

34-LS1102\G  
C. Radford  
4/17/26

**SENATE CS FOR CS FOR HOUSE BILL NO. 239(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

**BY THE SENATE JUDICIARY COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES KOPP, Fields, Galvin, Josephson, Schrage, Carrick, Eischeid**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to civil claims by victims of sexual abuse of a minor; relating to crime**  
2 **and criminal procedure; relating to homicide; relating to assault; relating to sexual**  
3 **assault; relating to stalking; relating to sexual abuse of a minor; relating to enticement**  
4 **and unlawful exploitation of a minor; relating to endangering the welfare of a child;**  
5 **relating to indecent exposure; relating to theft; relating to generated obscene child**  
6 **sexual abuse material; relating to sending an explicit image of a minor; relating to**  
7 **solicitation or production of an indecent picture of a minor; relating to distribution of**  
8 **indecent material to minors; relating to the Controlled Substances Advisory Committee;**  
9 **relating to the testimony of children in criminal proceedings; relating to sentencing;**  
10 **relating to sexual assault examination kits; restricting the release of certain records of**  
11 **convictions; relating to teaching certificates; relating to the definition of 'victim**  
12 **counseling center' for disclosure of certain communications concerning sexual assault or**

1 **domestic violence; relating to motor vehicle offenses; relating to licensing of school bus**  
2 **drivers; and providing for an effective date."**

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

4 \* **Section 1.** AS 09.55.650(a) is amended to read:

5 (a) A person who, as a minor under 18 [16] years of age, was the victim of  
6 sexual abuse may maintain an action for recovery of damages against the perpetrator  
7 of the act or acts of sexual abuse based on the perpetrator's intentional conduct for an  
8 injury or condition suffered as a result of the sexual abuse.

9 \* **Sec. 2.** AS 11.41.100(a) is amended to read:

10 (a) A person commits the crime of murder in the first degree if

11 (1) with intent to cause the death of another person, the person

12 (A) causes the death of any person; or

13 (B) compels or induces any person to commit suicide through  
14 duress or deception;

15 (2) the person knowingly engages in conduct directed toward a child  
16 under the age of 18 [16] and the person with criminal negligence inflicts serious  
17 physical injury on the child by at least two separate acts, and one of the acts results in  
18 the death of the child;

19 (3) acting alone or with one or more persons, the person commits or  
20 attempts to commit a sexual offense against or kidnapping of a child under 18 [16]  
21 years of age and, in the course of or in furtherance of the offense or in immediate  
22 flight from that offense, any person causes the death of the child; in this paragraph,  
23 "sexual offense" means an offense defined in AS 11.41.410 - 11.41.470;

24 (4) acting alone or with one or more persons, the person commits or  
25 attempts to commit criminal mischief in the first degree under AS 11.46.475 and, in  
26 the course of or in furtherance of the offense or in immediate flight from that offense,  
27 any person causes the death of a person other than one of the participants; or

28 (5) acting alone or with one or more persons, the person commits  
29 terroristic threatening in the first degree under AS 11.56.807 and, in the course of or in  
30 furtherance of the offense or in immediate flight from that offense, any person causes

1 the death of a person other than one of the participants.

2 \* **Sec. 3.** AS 11.41.110(a) is amended to read:

3 (a) A person commits the crime of murder in the second degree if

4 (1) with intent to cause serious physical injury to another person or  
5 knowing that the conduct is substantially certain to cause death or serious physical  
6 injury to another person, the person causes the death of any person;

7 (2) the person knowingly engages in conduct that results in the death  
8 of another person under circumstances manifesting an extreme indifference to the  
9 value of human life;

10 (3) under circumstances not amounting to murder in the first degree  
11 under AS 11.41.100(a)(3), while acting either alone or with one or more persons, the  
12 person commits or attempts to commit arson in the first degree, kidnapping, sexual  
13 assault in the first degree, sexual assault in the second degree, sexual abuse of a minor  
14 in the first degree, sexual abuse of a minor in the second degree, burglary in the first  
15 degree, escape in the first or second degree, robbery in any degree, or misconduct  
16 involving a controlled substance under AS 11.71.010(a), 11.71.021(a), 11.71.030(a)(2)  
17 or (9), or 11.71.040(a)(1) or (2) and, in the course of or in furtherance of that crime or  
18 in immediate flight from that crime, any person causes the death of a person other than  
19 one of the participants;

20 (4) acting with a criminal street gang, the person commits or attempts  
21 to commit a crime that is a felony and, in the course of or in furtherance of that crime  
22 or in immediate flight from that crime, any person causes the death of a person other  
23 than one of the participants;

24 (5) the person with criminal negligence causes the death of a child  
25 under the age of **18** [16], and the person has been previously convicted of a crime  
26 involving a child under the age of **18** [16] that was

27 (A) a felony violation of AS 11.41;

28 (B) in violation of a law or ordinance in another jurisdiction  
29 with elements similar to a felony under AS 11.41; or

30 (C) an attempt, a solicitation, or a conspiracy to commit a  
31 crime listed in (A) or (B) of this paragraph; or

1 (6) the person knowingly manufactures or delivers a controlled  
2 substance in violation of AS 11.71.010 or 11.71.021, and another person dies as a  
3 direct result of ingestion of the controlled substance; the death is a result that does not  
4 require a culpable mental state.

5 \* **Sec. 4.** AS 11.41.220(a) is amended to read:

6 (a) A person commits the crime of assault in the third degree if that person

7 (1) recklessly

8 (A) places another person in fear of imminent serious physical  
9 injury by means of a dangerous instrument;

10 (B) causes physical injury to another person by means of a  
11 dangerous instrument; or

12 (C) while being 18 years of age or older,

13 (i) causes physical injury to a child under 12 years of  
14 age and the injury would cause a reasonable caregiver to seek medical  
15 attention from a health care professional in the form of diagnosis or  
16 treatment;

17 (ii) causes physical injury to a child under 12 years of  
18 age on more than one occasion;

19 (2) with intent to place another person in fear of death or serious  
20 physical injury to the person or the person's family member, makes repeated threats to  
21 cause death or serious physical injury to another person;

22 (3) while being 18 years of age or older, knowingly causes physical  
23 injury to a child **who is** under **18** [16] years of age but at least 12 years of age **and at**  
24 **least two years younger than the offender** and the injury reasonably requires  
25 medical treatment;

26 (4) with criminal negligence, causes serious physical injury under  
27 AS 11.81.900(b)(60)(B) to another person by means of a dangerous instrument; or

28 (5) commits a crime that is a violation of AS 11.41.230(a)(1) or (2)  
29 and, within the preceding 10 years, the person was convicted on two or more separate  
30 occasions of crimes under

31 (A) AS 11.41.100 - 11.41.170;

(B) AS 11.41.200 - 11.41.220, 11.41.230(a)(1) or (2), 11.41.280, or 11.41.282;

(C) AS 11.41.260 or 11.41.270;

(D) AS 11.41.410, 11.41.420, or 11.41.425(a)(1); or

(E) a law or ordinance of this or another jurisdiction with elements similar to those of an offense described in (A) - (D) of this paragraph.

\* **Sec. 5.** AS 11.41.220(b) is amended to read:

(b) In a prosecution under (a)(3) of this section, it is an affirmative defense that, at the time of the alleged offense, the defendant reasonably believed the victim to be 18 [16] years of age or older, unless the victim was under 13 years of age at the time of the alleged offense.

\* **Sec. 6.** AS 11.41.260(a) is amended to read:

(a) A person commits the crime of stalking in the first degree if the person violates AS 11.41.270 and

(1) the actions constituting the offense are in violation of an order issued or filed under AS 18.65.850 - 18.65.870 or AS 18.66.100 - 18.66.180 or issued under former AS 25.35.010(b) or 25.35.020;

(2) the actions constituting the offense are in violation of a condition of probation, release before trial, release after conviction, or parole;

(3) the victim is under 18 [16] years of age;

(4) at any time during the course of conduct constituting the offense, the defendant possessed a deadly weapon;

(5) the defendant has been previously convicted of a crime under this section, AS 11.41.270, or AS 11.56.740, or a law or ordinance of this or another jurisdiction with elements similar to a crime under this section, AS 11.41.270, or AS 11.56.740; or

(6) the defendant has been previously convicted of a crime, or an attempt or solicitation to commit a crime, under (A) AS 11.41.100 - 11.41.250, 11.41.300 - 11.41.460, AS 11.56.807, 11.56.810, AS 11.61.118, 11.61.120, or (B) a law or an ordinance of this or another jurisdiction with elements similar to a crime, or an attempt or solicitation to commit a crime, under AS 11.41.100 - 11.41.250,

1 11.41.300 - 11.41.460, AS 11.56.807, 11.56.810, AS 11.61.118, or 11.61.120,  
2 involving the same victim as the present offense.

