

34-LS1102\W
C. Radford
5/15/26

SENATE CS FOR CS FOR HOUSE BILL NO. 239(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KOPP, Fields, Galvin, Josephson, Schrage, Carrick, Eischeid
SENATORS Merrick, Gray-Jackson, Claman, Kawasaki, Wielechowski, Yundt, Cronk, Stevens

A BILL

FOR AN ACT ENTITLED

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

1 **motor vehicle offenses; relating to the board of parole; relating to parole; relating to**
2 **medical release for service of sentence by electronic monitoring; relating to licensing of**
3 **school bus drivers; creating and relating to the address confidentiality program; and**
4 **providing for an effective date."**

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

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

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

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

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

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

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

15 (B) compels or induces any person to commit suicide through
16 duress or deception;

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

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

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

1 (5) acting alone or with one or more persons, the person commits
2 terroristic threatening in the first degree under AS 11.56.807 and, in the course of or in
3 furtherance of the offense or in immediate flight from that offense, any person causes
4 the death of a person other than one of the participants.

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

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

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

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

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

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

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

30 (A) a felony violation of AS 11.41;

31 (B) in violation of a law or ordinance in another jurisdiction

1 with elements similar to a felony under AS 11.41; or

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

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

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

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

10 (1) recklessly

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

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

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

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

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

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

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

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

31 (5) commits a crime that is a violation of AS 11.41.230(a)(1) or (2)

1 and, within the preceding 10 years, the person was convicted on two or more separate
2 occasions of crimes under

3 (A) AS 11.41.100 - 11.41.170;

4 (B) AS 11.41.200 - 11.41.220, 11.41.230(a)(1) or (2),
5 11.41.280, or 11.41.282;

6 (C) AS 11.41.260 or 11.41.270;

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

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

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

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

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

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

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

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

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

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

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

30 (6) the defendant has been previously convicted of a crime, or an
31 attempt or solicitation to commit a crime, under (A) 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, 11.61.120, or (B) a
 2 law or an ordinance of this or another jurisdiction with elements similar to a crime, or
 3 an attempt or solicitation to commit a crime, under AS 11.41.100 - 11.41.250,
 4 11.41.300 - 11.41.460, AS 11.56.807, 11.56.810, AS 11.61.118, or 11.61.120,
 5 involving the same victim as the present offense.

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

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

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

9 (A) without consent of that person by

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

11 force against any person or property; or

12 (ii) causing the person to become incapacitated;

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

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

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

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

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

21 (i) by authority of law; or

22 (ii) in a facility or program that is required by law to be

23 licensed by the state; or

24 (4) the offender **is a health care worker who** engages in sexual
 25 penetration with a person **during the course of professional treatment of the person**

26 [WHO THE OFFENDER KNOWS IS UNAWARE THAT A SEXUAL ACT IS
 27 BEING COMMITTED AND

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

29 AND

30 (B) THE OFFENSE TAKES PLACE DURING THE COURSE

31 OF PROFESSIONAL TREATMENT OF THE VICTIM].

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

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

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

4 (A) without consent of that person by

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

6 force against any person or property; or

7 (ii) causing the person to become incapacitated;

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

10 (2) the offender engages in sexual contact with a person

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

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

13 (i) by authority of law; or

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

16 (3) the offender engages in sexual penetration with a person who is

17 (A) mentally incapable;

18 (B) incapacitated; or

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

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

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

25 AND

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

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

31 * **Sec. 9.** AS 11.41.434(a) is amended to read:

1 (a) An offender commits the crime of sexual abuse of a minor in the first
2 degree if

3 (1) being 16 years of age or older, the offender engages in sexual
4 penetration with a person who is under 13 years of age or aids, induces, causes, or
5 encourages a person who is under 13 years of age to engage in sexual penetration with
6 another person;

7 (2) being 18 years of age or older, the offender engages in sexual
8 penetration with a person who is under 18 years of age, and the offender is the victim's
9 natural parent, stepparent, adopted parent, or legal guardian; or

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

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

15 (B) the offender occupies a position of authority in relation to
16 the victim.

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

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

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

21 (A) the offender engages in sexual penetration with a person
22 who is

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

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

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

30 (2) being 16 years of age or older, the offender engages in sexual
31 contact with a person who is under 13 years of age or aids, induces, causes, or

1 encourages a person under 13 years of age to engage in sexual contact with another
2 person;

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

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

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

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

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

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

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

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

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

27 **(1)** 13, 14, or 15 years of age and at least four years younger than the
28 offender; **or**

29 **(2)** **16 or 17 years of age and at least six years younger than the**
30 **offender.**

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

1 (a) **An offender** [A PERSON] commits the crime of enticement of a minor if
2 the **offender** [PERSON], being 18 years of age or older, knowingly communicates
3 with another person to entice, solicit, or encourage the person to engage in an act
4 described in **AS 11.41.455(a)(1) - (8)** [AS 11.41.455(a)(1) - (7)] and

5 (1) the other person is

6 **(A) 16 or 17 years of age and at least six years younger than**
7 **the offender; or**

8 **(B)** [A CHILD] under 16 years of age; or

9 (2) the **offender** [PERSON] believes that the other person is

10 **(A) 16 or 17 years of age and at least six years younger than**
11 **the offender; or**

12 **(B)** [A CHILD] under 16 years of age.

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

14 (b) In a prosecution under (a)(2) of this section, it is not a defense that the
15 person enticed, solicited, or encouraged was not actually

16 **(1) 16 or 17 years of age and at least six years younger than the**
17 **offender; or**

18 **(2)** [A CHILD] under 16 years of age.

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

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

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

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

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

28 (a) A person commits the crime of unlawful exploitation of a minor if, in the
29 state and with the intent of producing a live performance, film, audio, video,
30 electronic, or electromagnetic recording, photograph, negative, slide, book,
31 newspaper, magazine, or other material that visually or aurally depicts the conduct

1 listed in **(1) - (8)** [(1) - (7)] of this subsection, the person knowingly induces or
2 employs a child under 18 years of age to engage in, or photographs, films, records, or
3 televises a child under 18 years of age engaged in, the following actual or simulated
4 conduct:

- 5 (1) sexual penetration;
- 6 (2) the lewd touching of another person's genitals, anus, or breast;
- 7 (3) the lewd touching by another person of the child's genitals, anus, or
8 breast;
- 9 (4) masturbation;
- 10 (5) bestiality;
- 11 (6) the lewd exhibition of the child's genitals; [OR]
- 12 (7) sexual masochism or sadism; **or**
- 13 **(8) contact with semen.**

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

15 (b) Indecent exposure in the first degree

16 (1) is a class C felony; or

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

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

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

23 * **Sec. 19.** AS 11.46.140(a) is amended to read:

