

**CS FOR HOUSE BILL NO. 47(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

**Offered:****Referred:****Sponsor(s): REPRESENTATIVES VANCE, Underwood, Allard, McCabe, Costello****A BILL****FOR AN ACT ENTITLED**

1   **"An Act relating to crime and criminal procedure; relating to generated obscene child**  
2   **sexual abuse material; relating to teaching certificates; and relating to licensing of**  
3   **school bus drivers."**

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

5   \* **Section 1.** AS 11.61.120(a) is amended to read:

6                   (a) A person commits the crime of harassment in the second degree if, with  
7                   intent to harass or annoy another person, that person  
8                   (1) insults, taunts, or challenges another person in a manner likely to  
9                   provoke an immediate violent response;  
10                   (2) telephones another and fails to terminate the connection with intent  
11                   to impair the ability of that person to place or receive telephone calls;  
12                   (3) makes repeated telephone calls at extremely inconvenient hours;  
13                   (4) makes an anonymous or obscene telephone call, an obscene  
14                   electronic communication, or a telephone call or electronic communication that

threatens physical injury or sexual contact;

(5) subjects another person to offensive physical contact;

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

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

(8) under circumstances not proscribed under AS 11.41.455,

**AS 11.61.121, 11.61.125** [AS 11.61.125], or 11.61.128, repeatedly sends to another person, publishes, or distributes electronic or printed photographs, pictures, or films that show the genitals of any person.

\* **Sec. 2.** AS 11.61 is amended by adding new sections to read:

## Sec. 11.61.121. Distribution of generated obscene child sexual abuse

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

(b) The possession of 100 or more films, audio, video, electronic, or electromagnetic recordings, photographs, negatives, slides, books, newspapers, magazines, or other materials, including a combination of these items totaling 100 or more, is prima facie evidence of distribution and intent to distribute under (a) of this section.

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

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

(1) class B felony; or

(2) class A felony if the person has been previously convicted of

1 distribution of generated obscene child sexual abuse material in this jurisdiction,  
2 distribution of child sexual abuse materials under AS 11.61.125, or a similar crime in  
3 this or another jurisdiction.

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

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

10 (2) depicts, in a patently offensive way, a child under 18 years of age  
11 who, by manipulation, creation, or modification, appears to be engaged in conduct  
12 described in AS 11.41.455(a)(1) - (7), regardless of whether an actual child was used;  
13 and

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

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

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

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

26 \* **Sec. 3. AS 11.61.125(e) is amended to read:**

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

28 (1) class B felony; or

29 (2) class A felony if the person has been previously convicted of  
30 distribution of child sexual abuse material in this jurisdiction, distribution of  
31 generated obscene child sexual abuse material under AS 11.61.121, or a similar

crime in this or another jurisdiction.

\* Sec. 4. AS 11.61.127(a) is amended to read:

(a) A person commits the crime of possession of child sexual abuse material if the person knowingly possesses or knowingly accesses on a computer with intent to view any material that visually depicts conduct described in AS 11.41.455(a)(1) - (7) [AS 11.41.455(a)] knowing that the

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

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

\* **Sec. 5.** AS 11.61.127(b) is amended to read:

(b) This section does not apply to

**(1)** persons providing plethysmograph assessments in the course of a sex offender treatment program that meets the minimum standards under AS 33.30.011(a)(5); 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, 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 paragraph, "interactive computer service" means an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and those systems operated or services offered by libraries or educational institutions.

\* **Sec. 6.** AS 11.61.129(a) is amended to read:

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

1       \* **Sec. 7.** AS 11.66.100(c) is amended to read:

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

5                   (A) murder in the first degree under AS 11.41.100;  
6                   (B) murder in the second degree under AS 11.41.110;  
7                   (C) manslaughter under AS 11.41.120;  
8                   (D) criminally negligent homicide under AS 11.41.130;  
9                   (E) assault in the first degree under AS 11.41.200;  
10                  (F) assault in the second degree under AS 11.41.210;  
11                  (G) assault in the third degree under AS 11.41.220;  
12                  (H) assault in the fourth degree under AS 11.41.230;  
13                  (I) sexual assault in the first degree under AS 11.41.410;  
14                  (J) sexual assault in the second degree under AS 11.41.420;  
15                  (K) sexual assault in the third degree under AS 11.41.425;  
16                  (L) sexual assault in the fourth degree under AS 11.41.427;  
17                  (M) sexual abuse of a minor in the first degree under  
18 AS 11.41.434;