3 \* **Sec. 7.** AS 11.41.410(a) is amended to read:

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

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

6 (A) without consent of that person by

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

8 force against any person or property; or

9 (ii) causing the person to become incapacitated;

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

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

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

16 (A) who the offender knows is mentally incapable; and

17 (B) who is in the offender's care

18 (i) by authority of law; or

19 (ii) in a facility or program that is required by law to be  
20 licensed by the state; or

21 (4) the offender **is a health care worker who** engages in sexual  
22 penetration with a person **during the course of professional treatment of the person**  
23 [WHO THE OFFENDER KNOWS IS UNAWARE THAT A SEXUAL ACT IS  
24 BEING COMMITTED AND

25 (A) THE OFFENDER IS A HEALTH CARE WORKER;

26 AND

27 (B) THE OFFENSE TAKES PLACE DURING THE COURSE  
28 OF PROFESSIONAL TREATMENT OF THE VICTIM].

29 \* **Sec. 8.** AS 11.41.420(a) is amended to read:

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

31 (1) the offender engages in sexual contact with another person

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- (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
  - (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 **during the course of professional treatment of the victim** [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. 9.** AS 11.41.434(a) is amended to read:

- (a) An offender commits the crime of sexual abuse of a minor in the first degree if
  - (1) being 16 years of age or older, the offender engages in sexual

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

4 (2) being 18 years of age or older, the offender engages in sexual  
 5 penetration 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; or

7 (3) being 18 years of age or older, the offender engages in sexual  
 8 penetration with a person who is under **18** [16] years of age **and at least two years**  
 9 **younger than the offender**, and

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

12 (B) the offender occupies a position of authority in relation to  
 13 the victim.

14 \* **Sec. 10.** AS 11.41.436(a) is amended to read:

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

17 (1) being 17 years of age or older,

18 **(A)** the offender engages in sexual penetration with a person  
 19 who is

20 **(i)** 13, 14, or 15 years of age and at least four years  
 21 younger than the offender; **or**

22 **(ii)** **16 or 17 years of age and at least six years**  
 23 **younger than the offender;** [,] or

24 **(B)** aids, induces, causes, or encourages a person who is 13, 14,  
 25 or 15 years of age and at least four years younger than the offender to engage  
 26 in sexual penetration with another person;

27 (2) being 16 years of age or older, the offender engages in sexual  
 28 contact with a person who is under 13 years of age or aids, induces, causes, or  
 29 encourages a person under 13 years of age to engage in sexual contact with another  
 30 person;

31 (3) being 18 years of age or older, the offender engages in sexual

1 contact with a person who is under 18 years of age, and the offender is the victim's  
2 natural parent, stepparent, adopted parent, or legal guardian;

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

6 (5) being 18 years of age or older, the offender engages in sexual  
7 contact with a person who is under **18** [16] years of age **and at least two years**  
8 **younger than the offender**, and

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

11 (B) the offender occupies a position of authority in relation to  
12 the victim;

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

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

20 \* **Sec. 11.** AS 11.41.438(a) is amended to read:

21 (a) An offender commits the crime of sexual abuse of a minor in the third  
22 degree if being 17 years of age or older, the offender engages in sexual contact with a  
23 person who is

24 **(1)** 13, 14, or 15 years of age and at least four years younger than the  
25 offender; **or**

26 **(2)** **16 or 17 years of age and at least six years younger than the**  
27 **offender.**

28 \* **Sec. 12.** AS 11.41.452(a) is amended to read:

29 (a) **An offender** [A PERSON] commits the crime of enticement of a minor if  
30 the **offender** [PERSON], being 18 years of age or older, knowingly communicates  
31 with another person to entice, solicit, or encourage the person to engage in an act

described in AS 11.41.455(a)(1) - (8) [AS 11.41.455(a)(1) - (7)] and

(1) the other person is a child under 18 [16] years of age and at least six years younger than the offender; or

(2) the offender [PERSON] believes that the other person is a child under 18 [16] years of age and at least six years younger than the offender.

\* **Sec. 13.** AS 11.41.452(b) is amended to read:

(b) In a prosecution under (a)(2) of this section, it is not a defense that the person enticed, solicited, or encouraged was not actually a child under 18 [16] years of age.

\* **Sec. 14.** AS 11.41.452(c) is amended to read:

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

\* **Sec. 15.** AS 11.41.452(e) is amended to read:

(e) Enticement of a minor is a class A felony if the offender [DEFENDANT] was, at the time of the offense, required to register as a sex offender or child kidnapper under AS 12.63 or a similar law of another jurisdiction.

\* **Sec. 16.** AS 11.41.455(a) is amended to read:

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

- (1) sexual penetration;
- (2) the lewd touching of another person's genitals, anus, or breast;
- (3) the lewd touching by another person of the child's genitals, anus, or breast;
- (4) masturbation;

1 (5) bestiality;

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

3 (7) sexual masochism or sadism; or

4 (8) contact with semen.

5 \* **Sec. 17.** AS 11.41.458(b) is amended to read:

6 (b) Indecent exposure in the first degree

7 (1) is a class C felony; or

8 (2) is a class B felony if the offense occurs within the observation of a  
9 person under **18** [16] years of age.

10 \* **Sec. 18.** AS 11.41.460(b) is amended to read:

11 (b) Indecent exposure in the second degree before a person under **18** [16]  
12 years of age is a class A misdemeanor. Indecent exposure in the second degree before  
13 a person **18** [16] years of age or older is a class B misdemeanor.

14 \* **Sec. 19.** AS 11.46 is amended by adding a new section to read:

15 **Sec. 11.46.115. Organized theft.** (a) A person commits the crime of organized  
16 theft if the person individually or jointly violates AS 11.46.120 or 11.46.130 in  
17 coordination with a group of three or more persons who have committed or attempted  
18 to commit two or more violations of AS 11.46.120 or 11.46.130 for the benefit of, at  
19 the direction of, or in association with the group.

20 (b) Organized theft is a class A felony.

21 \* **Sec. 20.** AS 11.46.130(a) is amended to read:

22 (a) A person commits the crime of theft in the second degree if the person  
23 commits theft as defined in AS 11.46.100 and

24 (1) the value of the property or services is \$750 or more but less than  
25 \$25,000;

26 (2) the property is a firearm or explosive;

27 (3) the property is taken from the person of another;

28 (4) the property is taken from a vessel and is vessel safety or survival  
29 equipment;

30 (5) the property is taken from an aircraft and the property is aircraft  
31 safety or survival equipment;

(6) the value of the property is \$250 or more but less than \$750 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of

(A) an offense under AS 11.46.120, or an offense under another law or ordinance with similar elements;

(B) a crime set out in this subsection or an offense under another law or ordinance with similar elements;

(C) an offense under AS 11.46.140(a)(1), or an offense under another law or ordinance with similar elements; or

(D) an offense under AS 11.46.220(c)(1) or (c)(2)(A), or an offense under another law or ordinance with similar elements; or

(7) the property is

(A) an access device;

(B) an [OR] identification document; or

(C) a medical record or other medical information.

\* **Sec. 21.** AS 11.46.140(a) is amended to read:

(a) A person commits the crime of theft in the third degree if the person commits theft as defined in AS 11.46.100 and

(1) the value of the property or services is \$250 or more but less than \$750; [OR]

(2) [REPEALED]

(3) [REPEALED]

(4) the value of the property is less than \$250 and, within the preceding five years, the person has been convicted and sentenced on three or more separate occasions in this or another jurisdiction of theft or concealment of merchandise, or an offense under another law or ordinance with similar elements; or

(5) the property is mail.

\* **Sec. 22.** AS 11.51.100(a) is amended to read:

(a) A person commits the crime of endangering the welfare of a child in the first degree if, being a parent, guardian, or other person legally charged with the care of a child under 18 [16] years of age, the person

1 (1) intentionally deserts the child in a place under circumstances  
2 creating a substantial risk of physical injury to the child;

3 (2) leaves the child with another person who is not a parent, guardian,  
4 or lawful custodian of the child knowing that the person is

5 (A) registered or required to register as a sex offender or child  
6 kidnapper under AS 12.63 or a law or ordinance in another jurisdiction with  
7 similar requirements;

8 (B) charged by complaint, information, or indictment with a  
9 violation of AS 11.41.410 - 11.41.455 or a law or ordinance in another  
10 jurisdiction with similar elements; or

11 (C) charged by complaint, information, or indictment with an  
12 attempt, solicitation, or conspiracy to commit a crime described in (B) of this  
13 paragraph;

14 (3) leaves the child with another person knowing that the person has  
15 previously physically mistreated or had sexual contact with any child, and the other  
16 person causes physical injury to or engages in sexual contact with the child; or

17 (4) recklessly fails to provide an adequate quantity of food or liquids to  
18 a child, causing protracted impairment of the child's health.

19 \* **Sec. 23.** AS 11.61.116(a) is amended to read:

20 (a) A person commits the offense of sending an explicit image of a minor if  
21 the person, with intent to annoy or humiliate another person, distributes an electronic  
22 photograph or video that depicts the genitals, anus, or female breast of that other  
23 person taken when that person was a minor under 18 [16] years of age.

24 \* **Sec. 24.** AS 11.61.118(a) is amended to read:

25 (a) A person commits the crime of harassment in the first degree if, under  
26 circumstances not proscribed under AS 11.41.410 - 11.41.427, [OR] 11.41.434 -  
27 11.41.440, or 11.41.455, the person violates AS 11.61.120(a)(5) and the offensive  
28 physical contact is contact

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

31 (2) by the person touching through clothing another person's genitals,

1 buttocks, or female breast.