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

26 (1) the value of the property or services is \$250 or more but less than
27 \$750; [OR]

28 (2) [REPEALED]

29 (3) [REPEALED]

30 (4) the value of the property is less than \$250 and, within the preceding
31 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. 20.** AS 11.46.140 is amended by adding a new subsection to read:

(c) In this section,

(1) "authorized depository" means a mailbox, letter box, post office box, or rural box used by postal customers for the deposit of outgoing mail or used by the United States Postal Service or a private mail delivery company for the delivery of incoming mail;

(2) "mail" means a letter, a card, a parcel, or material that

(A) is sent or delivered by means of the United States Postal Service or a private mail delivery company;

(B) has postage affixed to it by the postal customer, the United States Postal Service, or a private mail delivery company or has been accepted for delivery by the United States Postal Service or a private mail delivery company; and

(C) is placed in an authorized depository or mail receptacle or given to an employee of the United States Postal Service or a private mail delivery company for delivery;

(3) "mail receptacle" means a location used by the United States Postal Service, a private mail delivery company, or a postal customer for the placement of outgoing mail or the receipt of incoming mail;

(4) "postage" means a United States Postal Service stamp, permit imprint, meter strip, or other authorized indication of prepayment for services provided or authorized by the United States Postal Service or a private mail delivery company for the collection and delivery of mail.

* **Sec. 21.** 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) intentionally deserts the child in a place under circumstances

1 creating a substantial risk of physical injury to the child;

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

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

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

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

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

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

18 * **Sec. 22.** AS 11.61.116(a) is amended to read:

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

23 * **Sec. 23.** AS 11.61.118(a) is amended to read:

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

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

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

1 * **Sec. 24.** AS 11.61.120(a) is amended to read:

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

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

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

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

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

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

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

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

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

23 * **Sec. 25.** AS 11.61 is amended by adding new sections to read:

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

29 (b) The possession of 100 or more films, audio, video, electronic, or
30 electromagnetic recordings, photographs, negatives, slides, books, newspapers,
31 magazines, or other materials, including a combination of these items totaling 100 or

1 more, is prima facie evidence of distribution and intent to distribute under (a) of this
2 section.

3 (c) This section does not apply to an employee or contractor of an interactive
4 computer service, Internet service provider, cloud service provider, or
5 telecommunications network who, while acting in the scope of employment,
6 distributes, possesses, or accesses the material described in (a) of this section solely to
7 prevent, detect, report, or otherwise respond to the distribution, advertisement,
8 promotion, solicitation, or offer to distribute the material. In this subsection,
9 "interactive computer service" has the meaning given in AS 11.61.127(b).

10 (d) In this section, "distribution" includes the following, whether or not for
11 monetary or other consideration: delivering, selling, renting, leasing, lending, giving,
12 circulating, exhibiting, presenting, providing, exchanging, placing on a computer
13 network or computer system, and providing billing collection, or other ancillary
14 services for or otherwise supporting these activities.

15 (e) Distribution of generated obscene child sexual abuse material is a

16 (1) class B felony; or

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

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

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

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

31 (3) when considered as a whole, lacks serious literary, artistic,

political, or scientific value.

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

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

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

* **Sec. 26.** AS 11.61.124(a) is amended to read:

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

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

(A) person solicited is

(i) 16 or 17 years of age and at least six years younger than the offender; or

(ii) under 16 years of age and at least four years younger than the offender; or

(B) offender believes that the other person is

(i) 16 or 17 years of age and at least six years younger than the offender; or

(ii) under 16 years of age and at least four years younger than the offender; or

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

(A) person shown in the picture is

(i) 16 or 17 years of age and at least six years

younger than the offender; or

(ii) under 16 years of age and at least four years younger than the offender; or

(B) offender believes that the other person is

(i) 16 or 17 years of age and at least six years younger than the offender; or

(ii) under 16 years of age and at least four years younger than the offender.

* Sec. 27. AS 11.61.124(b) is amended to read:

(b) In a prosecution under (a) of this section, it is not a defense that the person solicited or shown in the picture was not actually

(1) 16 or 17 years of age and at least six years younger than the offender; or

(2) a person under 16 years of age and at least four years younger than the offender.

* Sec. 28. AS 11.61.125(b) is amended to read:

(b) This section does not apply to

(1) acts that are an integral part of the exhibition or performance of a motion picture if the acts are performed within the scope of employment by a motion picture operator or projectionist employed by the owner or manager of a theater or other place for the showing of motion pictures, unless the motion picture operator or projectionist

(A) [(1)] has a financial interest in the theater or place in which employed; or

(B) [(2)] causes the performance or motion picture to be performed or exhibited without the consent of the manager or owner of the theater or other place of showing; **or**

(2) an employee or contractor of an interactive computer service, Internet service provider, cloud service provider, or telecommunications network who, while acting in the scope of employment, distributes, possesses, or accesses the material described in (a) of this section solely to prevent, detect, report, or

1 otherwise respond to the distribution, advertisement, promotion, solicitation, or
 2 offer to distribute the material; in this subsection, "interactive computer service"
 3 has the meaning given in AS 11.61.127(b).

4 * **Sec. 29.** AS 11.61.125(e) is amended to read:

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

6 (1) class B felony; or

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

11 * **Sec. 30.** AS 11.61.127(a) is amended to read:

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

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

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

21 * **Sec. 31.** AS 11.61.127(b) is amended to read:

22 (b) This section does not apply to

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

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

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

5 * **Sec. 32.** AS 11.61.128(a) is amended to read:

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

8 (1) the **offender** [PERSON], being 18 years of age or older,
 9 intentionally distributes or possesses with intent to distribute any material described in
 10 (2) and (3) of this subsection to either

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

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

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

19 (A) sexual penetration;

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

22 (C) masturbation;

23 (D) bestiality;

24 (E) the lewd exhibition of a person's genitals, anus, or female
 25 breast; [OR]

26 (F) sexual masochism or sadism; **or**

27 **G) contact with semen;** and

28 (3) the material is harmful to minors.

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

30 (b) In this section, it is not a defense that the victim was not actually under **18**
 31 [16] years of age.

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

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

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

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

9 (3) the material depicts actual or simulated conduct in a way that is
10 patently offensive to the prevailing standards in the adult community as a whole with
11 respect to what is suitable for persons under **18** [16] years of age.

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

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

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

17 (a) Property used to aid a violation of **AS 11.61.121 - 11.61.128**
18 [AS 11.61.123 - 11.61.128] or to aid the solicitation of, attempt to commit, or
19 conspiracy to commit a violation of **AS 11.61.121 - 11.61.128** [AS 11.61.123 -
20 11.61.128] may be forfeited to the state upon the conviction of the offender.

