

SENATE BILL NO. 247

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY SENATORS KIEHL, Merrick, Giessel, Myers, Yundt, Cronk, Kawasaki, Stedman, Tilton

Introduced: 2/18/26

Referred: Community & Regional Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to crime and criminal procedure; relating to generated obscene child
2 sexual abuse material; relating to teaching certificates; and relating to licensing of
3 school bus drivers."

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

5 * **Section 1.** AS 11.61.120(a) is amended to read:

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

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

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

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

13 (4) makes an anonymous or obscene telephone call, an obscene
14 electronic communication, or a telephone call or electronic communication that

1 threatens physical injury or sexual contact;

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

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

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

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

13 * **Sec. 2.** AS 11.61 is amended by adding new sections to read:

14 **Sec. 11.61.121. Distribution of generated obscene child sexual abuse**
15 **material.** (a) A person commits the crime of distribution of generated obscene child
16 sexual abuse material if the person distributes in this state or advertises, promotes,
17 solicits, or offers to distribute in this state any material that is proscribed under
18 AS 11.61.122.

19 (b) The possession of 100 or more films, audio, video, electronic, or
20 electromagnetic recordings, photographs, negatives, slides, books, newspapers,
21 magazines, or other materials, including a combination of these items totaling 100 or
22 more, is prima facie evidence of distribution and intent to distribute under (a) of this
23 section.

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

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

30 (1) class B felony; or

31 (2) class A felony if the person has been previously convicted of

1 distribution of generated obscene child sexual abuse material in this jurisdiction,
 2 distribution of child sexual abuse materials under AS 11.61.125, or a similar crime in
 3 this or another jurisdiction.

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

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

10 (2) depicts, in a patently offensive way, a child under 18 years of age
 11 who, by manipulation, creation, or modification, appears to be engaged in conduct
 12 described in AS 11.41.455(a)(1) - (7), regardless of whether an actual child was used;
 13 and

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

16 (b) This section does not apply to an employee or contractor of an interactive
 17 computer service, Internet service provider, cloud service provider, or
 18 telecommunications network who, while acting in the scope of employment, possesses
 19 or accesses the material described in (a) of this section solely to prevent, detect, report,
 20 or otherwise respond to the production, generation, manipulation, or modification of
 21 the material. In this subsection, "interactive computer service" has the meaning given
 22 in AS 11.61.127(b).

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

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

26 * **Sec. 3.** AS 11.61.125(e) is amended to read:

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

28 (1) class B felony; or

29 (2) class A felony if the person has been previously convicted of
 30 distribution of child sexual abuse material in this jurisdiction, **distribution of**
 31 **generated obscene child sexual abuse material under AS 11.61.121,** or a similar

1 crime in this or another jurisdiction.

2 * **Sec. 4.** AS 11.61.127(a) is amended to read:

3 (a) A person commits the crime of possession of child sexual abuse material if
4 the person knowingly possesses or knowingly accesses on a computer with intent to
5 view any material that visually depicts conduct described in AS 11.41.455(a)(1) - (7)
6 [AS 11.41.455(a)] knowing that the

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

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

12 * **Sec. 5.** AS 11.61.127(b) is amended to read:

13 (b) This section does not apply to

14 (1) persons providing plethysmograph assessments in the course of a
15 sex offender treatment program that meets the minimum standards under
16 AS 33.30.011(a)(5); or

17 (2) an employee or contractor of an interactive computer service,
18 Internet service provider, cloud service provider, or telecommunications network
19 who, while acting in the scope of employment, possesses or accesses the material
20 described in (a) of this section solely to prevent, detect, report, or otherwise
21 respond to the production, generation, manipulation, or modification of the
22 material; in this paragraph, "interactive computer service" means an
23 information service, system, or access software provider that provides or enables
24 computer access by multiple users to a computer server, including specifically a
25 service or system that provides access to the Internet and those systems operated
26 or services offered by libraries or educational institutions.

27 * **Sec. 6.** AS 11.61.129(a) is amended to read:

28 (a) Property used to aid a violation of AS 11.61.121 - 11.61.128
29 [AS 11.61.123 - 11.61.128] or to aid the solicitation of, attempt to commit, or
30 conspiracy to commit a violation of AS 11.61.121 - 11.61.128 [AS 11.61.123 -
31 11.61.128] may be forfeited to the state upon the conviction of the offender.