19                  (N) sexual abuse of a minor in the second degree under  
20 AS 11.41.436;

21                  (O) sexual abuse of a minor in the third degree under  
22 AS 11.41.438;

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

25                  (Q) robbery in the first degree under AS 11.41.500;

26                  (R) robbery in the second degree under AS 11.41.510;

27                  (S) extortion under AS 11.41.520;

28                  (T) coercion under AS 11.41.530;

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

31                  (V) possession of child sexual abuse material under

1 AS 11.61.127;

2 (W) sex trafficking in the first degree under AS 11.66.110;

3 (X) sex trafficking in the second degree under AS 11.66.120;

4 (Y) sex trafficking in the third degree under AS 11.66.130;

5 [OR]

6 (Z) sex trafficking in the fourth degree under AS 11.66.135;

7 **(AA) distribution of generated obscene child sexual abuse**  
8 **material under AS 11.61.121; or**

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

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

14 (3) person cooperated with law enforcement personnel.

15 \* **Sec. 8.** AS 12.10.010(a) is amended to read:

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

17 (1) murder;

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

20 (3) felony sexual abuse of a minor;

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

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

26 (6) kidnapping;

27 (7) **distribution of generated obscene child sexual abuse material in**  
28 **violation of AS 11.61.121 or** distribution of child sexual abuse material in violation of  
29 AS 11.61.125;

30 (8) sex trafficking in violation of AS 11.66.110 - 11.66.130 that is an  
31 unclassified, class A, or class B felony or that is committed against a person who, at

1 the time of the offense, was under 20 years of age;

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

3 \* **Sec. 9.** AS 12.55.078(f) is amended to read:

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

6 (1) is charged with a violation of AS 11.41.100 - 11.41.220, 11.41.260  
7 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400,  
8 **AS 11.61.121, 11.61.122, 11.61.125 - 11.61.128** [AS 11.61.125 - 11.61.128], or  
9 AS 11.66.110 - 11.66.135;

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

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

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

23 (A) the charges were dismissed under this section;  
24 (B) the conviction has been set aside under AS 12.55.085; or  
25 (C) the charge or conviction was dismissed or set aside under  
26 an equivalent provision of the laws of another jurisdiction; or

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

29 \* **Sec. 10.** AS 12.55.085(f) is amended to read:

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

31 (1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260

1       - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400,  
2       AS 11.61.121, 11.61.122, 11.61.125 - 11.61.128 [AS 11.61.125 - 11.61.128], or  
3       AS 11.66.110 - 11.66.135;

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

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

13       \* **Sec. 11.** AS 12.55.100(e) is amended to read:

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

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

17                               (A) shall be required to submit to regular periodic polygraph  
18       examinations;

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

24                               (2) if the defendant was convicted of a violation of AS 11.41.434 -  
25       11.41.455, AS 11.61.121, 11.61.122, 11.61.125 - 11.61.128 [AS 11.61.125 -  
26       11.61.128], or a similar offense in another jurisdiction, the defendant may be required  
27       to refrain from

28                                       (A) using or creating an Internet site;

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

30                                       (C) possessing or using a computer; or

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

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

2 \* **Sec. 12.** AS 12.55.125(i) is amended to read:

3 (i) A defendant convicted of

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

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

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

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

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

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

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

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

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

28 (2) sexual assault in the first degree under AS 11.41.410(a)(1)(B),  
29 unlawful exploitation of a minor under AS 11.41.455(c)(1), enticement of a minor  
30 under AS 11.41.452(e), or attempt, conspiracy, or solicitation to commit sexual assault  
31 in the first degree under AS 11.41.410(a)(1)(A), (2), (3), or (4), sexual abuse of a

1 minor in the first degree, or sex trafficking in the first degree under  
2 AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more  
3 than 99 years and shall be sentenced to a definite term within the following  
4 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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

