

Alaska State Legislature

House of Representatives



Representative Max F. Gruenberg, Jr.
House District 20

Anchorage (Mountain View, Russian Jack, East Anchorage)
House Minority Floor Leader

Member

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MEMORANDUM

TO: Representative Carl Gatto, Chair
House Judiciary Committee

FROM: Gretchen Staft, Legislative Aide
Representative Max Gruenberg

DATE: March 10, 2011

RE: Amendment to Section 7 of CSHB 127(JUD), Version M

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The attached amendment would eliminate the provision on page 4, line 2 of CSHB 127(JUD) which sets the penalty for distribution of an explicit image of a minor to one or two people as a violation. This is because it came to our attention that the penalty under this provision for distributing a nude picture of a minor is a lesser offense than distributing a nude picture of an adult, which is a class B misdemeanor under AS 11.61.120(a)(6). It seems that it was not the intention of the Department of Law or the members of the committee that we treat the distribution of nude pictures of minors as a lesser offense than the distribution of the same types of photos of adults. This amendment would simply make sending an explicit image of a minor to "another person" a class B misdemeanor, which is on par with the penalty for distributing explicit pictures of an adult under AS 11.61.120(a)(6). Distributing an explicit image of a minor to a publicly-accessible website would remain a class A misdemeanor.

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 127(JUD), Draft Version "M"

- 1 Page 4, line 2:
- 2 Delete all material.
- 3
- 4 Renumber the following paragraphs accordingly.
- 5
- 6 Page 4, lines 3 - 4:
- 7 Delete "three or more people"
- 8 Insert "another person"