2 \* **Sec. 25.** AS 11.61.120(a) is amended to read:

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

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

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

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

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

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

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

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

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

24 \* **Sec. 26.** AS 11.61 is amended by adding new sections to read:

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

30 (b) The possession of 100 or more films, audio, video, electronic, or  
31 electromagnetic recordings, photographs, negatives, slides, books, newspapers,

1 magazines, or other materials, including a combination of these items totaling 100 or  
2 more, is prima facie evidence of distribution and intent to distribute under (a) of this  
3 section.

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

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

10 (1) class B felony; or

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

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

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

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

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

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

1 the material. In this subsection, "interactive computer service" has the meaning given  
2 in AS 11.61.127(b).

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

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

6 \* **Sec. 27.** AS 11.61.124(a) is amended to read:

7 (a) An offender commits the crime of solicitation or production of an indecent  
8 picture of a minor if, under circumstances not proscribed under AS 11.41.455 or  
9 AS 11.61.123, the offender being 18 years of age or older

10 (1) solicits a picture of the genitals, anus, or female breast of another  
11 person and the

12 (A) person solicited is under **18** [16] years of age and at least  
13 four years younger than the offender; or

14 (B) offender believes that the other person is under **18** [16]  
15 years of age and at least four years younger than the offender; or

16 (2) produces a picture of the genitals, anus, or female breast of another  
17 person and the

18 (A) person shown in the picture is under **18** [16] years of age  
19 and at least four years younger than the offender; or

20 (B) offender believes that the other person is under **18** [16]  
21 years of age and at least four years younger than the offender.

22 \* **Sec. 28.** AS 11.61.124(b) is amended to read:

23 (b) In a prosecution under (a) of this section, it is not a defense that the person  
24 solicited or shown in the picture was not actually a person under **18** [16] years of age  
25 and at least four years younger than the offender.

26 \* **Sec. 29.** 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. 30.** 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) - (8)  
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. 31.** 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. 32.** AS 11.61.128(a) is amended to read:

28 (a) **An offender** [A PERSON] commits the crime of distribution of indecent  
29 material to minors if

30 (1) the **offender** [PERSON], being 18 years of age or older,  
31 intentionally distributes or possesses with intent to distribute any material described in

(2) and (3) of this subsection to either

(A) a child who [THAT] the offender [PERSON] knows is under 18 [16] years of age and at least two years younger than the offender;

or

(B) another person that the offender [PERSON] believes is a child under 18 [16] years of age and at least two years younger than the offender;

(2) the offender [PERSON] knows that the material depicts the following actual or simulated conduct:

(A) sexual penetration;

(B) the lewd touching of a person's genitals, anus, or female breast;

(C) masturbation;

(D) bestiality;

(E) the lewd exhibition of a person's genitals, anus, or female breast; or

(F) sexual masochism or sadism; and

(3) the material is harmful to minors.

\* **Sec. 33.** AS 11.61.128(b) is amended to read:

(b) In this section, it is not a defense that the victim was not actually under 18 [16] years of age.

\* **Sec. 34.** AS 11.61.128(c) is amended to read:

(c) In this section, "harmful to minors" means

(1) the average individual, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest in sex for persons under 18 [16] years of age;

(2) a reasonable person would find that the material, taken as a whole, lacks serious literary, artistic, educational, political, or scientific value for persons under 18 [16] years of age; and

(3) the material depicts actual or simulated conduct in a way that is patently offensive to the prevailing standards in the adult community as a whole with

respect to what is suitable for persons under **18** [16] years of age.

\* **Sec. 35.** AS 11.61.128(e) is amended to read:

(e) Distribution of indecent material to minors is a class B felony if the **offender** [DEFENDANT] was, at the time of the offense, required to register as a sex offender or child kidnapper under AS 12.63 or a similar law of another jurisdiction.

\* **Sec. 36.** AS 11.61.129(a) is amended to read:

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

\* **Sec. 37.** AS 11.66.100(c) is amended to read:

(c) A person may not be prosecuted under (a)(1) of this section if the  
(1) person witnessed or was a victim of, and reported to law enforcement in good faith, one or more of the following crimes:

- (A) murder in the first degree under AS 11.41.100;
- (B) murder in the second degree under AS 11.41.110;
- (C) manslaughter under AS 11.41.120;
- (D) criminally negligent homicide under AS 11.41.130;
- (E) assault in the first degree under AS 11.41.200;
- (F) assault in the second degree under AS 11.41.210;
- (G) assault in the third degree under AS 11.41.220;
- (H) assault in the fourth degree under AS 11.41.230;
- (I) sexual assault in the first degree under AS 11.41.410;
- (J) sexual assault in the second degree under AS 11.41.420;
- (K) sexual assault in the third degree under AS 11.41.425;
- (L) sexual assault in the fourth degree under AS 11.41.427;
- (M) sexual abuse of a minor in the first degree under AS 11.41.434;
- (N) sexual abuse of a minor in the second degree under AS 11.41.436;
- (O) sexual abuse of a minor in the third degree under

AS 11.41.438;

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

(Q) robbery in the first degree under AS 11.41.500;  
(R) robbery in the second degree under AS 11.41.510;

(S) extortion under AS 11.41.520;  
(T) coercion under AS 11.41.530;

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

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

(W) sex trafficking in the first degree under AS 11.66.110;  
(X) sex trafficking in the second degree under AS 11.66.120;  
(Y) sex trafficking in the third degree under AS 11.66.130;

[OR]

(Z) sex trafficking in the fourth degree under AS 11.66.135;  
**(AA) distribution of generated obscene child sexual abuse**

**material under AS 11.61.121; or**

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

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

(3) person cooperated with law enforcement personnel.

\* **Sec. 38.** AS 11.71.100(a) is amended to read:

(a) The Controlled Substances Advisory Committee is established in the **division of the** Department of **Commerce, Community, and Economic Development with responsibility for corporations, business, and professional licensing** [LAW]. The committee consists of

- (1) the attorney general or the attorney general's designee;
- (2) the commissioner of family and community services or the

1 commissioner's designee;

2 (3) the commissioner of public safety or the commissioner's designee;

3 (4) the president of the Board of Pharmacy or the designee of the  
4 president who shall also be a member of the Board of Pharmacy;

5 (5) a peace officer appointed by the governor after consultation with  
6 the Alaska Association of Chiefs of Police;

7 (6) a physician appointed by the governor;

8 (7) a psychiatrist appointed by the governor; and

9 (8) two individuals appointed by the governor.

10 \* **Sec. 39.** AS 12.10.010(a) is amended to read:

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

12 (1) murder;

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

15 (3) felony sexual abuse of a minor;

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

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

21 (6) kidnapping;

22 (7) **distribution of generated obscene child sexual abuse material in**  
23 **violation of AS 11.61.121 or** distribution of child sexual abuse material in violation of  
24 AS 11.61.125;

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

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

29 \* **Sec. 40.** AS 12.45.046(a) is amended to read:

30 (a) In a criminal proceeding under AS 11.41 involving the prosecution of an  
31 offense committed against a child under the age of **18** [16], or witnessed by a child

1 under the age of **18** [16], the court

2 (1) may appoint a guardian ad litem for the child;

3 (2) on its own motion or on the motion of the party presenting the  
4 witness or the guardian ad litem of the child, may order that the testimony of the child  
5 be taken by closed circuit television or through one-way mirrors if the court  
6 determines that the testimony by the child victim or witness under normal court  
7 procedures would result in the child's inability to effectively communicate.

8 \* **Sec. 41.** AS 12.55.078(f) is amended to read:

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

11 (1) is charged with a violation of AS 11.41.100 - 11.41.220, 11.41.260  
12 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400,  
13 **AS 11.61.121, 11.61.122, 11.61.125 - 11.61.128** [AS 11.61.125 - 11.61.128], or  
14 AS 11.66.110 - 11.66.135;

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

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

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

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

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

30 (C) the charge or conviction was dismissed or set aside under

31 an equivalent provision of the laws of another jurisdiction; or

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

3 \* **Sec. 42.** AS 12.55.085(f) is amended to read:

4 (f) The court may not suspend the imposition of sentence of a person who  
5 (1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260  
6 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400,  
7 **AS 11.61.121, 11.61.122, 11.61.125 - 11.61.128** [AS 11.61.125 - 11.61.128], or  
8 AS 11.66.110 - 11.66.135;

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

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

18 \* **Sec. 43.** AS 12.55.100(e) is amended to read:

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

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

22 (A) shall be required to submit to regular periodic polygraph  
23 examinations;

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

29 (2) if the defendant was convicted of a violation of AS 11.41.434 -  
30 11.41.455, **AS 11.61.121, 11.61.122, 11.61.125 - 11.61.128** [AS 11.61.125 -  
31 11.61.128], or a similar offense in another jurisdiction, the defendant may be required

1 to refrain from

2 (A) using or creating an Internet site;

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

4 (C) possessing or using a computer; or

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

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

7 \* **Sec. 44.** AS 12.55.125(b) is amended to read:

