

ALASKA STATE SENATE



Explanation of Changes in Committee Substitute for CSSB35

Version U to K

Title Changes: The following has been added to the title in order to conform to changes and added provisions;

- relating to sexual assault
- relating to unlawful exploitation of a minor
- relating to definitions of sexual felony, sex offense and sex offender

Section 1: Adds subsection (f) intent language added for the Department of Public Safety to make additional resources available to expand investigation of online exploitation of children. **(Page 3, Line 7 and 8)**

Section 2: Added section which amends AS 11.41.420(a)(3) to revise the mental state for sexual assault in the second degree when the offender engages in penetration with someone who is mentally incapable, incapacitated or unaware that a sexual act is being committed. **(Page 3, Line 19 through 23)**

Section 3: Added section which amends AS 11.41.425(a) to revise the mental state for sexual assault in the third degree when the offender engages in sexual contact with someone who is mentally incapable, incapacitated or unaware that a sexual act is being committed. **(Page 4, Line 1 through 5)**

Section 6: Added section which amends AS 11.41.438(b) adding that the crime of sexual abuse of a minor in the third degree is a class C Felony punishable under AS 12.55.125(e) when the offense occurs outside the provisions if section (c) of this section. **(Page 5, Line 5 through 8)**

Section 7: New subsection AS 11.41.438(c) that sexual abuse of a minor is a class C Felony punishable under AS 12.55.125(i) if the victim is at least six years younger than the offender. **(Page 5, Line 9 through 12)**

Section 11: Amends AS 11.41.455(c) increasing the criminal classification for unlawful exploitation of a minor. **(Page 5, Line 28 through Page 6, Line 5)**

Section 12: Amends AS 11.41.458(b) which clarifies that indecent exposure in the first degree is a class B felony when the offense occurs in the view of a minor under 16 years of age. **(Page 6, Line 18 through 21)**

Section 14: Amends AS 11.61.123(a) for the crime of indecent viewing or production of a picture. **(Page 7, Lines 13 through 30)**

Section 17: Amends AS 11.61.123(f) to add classifications for the crime of indecent viewing or production of a picture. **(Page 8, Line 10 through 28)**

Section 18: Adds a new subsection AS 11.61.123(g) to provide for exceptions crimes of Indecent Viewing or Production of a Picture. **(Page 8, Line 29 through Page 9, Line 4)**

Section 19: Amends AS 11.81.900(b) to add a new paragraph defining semen. **(Page 9, Line 5 through 7)**

Section 20: Amends AS 12.55.015 by adding a new subsection specifying that in the cases of domestic violence or sex crimes, there is a presumption by the court of a no contact order. **(Page 9, Line 8 through 14)**

Section 21: Amends AS 12.55.125(i) to add conforming sentencing guidelines for the crimes of unlawful exploitation of a minor, indecent exposure in the first degree, sexual abuse of a minor in the third degree, and indecent viewing or production of a picture. **(Page 9, Line 15 through Page 12, Line 23)**

Section 22: Amends AS 12.55.145(a) to add a new subsection to specify that, for the purposes of considering prior sentences when imposing a sentence of imprisonment, a crime occurring in another state that is similar to a crime in the state of Alaska is considered a prior conviction. **(Page 14, Line 18 through 21)**

Section 24: Amends AS 12.55.185(16) to add sexual abuse of a minor in the third degree if the victim is at least six years younger than the offender and indecent viewing or production of a picture, to the definition of “sexual felony”. **(Page 15, Line 16 through 25)**

Section 25: Amends AS 12.61.050 by adding a new subsection directing the Department of Corrections to include in the Victim Notification System that victims of domestic violence or sexual offenses shall be informed of their rights to secure a protective order and that certain state victim resources are available to them. **(Page 15, Line 26 through 5)**

Section 31: Amends AS 44.23.020(k) with specific language change requests for the tool which will be used that will be developed by the Department of Law for tracking felony sex offenses. **(Page 21, Line 6 through 19)**

Section 32: Amends AS 44.23.040(b) with specific language to direct the Department of Law on data that will be reported on sexual offenses in the state of Alaska. **(Page 21, Line 20 through Page 22, Line1)**

Section 33: Amends AS 47.17.020(a) to require under duty to report law, that if the harm against a child appears to be the result of a suspected sex offense, it must be reported to law enforcement. **(Page 22, Line 2 through 24)**

Section 34: Amends AS 47.17.020(e) with conforming language for the added provisions in Section 33. **(Page 22, Line 25 through Page 23, Line 9)**

Section 35: Amends AS 47.17.020(g) with conforming language for the added provisions in Section 33. **(Page 23 Line 10 through 15)**

Section 36: Amends AS 47.17.022(b) to add a requirement for in-service training to recognize possible sex offenses, for those occupations or positions described in Section 33. **(Page 23, Line 16 through 25)**

Section 37: Adds a new paragraph to AS 47.17.290 for the definition of sex offense. **(Page 23, Lines 26 & 27)**

Section 39: Changes made to the applicability section to conform with changes in the bill. **(Page 23, Line 29 through Page 24, Line 28)**

Section 40: New section added for the Department of Law and Department of Public Safety to adopt necessary regulations for the implementation of sections 31 and 32. **(Page 24, Line 29 through Page 25, Line 4)**