

**SB 35 –CRIMES; SEX CRIMES; SENTENCING
SENATE JUDICIARY AMENDMENTS
VERSION “A” TO “E”**

April 17, 2019

- ***Intent Language*** – Inserts intent language asking the Department of Public Safety to make additional resources available to expand investigations of online exploitation of children.
- ***Sexual Assault in the Second and Third Degree*** - Changes the required mental state from “knowing” to “reckless” when the offender engages in penetration (sexual assault in the second degree) and sexual contact (sexual assault in the third degree) with a victim who is mentally incapable, incapacitated, or unaware that the sexual act is being committed.
- ***Indecent Exposure*** – Makes indecent exposure when the offender masturbates in the presence of an adult a class C felony and a class B felony if the offender masturbates in the presence of a person under 16 years of age.
- ***Unlawful Exploitation of a Minor*** – Makes unlawful exploitation of a minor an unclassified felony if the person has been previously convicted of exploitation of a minor or the victim is under 13 years of age. Unlawful exploitation of a minor is currently a class B felony upon the first conviction and a class A felony if the person has been previously convicted.
- ***Indecent Viewing*** - Makes indecent production of a picture of a child a B felony and indecent viewing of a child and production of a picture of an adult a C felony. These would be registerable sex offenses and sentenced as sexual felonies. Conduct involving the viewing of a picture of an adult would be a class A misdemeanor.
- ***Distribution of Child Pornography*** – Increases the sentencing range for a first conviction of distribution of child pornography from 2-12 years to 4-12 years. Also adds an enhanced sentence for a person who is convicted of repeat distribution of child pornography if that person hosted, created, or helped host or create a mechanism for multi-party sharing or distribution of child pornography or received a financial benefit or had a financial interest in a child pornography sharing mechanism. The enhanced sentence under these circumstances is 10-25 years.
- ***Sex Offense Tracking and Reporting*** – Requires the Department of Law and the Department of Public Safety to develop a tool to track sex offenses by geographic location and why an offense was not referred for prosecution. If it was referred for prosecution, the departments are to record the reason it was not prosecuted or, if it was prosecuted, why it may have resolved as something other than a sex offense. This information will be reported to the Alaska Judicial Council.
- ***Mandatory Reporting*** – Requires a mandatory reporter to immediately report harm to a child that is the result of a suspected sex offense to a law enforcement agency. Also requires annual training for mandatory reporters on the reporting of a sex offense.

