



SB 35 Sex Offenses Highlights

- ***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.
- ***Sexual Abuse of a Minor Sentencing*** - Makes sexual abuse of a minor in the third degree a sexual felony when there is a 6 year age difference, thus increasing the sentencing range from 0-2 to 2-12 years.
- ***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.
- ***Presumptive Sex Offense Sentencing*** - Clarifies that *any* prior felony counts as a prior felony for presumptive sentencing purposes in sex cases. This means prior felonies, even when they are a non-sex felony, trigger an increased presumptive range for a sex offense.
- ***Out Of State Sex Offender Registration*** - Requires anyone convicted of a registerable sex offense in another state to register in Alaska if they are present in the Alaska.
- ***Indecent Viewing*** - Makes indecent viewing or production of a picture of a child and production of a picture of an adult a registerable sex offense and sentenced as a sexual felony. Conduct involving the viewing of a picture of an adult would be a class A misdemeanor.
- ***Soliciting Sex From A Minor*** - Deletes “online” from the crime of “online enticement of a minor” making any solicitation of a minor for sex a B felony.
- ***Unwanted Images Of Genitalia*** - Makes repeatedly sending unsolicited and unwanted images of genitalia to another person harassment in the second degree (B misdemeanor).
- ***Marriage Defense to Sexual Assault*** - Repeals marriage as a defense to sexual assault except in cases where there is consent and the conduct is illegal due to the nature of the relationship but-for the marriage (probation officer/probationer, peace officer/person in custody, DJJ officer/person 18 or 19 an under the jurisdiction of the Division of Juvenile Justice).