1 * **Sec. 7.** AS 11.66.100(c) is amended to read:

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

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

5 (A) murder in the first degree under AS 11.41.100;

6 (B) murder in the second degree under AS 11.41.110;

7 (C) manslaughter under AS 11.41.120;

8 (D) criminally negligent homicide under AS 11.41.130;

9 (E) assault in the first degree under AS 11.41.200;

10 (F) assault in the second degree under AS 11.41.210;

11 (G) assault in the third degree under AS 11.41.220;

12 (H) assault in the fourth degree under AS 11.41.230;

13 (I) sexual assault in the first degree under AS 11.41.410;

14 (J) sexual assault in the second degree under AS 11.41.420;

15 (K) sexual assault in the third degree under AS 11.41.425;

16 (L) sexual assault in the fourth degree under AS 11.41.427;

17 (M) sexual abuse of a minor in the first degree under
18 AS 11.41.434;

19 (N) sexual abuse of a minor in the second degree under
20 AS 11.41.436;

21 (O) sexual abuse of a minor in the third degree under
22 AS 11.41.438;

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

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

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

27 (S) extortion under AS 11.41.520;

28 (T) coercion under AS 11.41.530;

29 (U) distribution of child sexual abuse material under
30 AS 11.61.125;

31 (V) possession of child sexual abuse material under

1 AS 11.61.127;

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

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

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

5 [OR]

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

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

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

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

14 (3) person cooperated with law enforcement personnel.

15 * **Sec. 8.** AS 12.10.010(a) is amended to read:

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

17 (1) murder;

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

20 (3) felony sexual abuse of a minor;

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

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

26 (6) kidnapping;

27 (7) **distribution of generated obscene child sexual abuse material in**
 28 **violation of AS 11.61.121 or** distribution of child sexual abuse material in violation of
 29 AS 11.61.125;

30 (8) sex trafficking in violation of AS 11.66.110 - 11.66.130 that is an
 31 unclassified, class A, or class B felony or that is committed against a person who, at

1 the time of the offense, was under 20 years of age;

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

3 * **Sec. 9.** AS 12.55.078(f) is amended to read:

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

6 (1) is charged with a violation of AS 11.41.100 - 11.41.220, 11.41.260
7 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400,
8 **AS 11.61.121, 11.61.122, 11.61.125 - 11.61.128** [AS 11.61.125 - 11.61.128], or
9 AS 11.66.110 - 11.66.135;

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

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

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

23 (A) the charges were dismissed under this section;

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

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

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

29 * **Sec. 10.** AS 12.55.085(f) is amended to read:

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

31 (1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260

1 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400,
 2 **AS 11.61.121, 11.61.122, 11.61.125 - 11.61.128** [AS 11.61.125 - 11.61.128], or
 3 AS 11.66.110 - 11.66.135;

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

6 (3) is convicted of a violation of AS 11.41.230 - 11.41.250 or a felony
 7 and the person has one or more prior convictions for a misdemeanor violation of
 8 AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction
 9 having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a
 10 felony in this state; for the purposes of this paragraph, a person shall be considered to
 11 have a prior conviction even if that conviction has been set aside under (e) of this
 12 section or under the equivalent provision of the laws of another jurisdiction.

13 * **Sec. 11.** AS 12.55.100(e) is amended to read:

14 (e) In addition to other conditions imposed on the defendant, while on
 15 probation and as a condition of probation

16 (1) for a sex offense, as described in AS 12.63.100, the defendant

17 (A) shall be required to submit to regular periodic polygraph
 18 examinations;

19 (B) may be required to provide each electronic mail address,
 20 instant messaging address, and other Internet communication identifier that the
 21 defendant uses to the defendant's probation officer; the probation officer shall
 22 forward those addresses and identifiers to the Alaska state troopers and to the
 23 local law enforcement agency;

24 (2) if the defendant was convicted of a violation of AS 11.41.434 -
 25 11.41.455, **AS 11.61.121, 11.61.122, 11.61.125 - 11.61.128** [AS 11.61.125 -
 26 11.61.128], or a similar offense in another jurisdiction, the defendant may be required
 27 to refrain from

28 (A) using or creating an Internet site;

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

30 (C) possessing or using a computer; or

31 (D) residing within 500 feet of school grounds; in this

1 subparagraph, "school grounds" has the meaning given in AS 11.71.900.