21 * **Sec. 37.** AS 11.61.140(a) is amended to read:

22 (a) A person commits cruelty to animals if the person

23 (1) knowingly inflicts severe or prolonged physical pain or suffering
24 on an animal;

25 (2) has a legal duty to care for the animal and, with criminal
26 negligence, fails to care for an animal and, as a result, causes the death of the animal
27 or causes severe physical pain or prolonged suffering to the animal;

28 (3) kills or injures an animal by the use of a decompression chamber;

29 (4) intentionally kills or injures a pet or livestock by the use of poison;

30 (5) knowingly kills or injures an animal, other than as provided in (1)
31 or (3) of this subsection, with the intent to intimidate, threaten, or terrorize another

1 person;

2 (6) knowingly

3 (A) engages in sexual conduct with an animal; or

4 (B) under circumstances not proscribed under AS 11.41.455,

5 (i) photographs or films, for purposes of sexual
6 gratification, a person engaged in sexual conduct with an animal; or

7 (ii) causes, induces, aids, or encourages another person
8 to engage in sexual conduct with an animal; [OR]

9 (7) intentionally permits sexual conduct with an animal to be
10 conducted on any premises under the person's control; or

11 (8) under circumstances not proscribed under AS 11.61.122 or
12 11.61.127, knowingly possesses or knowingly accesses on a computer with intent
13 to view any material that

14 (A) the average person, applying contemporary community
15 standards, would find, when considered as a whole, appeals to the
16 prurient interest;

17 (B) depicts, in a patently offensive way, conduct proscribed
18 under (6)(A) of this subsection; and

19 (C) when considered as a whole, lacks serious literary,
20 artistic, political, or scientific value.

21 * **Sec. 38.** AS 11.61.140(g) is amended to read:

22 (g) Except as provided in (h) of this section, cruelty to animals under (a)(2),
23 (5), (6), [OR] (7), or (8) of this section is a class A misdemeanor. The court may also

24 (1) require forfeiture of any animal affected to the state or to a
25 custodian that supplies shelter, care, or medical treatment for the animal;

26 (2) require the defendant to reimburse the state or a custodian for all
27 reasonable costs incurred in providing necessary shelter, care, veterinary attention, or
28 medical treatment for any animal affected;

29 (3) prohibit or limit the defendant's ownership, possession, or custody
30 of animals for up to 10 years.

31 * **Sec. 39.** AS 11.61.140(h) is amended to read:

1 (h) Cruelty to animals under (a)(1), (3), or (4) of this section is a class C
 2 felony. Cruelty to animals is also a class C felony if the person is convicted under
 3 (a)(2), (5), (6), [OR] (7), **or (8)** of this section and the person has been previously
 4 convicted on one or more separate occasions within 10 years of the date of the present
 5 offense of a crime under this section, AS 11.61.145(a)(1) or (2), or a law or ordinance
 6 of another jurisdiction having elements similar to those offenses. For a conviction
 7 under this subsection, the court may also

8 (1) require forfeiture of any animal affected to the state or to a
 9 custodian that supplies shelter, care, or medical treatment for the animal;

10 (2) require the defendant to reimburse the state or a custodian for all
 11 reasonable costs incurred in providing necessary shelter, care, veterinary attention, or
 12 medical treatment for any animal affected;

13 (3) prohibit or limit the defendant's ownership, possession, or custody
 14 of animals for up to 10 years.

15 * **Sec. 40.** AS 11.66.100(c) is amended to read:

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

17 (1) person

18 **(A) was, at the time of the offense, 17 years of age or**
 19 **younger; or**

20 **(B)** witnessed or was a victim of, and reported to law
 21 enforcement in good faith, one or more of the following crimes:

22 **(i)** [(A)] murder in the first degree under AS 11.41.100;

23 **(ii)** [(B)] murder in the second degree under
 24 AS 11.41.110;

25 **(iii)** [(C)] manslaughter under AS 11.41.120;

26 **(iv)** [(D)] criminally negligent homicide under
 27 AS 11.41.130;

28 **(v)** [(E)] assault in the first degree under AS 11.41.200;

29 **(vi)** [(F)] assault in the second degree under
 30 AS 11.41.210;

31 **(vii)** [(G)] assault in the third degree under

1 AS 11.41.220;

2 (viii) [(H)] assault in the fourth degree under
3 AS 11.41.230;

4 (ix) [(I)] sexual assault in the first degree under
5 AS 11.41.410;

6 (x) [(J)] sexual assault in the second degree under
7 AS 11.41.420;

8 (xi) [(K)] sexual assault in the third degree under
9 AS 11.41.425;

10 (xii) [(L)] sexual assault in the fourth degree under
11 AS 11.41.427;

12 (xiii) [(M)] sexual abuse of a minor in the first degree
13 under AS 11.41.434;

14 (xiv) [(N)] sexual abuse of a minor in the second degree
15 under AS 11.41.436;

16 (xv) [(O)] sexual abuse of a minor in the third degree
17 under AS 11.41.438;

18 (xvi) [(P)] sexual abuse of a minor in the fourth degree
19 under AS 11.41.440;

20 (xvii) [(Q)] robbery in the first degree under
21 AS 11.41.500;

22 (xviii) [(R)] robbery in the second degree under
23 AS 11.41.510;

24 (xix) [(S)] extortion under AS 11.41.520;

25 (xx) [(T)] coercion under AS 11.41.530;

26 (xxi) [(U)] distribution of child sexual abuse material
27 under AS 11.61.125;

28 (xxii) [(V)] possession of child sexual abuse material
29 under AS 11.61.127;

30 (xxiii) [(W)] sex trafficking in the first degree under
31 AS 11.66.110;

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(xxiv) [(X)] sex trafficking in the second degree under AS 11.66.120;

(xxv) [(Y)] sex trafficking in the third degree under AS 11.66.130;

(xxvi) [OR (Z)] sex trafficking in the fourth degree under AS 11.66.135;

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

(xxviii) 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. 41.** 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 commissioner's designee;

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

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

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

(6) a physician appointed by the governor;

(7) a psychiatrist appointed by the governor; and

(8) two individuals appointed by the governor.

