

**CS FOR HOUSE BILL NO. 97(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVE FIELDS

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to human trafficking; relating to theft; relating to organized theft;  
2 relating to theft of medical records and medical information; relating to mail theft;  
3 establishing the crime of wage theft; relating to aggravating factors at sentencing;  
4 relating to claims for unpaid wages; and providing for an effective date."

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

6 \* **Section 1.** AS 11.41.360(a) is amended to read:

7 (a) A person commits the crime of human trafficking in the first degree if the  
8 person

9 **(1)** [COMPELS OR] induces **or causes** another person to engage in  
10 [SEXUAL CONDUCT,] adult entertainment [,] or labor [IN THE STATE] by force or  
11 threat of force against any person; **or**

12 **(2) violates AS 11.41.365 and the victim is under 21 years of age** [,  
13 OR BY DECEPTION].

14 \* **Sec. 2.** AS 11.41.360(c) is amended to read:

1 (c) Human trafficking in the first degree is an unclassified [A CLASS A]  
2 felony.

3 \* **Sec. 3.** AS 11.41.365(b) is amended to read:

4 (b) Human trafficking in the second degree is a class A [B] felony.

5 \* **Sec. 4.** AS 11.41 is amended by adding new sections to read:

6 **Sec. 11.41.366. Human trafficking in the third degree.** (a) A person  
7 commits the crime of human trafficking in the third degree if the person provides  
8 services, resources, or other assistance with the intent to promote a violation of  
9 AS 11.41.360 or 11.41.365.

10 (b) Human trafficking in the third degree is a

11 (1) class B felony if the value of the services, resources, or other  
12 assistance provided is \$200 or more;

13 (2) class C felony if the value of the services, resources, or other  
14 assistance provided is less than \$200.

15 **Sec. 11.41.367. Applicability of AS 11.41.360 - 11.41.366.** AS 11.41.360 -  
16 11.41.366 do not apply to acts that may reasonably be construed to be a normal  
17 caretaker request of a child or a normal interaction with a child.

18 **Sec. 11.41.369. Forfeiture.** (a) Property used to institute, aid, or facilitate, or  
19 received or derived from, a violation of AS 11.41.360 - 11.41.366, including real  
20 property, may be forfeited at sentencing.

21 (b) The legislature may appropriate funds received from the sale of property  
22 forfeited under (a) of this section for an offense under AS 11.41.360 - 11.41.366 to  
23 programs that provide resources to victims of human trafficking.

24 \* **Sec. 5.** AS 11.41.530(a) is amended to read:

25 (a) A person commits the crime of coercion if, under circumstances not  
26 proscribed under AS 11.41.360 - 11.41.366 or 11.41.410 - 11.41.427 [AS 11.41.410 -  
27 11.41.427], the person compels another to engage in conduct from which there is a  
28 legal right to abstain or abstain from conduct in which there is a legal right to engage,  
29 by means of instilling in the person who is compelled a fear that, if the demand is not  
30 complied with, the person who makes the demand or another may

31 (1) inflict physical injury on anyone, except under circumstances

1 constituting robbery in any degree, or commit any other crime;

2 (2) accuse anyone of a crime;

3 (3) expose confidential information or a secret, whether true or false,  
4 tending to subject a person to hatred, contempt, or ridicule or to impair the person's  
5 credit or business repute;

6 (4) take or withhold action as a public servant or cause a public servant  
7 to take or withhold action;

8 (5) bring about or continue a strike, boycott, or other collective  
9 unofficial action, if the property is not demanded or received for the benefit of the  
10 group in whose interest the person making the threat or suggestion purports to act;

11 (6) testify or provide information or withhold testimony or information  
12 with respect to a person's legal claim or defense.

13 \* **Sec. 6.** AS 11.46.100 is amended to read:

14 **Sec. 11.46.100. Theft defined.** A person commits theft if, under  
15 circumstances not amounting to wage theft as defined in AS 11.46.201,

16 (1) with intent to deprive another of property or to appropriate property  
17 of another to oneself or a third person, the person obtains the property of another;

18 (2) the person commits theft of lost or mislaid property under  
19 AS 11.46.160;

20 (3) the person commits theft by deception under AS 11.46.180;

21 (4) the person commits theft by receiving under AS 11.46.190;

22 (5) the person commits theft of services under AS 11.46.200; or

23 (6) the person commits theft by failure to make required disposition of  
24 funds received or held under AS 11.46.210.