2 * **Sec. 12.** AS 12.55.125(i) is amended to read:

3 (i) A defendant convicted of

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

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

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

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

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

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

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

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

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

28 (2) sexual assault in the first degree under AS 11.41.410(a)(1)(B),
29 unlawful exploitation of a minor under AS 11.41.455(c)(1), enticement of a minor
30 under AS 11.41.452(e), or attempt, conspiracy, or solicitation to commit sexual assault
31 in the first degree under AS 11.41.410(a)(1)(A), (2), (3), or (4), sexual abuse of a

1 minor in the first degree, or sex trafficking in the first degree under
 2 AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more
 3 than 99 years and shall be sentenced to a definite term within the following
 4 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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

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

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

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

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

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

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

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

23 (3) sexual assault in the second degree, sexual abuse of a minor in the
 24 second degree, enticement of a minor under AS 11.41.452(d), indecent exposure in the
 25 first degree under AS 11.41.458(b)(2), **distribution of generated obscene child**
 26 **sexual abuse material under AS 11.61.121(d)(2)**, distribution of child sexual abuse
 27 material under AS 11.61.125(e)(2), patron of a victim of sex trafficking under
 28 AS 11.66.137, or attempt, conspiracy, or solicitation to commit sexual assault in the
 29 first degree under AS 11.41.410(a)(1)(B) may be sentenced to a definite term of
 30 imprisonment of not more than 99 years and shall be sentenced to a definite term
 31 within the following presumptive ranges, subject to adjustment as provided in

1 AS 12.55.155 - 12.55.175:

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

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

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

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

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

11 (4) sexual assault in the third degree, sexual abuse of a minor in the
12 third degree under AS 11.41.438(c), incest, indecent exposure in the first degree under
13 AS 11.41.458(b)(1), **distribution of generated obscene child sexual abuse material**
14 **under AS 11.61.121(d)(1), possession of generated obscene child sexual abuse**
15 **material**, indecent viewing or production of a picture under AS 11.61.123(g)(1) or
16 (2), possession of child sexual abuse material, distribution of child sexual abuse
17 material under AS 11.61.125(e)(1), patron of a victim of sex trafficking under
18 AS 11.66.137, or attempt, conspiracy, or solicitation to commit sexual assault in the
19 second degree, sexual abuse of a minor in the second degree, **distribution of**
20 **generated obscene child sexual abuse material**, unlawful exploitation of a minor,
21 distribution of child sexual abuse material **under AS 11.61.125(e)(2)**, or patron of a
22 victim of sex trafficking under AS 11.66.137, may be sentenced to a definite term of
23 imprisonment of not more than 99 years and shall be sentenced to a definite term
24 within the following presumptive ranges, subject to adjustment as provided in
25 AS 12.55.155 - 12.55.175:

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

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

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

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

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

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

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

16 * **Sec. 13.** AS 12.55.127(d) is amended to read:

17 (d) If the defendant is being sentenced for two or more crimes of distribution
 18 of generated obscene child sexual abuse material under AS 11.61.121, possession
 19 of generated obscene child sexual abuse material under AS 11.61.122, distribution
 20 of child sexual abuse material under AS 11.61.125, possession of child sexual abuse
 21 material under AS 11.61.127, or distribution of indecent material to minors under
 22 AS 11.61.128, a consecutive term of imprisonment shall be imposed for some
 23 additional term of imprisonment for each additional crime or each additional attempt
 24 or solicitation to commit the offense.

25 * **Sec. 14.** AS 12.55.185(16) is amended to read:

26 (16) "sexual felony" means sexual assault in the first degree, sexual
 27 abuse of a minor in the first degree, sex trafficking in the first degree, sexual assault in
 28 the second degree, sexual abuse of a minor in the second degree, sexual abuse of a
 29 minor in the third degree under AS 11.41.438(c), unlawful exploitation of a minor,
 30 patron of a victim of sex trafficking, distribution of generated obscene child sexual
 31 abuse material, possession of generated obscene child sexual abuse material,

1 indecent viewing or production of a picture under AS 11.61.123(g)(1) or (2),
 2 distribution of child sexual abuse material, sexual assault in the third degree, incest,
 3 indecent exposure in the first degree, possession of child sexual abuse material,
 4 enticement of a minor, and felony attempt, conspiracy, or solicitation to commit those
 5 crimes;

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

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

10 (A) a felony offense;

11 (B) a crime involving domestic violence;

12 (C) AS 11.41.410 - 11.41.470;

13 (D) AS 11.51.130, 11.51.200 - 11.51.220, or AS 11.56.100 -
 14 11.56.210 [OR 11.51.200 - 11.56.210];

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

16 (F) AS 11.66.100 - 11.66.130;

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

19 (H) former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 -
 20 11.40.420, if committed before January 1, 1980.