* **Sec. 42.** AS 12.10.010(a) is amended to read:

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

2 (1) murder;

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

5 (3) felony sexual abuse of a minor;

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

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

11 (6) kidnapping;

12 (7) **distribution of generated obscene child sexual abuse material in**
13 **violation of AS 11.61.121 or** distribution of child sexual abuse material in violation of
14 AS 11.61.125;

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

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

19 * **Sec. 43.** AS 12.45.046(a) is amended to read:

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

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

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

29 * **Sec. 44.** AS 12.55.078(f) is amended to read:

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

1 (1) is charged with a violation of AS 11.41.100 - 11.41.220, 11.41.260
 2 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400,
 3 AS 11.61.121, 11.61.122, 11.61.125 - 11.61.128 [AS 11.61.125 - 11.61.128], or
 4 AS 11.66.110 - 11.66.135;

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

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

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

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

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

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

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

24 * **Sec. 45.** AS 12.55.085(f) is amended to read:

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

26 (1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260
 27 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400,
 28 AS 11.61.121, 11.61.122, 11.61.125 - 11.61.128 [AS 11.61.125 - 11.61.128], or
 29 AS 11.66.110 - 11.66.135;

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

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

8 * **Sec. 46.** AS 12.55.100(e) is amended to read:

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

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

12 (A) shall be required to submit to regular periodic polygraph
13 examinations;

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

19 (2) if the defendant was convicted of a violation of AS 11.41.434 -
20 11.41.455, AS 11.61.121, 11.61.122, 11.61.125 - 11.61.128 [AS 11.61.125 -
21 11.61.128], or a similar offense in another jurisdiction, the defendant may be required
22 to refrain from

23 (A) using or creating an Internet site;

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

25 (C) possessing or using a computer; or

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

28 * **Sec. 47.** AS 12.55.125(b) is amended to read:

29 (b) A defendant convicted of attempted murder in the first degree, solicitation
30 to commit murder in the first degree, conspiracy to commit murder in the first degree,
31 kidnapping, or misconduct involving a controlled substance in the first degree shall be

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

13 * **Sec. 48.** AS 12.55.125(d) is amended to read:

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

18 (1) if the offense is a first felony conviction and does not involve
19 circumstances described in (2) of this subsection, one to three years; a defendant
20 sentenced under this paragraph may, if the court finds it appropriate, be granted a
21 suspended imposition of sentence under AS 12.55.085 if, as a condition of probation
22 under AS 12.55.086, the defendant is required to serve an active term of imprisonment
23 within the range specified in this paragraph, unless the court finds that a mitigation
24 factor under AS 12.55.155 applies;

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

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

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

31 (i) the attempted manufacturing occurred, or the

1 solicited or conspired offense was to have occurred, in a building with
 2 reckless disregard that the building was used as a permanent or
 3 temporary home or place of lodging for one or more children under 18
 4 years of age or the building was a place frequented by children; or

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

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

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

10 * **Sec. 49.** AS 12.55.125(i) is amended to read:

11 (i) A defendant convicted of

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

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

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

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

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

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

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

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

1 to 60 years;

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

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

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

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

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

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

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

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

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

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

31 (3) sexual assault in the second degree, sexual abuse of a minor in the

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

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

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

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

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

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

19 (4) sexual assault in the third degree, sexual abuse of a minor in the
20 third degree under AS 11.41.438(c), incest, indecent exposure in the first degree under
21 AS 11.41.458(b)(1), **distribution of generated obscene child sexual abuse material**
22 **under AS 11.61.121(d)(1)**, **possession of generated obscene child sexual abuse**
23 **material**, indecent viewing or production of a picture under AS 11.61.123(g)(1) or
24 (2), possession of child sexual abuse material, distribution of child sexual abuse
25 material under AS 11.61.125(e)(1), patron of a victim of sex trafficking under
26 **AS 11.66.137(c)(2)** [AS 11.66.137], or attempt, conspiracy, or solicitation to commit
27 sexual assault in the second degree, sexual abuse of a minor in the second degree,
28 **distribution of generated obscene child sexual abuse material**, unlawful
29 exploitation of a minor, distribution of child sexual abuse material **under**
30 **AS 11.61.125(e)(2)**, or patron of a victim of sex trafficking under **AS 11.66.137(c)(1)**
31 [AS 11.66.137], may be sentenced to a definite term of imprisonment of not more than

1 99 years and shall be sentenced to a definite term within the following presumptive
2 ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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

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

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

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

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

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

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

24 * **Sec. 50.** AS 12.55.127(c) is amended to read:

25 (c) If the defendant is being sentenced for

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

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

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

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

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

6 (i) manslaughter; or

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

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

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

16 (F) some additional term of imprisonment for each additional
17 crime, or each additional attempt or solicitation to commit the offense, under
18 AS 11.41.200 - 11.41.250, 11.41.420 - 11.41.432, 11.41.436 - 11.41.458, or
19 11.41.500 - 11.41.520;

20 (3) two or more crimes of violation of condition of release under
21 AS 11.56.757, a consecutive term of imprisonment shall be imposed for some
22 additional term of imprisonment for the underlying crime and each additional crime
23 under AS 11.56.757;

24 **(4) criminally negligent homicide or criminally negligent homicide**
25 **of an unborn child, a consecutive term of imprisonment shall be imposed for**
26 **some additional term of imprisonment for each additional crime under**
27 **AS 28.35.050 or 28.35.060.**

28 * Sec. 51. AS 12.55.127(d) is amended to read:

29 (d) If the defendant is being sentenced for two or more crimes of **distribution**
30 **of generated obscene child sexual abuse material under AS 11.61.121, possession**
31 **of generated obscene child sexual abuse material under AS 11.61.122,** distribution

1 of child sexual abuse material under AS 11.61.125, possession of child sexual abuse
2 material under AS 11.61.127, or distribution of indecent material to minors under
3 AS 11.61.128, a consecutive term of imprisonment shall be imposed for some
4 additional term of imprisonment for each additional crime or each additional attempt
5 or solicitation to commit the offense.

6 * **Sec. 52.** AS 12.55.145(a) is amended to read:

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

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

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

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

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

23 (2) AS 12.55.125(l),

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

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

1 (3) AS 12.55.135(g),

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

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

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

16 (4) AS 12.55.125(i),

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

20 (B) a felony conviction in another jurisdiction making it a
21 crime to commit any lewd and lascivious act on a child under the age of **18**
22 [16] years, with the intent of arousing, appealing to, or gratifying the sexual
23 desires of the defendant or the victim is a prior conviction for a sexual felony;

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

31 (D) a conviction in this or another jurisdiction of an offense

1 having elements similar to those of a felony defined as such under Alaska law
2 at the time the offense was committed is considered a prior felony conviction.