25 \* **Sec. 7.** AS 11.46 is amended by adding a new section to read:

26 **Sec. 11.46.115. Organized theft.** (a) A person commits the crime of organized  
27 theft if the person, in coordination with a group of two or more persons, commits two  
28 or more instances of theft as defined in AS 11.46.100 and

29 (1) the value of property or services taken on each occasion is \$750 or  
30 more; or

31 (2) the property is

- 1 (A) a firearm or explosive;
- 2 (B) taken from the person of another;
- 3 (C) taken from a vessel and is vessel safety or survival
- 4 equipment;
- 5 (D) taken from an aircraft and the property is aircraft safety or
- 6 survival equipment.

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

8 \* **Sec. 8.** AS 11.46.120(a) is amended to read:

9 (a) A person commits the crime of theft in the first degree if, **under**  
10 **circumstances not amounting to wage theft as defined in AS 11.46.201,** the person  
11 commits theft as defined in AS 11.46.100 and the value **or aggregate value** of the  
12 property or services is \$25,000 or more.

13 \* **Sec. 9.** AS 11.46.130(a) is amended to read:

14 (a) A person commits the crime of theft in the second degree if, **under**  
15 **circumstances not amounting to wage theft as defined in AS 11.46.201,** the person  
16 commits theft as defined in AS 11.46.100 and

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

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

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

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

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

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

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

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

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

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

5 (7) the property is

6 **(A) an access device;**

7 **(B) an [OR] identification document; or**

8 **(C) a medical record or other medical information.**

9 \* **Sec. 10.** AS 11.46.140(a) is amended to read:

10 (a) A person commits the crime of theft in the third degree if, **under**  
11 **circumstances not amounting to wage theft as defined in AS 11.46.201,** the person  
12 commits theft as defined in AS 11.46.100 and

13 (1) the value **or aggregate value** of the property or services is \$250 or  
14 more but less than \$750; or

15 (2) [REPEALED]

16 (3) [REPEALED]

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

21 **(5) the property is mail.**

22 \* **Sec. 11.** AS 11.46.140 is amended by adding a new subsection to read:

23 (c) The provisions of (a)(5) of this section do not apply to an act carried out in  
24 accordance with the official duties of an employee charged with the operation of a  
25 juvenile treatment facility, juvenile detention facility, or correctional facility. In this  
26 subsection, "juvenile detention facility" and "juvenile treatment facility" have the  
27 meanings given in AS 47.12.990.

28 \* **Sec. 12.** AS 11.46.150(a) is amended to read:

29 (a) A person commits the crime of theft in the fourth degree if, **under**  
30 **circumstances not amounting to wage theft as defined in AS 11.46.201,** the person  
31 commits theft as defined in AS 11.46.100 and the value **or aggregate value** of the

property or services is less than \$250.

\* **Sec. 13.** AS 11.46.180(a) is amended to read:

(a) A person commits theft by deception if, under circumstances not amounting to wage theft as defined in AS 11.46.201, with intent to deprive another of property or to appropriate property of another to oneself or a third person, the person obtains the property of another by deception.

\* **Sec. 14.** AS 11.46 is amended by adding new sections to read:

**Sec. 11.46.201. Wage theft defined.** A person commits wage theft if, as an employer, the person intentionally

(1) fails to pay an employee's or independent contractor's wage, salary, or agreed-on compensation for work performed;

(2) pays an employee a wage below the minimum wage established by federal, state, or local law;

(3) fails to pay overtime wages to an employee as required by law;

(4) requires an employee or independent contractor to perform work without compensation;

(5) withholds or diverts any portion of wages, tips, gratuities, commissions, or service fees owed to an employee or independent contractor without legal or contractual justification;

(6) misclassifies an employee as an independent contractor to avoid paying wages, benefits, or employment protections required by law;

(7) fails to provide full payment to an independent contractor for completed work within the time frame established by the contract; or

(8) makes a deduction from an employee's or independent contractor's wages or compensation without express written consent or legal authorization.

