 (J) a felony violation under AS 28.35.030(n) or 28.35.032(p);

30 **(K) distribution of generated obscene child sexual abuse**  
31 **material under AS 11.61.121;**



(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 sexual abuse material under AS 11.61.125;

(vi) sex trafficking in the first degree under AS 11.66.110;

**(vii) distribution of generated obscene child sexual abuse material under AS 11.61.121; or**

**(viii)** [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. 26.** 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;

- 1 (3) burglary in the first degree;
- 2 (4) distribution of child sexual abuse material;
- 3 (5) sex trafficking in the first degree;
- 4 (6) misconduct involving a controlled substance in the first, second, or
- 5 third degrees involving distribution or possession with intent to deliver; [OR]
- 6 (7) misconduct involving weapons in the first through fourth degrees;

7 **or**

8 **(8) distribution of generated obscene child sexual abuse material**  
9 **under AS 11.61.121.**

10 \* **Sec. 27.** The uncodified law of the State of Alaska is amended by adding a new section to  
11 read:

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

- 14 (1) AS 11.41.436(a), as amended by sec. 1 of this Act;
- 15 (2) AS 11.41.452(a), as amended by sec. 2 of this Act;
- 16 (3) AS 11.41.452(c), as amended by sec. 3 of this Act;
- 17 (4) AS 11.41.455(a), as amended by sec. 4 of this Act;
- 18 (5) AS 11.61.118(a), as amended by sec. 5 of this Act;
- 19 (6) AS 11.61.120(a), as amended by sec. 6 of this Act;
- 20 (7) AS 11.61.125(e), as amended by sec. 8 of this Act;
- 21 (8) AS 11.61.127(a), as amended by sec. 9 of this Act;
- 22 (9) AS 11.61.127(b), as amended by sec. 10 of this Act;
- 23 (10) AS 11.61.129(a), as amended by sec. 11 of this Act; and
- 24 (11) AS 11.66.100(c), as amended by sec. 12 of this Act.

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

- 27 (1) AS 12.55.078(f), as amended by sec. 14 of this Act;
- 28 (2) AS 12.55.085(f), as amended by sec. 15 of this Act;
- 29 (3) AS 12.55.125(i), as amended by sec. 17 of this Act;
- 30 (4) AS 12.55.185(16), as amended by sec. 19 of this Act;
- 31 (5) AS 12.62.900(22), as amended by sec. 20 of this Act;

- 1 (6) AS 12.63.100(7), as amended by sec. 21 of this Act; and
- 2 (7) AS 14.20.030(b), as amended by sec. 22 of this Act.