3 * **Sec. 53.** AS 12.55.155(c) is amended to read:

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

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

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

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

13 (4) the defendant employed a dangerous instrument in furtherance of
14 the offense;

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (18) the offense was a felony

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

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

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

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

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

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

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

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

20 (22) the defendant knowingly directed the conduct constituting the
21 offense at a victim because of that person's race, sex, color, creed, physical or mental
22 disability, ancestry, or national origin;

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

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

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

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

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

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

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

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

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

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

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

17 (30) the defendant is convicted of an offense specified in AS 11.41.410
18 - 11.41.455, and the defendant knowingly supplied alcohol or a controlled substance to
19 the victim in furtherance of the offense with the intent to make the victim
20 incapacitated; in this paragraph, "incapacitated" has the meaning given in
21 AS 11.41.470;

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

30 (32) the offense is a violation of AS 11.41 or AS 11.46.400 and the
31 offense occurred on school grounds, on a school bus, at a school-sponsored event, or

1 in the administrative offices of a school district if students are educated at that office;
2 in this paragraph,

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

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

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

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

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

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

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

21 (A) "health care facility" has the meaning given in
22 AS 18.07.111;

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

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

28 * **Sec. 54.** AS 12.55.185(16) is amended to read:

29 (16) "sexual felony" means sexual assault in the first degree, sexual
30 abuse of a minor in the first degree, sex trafficking in the first degree, sexual assault in
31 the second degree, sexual abuse of a minor in the second degree, sexual abuse of a

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

9 * **Sec. 55.** AS 12.61.010(a) is amended to read:

10 (a) Victims of crimes have the following rights:

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

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

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

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

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

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

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

29 (6) at the request of the prosecution or a law enforcement agency, the
30 right to cooperate with the criminal justice process without loss of pay and other
31 employee benefits except as authorized by AS 12.61.017 and without interference in

1 any form by the employer of the victim of crime;

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

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

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

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

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

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

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

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

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

29 (A) applies only to victims of felonies and to victims of class A
30 misdemeanors if the class A misdemeanor is a crime involving domestic
31 violence or a crime against a person under AS 11.41; if the victim is an

unemancipated minor, the law enforcement officer and the prosecuting attorney shall also provide the notice required by this paragraph to the parent or guardian of the minor;

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

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

* **Sec. 56.** AS 12.62.160(b) is amended to read:

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

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

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

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

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

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

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

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

(8) may be provided to a person for any purpose, except that

1 information may not be released if the information is nonconviction information, [OR]
2 correctional treatment information, or criminal justice information as described in
3 (f) of this section;

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

8 (10) may be provided to the person who is the subject of the
9 information.

10 * **Sec. 57.** AS 12.62.160 is amended by adding a new subsection to read:

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

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

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

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

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

20 * **Sec. 58.** AS 12.62.900(22) is amended to read:

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

24 (A) a felony offense;

25 (B) a crime involving domestic violence;

26 (C) AS 11.41.410 - 11.41.470;

27 (D) AS 11.51.130, 11.51.200 - 11.51.220, or AS 11.56.100 -
28 11.56.210 [OR 11.51.200 - 11.56.210];

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

30 (F) AS 11.66.100 - 11.66.130;

31 (G) former AS 11.15.120, former 11.15.134, or assault with the

1 intent to commit rape under former AS 11.15.160; or

2 (H) former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 -
3 11.40.420, if committed before January 1, 1980.

4 * **Sec. 59.** AS 12.63.020(a) is amended to read:

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

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

9 (A) continues for the lifetime of a sex offender or child
10 kidnapper convicted of

11 (i) one aggravated sex offense; or

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

17 (B) ends 15 years following the sex offender's or child
18 kidnapper's unconditional discharge from a conviction for a single sex offense
19 that is not an aggravated sex offense or for a single child kidnapping if the sex
20 offender or child kidnapper has supplied proof that is acceptable to the
21 department of the unconditional discharge; the registration period under this
22 subparagraph

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

27 (ii) may include the time a sex offender or child
28 kidnapper was absent from this state if the sex offender or child
29 kidnapper has complied with any sex offender or child kidnapper
30 registration requirements of the jurisdiction in which the offender or
31 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. 60.** AS 12.63.100(7) is amended to read:

(7) "sex offense" means

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

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

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

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

- (i) AS 11.41.410 - 11.41.438;
- (ii) AS 11.41.440(a)(2);
- (iii) AS 11.41.450 - 11.41.458;
- (iv) AS 11.41.460 or AS 26.05.900(c) if the indecent exposure is before a person under **18** [16] years of age and the offender has previously been convicted under AS 11.41.460 or AS 26.05.900(c);

1 (v) AS 11.61.121 or 11.61.122;

2 (vi) AS 11.61.125 - 11.61.128;

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

6 (viii) [(vii)] former AS 11.15.120, former 11.15.134, or
7 assault with the intent to commit rape under former AS 11.15.160,
8 former AS 11.40.110, or former 11.40.200;

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

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

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

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

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

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

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

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

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

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

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

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

6 (i) child sexual abuse material; or

7 (ii) pandering and prostitution if the person who is
 8 induced, enticed, caused, or procured to engage in a sexual act is under
 9 20 years of age at the time of the offense; or

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

12 * **Sec. 61.** AS 14.20.030(b) is amended to read:

13 (b) The commissioner or the Professional Teaching Practices Commission
 14 shall revoke for life the certificate of a person who has been convicted of a crime, or
 15 an attempt, solicitation, or conspiracy to commit a crime, involving a minor under
 16 AS 11.41.410 - 11.41.460, AS 11.61.121, 11.61.122, 11.61.125 [AS 11.61.125], or
 17 11.61.127, or a law or ordinance in another jurisdiction with elements similar to an
 18 offense described in this subsection.

19 * **Sec. 62.** AS 18.66.250(5) is amended to read:

20 (5) "victim counseling center" means a private organization, an
 21 organization operated by or contracted by a branch of the armed forces of the United
 22 States, or a local or tribal government agency that

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

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

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

30 * **Sec. 63.** AS 28.15.046(c) is amended to read:

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

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(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);

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

3 * **Sec. 64.** AS 28.35.060(b) is amended to read:

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

9 * **Sec. 65.** AS 28.35.060(c) is amended to read:

10 (c) A person who fails to comply with a requirement of this section regarding
11 **failure to render reasonable assistance in an accident resulting in injury**
12 [ASSISTING AN INJURED PERSON] is, upon conviction, **guilty of a class B**
13 **felony**, punishable **as provided in AS 12.55** [BY IMPRISONMENT FOR NOT
14 MORE THAN 10 YEARS, OR BY A FINE OF NOT MORE THAN \$10,000, OR BY
15 BOTH]. This provision does not apply to a person incapacitated by the accident to the
16 extent that the person is physically incapable of complying with the requirement.