**Sec. 11.46.203. Wage theft in the first degree.** (a) A person commits the crime of wage theft in the first degree if the person commits wage theft as defined in AS 11.46.201 and the value of the unpaid wages or compensation is \$20,000 or more.

(b) Wage theft in the first degree is a class B felony.

**Sec. 11.46.205. Wage theft in the second degree.** (a) A person commits the crime of wage theft in the second degree if the person commits wage theft as defined

1 in AS 11.46.201 and

2 (1) the value of the unpaid wages or compensation is \$1,000 or more  
3 but less than \$20,000; or

4 (2) the value of the unpaid wages or compensation is less than \$1,000  
5 and, within the preceding 10 years, the person has been convicted and sentenced on  
6 three or more separate occasions of a crime in this or another jurisdiction with  
7 elements similar to an offense committed under AS 11.46.207.

8 (b) Wage theft in the second degree is a class C felony.

9 **Sec. 11.46.207. Wage theft in the third degree.** (a) A person commits the  
10 crime of wage theft in the third degree if the person commits wage theft as defined in  
11 AS 11.46.201 and the value of the unpaid wages or compensation is less than \$1,000.

12 (b) Wage theft in the third degree is a class A misdemeanor.

13 \* **Sec. 15.** AS 11.46.980(c) is amended to read:

14 (c) In determining the degree or classification of a crime under this chapter,  
15 amounts involved in criminal acts committed under one course of conduct, whether  
16 from the same **individual** [PERSON] or several **individuals** [PERSONS], shall be  
17 aggregated.

18 \* **Sec. 16.** AS 11.46.980(e) is amended to read:

19 (e) In determining the degree or classification of a crime under this chapter, if  
20 the combined value of the property or services taken from one or more **individuals**  
21 [PERSONS OR COMMERCIAL ESTABLISHMENTS] within a period of 180 days  
22 is \$750 or more but less than \$25,000, the value may be aggregated.

23 \* **Sec. 17.** AS 11.46.990 is amended by adding a new paragraph to read:

24 (15) "aggregate value" means the total value of merchandise taken,  
25 concealed, altered, or transferred from any commercial establishment over the course  
26 of one calendar year.

27 \* **Sec. 18.** AS 11.81.250(a) is amended to read:

28 (a) For purposes of sentencing under AS 12.55, all offenses defined in this  
29 title, except murder in the first and second degree, attempted murder in the first  
30 degree, solicitation to commit murder in the first degree, conspiracy to commit murder  
31 in the first degree, murder of an unborn child, **human trafficking in the first degree,**

1 sexual assault in the first degree, sexual abuse of a minor in the first degree,  
2 misconduct involving a controlled substance in the first degree, sex trafficking in the  
3 first degree under AS 11.66.110(a)(2), and kidnapping, are classified on the basis of  
4 their seriousness, according to the type of injury characteristically caused or risked by  
5 commission of the offense and the culpability of the offender. Except for murder in the  
6 first and second degree, attempted murder in the first degree, solicitation to commit  
7 murder in the first degree, conspiracy to commit murder in the first degree, murder of  
8 an unborn child, **human trafficking in the first degree**, sexual assault in the first  
9 degree, sexual abuse of a minor in the first degree, misconduct involving a controlled  
10 substance in the first degree, sex trafficking in the first degree under  
11 AS 11.66.110(a)(2), and kidnapping, the offenses in this title are classified into the  
12 following categories:

13 (1) class A felonies, which characteristically involve conduct resulting  
14 in serious physical injury or a substantial risk of serious physical injury to a person;

15 (2) class B felonies, which characteristically involve conduct resulting  
16 in less severe violence against a person than class A felonies, aggravated offenses  
17 against property interests, or aggravated offenses against public administration or  
18 order;

19 (3) class C felonies, which characteristically involve conduct serious  
20 enough to deserve felony classification but not serious enough to be classified as A or  
21 B felonies;

22 (4) class A misdemeanors, which characteristically involve less severe  
23 violence against a person, less serious offenses against property interests, less serious  
24 offenses against public administration or order, or less serious offenses against public  
25 health and decency than felonies;

26 (5) class B misdemeanors, which characteristically involve a minor  
27 risk of physical injury to a person, minor offenses against property interests, minor  
28 offenses against public administration or order, or minor offenses against public health  
29 and decency;

30 (6) violations, which characteristically involve conduct inappropriate  
31 to an orderly society but which do not denote criminality in their commission.