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

23 \* **Sec. 45.** AS 12.55.125(d) is amended to read:

24 (d) Except as provided in (i) of this section, a defendant convicted of a class B  
25 felony may be sentenced to a definite term of imprisonment of not more than 10 years,  
26 and shall be sentenced to a definite term within the following presumptive ranges,  
27 subject to adjustment as provided in AS 12.55.155 - 12.55.175:

28 (1) if the offense is a first felony conviction and does not involve  
29 circumstances described in (2) of this subsection, one to three years; a defendant  
30 sentenced under this paragraph may, if the court finds it appropriate, be granted a  
31 suspended imposition of sentence under AS 12.55.085 if, as a condition of probation

1 under AS 12.55.086, the defendant is required to serve an active term of imprisonment  
2 within the range specified in this paragraph, unless the court finds that a mitigation  
3 factor under AS 12.55.155 applies;

4 (2) if the offense is a first felony conviction,

5 (A) the defendant violated AS 11.41.130, and the victim was a  
6 child under 18 [16] years of age, two to four years;

7 (B) two to four years if the conviction is for attempt,  
8 solicitation, or conspiracy to manufacture related to methamphetamine under  
9 AS 11.31 and AS 11.71.021(a)(2)(A) or (B), and

10 (i) the attempted manufacturing occurred, or the  
11 solicited or conspired offense was to have occurred, in a building with  
12 reckless disregard that the building was used as a permanent or  
13 temporary home or place of lodging for one or more children under 18  
14 years of age or the building was a place frequented by children; or

15 (ii) in the course of an attempt to manufacture, the  
16 defendant obtained the assistance of one or more children under 18  
17 years of age or one or more children were present;

18 (3) if the offense is a second felony conviction, three to seven years;

19 (4) if the offense is a third felony conviction, six to 10 years.

20 \* **Sec. 46.** AS 12.55.125(i) is amended to read:

21 (i) A defendant convicted of

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

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

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

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

(B) if the offense is a first felony conviction and the defendant 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, 30 to 40 years;

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

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

(2) sexual assault in the first degree under AS 11.41.410(a)(1)(B), unlawful exploitation of a minor under AS 11.41.455(c)(1), enticement of a minor under AS 11.41.452(e), or attempt, conspiracy, or solicitation to commit sexual assault in the first degree under AS 11.41.410(a)(1)(A), (2), (3), or (4), sexual abuse of a minor in the first degree, or sex trafficking in the first degree under AS 11.66.110(a)(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, the offense does not involve circumstances described in (B) of this paragraph, and the victim was

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

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

(B) if the offense is a first felony conviction and the defendant 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

1 involve circumstances described in (D) of this paragraph, 25 to 35 years;

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

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

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

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

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

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

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

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

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

29 (4) sexual assault in the third degree, sexual abuse of a minor in the  
30 third degree under AS 11.41.438(c), incest, indecent exposure in the first degree under  
31 AS 11.41.458(b)(1), **distribution of generated obscene child sexual abuse material**

1 **under AS 11.61.121(d)(1), possession of generated obscene child sexual abuse**  
2 **material,** indecent viewing or production of a picture under AS 11.61.123(g)(1) or  
3 (2), possession of child sexual abuse material, distribution of child sexual abuse  
4 material under AS 11.61.125(e)(1), patron of a victim of sex trafficking under  
5 AS 11.66.137, or attempt, conspiracy, or solicitation to commit sexual assault in the  
6 second degree, sexual abuse of a minor in the second degree, **distribution of**  
7 **generated obscene child sexual abuse material,** unlawful exploitation of a minor,  
8 distribution of child sexual abuse material **under AS 11.61.125(e)(2),** or patron of a  
9 victim of sex trafficking under AS 11.66.137, may be sentenced to a definite term of  
10 imprisonment of not more than 99 years and shall be sentenced to a definite term  
11 within the following presumptive ranges, subject to adjustment as provided in  
12 AS 12.55.155 - 12.55.175:

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

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

19 (C) if the offense is a first felony conviction under  
20 **AS 11.61.121(d)(1) or 11.61.125(e)(1)** [AS 11.61.125(e)(1)], and the  
21 defendant hosted, created, or helped host or create a mechanism for multi-party  
22 sharing or distribution of **generated obscene child sexual abuse material or**  
23 **child sexual abuse material,** or received a financial benefit or had a financial  
24 interest in a **generated obscene child sexual abuse material or** child sexual  
25 abuse material sharing or distribution mechanism, six to 14 years;

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

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

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

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

3 \* **Sec. 47.** AS 12.55.127(c) is amended to read:

4 (c) If the defendant is being sentenced for

5 (1) escape, the term of imprisonment shall be consecutive to the term  
6 for the underlying crime;

7 (2) two or more crimes under AS 11.41, a consecutive term of  
8 imprisonment shall be imposed for at least

9 (A) the mandatory minimum term under AS 12.55.125(a) for  
10 each additional crime that is murder in the first degree;

11 (B) the mandatory minimum term for each additional crime  
12 that is an unclassified felony governed by AS 12.55.125(b);

13 (C) the presumptive term specified in AS 12.55.125(c) or the  
14 active term of imprisonment, whichever is less, for each additional crime that  
15 is

16 (i) manslaughter; or

17 (ii) kidnapping that is a class A felony;

18 (D) two years or the active term of imprisonment, whichever is  
19 less, for each additional crime that is criminally negligent homicide, **except as**  
20 **provided in (4) of this subsection;**

21 (E) one-fourth of the presumptive term under AS 12.55.125(c)  
22 or (i) for each additional crime that is sexual assault in the first degree under  
23 AS 11.41.410 or sexual abuse of a minor in the first degree under  
24 AS 11.41.434, or an attempt, solicitation, or conspiracy to commit those  
25 offenses; and

26 (F) some additional term of imprisonment for each additional  
27 crime, or each additional attempt or solicitation to commit the offense, under  
28 AS 11.41.200 - 11.41.250, 11.41.420 - 11.41.432, 11.41.436 - 11.41.458, or  
29 11.41.500 - 11.41.520;

30 (3) two or more crimes of violation of condition of release under  
31 AS 11.56.757, a consecutive term of imprisonment shall be imposed for some

1 additional term of imprisonment for the underlying crime and each additional crime  
2 under AS 11.56.757;

3 **(4) criminally negligent homicide or criminally negligent homicide**  
4 **of an unborn child, a consecutive term of imprisonment shall be imposed for**  
5 **some additional term of imprisonment for each additional crime under**  
6 **AS 28.35.060.**

7 \* **Sec. 48.** AS 12.55.127(d) is amended to read:

8 (d) If the defendant is being sentenced for two or more crimes of **distribution**  
9 **of generated obscene child sexual abuse material under AS 11.61.121, possession**  
10 **of generated obscene child sexual abuse material under AS 11.61.122,** distribution  
11 of child sexual abuse material under AS 11.61.125, possession of child sexual abuse  
12 material under AS 11.61.127, or distribution of indecent material to minors under  
13 AS 11.61.128, a consecutive term of imprisonment shall be imposed for some  
14 additional term of imprisonment for each additional crime or each additional attempt  
15 or solicitation to commit the offense.

16 \* **Sec. 49.** AS 12.55.145(a) is amended to read:

17 (a) For purposes of considering prior convictions in imposing sentence under

18 (1) AS 12.55.125(c), (d), or (e),

19 (A) a prior conviction may not be considered if a period of 10  
20 or more years has elapsed between the date of the defendant's unconditional  
21 discharge on the immediately preceding offense and commission of the present  
22 offense unless the prior conviction was for an unclassified or class A felony;

23 (B) a conviction in this or another jurisdiction of an offense  
24 having elements similar to those of a felony defined as such under Alaska law  
25 at the time the offense was committed is considered a prior felony conviction;

26 (C) two or more convictions arising out of a single, continuous  
27 criminal episode during which there was no substantial change in the nature of  
28 the criminal objective are considered a single conviction unless the defendant  
29 was sentenced to consecutive sentences for the crimes; offenses committed  
30 while attempting to escape or avoid detection or apprehension after the  
31 commission of another offense are not part of the same criminal episode or

objective;

(2) AS 12.55.125(l),

(A) a conviction in this or another jurisdiction of an offense having elements similar to those of a most serious felony is considered a prior most serious felony conviction;

(B) commission of and conviction for offenses relied on as prior most serious felony offenses must occur in the following order: conviction for the first offense must occur before commission of the second offense, and conviction for the second offense must occur before commission of the offense for which the defendant is being sentenced;

(3) AS 12.55.135(g),

(A) a prior conviction may not be considered if a period of five or more years has elapsed between the date of the defendant's unconditional discharge on the immediately preceding offense and commission of the present offense unless the prior conviction was for an unclassified or class A felony;

(B) a conviction in this or another jurisdiction of an offense having elements similar to those of a crime against a person or a crime involving domestic violence is considered a prior conviction;

(C) two or more convictions arising out of a single, continuous criminal episode during which there was no substantial change in the nature of the criminal objective are considered a single conviction unless the defendant was sentenced to consecutive sentences for the crimes; offenses committed while attempting to escape or avoid detection or apprehension after the commission of another offense are not part of the same criminal episode or objective;

(4) AS 12.55.125(i),

(A) a conviction in this or another jurisdiction of an offense having elements similar to those of a sexual felony is a prior conviction for a sexual felony;

(B) a felony conviction in another jurisdiction making it a crime to commit any lewd and lascivious act on a child under the age of **18**

1 [16] years, with the intent of arousing, appealing to, or gratifying the sexual  
2 desires of the defendant or the victim is a prior conviction for a sexual felony;

3 (C) two or more convictions arising out of a single, continuous  
4 criminal episode during which there was no substantial change in the nature of  
5 the criminal objective are considered a single conviction unless the defendant  
6 was sentenced to consecutive sentences for the crimes; offenses committed  
7 while attempting to escape or avoid detection or apprehension after the  
8 commission of another offense are not part of the same criminal episode or  
9 objective;

10 (D) a conviction in this or another jurisdiction of an offense  
11 having elements similar to those of a felony defined as such under Alaska law  
12 at the time the offense was committed is considered a prior felony conviction.