17 * **Sec. 66.** AS 28.35.060 is amended by adding a new subsection to read:

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

23 * **Sec. 67.** AS 28.35 is amended by adding a new section to read:

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

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

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

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

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

- 1 (2) knowingly manufactures
- 2 (A) a counterfeit or nonfunctioning airbag; or
- 3 (B) a part or device that is intended to conceal a counterfeit or
- 4 nonfunctioning airbag; or
- 5 (3) intentionally sells, leases, or trades or offers for sale, lease, or trade
- 6 a vehicle that the person knows has
- 7 (A) a replacement airbag that does not comply with federal
- 8 safety regulations specific to the vehicle's make, model, and year; or
- 9 (B) a counterfeit or nonfunctioning airbag.
- 10 (b) This section does not apply to
- 11 (1) a person installing, reinstalling, or replacing an airbag on a vehicle
- 12 used solely for police work;
- 13 (2) an owner or employee of a motor vehicle dealership or the owner
- 14 of a vehicle who, before the sale of the vehicle, does not have knowledge that the
- 15 vehicle's airbag is counterfeit or nonfunctioning;
- 16 (3) a person who transfers a vehicle title to an insurance company to
- 17 satisfy an insurance claim when the insurance company declares the vehicle to be an
- 18 actual total loss or constructive total loss;
- 19 (4) an insurance company that sells or otherwise disposes of a vehicle
- 20 as authorized by law or regulation; or
- 21 (5) a person who, before the sale, lease, or trade of a vehicle, discloses
- 22 to the buyer or lessee that the vehicle contains an airbag that is inoperable, damaged,
- 23 recalled, has previously been deployed, causes a vehicle's diagnostic system to
- 24 inaccurately indicate that the vehicle is equipped with a properly functioning airbag, or
- 25 results in an electric fault detected by a vehicle's diagnostic system after the
- 26 installation procedure was completed.
- 27 (c) This section does not
- 28 (1) preclude liability of any party in a civil action; or
- 29 (2) create a duty that, before the sale of a vehicle, an owner or
- 30 employee of a motor vehicle dealership or the owner of the vehicle inspect a vehicle in
- 31 the possession of the dealership or owner to determine whether the airbag is

1 counterfeit or nonfunctioning.

2 (d) In this section,

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

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

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

8 (A) is inoperable;

9 (B) is damaged;

10 (C) is recalled;

11 (D) has previously been deployed;

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

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

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

20 (e) Airbag fraud is

21 (1) a class A misdemeanor; or

22 (2) a class C felony if death or serious physical injury to another
23 person results from

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

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

31 * **Sec. 68.** AS 33.16.020(a) is amended to read:

1 (a) There is in the Department of Corrections a board of parole consisting of
2 seven [FIVE] members appointed by the governor, subject to confirmation by a
3 majority of members of the legislature in joint session.

4 * **Sec. 69.** AS 33.16.020(b) is amended to read:

5 (b) Members of the board serve for staggered terms of five years and **may not**
6 **serve more than two terms** [UNTIL THEIR SUCCESSORS ARE APPOINTED].

7 * **Sec. 70.** AS 33.16.030(b) is repealed and reenacted to read:

8 (b) The board consists of seven members, including

9 (1) one licensed physician, psychologist, or psychiatrist;

10 (2) one member with experience in the field of criminal justice;

11 (3) one member who has experience in providing drug or alcohol
12 addiction recovery support or who has personal experience with drug or alcohol
13 addiction; and

14 (4) one member of a federally recognized tribe in the state.

15 * **Sec. 71.** AS 33.16.030 is amended by adding a new subsection to read:

16 (d) In this section,

17 (1) "crime" means an offense for which a sentence of imprisonment is
18 authorized; a crime is either a felony or a misdemeanor;

19 (2) "federally recognized tribe" has the meaning given in
20 AS 23.20.520.

21 * **Sec. 72.** AS 33.16.100(g) is amended to read:

22 (g) When considering a prisoner for release on discretionary parole under
23 AS 33.16.090(a)(2), the board may release a prisoner if, taking into consideration the
24 prisoner's likelihood of recidivism given the prisoner's age, **age at the time of the**
25 **offense**, criminal history, behavior in prison, participation in treatment, and plans for
26 reentering the community, a reasonable probability exists that

27 (1) the prisoner will live and remain at liberty without violating any
28 laws or conditions imposed by the board;

29 (2) the prisoner's rehabilitation and reintegration into society will be
30 furthered by release on parole;

31 (3) the prisoner will not pose a threat of harm to the public if released

1 on parole; and

2 (4) release of the prisoner on parole would not diminish the
3 seriousness of the crime.

4 * **Sec. 73.** AS 33.30 is amended by adding a new section to read:

5 **Sec. 33.30.068. Medical release for service of sentence by electronic**
6 **monitoring.** (a) Notwithstanding other provisions of law, the commissioner may
7 authorize medical release for a prisoner if

8 (1) after evaluation, the chief medical officer for the department finds
9 that the prisoner

10 (A) has a terminal, permanent, or progressively degenerative
11 medical condition and, as a result of the condition, the prisoner will not pose a
12 threat of harm to the public if released on electronic monitoring; or

13 (B) is in poor health and, as a result, the prisoner will not pose
14 a threat of harm to the public if released on electronic monitoring; and

15 (2) the medical release will result in medical cost savings to the state.

16 (b) A prisoner approved for release under this section shall remain subject to
17 continuous electronic monitoring and supervision as directed by the commissioner. If
18 the electronic monitoring equipment would be detrimental to the prisoner's health,
19 would interfere with the functioning of the prisoner's medical equipment, or would
20 result in a loss of funding for the prisoner's medical care, the commissioner shall
21 require an alternative type of monitoring. The electronic monitoring shall be
22 administered by the department or by a private contractor approved by the department
23 under AS 33.30.011(a)(10)(B) and shall be designed so that any attempt to remove,
24 tamper with, or disable the monitoring equipment or to leave the place selected for the
25 service of the term or period will result in a report or notice to the department.

26 (c) A decision by the commissioner to authorize a prisoner for medical release
27 for service of sentence by electronic monitoring does not create a liberty interest in
28 that status for the prisoner. The commissioner may immediately revoke the medical
29 release and return the prisoner to a correctional facility if the prisoner no longer meets
30 the conditions of the medical release or if public safety concerns arise.

31 (d) The commissioner shall impose any conditions necessary to ensure public

safety on a prisoner authorized for medical release.

(e) A prisoner convicted of AS 11.41.434 - 11.41.440, 11.41.455, or AS 11.61.140(a)(6) is not eligible for medical release under this section.