1 \* **Sec. 19.** AS 11.81.250(b) is amended to read:

2 (b) The classification of each felony defined in this title, except murder in the  
3 first and second degree, attempted murder in the first degree, solicitation to commit  
4 murder in the first degree, conspiracy to commit murder in the first degree, murder of  
5 an unborn child, human trafficking in the first degree, sexual assault in the first  
6 degree, sexual abuse of a minor in the first degree, misconduct involving a controlled  
7 substance in the first degree, sex trafficking in the first degree under  
8 AS 11.66.110(a)(2), and kidnapping, is designated in the section defining it. A felony  
9 under the law of this state defined outside this title for which no penalty is specifically  
10 provided is a class C felony.

11 \* **Sec. 20.** AS 11.81.900(b) is amended by adding a new paragraph to read:

12 (71) "adult entertainment" means an activity in which one or more  
13 individuals are employed, contracted, or permitted to, wholly or in part, entertain  
14 others by

15 (A) removing clothes or other items that clothe or hide the  
16 person's body;

17 (B) dancing or in any other manner exhibiting the individual's  
18 body in a completely or almost completely unclothed state;

19 (C) participating in a simulated illegal, indecent, or lewd  
20 exhibition, act, or practice, including simulated

21 (i) sexual penetration;

22 (ii) the lewd exhibition or touching of a person's  
23 genitals, anus, or breast; or

24 (iii) bestiality;

25 \* **Sec. 21.** AS 12.10.010(b) is amended to read:

26 (b) Except as otherwise provided by law or in (a) of this section, a person may  
27 not be prosecuted, tried, or punished for an offense unless the indictment is found or  
28 the information or complaint is instituted not later than

29 (1) 10 years after the commission of a felony offense in violation of  
30 AS 11.41.120 - 11.41.330, 11.41.366, 11.41.425(a)(1), 11.41.425(a)(5),  
31 11.41.425(a)(6), or 11.41.450 - 11.41.458; or

(2) five years after the commission of any other offense.

\* **Sec. 22.** AS 12.37.010 is amended to read:

**Sec. 12.37.010. Authorization to intercept communications.** The attorney general, or a person designated in writing or by law to act for the attorney general, may authorize, in writing, an ex parte application to a court of competent jurisdiction for an order authorizing the interception of a private communication if the interception may provide evidence of, or may assist in the apprehension of persons who have committed, are committing, or are planning to commit, the following offenses:

- (1) murder in the first or second degree under AS 11.41.100 - 11.41.110;
- (2) kidnapping under AS 11.41.300;
- (3) a class A or unclassified felony drug offense under AS 11.71;
- (4) sex trafficking in the first or second degree under AS 11.66.110 and 11.66.120; or
- (5) human trafficking [IN THE FIRST DEGREE] under AS 11.41.360 **or 11.41.365.**

\* **Sec. 23.** AS 12.55.035(b) is amended to read:

(b) Upon conviction of an offense, a defendant who is not an organization may be sentenced to pay, unless otherwise specified in the provision of law defining the offense, a fine of not more than

- (1) \$500,000 for murder in the first or second degree, attempted murder in the first degree, murder of an unborn child, **human trafficking in the first degree**, sexual assault in the first degree under AS 11.41.410(a)(1)(A), (2), (3), or (4), sexual abuse of a minor in the first degree, kidnapping, sex trafficking in the first degree under AS 11.66.110(a)(2), or misconduct involving a controlled substance in the first degree;
- (2) \$250,000 for a class A felony;
- (3) \$100,000 for a class B felony;
- (4) \$50,000 for a class C felony;
- (5) \$25,000 for a class A misdemeanor;
- (6) \$2,000 for a class B misdemeanor;

1 (7) \$500 for a violation.

2 \* **Sec. 24.** AS 12.55.045 is amended by adding a new subsection to read:

3 (p) In imposing restitution under this section, the court shall order a defendant  
4 convicted of a violation of AS 11.46.203 - 11.46.207 to pay the victim restitution in an  
5 amount that fully compensates the victim for unpaid wages or owed compensation.