13 \* **Sec. 50.** AS 12.55.155(c) is amended to read:

14 (c) The following factors shall be considered by the sentencing court if proven  
15 in accordance with this section, and may allow imposition of a sentence above the  
16 presumptive range set out in AS 12.55.125:

17 (1) a person, other than an accomplice, sustained physical injury as a  
18 direct result of the defendant's conduct;

19 (2) the defendant's conduct during the commission of the offense  
20 manifested deliberate cruelty to another person;

21 (3) the defendant was the leader of a group of three or more persons  
22 who participated in the offense;

23 (4) the defendant employed a dangerous instrument in furtherance of  
24 the offense;

25 (5) the defendant knew or reasonably should have known that the  
26 victim of the offense was particularly vulnerable or incapable of resistance due to  
27 advanced age, disability, ill health, homelessness, consumption of alcohol or drugs, or  
28 extreme youth or was for any other reason substantially incapable of exercising  
29 normal physical or mental powers of resistance;

30 (6) the defendant's conduct created a risk of imminent physical injury  
31 to three or more persons, other than accomplices;

1 (7) a prior felony conviction considered for the purpose of invoking a  
2 presumptive range under this chapter was of a more serious class of offense than the  
3 present offense;

4 (8) the defendant's prior criminal history includes conduct involving  
5 aggravated assaultive behavior, repeated instances of assaultive behavior, repeated  
6 instances of cruelty to animals proscribed under AS 11.61.140(a)(1) and (3) - (5), or a  
7 combination of assaultive behavior and cruelty to animals proscribed under  
8 AS 11.61.140(a)(1) and (3) - (5); in this paragraph, "aggravated assaultive behavior"  
9 means assault that is a felony under AS 11.41, or a similar provision in another  
10 jurisdiction;

11 (9) the defendant knew that the offense involved more than one victim;

12 (10) the conduct constituting the offense was among the most serious  
13 conduct included in the definition of the offense;

14 (11) the defendant committed the offense under an agreement that the  
15 defendant either pay or be paid for the commission of the offense, and the pecuniary  
16 incentive was beyond that inherent in the offense itself;

17 (12) the defendant was on release under AS 12.30 for another felony  
18 charge or conviction or for a misdemeanor charge or conviction having assault as a  
19 necessary element;

20 (13) the defendant knowingly directed the conduct constituting the  
21 offense at an active officer of the court or at an active or former judicial officer,  
22 prosecuting attorney, law enforcement officer, correctional employee, firefighter,  
23 emergency medical technician, paramedic, ambulance attendant, or other emergency  
24 responder during or because of the exercise of official duties;

25 (14) the defendant was a member of an organized group of five or  
26 more persons, and the offense was committed to further the criminal objectives of the  
27 group;

28 (15) the defendant has three or more prior felony convictions;

29 (16) the defendant's criminal conduct was designed to obtain  
30 substantial pecuniary gain and the risk of prosecution and punishment for the conduct  
31 is slight;

1 (17) the offense was one of a continuing series of criminal offenses  
2 committed in furtherance of illegal business activities from which the defendant  
3 derives a major portion of the defendant's income;

4 (18) the offense was a felony

5 (A) specified in AS 11.41 and was committed against a spouse,  
6 a former spouse, or a member of the social unit made up of those living  
7 together in the same dwelling as the defendant;

8 (B) specified in AS 11.41.410 - 11.41.458 and the defendant  
9 has engaged in the same or other conduct prohibited by a provision of  
10 AS 11.41.410 - 11.41.460 involving the same or another victim;

11 (C) specified in AS 11.41 that is a crime involving domestic  
12 violence and was committed in the physical presence or hearing of a child  
13 under 18 [16] years of age who was, at the time of the offense, living within  
14 the residence of the victim, the residence of the perpetrator, or the residence  
15 where the crime involving domestic violence occurred;

16 (D) specified in AS 11.41 and was committed against a person  
17 with whom the defendant has a dating relationship or with whom the defendant  
18 has engaged in a sexual relationship; or

19 (E) specified in AS 11.41.434 - 11.41.458 or AS 11.61.128 and  
20 the defendant was 10 or more years older than the victim;

21 (19) the defendant's prior criminal history includes an adjudication as a  
22 delinquent for conduct that would have been a felony if committed by an adult;

23 (20) the defendant was on furlough under AS 33.30 or on parole or  
24 probation for another felony charge or conviction that would be considered a prior  
25 felony conviction under AS 12.55.145(a)(1)(B);

26 (21) the defendant has a criminal history of repeated instances of  
27 conduct violative of criminal laws, whether punishable as felonies or misdemeanors,  
28 similar in nature to the offense for which the defendant is being sentenced under this  
29 section;

30 (22) the defendant knowingly directed the conduct constituting the  
31 offense at a victim because of that person's race, sex, color, creed, physical or mental

1 disability, ancestry, or national origin;

2 (23) the defendant is convicted of an offense specified in AS 11.71 and

3 (A) the offense involved the delivery of a controlled substance  
4 under circumstances manifesting an intent to distribute the substance as part of  
5 a commercial enterprise; or

6 (B) at the time of the conduct resulting in the conviction, the  
7 defendant was caring for or assisting in the care of a child under 10 years of  
8 age;

9 (24) the defendant is convicted of an offense specified in AS 11.71 and  
10 the offense involved the transportation of controlled substances into the state;

11 (25) the defendant is convicted of an offense specified in AS 11.71 and  
12 the offense involved large quantities of a controlled substance;

13 (26) the defendant is convicted of an offense specified in AS 11.71 and  
14 the offense involved the distribution of a controlled substance that had been  
15 adulterated with a toxic substance;

16 (27) the defendant, being 18 years of age or older,

17 (A) is legally accountable under AS 11.16.110(2) for the  
18 conduct of a person who, at the time the offense was committed, was under 18  
19 years of age and at least three years younger than the defendant; or

20 (B) is aided or abetted in planning or committing the offense by  
21 a person who, at the time the offense was committed, was under 18 years of  
22 age and at least three years younger than the defendant;

23 (28) the victim of the offense is a person who provided testimony or  
24 evidence related to a prior offense committed by the defendant;

25 (29) the defendant committed the offense for the benefit of, at the  
26 direction of, or in association with a criminal street gang;

27 (30) the defendant is convicted of an offense specified in AS 11.41.410  
28 - 11.41.455, and the defendant knowingly supplied alcohol or a controlled substance to  
29 the victim in furtherance of the offense with the intent to make the victim  
30 incapacitated; in this paragraph, "incapacitated" has the meaning given in  
31 AS 11.41.470;

1 (31) the defendant's prior criminal history includes convictions for five  
2 or more crimes in this or another jurisdiction that are class A misdemeanors under the  
3 law of this state, or having elements similar to a class A misdemeanor; two or more  
4 convictions arising out of a single continuous episode are considered a single  
5 conviction; however, an offense is not a part of a continuous episode if committed  
6 while attempting to escape or resist arrest or if it is an assault on a uniformed or  
7 otherwise clearly identified peace officer or correctional employee; notice and denial  
8 of convictions are governed by AS 12.55.145(b) - (d);

9 (32) the offense is a violation of AS 11.41 or AS 11.46.400 and the  
10 offense occurred on school grounds, on a school bus, at a school-sponsored event, or  
11 in the administrative offices of a school district if students are educated at that office;  
12 in this paragraph,

13 (A) "school bus" has the meaning given in AS 11.71.900;

14 (B) "school district" has the meaning given in AS 47.07.063;

15 (C) "school grounds" has the meaning given in AS 11.71.900;

16 (33) the offense was a felony specified in AS 11.41.410 - 11.41.455,  
17 the defendant had been previously diagnosed as having or having tested positive for  
18 HIV or AIDS, and the offense either (A) involved penetration, or (B) exposed the  
19 victim to a risk or a fear that the offense could result in the transmission of HIV or  
20 AIDS; in this paragraph, "HIV" and "AIDS" have the meanings given in  
21 AS 18.15.310;

22 (34) the defendant committed the offense on, or to affect persons or  
23 property on, the premises of a recognized shelter or facility providing services to  
24 victims of domestic violence or sexual assault;

25 (35) the defendant knowingly directed the conduct constituting the  
26 offense at a victim because that person was 65 years of age or older;

27 (36) the defendant committed the offense at a health care facility and  
28 knowingly directed the conduct constituting the offense at a medical professional  
29 during or because of the medical professional's exercise of professional duties; in this  
30 paragraph,

31 (A) "health care facility" has the meaning given in

AS 18.07.111;

(B) "medical professional" has the meaning given in AS 12.55.135(k);

(37) the defendant knowingly caused the victim to become unconscious by means of a dangerous instrument; in this paragraph, "dangerous instrument" has the meaning given in AS 11.81.900(b)(16)(B).

