



## Governor Mike Dunleavy STATE OF ALASKA

February 10, 2022

The Honorable Peter Micciche  
Senate President  
Alaska State Legislature  
State Capitol, Room 111  
Juneau, AK 99801-1182

Dear President Micciche:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to sex offenses.

Under current law, the use of force, or the threat of force, is necessary for sexual contact to qualify as sexual assault. Unwanted sexual contact through clothing without the use of force, or threat of force, is an A misdemeanor, but only if the conduct is intended to annoy or harass. An A misdemeanor is inadequate to address the offensive and alarming nature of this criminal conduct and the law should not require the offender's intent to be to annoy or harass for such unwanted conduct to be criminal. The bill would address this gap in the law by creating a class C felony level harassment offense for sexual contact without the use of force or the threat of force. A person convicted of this offense for the second time would also be required to register as a sex offender. This change better addresses the traumatizing behavior by calling the conduct what it is, a sex offense.

In addition to the new harassment offense mentioned above, the bill closes several other loopholes in the law. The bill adds additional crimes to the list which requires registration as a sex offender. It also brings Alaska further in line with federal sex offender registration requirements that will assist in monitoring these offenders.

Furthermore, current law requires permanent revocation of a person's Alaska teaching certificate if the person has been convicted of certain sex offenses such as sexual assault and sexual abuse of a minor. The bill adds possession and distribution of child pornography to the category of offenses which will require the permanent revocation of a person's teaching certificate. Alaska's parents and children should never have to worry about a person who engages in this conduct teaching classes at their local schools. Adding conviction of possession and distribution of child pornography makes sense and further protects Alaska's children.

The bill also gives pretrial services officers more tools to better supervise those on pretrial release. Pretrial services officers are unable to arrest, file charges, or request warrants for the

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majority of offenses. Thus, when they become aware that a person on pretrial release has committed a new crime, they must notify law enforcement or a prosecutor who must then gather the information from the pretrial services officer in order to file charges or request a warrant. This process is inefficient and results in a delay in addressing the behavior. Therefore, the bill adds a number of offenses to the list for which a pretrial services officer may place someone under arrest. Defendants often violate their conditions of release by escaping, contacting the victim or a witness in the case, and tampering with evidence. Adding these acts to the list of offenses that a pretrial services officer can arrest, file charges, or request a warrant for will allow warrants to be issued, and charges to be filed more quickly, making the system more efficient.

The bill gives arrest authority to probation officers for the crime of “violation by a sex offender of a condition of probation” (AS 11.56.759). Most offenders on probation can be sanctioned for violating a condition of probation by imposing suspended jail time, whereas a sex offender on probation can also be charged with a new crime for violating a condition of probation. This allows enforcement of probation conditions even when a sex offender has done so poorly on probation that there is no more suspended time left to impose. Allowing probation officers to arrest and file a complaint on a probationer for a “violation by a sex offender of a condition of probation” will allow probation officers to better respond when a sex offender violates a condition of probation.

Finally, the bill allows multidisciplinary child protection teams to accept referrals of cases where there has been sexual contact or sexual penetration that occurs between children under the age of 13. Typically, when children who are under 13 engage in this type of behavior prosecution or adjudication is not considered appropriate or effective. Rather the mental and physical well-being of the children becomes the singular goal. Giving multidisciplinary child protection teams, who are the experts in this field, the statutory authority to accept referrals of these types of cases will make it easier to appropriately address this behavior in young children and link them up with any therapeutic assistance they may need.

I urge your prompt and favorable action on this measure.

Sincerely,



Mike Dunleavy  
Governor

Enclosure