* **Sec. 74.** AS 44.21.020 is amended to read:

Sec. 44.21.020. Duties of department. The Department of Administration shall

(1) make surveys and studies to improve administrative procedures, methods, and organization;

(2) keep general accounts;

(3) approve vouchers and disburse funds for all purposes;

(4) operate centralized purchasing and supply services, and necessary storerooms and warehouses;

(5) [REPEALED

(6)] supervise telephone, mailing, messenger, duplicating, and similar services adaptable to centralized management;

(6) [(7)] administer the public employees' retirement system and teachers' retirement system;

(7) [(8)] administer a statewide personnel program, including central personnel services such as recruitment, assessment, position classification, and pay administration;

(8) [(9)] administer and supervise a statewide automatic data processing program;

(9) [(10)] study, design, implement, and manage the telecommunications systems and services of the state under AS 44.21.305 - 44.21.330;

(10) establish and administer the address confidentiality program under AS 44.21.022 [(11) REPEALED].

* **Sec. 75.** AS 44.21 is amended by adding a new section to read:

Sec. 44.21.022. Address confidentiality program. (a) The address confidentiality program is established in the department to protect the confidentiality of the address of an individual enrolled in the program.

(b) The department shall

- 1 (1) establish and administer the program;
- 2 (2) designate a post office box as a substitute mailing address for an
- 3 individual enrolled in the program;
- 4 (3) forward the mail of an individual enrolled in the program from the
- 5 post office box designated under (2) of this subsection to the individual's residential
- 6 street address, post office box, school address, or work address as specified on the
- 7 individual's application for enrollment in the program;
- 8 (4) maintain the confidentiality of the address of an individual enrolled
- 9 in the program; and
- 10 (5) adopt regulations establishing a procedure for a qualified individual
- 11 under (c) of this section to enroll in or withdraw from the program.

12 (c) The following individuals may enroll in the program:

- 13 (1) a victim of a crime involving domestic violence, stalking, or sexual
- 14 assault if
- 15 (A) a court has issued a protective order on behalf of the
- 16 victim; or
- 17 (B) the victim meets other standards set by the department;
- 18 (2) a guardian of a minor, if a court has issued a protective order on
- 19 behalf of the minor;
- 20 (3) a peace officer;
- 21 (4) a correctional officer; and
- 22 (5) a household member of an individual specified under (1) - (4) of
- 23 this subsection who is enrolled in the program.

24 (d) Notwithstanding (c) of this section, a person with a duty to register under

25 AS 12.63.010 may not enroll in the program.

26 (e) A state or municipal agency shall allow an individual enrolled in the

27 program to use the post office box designated by the department under (b)(2) of this

28 section as the individual's mailing address.

29 (f) The length of initial enrollment in the program is five years. If an

30 individual enrolled in the program does not renew the individual's enrollment in the

31 program every five years, the department shall remove the individual from the

1 program. The department shall remove an individual enrolled in the program if, during
2 the time of the individual's enrollment in the program, the individual is required to
3 register under AS 12.63.010.

4 (g) The department may not collect a registration fee from an individual
5 qualified under (c) of this section to enroll in the program.

6 (h) The department shall disclose an individual's address to a peace officer in
7 response to a search warrant issued by a state or federal court.

8 (i) A person who discloses information that is confidential under this section
9 about an individual enrolled in the program under (c) of this section is guilty of a class
10 A misdemeanor if the person

11 (1) is authorized to access the address confidentiality program database
12 and recklessly discloses the information to the respondent of a protective order;

13 (2) is not authorized to access the address confidentiality program
14 database and knowingly discloses the information to the respondent of a protective
15 order; or

16 (3) accesses the address confidentiality program database without
17 authorization to access the database and recklessly discloses the information.

18 (j) In this section,

19 (1) "correctional officer" means a person

20 (A) appointed by the commissioner of corrections whose
21 primary duty under AS 33.30 is to provide custody, care, security, control, and
22 discipline of persons charged or convicted of offenses against the state or held
23 under authority of state law;

24 (B) employed in a correctional facility in this state whose
25 primary duty is to provide custody, care, security, control, and discipline of
26 persons charged or convicted of offenses or held under authority of law; or

27 (C) employed full time in a municipal correctional facility
28 whose primary duty is to provide custody, care, security, control, and
29 discipline of persons charged or convicted of offenses or held under authority
30 of law, and the correctional facility is located in a municipality that has
31 adopted AS 18.65.130 - 18.65.290 by ordinance under AS 18.65.285;

1 (2) "crime involving domestic violence" has the meaning given in
2 AS 18.66.990;

3 (3) "department" means the Department of Administration;

4 (4) "household member" means an adult or minor who lives in the
5 same residence as an individual enrolled in the program;

6 (5) "peace officer" has the meaning given in AS 01.10.060;

7 (6) "program" means the address confidentiality program.

8 * **Sec. 76.** AS 44.23.080(a) is amended to read:

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

17 * **Sec. 77.** AS 44.28 is amended by adding a new section to read:

18 **Sec. 44.28.040. Tribal liaison.** The Department of Corrections shall employ at
19 least one person in the department to act as a tribal liaison and facilitate internal
20 communication and collaboration relating to cultural programs and processes and to
21 interact between communities in the state and federally recognized tribes.

22 * **Sec. 78.** AS 44.41.065(a) is amended to read:

23 (a) When [A LAW ENFORCEMENT AGENCY COLLECTS] a sexual
24 assault examination kit is used to gather evidence under AS 18.68.010, [THE
25 AGENCY SHALL]

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

31 (2) a law enforcement agency that gathers the evidence or that

receives notification of evidence gathered by a health care provider under (1) of this subsection shall

(A) not later than 20 [WITHIN 30] days after **gathering the evidence or receiving the notification from the health care provider** [THE AGENCY COLLECTS THE SEXUAL ASSAULT EXAMINATION KIT], send the sexual assault examination kit to an accredited laboratory in coordination with the Department of Public Safety or a laboratory operated by the Department of Public Safety; **and**

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

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

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

* **Sec. 79.** AS 44.41.065(b) is amended to read:

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

* **Sec. 80.** AS 44.41.065(c) is amended to read:

(c) If a case is resolved before a sexual assault examination kit is tested, a **health care provider, law enforcement agency, or laboratory in possession of the**

sexual assault examination kit is not required to meet the time limits established in (a) of this section.