21 * **Sec. 16.** AS 14.20.030(b) is amended to read:

22 (b) The commissioner or the Professional Teaching Practices Commission
 23 shall revoke for life the certificate of a person who has been convicted of a crime, or
 24 an attempt, solicitation, or conspiracy to commit a crime, involving a minor under
 25 AS 11.41.410 - 11.41.460, AS 11.61.121, 11.61.122, 11.61.125 [AS 11.61.125], or
 26 11.61.127, or a law or ordinance in another jurisdiction with elements similar to an
 27 offense described in this subsection.

28 * **Sec. 17.** AS 28.15.046(c) is amended to read:

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

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

31 (A) a violation, or an attempt, solicitation, or conspiracy to

1 commit a violation, of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320,
2 11.41.360 - 11.41.370, 11.41.410 - 11.41.470, or 11.41.500 - 11.41.530;

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

5 (C) felony indecent viewing or production of a picture under
6 AS 11.61.123;

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

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

11 (F) distribution of indecent material to minors under
12 AS 11.61.128;

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

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

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

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

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

21 **(L) possession of generated obscene child sexual abuse**
22 **material under AS 11.61.122;** or

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

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

26 (B) reckless endangerment under AS 11.41.250;

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

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

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

1 * **Sec. 18.** AS 44.23.080(a) is amended to read:

2 (a) If there is reasonable cause to believe that an Internet service account has
 3 been used in connection with a violation of AS 11.41.452, 11.41.455, or
 4 AS 11.61.121, 11.61.122, or 11.61.125 - 11.61.128 [AS 11.61.125 - 11.61.128], and
 5 that the identity, address, and other information about the account owner will assist in
 6 obtaining evidence that is relevant to the offense, a law enforcement officer may apply
 7 to the attorney general or the attorney general's designee for an administrative
 8 subpoena to obtain the business records of the Internet service provider located inside
 9 or outside of the state.

10 * **Sec. 19.** AS 47.12.110(d) is amended to read:

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

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

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

21 (B) the minor's alleged commission of

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

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

27 (iii) arson under AS 11.46.400 - 11.46.410;

28 (iv) burglary under AS 11.46.300;

29 (v) distribution of child sexual abuse material under
 30 AS 11.61.125;

31 (vi) sex trafficking in the first degree under

1 AS 11.66.110;

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

4 **(viii)** [OR (vii)] misconduct involving a controlled
 5 substance under AS 11.71 involving the delivery of a controlled
 6 substance or the possession of a controlled substance with intent to
 7 deliver, other than an offense under AS 11.71.040 or 11.71.050; or

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

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

14 * **Sec. 20.** AS 47.12.315(a) is amended to read:

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

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

20 (2) arson in the first or second degree;

21 (3) burglary in the first degree;

22 (4) distribution of child sexual abuse material;

23 (5) sex trafficking in the first degree;

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

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

27 **or**

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

30 * **Sec. 21.** The uncodified law of the State of Alaska is amended by adding a new section to
 31 read:

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

- 3 (1) AS 11.61.120(a), as amended by sec. 1 of this Act;
- 4 (2) AS 11.61.125(e), as amended by sec. 3 of this Act;
- 5 (3) AS 11.61.127(a), as amended by sec. 4 of this Act;
- 6 (4) AS 11.61.127(b), as amended by sec. 5 of this Act;
- 7 (5) AS 11.61.129(a), as amended by sec. 6 of this Act; and
- 8 (6) AS 11.66.100(c), as amended by sec. 7 of this Act.

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

- 11 (1) AS 12.55.078(f), as amended by sec. 9 of this Act;
- 12 (2) AS 12.55.085(f), as amended by sec. 10 of this Act;
- 13 (3) AS 12.55.125(i), as amended by sec. 12 of this Act;
- 14 (4) AS 12.55.185(16), as amended by sec. 14 of this Act;
- 15 (5) AS 12.62.900(22), as amended by sec. 15 of this Act;
- 16 (6) AS 14.20.030(b), as amended by sec. 16 of this Act.