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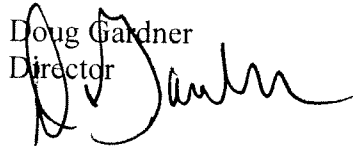
MEMORANDUM

March 18, 2012

SUBJECT: Online Enticement and Prostitution Provisions in CSHB 359(JUD)
(Work Order No. 27-GH2627\M)

TO: Representative Carl Gatto
Chair of the House Judiciary Committee
Attn: Melanie Lesh

FROM: Doug Gardner
Director



There are two matters that I want to bring to your attention regarding the CS for HB 359 you requested.

1. Section 19. The way the bill is currently drafted with regard to online enticement in the first degree in section 19 of the bill, online enticement that is B felony conduct and online enticement that is A felony conduct would both be serious felonies. It would appear that the intention of the committee is for the A felony offense of online enticement provided for in AS 11.41.452(e) to be a serious felony, but not online enticement that is a B felony (online enticement is an A felony when the offender is a registered sex offender). Given that in other situations, such as sexual assault in the second degree, which is a B felony, the legislature has not included a class B felony as a serious felony, I suggest that citation to AS 11.41.452(e) should be included to clarify this situation.
2. Section 6. The language as currently drafted in (c)(1) of this section uses the term "patronizes" to refer to the conduct of the defendant who commits the offense of prostitution under AS 11.66.100(a). While some might describe this as "nit-picking," patronizes may include conduct that is not necessarily criminal, and read literally, has a vague meaning in describing the conduct in AS 11.66.100(a). The use of the term "patron" is the correct term to use in this context to describe the relationship the statute intends to cover, and the term "patron" is also consistent with AS 11.66.130(a)(2), where the same type of relationship between a prostitute and a "patron" is being described. Given that time was of the essence, we made this change and included it in the draft you were sent to try and assist in expediting this matter. Please confer with the committee and determine if this change is acceptable.

DDG:med
12-105.med

Enclosure