6 \* **Sec. 25.** AS 12.55.125(b) is amended to read:

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

23 \* **Sec. 26.** AS 12.55.155(c) is amended by adding a new paragraph to read:

24 (38) the offense was one of a continuing series of criminal offenses  
25 that qualify as organized theft.

26 \* **Sec. 27.** AS 23.05.180 is amended by adding a new subsection to read:

27 (c) If an employer is found to owe unpaid wages, in addition to fully  
28 compensating the employee for the wages or part of the wages, the employer shall

29 (1) pay damages in an amount equal to double the amount of unpaid  
30 wages; and

31 (2) reimburse the employee for any legal costs incurred in pursuing the

1 unpaid wages.

2 \* **Sec. 28.** AS 23.10.110(a) is amended to read:

3 (a) An employer who violates a provision of AS 23.10.060 or 23.10.065 is  
4 liable to an employee affected in the amount of unpaid minimum wages, or unpaid  
5 overtime compensation, as the case may be, and [, EXCEPT AS PROVIDED IN (d)  
6 OF THIS SECTION, IN] an additional equal amount as liquidated damages.

7 \* **Sec. 29.** AS 23.10.110(c) is amended to read:

8 (c) The court in an action brought under this section shall, in addition to a  
9 judgment awarded to the plaintiff, allow costs of the action and [, EXCEPT AS  
10 PROVIDED IN (e) - (h) OF THIS SECTION,] reasonable attorney fees to be paid by  
11 the defendant. The attorney fees in the case of actions brought under this section by  
12 the commissioner shall be remitted by the commissioner to the Department of  
13 Revenue. The commissioner may not be required to pay the filing fee or other costs.  
14 The commissioner in case of suit has power to join various claimants against the same  
15 employer in one cause of action.

16 \* **Sec. 30.** AS 11.41.360(b); AS 23.10.110(d), 23.10.110(e), 23.10.110(f), 23.10.110(g), and  
17 23.10.110(h) are repealed.

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

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

- 22 (1) AS 11.41.360(a), as amended by sec. 1 of this Act;
- 23 (2) AS 11.41.360(c), as amended by sec. 2 of this Act;
- 24 (3) AS 11.41.365(b), as amended by sec. 3 of this Act;
- 25 (4) AS 11.41.366 - 11.41.369, enacted by sec. 4 of this Act;
- 26 (5) AS 11.41.530(a), as amended by sec. 5 of this Act;
- 27 (6) AS 11.46.115, enacted by sec. 7 of this Act;
- 28 (7) AS 11.46.120(a), as amended by sec. 8 of this Act;
- 29 (8) AS 11.46.130(a), as amended by sec. 9 of this Act;
- 30 (9) AS 11.46.140(a), as amended by sec. 10 of this Act;
- 31 (10) AS 11.46.140(c), enacted by sec. 11 of this Act;

- 1 (11) AS 11.46.150(a), as amended by sec. 12 of this Act;
- 2 (12) AS 11.46.201 - 11.46.207, enacted by sec. 14 of this Act;
- 3 (13) AS 11.46.980(c), as amended by sec. 15 of this Act;
- 4 (14) AS 11.46.980(e), as amended by sec. 16 of this Act;
- 5 (15) AS 11.81.250(a), as amended by sec. 18 of this Act;
- 6 (16) AS 11.81.250(b), as amended by sec. 19 of this Act;
- 7 (17) AS 11.81.900(b), as amended by sec. 20 of this Act;
- 8 (18) AS 12.10.010(b), as amended by sec. 21 of this Act; and
- 9 (19) AS 12.37.010, as amended by sec. 22 of this Act.

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

- 12 (1) AS 12.55.035(b), as amended by sec. 23 of this Act; and
- 13 (2) AS 12.55.125(b), as amended by sec. 25 of this Act.

14 (c) AS 23.05.180(c), enacted by sec. 27 of this Act, and AS 23.10.110, as amended by  
15 secs. 28 - 30 of this Act, apply to claims brought on or after the effective date of this Act.

16 \* **Sec. 32.** This Act takes effect July 1, 2025.