\* Sec. 51. 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, sexual abuse of a minor in the third degree under AS 11.41.438(c), unlawful exploitation of a minor, patron of a victim of sex trafficking, **distribution of generated obscene child sexual abuse material, possession of generated obscene child sexual abuse material,** indecent viewing or production of a picture under AS 11.61.123(g)(1) or (2), distribution of child sexual abuse material, sexual assault in the third degree, incest, indecent exposure in the first degree, possession of child sexual abuse material, enticement of a minor, and felony attempt, conspiracy, or solicitation to commit those crimes;

\* Sec. 52. AS 12.61.010(a) is amended to read:

(a) Victims of crimes have the following rights:

(1) the right to be present during any proceeding in

(A) the prosecution and sentencing of a defendant if the defendant has the right to be present, including being present during testimony even if the victim is likely to be called as a witness;

(B) the adjudication of a minor as provided under AS 47.12.110;

(2) the right to be notified by the appropriate law enforcement agency or the prosecuting attorney of any request for a continuance that may substantially delay the prosecution and of the date of trial, sentencing, including a proceeding before a three-judge panel under AS 12.55.175, an appeal, and any hearing in which the defendant's release from custody is considered;

1 (3) the right to be notified that a sentencing hearing or a court  
2 proceeding to which the victim has been subpoenaed will not occur as scheduled;

3 (4) the right to receive protection from harm and threats of harm  
4 arising out of cooperation with law enforcement and prosecution efforts and to be  
5 provided with information as to the protection available;

6 (5) the right to be notified of the procedure to be followed to apply for  
7 and receive any compensation under AS 18.67;

8 (6) at the request of the prosecution or a law enforcement agency, the  
9 right to cooperate with the criminal justice process without loss of pay and other  
10 employee benefits except as authorized by AS 12.61.017 and without interference in  
11 any form by the employer of the victim of crime;

12 (7) the right to obtain access to immediate medical assistance and not  
13 to be detained for an unreasonable length of time by a law enforcement agency before  
14 having medical assistance administered; however, an employee of the law  
15 enforcement agency may, if necessary, accompany the person to a medical facility to  
16 question the person about the criminal incident if the questioning does not hinder the  
17 administration of medical assistance;

18 (8) the right to make a written or oral statement for use in preparation  
19 of the presentence report of a felony defendant;

20 (9) the right to appear personally at the defendant's sentencing hearing  
21 to present a written statement and to give sworn testimony or an unsworn oral  
22 presentation;

23 (10) the right to be informed by the prosecuting attorney, at any time  
24 after the defendant's conviction, about the complete record of the defendant's  
25 convictions;

26 (11) the right to notice under AS 12.47.095 concerning the status of the  
27 defendant found not guilty by reason of insanity;

28 (12) the right to notice under AS 33.16.087 of a hearing concerning  
29 special medical parole of the defendant;

30 (13) the right to notice under AS 33.16.120 of a hearing to consider or  
31 review discretionary parole of the defendant;

1 (14) the right to notice under AS 33.30.013 of the release or escape of  
2 the defendant; [AND]

3 (15) the right to be notified orally and in writing of and receive  
4 information about the office of victims' rights from the law enforcement officer  
5 initially investigating the crime and from the prosecuting attorney assigned to the  
6 offense; at a minimum, the information provided must include the address, telephone  
7 number, and Internet address of the office of victims' rights; this paragraph

8 (A) applies only to victims of felonies and to victims of class A  
9 misdemeanors if the class A misdemeanor is a crime involving domestic  
10 violence or a crime against a person under AS 11.41; if the victim is an  
11 unemancipated minor, the law enforcement officer and the prosecuting  
12 attorney shall also provide the notice required by this paragraph to the parent  
13 or guardian of the minor;

14 (B) is satisfied if, at the time of initial contact with the crime  
15 victim, the investigating officer and prosecuting attorney each give each crime  
16 victim a brochure or other written material prepared by the office of victims'  
17 rights and provided to law enforcement agencies for that purpose; and

18 **(16) the right to be notified of the location and testing date of a**  
19 **sexual assault examination kit collected from the victim.**

20 \* **Sec. 53.** AS 12.62.160(b) is amended to read:

21 (b) Subject to the requirements of this section, and except as otherwise limited  
22 or prohibited by other provision of law or court rule, criminal justice information

23 (1) may be provided to a person when, and only to the extent,  
24 necessary to avoid imminent danger to life or extensive damage to property;

25 (2) may be provided to a person to the extent required by applicable  
26 court rules or under an order of a court of this state, another state, or the United States;

27 (3) may be provided to a person if the information is commonly or  
28 traditionally provided by criminal justice agencies in order to identify, locate, or  
29 apprehend fugitives or wanted persons or to recover stolen property, or for public  
30 reporting of recent arrests, charges, and other criminal justice activity;

31 (4) may be provided to a criminal justice agency for a criminal justice

1 activity;

2 (5) may be provided to a government agency when necessary for  
3 enforcement of or for a purpose specifically authorized by state or federal law;

4 (6) may be provided to a person specifically authorized by a state or  
5 federal law to receive that information;

6 (7) in aggregate form may be released to a qualified person, as  
7 determined by the agency, for criminal justice research, subject to written conditions  
8 that **ensure** [ASSURE] the security of the information and the privacy of individuals  
9 to whom the information relates;

10 (8) may be provided to a person for any purpose, except that  
11 information may not be released if the information is nonconviction information, [OR]  
12 correctional treatment information, **or criminal justice information as described in**  
13 **(f) of this section;**

14 (9) including information relating to a serious offense, may be  
15 provided to an interested person if the information is requested for the purpose of  
16 determining whether to grant a person supervisory or disciplinary power over a minor  
17 or dependent adult; and

18 (10) may be provided to the person who is the subject of the  
19 information.

20 \* **Sec. 54.** AS 12.62.160 is amended by adding a new subsection to read:

21 (f) An agency may not release criminal justice information of a criminal case  
22 in which the defendant

23 (1) was convicted under AS 11.71.060, or a municipal ordinance with  
24 similar elements, for possession of less than one ounce of a schedule VIA controlled  
25 substance;

26 (2) was 21 years of age or older at the time of commission of the  
27 offense;

28 (3) was not convicted of any other criminal charges in that case; and

29 (4) requests that the agency not release the records.

30 \* **Sec. 55.** AS 12.62.900(22) is amended to read:

31 (22) "serious offense" means a conviction for a violation or for an

1 attempt, solicitation, or conspiracy to commit a violation of any of the following laws,  
2 or of the laws of another jurisdiction with substantially similar elements:

3 (A) a felony offense;

4 (B) a crime involving domestic violence;

5 (C) AS 11.41.410 - 11.41.470;

6 (D) AS 11.51.130, 11.51.200 - 11.51.220, or AS 11.56.100 -  
7 11.56.210 [OR 11.51.200 - 11.56.210];

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

9 (F) AS 11.66.100 - 11.66.130;

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

12 (H) former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 -  
13 11.40.420, if committed before January 1, 1980.

14 \* **Sec. 56.** AS 12.63.020(a) is amended to read:

15 (a) The duty of a sex offender or child kidnapper to comply with the  
16 requirements of AS 12.63.010 is as follows:

17 (1) for a sex offender or child kidnapper, as that term is defined in  
18 AS 12.63.100(6)(A), for each sex offense or child kidnapping, the duty

19 (A) continues for the lifetime of a sex offender or child  
20 kidnapper convicted of

21 (i) one aggravated sex offense; or

22 (ii) two or more sex offenses, two or more child  
23 kidnappings, or one sex offense and one child kidnapping; for purposes  
24 of this section, a person convicted of indecent exposure before a person  
25 under 18 [16] years of age under AS 11.41.460 more than two times  
26 has been convicted of two or more sex offenses;

27 (B) ends 15 years following the sex offender's or child  
28 kidnapper's unconditional discharge from a conviction for a single sex offense  
29 that is not an aggravated sex offense or for a single child kidnapping if the sex  
30 offender or child kidnapper has supplied proof that is acceptable to the  
31 department of the unconditional discharge; the registration period under this

subparagraph

(i) is tolled for the period that a sex offender or child kidnapper fails to comply with the requirements of this chapter or is incarcerated for the offense or kidnapping for which the offender or kidnapper is required to register or for any other offense;

(ii) may include the time a sex offender or child kidnapper was absent from this state if the sex offender or child kidnapper has complied with any sex offender or child kidnapper registration requirements of the jurisdiction in which the offender or kidnapper was located and if the sex offender or child kidnapper provides the department with proof of the compliance while the sex offender or child kidnapper was absent from this state; and

(iii) continues for a sex offender or child kidnapper who has not supplied proof acceptable to the department of the offender's or kidnapper's unconditional discharge for the sex offense or child kidnapping requiring registration;

(2) for a sex offender or child kidnapper, as that term is defined in AS 12.63.100(6)(B), the duty continues for the period determined by the department under (b) of this section.

