

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE VANCE

TO: CSHB 97(JUD), Draft Version "T"

Page 1, line 1, following "Act":

Insert "**relating to human trafficking;**"

Page 1, following line 4:

Insert new bill sections to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

6 **Sec. 11.41.367. Applicability of AS 11.41.360 - 11.41.366.** AS 11.41.360 -
7 11.41.366 do not apply to acts that may reasonably be construed to be a normal
8 caretaker request of a child or a normal interaction with a child.

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

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

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

16 (a) A person commits the crime of coercion if, under circumstances not
17 proscribed under AS 11.41.360 - 11.41.366 or 11.41.410 - 11.41.427 [AS 11.41.410 -
18 11.41.427], the person compels another to engage in conduct from which there is a
19 legal right to abstain or abstain from conduct in which there is a legal right to engage,
20 by means of instilling in the person who is compelled a fear that, if the demand is not
21 complied with, the person who makes the demand or another may

22 (1) inflict physical injury on anyone, except under circumstances
23 constituting robbery in any degree, or commit any other crime;

24 (2) accuse anyone of a crime;

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

28 (4) take or withhold action as a public servant or cause a public servant
29 to take or withhold action;

30 (5) bring about or continue a strike, boycott, or other collective
31 unofficial action, if the property is not demanded or received for the benefit of the

group in whose interest the person making the threat or suggestion purports to act;

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

Page 1, line 5:

Delete "**Section 1**"

Insert "**Sec. 6**"

Renumber the following bill sections accordingly.

Page 5, following line 18:

Insert new bill sections to read:

"* **Sec. 16.** AS 11.81.250(a) is amended to read:

(a) For purposes of sentencing under AS 12.55, all offenses defined in this title, except murder in the first and second degree, attempted murder in the first degree, solicitation to commit murder in the first degree, conspiracy to commit murder in the first degree, murder of an unborn child, **human trafficking in the first degree**, sexual assault in the first degree, sexual abuse of a minor in the first degree, misconduct involving a controlled substance in the first degree, sex trafficking in the first degree under AS 11.66.110(a)(2), and kidnapping, are classified on the basis of their seriousness, according to the type of injury characteristically caused or risked by commission of the offense and the culpability of the offender. Except for murder in the first and second degree, attempted murder in the first degree, solicitation to commit murder in the first degree, conspiracy to commit murder in the first degree, murder of an unborn child, **human trafficking in the first degree**, sexual assault in the first degree, sexual abuse of a minor in the first degree, misconduct involving a controlled substance in the first degree, sex trafficking in the first degree under AS 11.66.110(a)(2), and kidnapping, the offenses in this title are classified into the following categories:

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

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

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

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

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

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

* **Sec. 17.** AS 11.81.250(b) is amended to read:

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

* **Sec. 18.** AS 11.81.900(b) is amended by adding a new paragraph to read:

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

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

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

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

(i) sexual penetration;

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

(iii) bestiality;

* **Sec. 19.** AS 12.10.010(b) is amended to read:

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

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

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

* **Sec. 20.** 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. 21.** 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;

(7) \$500 for a violation."

Renumber the following bill sections accordingly.

Page 5, following line 28:

Insert a new bill section to read:

"* **Sec. 23.** AS 12.55.125(b) is amended to read:

(b) A defendant convicted of attempted murder in the first degree, solicitation to commit murder in the first degree, conspiracy to commit murder in the first degree, kidnapping, **human trafficking in the first degree**, or misconduct involving a controlled substance in the first degree shall be sentenced to a definite term of imprisonment of at least five years but not more than 99 years. A defendant convicted of murder in the second degree or murder of an unborn child under AS 11.41.150(a)(2) - (4) shall be sentenced to a definite term of imprisonment of at

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

10
 11 Renumber the following bill sections accordingly.

12
 13 Page 5, following line 31:

14 Insert a new bill section to read:

15 **"* Sec. 25.** AS 11.41.360(b) is repealed."
 16

17 Renumber the following bill sections accordingly.

18
 19 Page 6, line 3, following "APPLICABILITY.":

20 Insert "(a)"
 21

22 Page 6, following line 4:

23 Insert new paragraphs to read:

- 24 "(1) AS 11.41.360(a), as amended by sec. 1 of this Act;
- 25 (2) AS 11.41.360(c), as amended by sec. 2 of this Act;
- 26 (3) AS 11.41.365(b), as amended by sec. 3 of this Act;
- 27 (4) AS 11.41.366 - 11.41.369, enacted by sec. 4 of this Act;
- 28 (5) AS 11.41.530(a), as amended by sec. 5 of this Act;"

29
 30 Renumber the following paragraphs accordingly.

1 Page 6, line 5:

2 Delete "sec. 2"

3 Insert "sec. 7"

5 Page 6, line 6:

6 Delete "sec. 3"

7 Insert "sec. 8"

9 Page 6, line 7:

10 Delete "sec. 4"

11 Insert "sec. 9"

13 Page 6, line 8:

14 Delete "sec. 5"

15 Insert "sec. 10"

17 Page 6, line 9:

18 Delete "sec. 6"

19 Insert "sec. 11"

21 Page 6, line 10:

22 Delete "sec. 7"

23 Insert "sec. 12"

24 Delete "and"

26 Page 6, line 11:

27 Delete "sec. 9"

28 Insert "sec. 14"

29 Following "Act":

30 Insert ";

31 (13) AS 11.81.250(a), as amended by sec. 16 of this Act;

- 1 (14) AS 11.81.250(b), as amended by sec. 17 of this Act;
2 (15) AS 11.81.900(b), as amended by sec. 18 of this Act;
3 (15) AS 12.10.010, as amended by sec. 19 of this Act; and
4 (16) AS 12.37.010, as amended by sec. 20 of this Act"

5
6 Page 6, following line 11:

7 Insert a new subsection to read:

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

- 10 (1) AS 12.55.035(b), as amended by sec. 21 of this Act;
11 (2) AS 12.55.125(b), as amended by sec. 23 of this Act."