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

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

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

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

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

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

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

23 (3) sexual assault in the second degree, sexual abuse of a minor in the  
24 second degree, enticement of a minor under AS 11.41.452(d), indecent exposure in the  
25 first degree under AS 11.41.458(b)(2), **distribution of generated obscene child**  
26 **sexual abuse material under AS 11.61.121(d)(2)**, distribution of child sexual abuse  
27 material under AS 11.61.125(e)(2), patron of a victim of sex trafficking under  
28 AS 11.66.137, or attempt, conspiracy, or solicitation to commit sexual assault in the  
29 first degree under AS 11.41.410(a)(1)(B) may be sentenced to a definite term of  
30 imprisonment of not more than 99 years and shall be sentenced to a definite term  
31 within the following presumptive ranges, subject to adjustment as provided in

1 AS 12.55.155 - 12.55.175:

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

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

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

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

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

11 (4) sexual assault in the third degree, sexual abuse of a minor in the  
12 third degree under AS 11.41.438(c), incest, indecent exposure in the first degree under  
13 AS 11.41.458(b)(1), **distribution of generated obscene child sexual abuse material**  
14 **under AS 11.61.121(d)(1), possession of generated obscene child sexual abuse**  
15 **material**, indecent viewing or production of a picture under AS 11.61.123(g)(1) or  
16 (2), possession of child sexual abuse material, distribution of child sexual abuse  
17 material under AS 11.61.125(e)(1), patron of a victim of sex trafficking under  
18 AS 11.66.137, or attempt, conspiracy, or solicitation to commit sexual assault in the  
19 second degree, sexual abuse of a minor in the second degree, **distribution of**  
20 **generated obscene child sexual abuse material**, unlawful exploitation of a minor,  
21 distribution of child sexual abuse material **under AS 11.61.125(e)(2)**, or patron of a  
22 victim of sex trafficking under AS 11.66.137, may be sentenced to a definite term of  
23 imprisonment of not more than 99 years and shall be sentenced to a definite term  
24 within the following presumptive ranges, subject to adjustment as provided in  
25 AS 12.55.155 - 12.55.175:

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

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

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

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

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

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

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

\* **Sec. 13.** AS 12.55.127(d) is amended to read:

(d) If the defendant is being sentenced for two or more crimes of distribution of generated obscene child sexual abuse material under AS 11.61.121, possession of generated obscene child sexual abuse material under AS 11.61.122, distribution of child sexual abuse material under AS 11.61.125, possession of child sexual abuse material under AS 11.61.127, or distribution of indecent material to minors under AS 11.61.128, 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.

\* **Sec. 14.** AS 12.55.185(16) is amended to read:

(16) "sexual felony" means sexual assault in the first degree, sexual abuse of a minor in the first degree, sex trafficking in the first degree, sexual assault in the second degree, sexual abuse of a minor in the second degree, sexual abuse of a minor in the third degree under AS 11.41.438(c), unlawful exploitation of a minor, patron of a victim of sex trafficking, **distribution of generated obscene child sexual abuse material, possession of generated obscene child sexual abuse material,**

1 indecent viewing or production of a picture under AS 11.61.123(g)(1) or (2),  
2 distribution of child sexual abuse material, sexual assault in the third degree, incest,  
3 indecent exposure in the first degree, possession of child sexual abuse material,  
4 enticement of a minor, and felony attempt, conspiracy, or solicitation to commit those  
5 crimes;

6 \* **Sec. 15.** AS 12.62.900(22) is amended to read:

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

10 (A) a felony offense;  
11 (B) a crime involving domestic violence;  
12 (C) AS 11.41.410 - 11.41.470;  
13 (D) AS 11.51.130, 11.51.200 - 11.51.220, or AS 11.56.100 -  
14 11.56.210 [OR 11.51.200 - 11.56.210];

15 (E) AS 11.61.110(a)(7), 11.61.121, or 11.61.125;  
16 (F) AS 11.66.100 - 11.66.130;  
17 (G) former AS 11.15.120, former 11.15.134, or assault with the  
18 intent to commit rape under former AS 11.15.160; or  
19 (H) former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 -  
20 11.40.420, if committed before January 1, 1980.

21 \* **Sec. 16.** AS 14.20.030(b) is amended to read:

22 (b) The commissioner or the Professional Teaching Practices Commission  
23 shall revoke for life the certificate of a person who has been convicted of a crime, or  
24 an attempt, solicitation, or conspiracy to commit a crime, involving a minor under  
25 AS 11.41.410 - 11.41.460, AS 11.61.121, 11.61.122, 11.61.125 [AS 11.61.125], or  
26 11.61.127, or a law or ordinance in another jurisdiction with elements similar to an  
27 offense described in this subsection.