\* **Sec. 57.** 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;

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

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

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

5 (i) AS 11.41.410 - 11.41.438;

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

7 (iii) AS 11.41.450 - 11.41.458;

8 (iv) AS 11.41.460 or AS 26.05.900(c) if the indecent  
9 exposure is before a person under **18** [16] years of age and the offender  
10 has previously been convicted under AS 11.41.460 or AS 26.05.900(c);

11 (v) **AS 11.61.121 or 11.61.122;**

12 **(vi)** AS 11.61.125 - 11.61.128;

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

16 **(viii)** [(vii)] former AS 11.15.120, former 11.15.134, or  
17 assault with the intent to commit rape under former AS 11.15.160,  
18 former AS 11.40.110, or former 11.40.200;

19 **(ix)** [(viii)] AS 11.61.118(a)(2) if the offender has a  
20 previous conviction for that offense;

21 **(x)** [(ix)] AS 11.66.100(a)(2) if the offender is subject  
22 to punishment under former AS 11.66.100(e);

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

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

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

31 **(xiv)** [(xiii)] AS 26.05.900(a) if the victim is under 18

years of age at the time of the offense;

(xv) [(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;

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

(xvii) [(xvi)] AS 11.66.137;

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

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

(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 sexual abuse material; 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. 58.** AS 14.20.030(b) is amended to read:

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

\* **Sec. 59.** AS 18.66.250(5) is amended to read:

(5) "victim counseling center" means a private organization, an organization operated by or contracted by a branch of the armed forces of the United

States, or a local **or tribal** government agency that

(A) has, as one of its primary purposes, the provision of direct services to victims for trauma resulting from a sexual assault or domestic violence;

(B) is not affiliated with a law enforcement agency or a prosecutor's office; and

(C) is not on contract with the state to provide services under AS 47;

\* **Sec. 60.** AS 28.15.046(c) is amended to read:

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

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

(A) a violation, or an attempt, solicitation, or conspiracy to commit 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 - 11.41.470, or 11.41.500 - 11.41.530;

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

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

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

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

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

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

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

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

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

**(K) distribution of generated obscene child sexual abuse**

**material under AS 11.61.121;**

**(L) possession of generated obscene child sexual abuse**

**material under AS 11.61.122;** or

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

(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. 61.** AS 28.35.060(b) is amended to read:

(b) Except as provided in (c) **or (d)** of this section, a person who fails to comply with any of the requirements of this section is, upon conviction, punishable by imprisonment for not more than one year, or by a fine of not more than \$500, or by both. This provision does not apply to a person incapacitated by the accident to the extent that the person is physically incapable of complying with the requirement.

\* **Sec. 62.** AS 28.35.060(c) is amended to read:

(c) A person who fails to comply with a requirement of this section regarding assisting an injured person is, upon conviction, **guilty of a class B felony,** punishable **as provided in AS 12.55** [BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS, OR BY A FINE OF NOT MORE THAN \$10,000, OR BY BOTH]. This provision does not apply to a person incapacitated by the accident to the extent that the person is physically incapable of complying with the requirement.

\* **Sec. 63.** AS 28.35.060 is amended by adding a new subsection to read:

(d) A person who fails to comply with a requirement of this section regarding failure to render reasonable assistance is, upon conviction, guilty of a class A felony, punishable as provided in AS 12.55. This provision does not apply to a person incapacitated by the accident to the extent that the person is physically incapable of complying with the requirement.

1 \* **Sec. 64.** AS 28.35 is amended by adding a new section to read:

2 **Sec. 28.35.248. Airbag fraud.** (a) A person commits the crime of airbag fraud  
3 if the person

4 (1) knowingly sells, offers for sale, imports, installs, or reinstalls

5 (A) a replacement airbag that does not comply with federal  
6 safety regulations specific to the vehicle's make, model, and year;

7 (B) an airbag that is counterfeit or nonfunctioning; or

8 (C) a part or device that is intended to conceal a counterfeit or  
9 nonfunctioning airbag;

10 (2) knowingly manufactures

11 (A) a counterfeit or nonfunctioning airbag; or

12 (B) a part or device that is intended to conceal a counterfeit or  
13 nonfunctioning airbag; or

14 (3) intentionally sells, leases, or trades or offers for sale, lease, or trade  
15 a vehicle that the person knows has

16 (A) a replacement airbag that does not comply with federal  
17 safety regulations specific to the vehicle's make, model, and year; or

18 (B) a counterfeit or nonfunctioning airbag.

19 (b) This section does not apply to

20 (1) a person installing, reinstalling, or replacing an airbag on a vehicle  
21 used solely for police work;

22 (2) an owner or employee of a motor vehicle dealership or the owner  
23 of a vehicle who, before the sale of the vehicle, does not have knowledge that the  
24 vehicle's airbag is counterfeit or nonfunctioning;

25 (3) a person who transfers a vehicle title to an insurance company to  
26 satisfy an insurance claim when the insurance company declares the vehicle to be an  
27 actual total loss or constructive total loss;

28 (4) an insurance company that sells or otherwise disposes of a vehicle  
29 as authorized by law or regulation; or

30 (5) a person who, before the sale, lease, or trade of a vehicle, discloses  
31 to the buyer or lessee that the vehicle contains an airbag that is inoperable, damaged,

1 recalled, has previously been deployed, causes a vehicle's diagnostic system to  
2 inaccurately indicate that the vehicle is equipped with a properly functioning airbag, or  
3 results in an electric fault detected by a vehicle's diagnostic system after the  
4 installation procedure was completed.

5 (c) This section does not

6 (1) preclude liability of any party in a civil action; or

7 (2) create a duty that, before the sale of a vehicle, an owner or  
8 employee of a motor vehicle dealership or the owner of the vehicle inspect a vehicle in  
9 the possession of the dealership or owner to determine whether the airbag is  
10 counterfeit or nonfunctioning.

11 (d) In this section,

12 (1) "airbag" includes an airbag component;

13 (2) "counterfeit" means a replacement airbag displaying an  
14 unauthorized mark that is identical, or substantially similar, to the genuine mark of a  
15 motor vehicle manufacturer or supplier of parts to a motor vehicle manufacturer;

16 (3) "nonfunctioning" means a replacement airbag that

17 (A) is inoperable;

18 (B) is damaged;

19 (C) is recalled;

20 (D) has previously been deployed;

21 (E) will cause a vehicle's diagnostic system to inaccurately  
22 indicate that the vehicle is equipped with a properly functioning airbag; or

23 (F) results in an electric fault detected by a vehicle's diagnostic  
24 system after the installation procedure is complete;

25 (4) "recalled" means an airbag that was removed from a vehicle  
26 because a manufacturer or federal agency determined the airbag created an  
27 unreasonable safety risk or did not meet minimum safety standards and that federal  
28 law has not exempted from reinstallation.

29 (e) Airbag fraud is

30 (1) a class A misdemeanor; or

31 (2) a class C felony if death or serious physical injury to another

1 person results from

2 (A) the manufacture, sale, importation, installation, or  
3 reinstallation of a replacement airbag that does not comply with federal safety  
4 regulations specific to the vehicle's make, model, and year or a counterfeit or  
5 nonfunctioning airbag; or

6 (B) the sale, lease, or trade of a vehicle that has a replacement  
7 airbag that does not comply with federal safety regulations specific to the  
8 vehicle's make, model, and year or a counterfeit or nonfunctioning airbag.

