



## Sectional Analysis

### HB 47 (v.A) GENERATED OBSCENE CHILD SEX ABUSE MATERIAL

*“An Act relating to crime and criminal procedure; relating to generated obscene child sexual abuse material; ....”*

**Section 1:** Amends AS 11.61.120(a) to include the possession and distribution of generated obscene child sexual abuse Harassment in the second degree, a class B misdemeanor.

**Section 2.** Amends AS 11.61 by adding new sections:

- AS 11.61.121 to prohibit the distribution of generated obscene child sexual abuse material in a way that closely aligns with the distribution of child sexual abuse material.
- AS 11.61.122 to prohibit the possession of generated obscene child sexual abuse material in a way that closely aligns with the possession of child sexual abuse material accept that this material would also have to pass the *Miller* Test as outlined in subparagraphs 1-3.
  - Paragraph (b) provides that an employee of a technology company who, while acting in the scope of employment, accesses the prohibited material solely to remove the material would not be held criminally liable.

**Section 3.** Amends AS 11.61.127(a) to include the images of a child that “is indistinguishable from an identifiable child” who, by manipulation, creation, or modification, appears to be engaged in sexual conduct within the description of the possession of child sexual abuse material.

**Section 4.** Amends AS 11.61.127(b)(2) to provide that an employee of a technology company who, while acting in the scope of employment, accesses the prohibited material solely to remove the material would not be held criminally liable.

**Section 5.** Amends AS 11.61.127(f)(2) to define an “identifiable child.”

**Section 6.** Amends AS 11.61.129 to include the possession and distribution of generated obscene child sexual abuse material as an offense to which a violator forfeits the property used in the offense.

**Section 7:** Amends AS 11.66.100(c) to include possession and distribution of generated obscene child sexual abuse material as an offense to which a victim or witness can testify and not risk prosecution for prostitution to mirror that of distribution and possession of child sexual abuse material in statute.

**Section 8:** Amends AS 12.10.010(a) to include possession and distribution of generated obscene child sexual abuse material as an offense to which there is no statute of limitations to mirror that of distribution and possession of child sexual abuse material in statute.

**Section 9:** Amends AS 12.55.078(f) to include possession and distribution of generated obscene child sexual abuse material as crimes to which a court may not suspend the imposition or entry of judgment and may not defer prosecution to mirror that of distribution and possession of child sexual abuse material in statute.

**Section 10:** Amends AS 12.55.085(f) to include possession and distribution of generated obscene child sexual abuse material as crimes to which a court may not suspend the imposition of a sentence to mirror that of distribution and possession of child sexual abuse material in statute.

**Section 11:** Amends AS 12.55.100(e) to include possession and distribution of generated obscene child sexual abuse material as crimes to which a court should impose additional obligations on the defendant, while on probation and as a condition of probation to mirror that of distribution and possession of child sexual abuse material in statute.

**Section 12:** Amends AS 12.55.125(i) to include the possession and distribution of generated obscene child sexual abuse material in the sentencing guidelines to mirror that of distribution and possession of child sexual abuse material in statute.

**Section 13:** Amends AS 12.55.127(d) to include the possession and distribution of generated obscene child sexual abuse material as crimes to which a consecutive term of imprisonment shall be imposed for some additional term of imprisonment for each additional crime or each additional attempt or solicitation to commit the offense to mirror that of distribution and possession of child sexual abuse material in statute.

**Section 14:** Amends AS 12.55.185(16) to include the possession and distribution of generated obscene child sexual abuse material as a “sexual felony” to mirror that of distribution and possession of child sexual abuse material in statute.

**Section 15:** Amends AS 12.62.900(22) to include the possession and distribution of generated obscene child sexual abuse material as a “serious offense” to mirror that of distribution and possession of child sexual abuse material in statute.

**Section 16:** Amends AS 14.20.030(b) to include the possession and distribution of generated obscene child sexual abuse material as crimes to which the certificate would be revoked for life upon conviction of said crime to mirror that of distribution and possession of child sexual abuse material in statute.

**Section 17:** Amends 28.15.046(c) to include the possession and distribution of generated obscene child sexual abuse material as a crime that will remove the eligibility to hold a bus driver’s license to mirror that of distribution and possession of child sexual abuse material in statute.

**Section 18:** Amends AS 44.23.080(a) to include the possession and distribution of generated obscene child sexual abuse as a violation that qualifies for an administrative subpoena to obtain the business records of the Internet service provider to mirror that of distribution and possession of child sexual abuse material in statute.

**Section 19:** Amends AS 47.12.110(d) to include the possession and distribution of generated obscene child sexual abuse material as crimes which a court may make open to the public if the department files with the court a motion asking the court to open the hearing to the public to mirror that of distribution and possession of child sexual abuse material in statute.

**Section 20:** Amends AS 47.12.315(a) to include the possession and distribution of generated obscene child sexual abuse material as a crime a department shall disclose information to the public to mirror that of distribution and possession of child sexual abuse material in statute.

**Section 21:** Amends uncodified law of the State of Alaska to verify that none of the criminal provisions of the statute are intended to apply retroactively.