28 \* **Sec. 17.** AS 28.15.046(c) is amended to read:

29 (c) The department may not issue a license under this section to an applicant  
30 (1) who has been convicted of any of the following offenses:  
31 (A) a violation, or an attempt, solicitation, or conspiracy to

1 commit a violation, of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320,  
2 11.41.360 - 11.41.370, 11.41.410 - 11.41.470, or 11.41.500 - 11.41.530;

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

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

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

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

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

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

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

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

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

19 **(K) distribution of generated obscene child sexual abuse**  
20 **material under AS 11.61.121;**

21 **(L) possession of generated obscene child sexual abuse**  
22 **material under AS 11.61.122;** or

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

25 (A) assault in the fourth degree under AS 11.41.230;

26 (B) reckless endangerment under AS 11.41.250;

27 (C) contributing to the delinquency of a minor under  
28 AS 11.51.130;

29 (D) misdemeanor prostitution under AS 11.66.100(a)(2);

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

1       \* **Sec. 18.** AS 44.23.080(a) is amended to read:

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

10       \* **Sec. 19.** AS 47.12.110(d) is amended to read:

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

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

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

21                               (B) the minor's alleged commission of

22                                       (i) a crime against a person that is punishable as a  
23               felony;

24                                       (ii) a crime in which the minor employed a deadly  
25               weapon, as that term is defined in AS 11.81.900(b), in committing the  
26               crime;

27                                       (iii) arson under AS 11.46.400 - 11.46.410;

28                                       (iv) burglary under AS 11.46.300;

29                                       (v) distribution of child sexual abuse material under  
30               AS 11.61.125;

31                                       (vi) sex trafficking in the first degree under

1 AS 11.66.110;

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

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

8 **(C) the minor's alleged commission of a felony and the minor**  
9 **was 16 years of age or older at the time of commission of the offense when the**  
10 **minor has previously been convicted or adjudicated a delinquent minor based**  
11 **on the minor's commission of an offense that is a felony; or**

12 **(2) the minor agrees to a public hearing on the petition seeking**  
13 **adjudication of the minor as a delinquent.**

14 \* **Sec. 20.** AS 47.12.315(a) is amended to read:

15 **(a) Notwithstanding AS 47.12.310 and except as otherwise provided in this**  
16 **section, the department shall disclose information to the public, on request, concerning**  
17 **a minor subject to this chapter who was at least 13 years of age at the time of**  
18 **commission of**

19 **(1) a felony offense against a person under AS 11.41;**

20 **(2) arson in the first or second degree;**

21 **(3) burglary in the first degree;**

22 **(4) distribution of child sexual abuse material;**

23 **(5) sex trafficking in the first degree;**

24 **(6) misconduct involving a controlled substance in the first, second, or**  
25 **third degrees involving distribution or possession with intent to deliver; [OR]**

26 **(7) misconduct involving weapons in the first through fourth degrees;**

27 **or**

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

30 \* **Sec. 21.** The uncodified law of the State of Alaska is amended by adding a new section to  
31 read:

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

3                   (1) AS 11.61.120(a), as amended by sec. 1 of this Act;  
4                   (2) AS 11.61.125(e), as amended by sec. 3 of this Act;  
5                   (3) AS 11.61.127(a), as amended by sec. 4 of this Act;  
6                   (4) AS 11.61.127(b), as amended by sec. 5 of this Act;  
7                   (5) AS 11.61.129(a), as amended by sec. 6 of this Act; and  
8                   (6) AS 11.66.100(c), as amended by sec. 7 of this Act.

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

11                   (1) AS 12.55.078(f), as amended by sec. 9 of this Act;  
12                   (2) AS 12.55.085(f), as amended by sec. 10 of this Act;  
13                   (3) AS 12.55.125(i), as amended by sec. 12 of this Act;  
14                   (4) AS 12.55.185(16), as amended by sec. 14 of this Act;  
15                   (5) AS 12.62.900(22), as amended by sec. 15 of this Act;  
16                   (6) AS 14.20.030(b), as amended by sec. 16 of this Act.