* **Sec. 81.** AS 44.41.065(d)(1) is amended to read:

(1) "law enforcement agency" **has** [AND "AGENCY" HAVE] the meaning given [TO "LAW ENFORCEMENT AGENCY"] in AS 12.36.090;

* **Sec. 82.** AS 44.41.065 is amended by adding a new subsection to read:

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

* **Sec. 83.** AS 44.41 is amended by adding a new section to read:

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

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

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

* **Sec. 84.** AS 47.12.110(d) is amended to read:

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

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

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

5 (B) the minor's alleged commission of

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

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

11 (iii) arson under AS 11.46.400 - 11.46.410;

12 (iv) burglary under AS 11.46.300;

13 (v) distribution of child sexual abuse material under
 14 AS 11.61.125;

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

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

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

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

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

29 * **Sec. 85.** AS 47.12.315(a) is amended to read:

30 (a) Notwithstanding AS 47.12.310 and except as otherwise provided in this
 31 section, the department shall disclose information to the public, on request, concerning

1 a minor subject to this chapter who was at least 13 years of age at the time of
2 commission of

- 3 (1) a felony offense against a person under AS 11.41;
- 4 (2) arson in the first or second degree;
- 5 (3) burglary in the first degree;
- 6 (4) distribution of child sexual abuse material;
- 7 (5) sex trafficking in the first degree;
- 8 (6) misconduct involving a controlled substance in the first, second, or
- 9 third degrees involving distribution or possession with intent to deliver; [OR]
- 10 (7) misconduct involving weapons in the first through fourth degrees;

11 **or**

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

14 * **Sec. 86.** AS 11.41.436(a)(6), 11.41.440(a)(2); AS 12.63.100(7)(C)(ii); and
15 AS 44.41.070(a) are repealed.

16 * **Sec. 87.** AS 12.62.160(f)(4) is repealed January 1, 2028.

17 * **Sec. 88.** The uncodified law of the State of Alaska is amended by adding a new section to
18 read:

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

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

- 1 (12) AS 11.41.452(a), as amended by sec. 12 of this Act;
- 2 (13) AS 11.41.452(b), as amended by sec. 13 of this Act;
- 3 (14) AS 11.41.452(c), as amended by sec. 14 of this Act;
- 4 (15) AS 11.41.452(e), as amended by sec. 15 of this Act;
- 5 (16) AS 11.41.455(a), as amended by sec. 16 of this Act;
- 6 (17) AS 11.41.458(b), as amended by sec. 17 of this Act;
- 7 (18) AS 11.41.460(b), as amended by sec. 18 of this Act;
- 8 (19) AS 11.46.140(a), as amended by sec. 19 of this Act;
- 9 (20) AS 11.46.140(c), enacted by sec. 20 of this Act;
- 10 (21) AS 11.51.100(a), as amended by sec. 21 of this Act;
- 11 (22) AS 11.61.116(a), as amended by sec. 22 of this Act;
- 12 (23) AS 11.61.118(a), as amended by sec. 23 of this Act;
- 13 (24) AS 11.61.120(a), as amended by sec. 24 of this Act;
- 14 (25) AS 11.61.124(a), as amended by sec. 26 of this Act;
- 15 (26) AS 11.61.124(b), as amended by sec. 27 of this Act;
- 16 (27) AS 11.61.125(b), as amended by sec. 28 of this Act;
- 17 (28) AS 11.61.125(e), as amended by sec. 29 of this Act;
- 18 (29) AS 11.61.127(a), as amended by sec. 30 of this Act;
- 19 (30) AS 11.61.127(b), as amended by sec. 31 of this Act;
- 20 (31) AS 11.61.128(a), as amended by sec. 32 of this Act;
- 21 (32) AS 11.61.128(b), as amended by sec. 33 of this Act;
- 22 (33) AS 11.61.128(c), as amended by sec. 34 of this Act;
- 23 (34) AS 11.61.128(e), as amended by sec. 35 of this Act;
- 24 (35) AS 11.61.129(a), as amended by sec. 36 of this Act;
- 25 (36) AS 11.61.140(a), as amended by sec. 37 of this Act;
- 26 (37) AS 11.61.140(g), as amended by sec. 38 of this Act;
- 27 (38) AS 11.61.140(h), as amended by sec. 39 of this Act;
- 28 (39) AS 11.66.100(c), as amended by sec. 40 of this Act;
- 29 (40) AS 12.45.046(a), as amended by sec. 41 of this Act;
- 30 (41) AS 12.55.127(c), as amended by sec. 50 of this Act;
- 31 (42) AS 28.35.060(b), as amended by sec. 64 of this Act;

1 (43) AS 28.35.060(c), as amended by sec. 65 of this Act;

2 (44) AS 28.35.060(d), enacted by sec. 66 of this Act.

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

5 (1) AS 12.55.078(f), as amended by sec. 44 of this Act;

6 (2) AS 12.55.085(f), as amended by sec. 45 of this Act;

7 (3) AS 12.55.125(b), as amended by sec. 47 of this Act;

8 (4) AS 12.55.125(d), as amended by sec. 48 of this Act;

9 (5) AS 12.55.125(i), as amended by sec. 49 of this Act;

10 (6) AS 12.55.145(a), as amended by sec. 52 of this Act;

11 (7) AS 12.55.155(c), as amended by sec. 53 of this Act;

12 (8) AS 12.55.185(16), as amended by sec. 54 of this Act;

13 (9) AS 12.62.900(22), as amended by sec. 58 of this Act;

14 (10) AS 12.63.020(a), as amended by sec. 59 of this Act;

15 (11) AS 12.63.100(7), as amended by sec. 60 of this Act;

16 (12) AS 14.20.030(b), as amended by sec. 61 of this Act.

17 (c) AS 18.66.250(5), as amended by sec. 62 of this Act, applies to communications
18 made before, on, or after the effective date of sec. 62 of this Act for offenses committed
19 before, on, or after the effective date of sec. 62 of this Act.

20 (d) AS 33.16.100(g), as amended by sec. 72 of this Act, and AS 33.30.068, enacted
21 by sec. 73 of this Act, apply to prisoners incarcerated before, on, or after the effective date of
22 secs. 72 and 73 of this Act.

23 * **Sec. 89.** The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

25 TRANSITION; APPOINTMENTS. (a) Notwithstanding AS 33.16.020(b), as
26 amended by sec. 69 of this Act, a member of the board on the effective date of this Act who
27 has previously served two or more terms or is currently serving a second term may finish the
28 term to which the member was appointed, but may not be reappointed.

29 (b) Notwithstanding AS 33.16.030(b), as repealed and reenacted by sec. 70 of this
30 Act, a member of the board on the effective date of this Act may continue to serve the term to
31 which the member was appointed.

1 (c) In this section, "board" means the board of parole.

2 * **Sec. 90.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 TRANSITION: REGULATIONS. The Department of Administration may adopt
5 regulations necessary to implement AS 44.21.022, enacted by sec. 75 of this Act. The
6 regulations take effect under AS 44.62 (Administrative Procedure Act) but not before the
7 effective date of the law being implemented by the regulation.

8 * **Sec. 91.** Section 90 of this Act takes effect immediately under AS 01.10.070(c).

9 * **Sec. 92.** Sections 56, 57, and 68 - 71 of this Act take effect January 1, 2027.

10 * **Sec. 93.** Section 87 of this Act takes effect January 1, 2028.

11 * **Sec. 94.** Except as provided in secs. 91 - 93 of this Act, this Act takes effect July 1, 2026.