9 \* **Sec. 65.** AS 44.23.080(a) is amended to read:

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

18 \* **Sec. 66.** AS 44.41.065(a) is amended to read:

19 (a) When [A LAW ENFORCEMENT AGENCY COLLECTS] a sexual  
20 assault examination kit **is used to gather evidence** under AS 18.68.010, [THE  
21 AGENCY SHALL]

22 (1) **a health care provider that gathers the evidence shall, not later**  
23 **than 14 days after gathering the evidence, notify the appropriate law**  
24 **enforcement agency that the sexual assault examination kit is available to be sent**  
25 **to an accredited laboratory in coordination with the Department of Public Safety**  
26 **or a laboratory operated by the Department of Public Safety;**

27 (2) **a law enforcement agency that gathers the evidence or that**  
28 **receives notification of evidence gathered by a health care provider under (1) of**  
29 **this subsection shall**

30 (A) **not later than 20** [WITHIN 30] days after **gathering the**  
31 **evidence or receiving the notification from the health care provider** [THE

1 AGENCY COLLECTS THE SEXUAL ASSAULT EXAMINATION KIT],  
2 send the sexual assault examination kit to an accredited laboratory in  
3 coordination with the Department of Public Safety or a laboratory operated by  
4 the Department of Public Safety; **and**

5 **(B) not later than 14 days** [(2) ENSURE THAT THE  
6 LABORATORY TO WHICH THE SEXUAL ASSAULT EXAMINATION  
7 KIT IS SENT UNDER (1) OF THIS SUBSECTION CONDUCTS A  
8 SEROLOGICAL OR DNA TEST ON THE SEXUAL ASSAULT  
9 EXAMINATION KIT WITHIN SIX MONTHS AFTER THE  
10 LABORATORY RECEIVES THE SEXUAL ASSAULT EXAMINATION  
11 KIT; AND

12 (3) WITHIN TWO WEEKS] after the laboratory that receives the  
13 sexual assault examination kit under [(1) OF] this subsection completes serological or  
14 DNA testing, make a reasonable effort to notify the victim from whom the sexual  
15 assault examination kit was collected that the sexual assault examination kit has been  
16 tested; **and**

17 **(3) a laboratory to which the sexual assault examination kit is sent**  
18 **under (2) of this subsection shall, not later than 120 days after receiving the**  
19 **sexual assault examination kit, conduct a serological or DNA test on the sexual**  
20 **assault examination kit.**

21 \* **Sec. 67.** AS 44.41.065(b) is amended to read:

22 (b) A criminal action may not be dismissed nor the evidence deemed  
23 nonadmissible for failure to be tested within the times established in **(a)** [(a)(1) AND  
24 (2)] of this section.

25 \* **Sec. 68.** AS 44.41.065(c) is amended to read:

26 (c) If a case is resolved before a sexual assault examination kit is tested, a  
27 **health care provider, law enforcement agency, or laboratory in possession of the**  
28 **sexual assault examination kit** is not required to meet the time limits established in  
29 (a) of this section.

30 \* **Sec. 69.** AS 44.41.065(d)(1) is amended to read:

31 (1) "law enforcement agency" **has** [AND "AGENCY" HAVE] the

1 meaning given [TO "LAW ENFORCEMENT AGENCY"] in AS 12.36.090;

2 \* **Sec. 70.** AS 44.41.065 is amended by adding a new subsection to read:

3 (e) A health care provider, law enforcement agency, or laboratory in  
4 possession of a sexual assault examination kit shall enter information specified by the  
5 Department of Public Safety into the sexual assault examination kit tracking system  
6 under AS 44.41.067. The information must be entered at the time and in the form and  
7 manner specified by the Department of Public Safety.

8 \* **Sec. 71.** AS 44.41 is amended by adding a new section to read:

9 **Sec. 44.41.067. Sexual assault examination kit tracking system.** (a) The  
10 Department of Public Safety shall develop and operate a sexual assault examination  
11 kit tracking system to track the status and location of a sexual assault examination kit  
12 from the point of evidence collection to serological or DNA testing.

13 (b) The sexual assault examination kit tracking system must allow the victim  
14 from whom the sexual assault examination kit was collected to access the tracking  
15 information associated with the kit and, if the victim chooses, receive automated  
16 notifications of the status of the kit.

17 (c) The sexual assault examination kit tracking system is confidential and is  
18 not a public record under AS 40.25.110 - 40.25.140, except that the Department of  
19 Public Safety may include information from the tracking system in the report required  
20 under AS 44.41.070.

21 \* **Sec. 72.** AS 47.12.110(d) is amended to read:

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

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

28 (A) the minor's alleged commission of an offense, and the  
29 minor has knowingly failed to comply with all the terms and conditions  
30 required of the minor by the department or imposed on the minor in a court  
31 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 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. 73.** 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. 74.** AS 11.41.436(a)(6), 11.41.440(a)(2); and AS 12.63.100(7)(C)(ii) are repealed.

11 \* **Sec. 75.** AS 44.41.070(a) is repealed July 1, 2026.

12 \* **Sec. 76.** AS 12.62.160(f)(4) is repealed January 1, 2028.

13 \* **Sec. 77.** The uncodified law of the State of Alaska is amended by adding a new section to  
14 read:

15 **APPLICABILITY.** (a) The following sections apply to offenses committed on or after  
16 the effective date of this Act:

- 17 (1) AS 09.55.650(a), as amended by sec. 1 of this Act;
- 18 (2) AS 11.41.100(a), as amended by sec. 2 of this Act;
- 19 (3) AS 11.41.110(a), as amended by sec. 3 of this Act;
- 20 (4) AS 11.41.220(a), as amended by sec. 4 of this Act;
- 21 (5) AS 11.41.220(b), as amended by sec. 5 of this Act;
- 22 (6) AS 11.41.260(a), as amended by sec. 6 of this Act;
- 23 (7) AS 11.41.410(a), as amended by sec. 7 of this Act;
- 24 (8) AS 11.41.420(a), as amended by sec. 8 of this Act;
- 25 (9) AS 11.41.434(a), as amended by sec. 9 of this Act;
- 26 (10) AS 11.41.436(a), as amended by sec. 10 of this Act;
- 27 (11) AS 11.41.438(a), as amended by sec. 11 of this Act;
- 28 (12) AS 11.41.452(a), as amended by sec. 12 of this Act;
- 29 (13) AS 11.41.452(b), as amended by sec. 13 of this Act;
- 30 (14) AS 11.41.452(c), as amended by sec. 14 of this Act;
- 31 (15) AS 11.41.452(e), as amended by sec. 15 of this Act;

- 1 (16) AS 11.41.455(a), as amended by sec. 16 of this Act;
- 2 (17) AS 11.41.458(b), as amended by sec. 17 of this Act;
- 3 (18) AS 11.41.460(b), as amended by sec. 18 of this Act;
- 4 (19) AS 11.46.115, enacted by sec. 19 of this Act;
- 5 (20) AS 11.46.130(a), as amended by sec. 20 of this Act;
- 6 (21) AS 11.46.140(a), as amended by sec. 21 of this Act;
- 7 (22) AS 11.51.100(a), as amended by sec. 22 of this Act;
- 8 (23) AS 11.61.116(a), as amended by sec. 23 of this Act;
- 9 (24) AS 11.61.118(a), as amended by sec. 24 of this Act;
- 10 (25) AS 11.61.120(a), as amended by sec. 25 of this Act;
- 11 (26) AS 11.61.124(a), as amended by sec. 27 of this Act;
- 12 (27) AS 11.61.124(b), as amended by sec. 28 of this Act;
- 13 (28) AS 11.61.125(e), as amended by sec. 29 of this Act;
- 14 (29) AS 11.61.127(a), as amended by sec. 30 of this Act;
- 15 (30) AS 11.61.127(b), as amended by sec. 31 of this Act;
- 16 (31) AS 11.61.128(a), as amended by sec. 32 of this Act;
- 17 (32) AS 11.61.128(b), as amended by sec. 33 of this Act;
- 18 (33) AS 11.61.128(c), as amended by sec. 34 of this Act;
- 19 (34) AS 11.61.128(e), as amended by sec. 35 of this Act;
- 20 (35) AS 11.61.129(a), as amended by sec. 36 of this Act;
- 21 (36) AS 11.66.100(c), as amended by sec. 37 of this Act;
- 22 (37) AS 12.45.046(a), as amended by sec. 40 of this Act;
- 23 (38) AS 12.55.127(c), as amended by sec. 47 of this Act;
- 24 (39) AS 28.35.060(b), as amended by sec. 61 of this Act;
- 25 (40) AS 28.35.060(c), as amended by sec. 62 of this Act;
- 26 (41) AS 28.35.060(d), enacted by sec. 63 of this Act.

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

- 29 (1) AS 12.55.078(f), as amended by sec. 41 of this Act;
- 30 (2) AS 12.55.085(f), as amended by sec. 42 of this Act;
- 31 (3) AS 12.55.125(b), as amended by sec. 44 of this Act;

1 (4) AS 12.55.125(d), as amended by sec. 45 of this Act;

2 (5) AS 12.55.125(i), as amended by sec. 46 of this Act;

3 (6) AS 12.55.145(a), as amended by sec. 49 of this Act;

4 (7) AS 12.55.155(c), as amended by sec. 50 of this Act;

5 (8) AS 12.55.185(16), as amended by sec. 51 of this Act;

6 (9) AS 12.62.900(22), as amended by sec. 55 of this Act;

7 (10) AS 12.63.020(a), as amended by sec. 56 of this Act;

8 (11) AS 12.63.100(7), as amended by sec. 57 of this Act;

9 (12) AS 14.20.030(b), as amended by sec. 58 of this Act.

10 (c) AS 18.66.250(5), as amended by sec. 59 of this Act, applies to  
11 communications made before, on, or after the effective date of this Act for offenses  
12 committed before, on, or after the effective date of this Act.

13 \* **Sec. 78.** Sections 7, 8, 19 - 21, 38, 47, 52, 59, 61 - 64, 66 - 71, and 75 of this Act take  
14 effect July 1, 2026.

15 \* **Sec. 79.** Sections 53 and 54 of this Act take effect January 1, 2027.

16 \* **Sec. 80.** Section 76 of this Act takes effect January 1, 2028.

17 \* **Sec. 81.** Except as provided in secs. 78 - 80 of this Act, this Act takes effect immediately  
18 under AS 01.10.070(c).