

# ALASKA STATE LEGISLATURE

## Senate Judiciary Committee

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Senator Mike Shower, Vice-Chair

Senator Shelley Hughes

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## SENATE BILL 189

### *CRIME OF SEX/HUMAN TRAFFICKING*

### SUMMARY OF CHANGES

*(VERSION A TO VERSION I)*

- Section 1: Technical and conforming changes
- Section 2: New section to add victims of sex trafficking to AS 09.25.400 (relating to counseling for victims)
- Section 3: Former section 2. Amended to clarify the classification of sex trafficking offenses, which are now
- I. First degree (Unclassified) includes inducing another person to engaging in
    - a. sexual penetration with the use of force or threat of force
    - b. any sexual conduct if the victim is under 20
    - c. any sexual conduct if victim is in the offender's legal custody.
  - II. Second degree (class A felony) includes inducing another person to engaging in
    - a. sexual penetration without force
    - b. sexual contact with the use of force or threat of force
    - c. sexual conduct involving other coercive behaviors
  - III. Third degree (class B felony) includes
    - a. inducing another person to engaging in other commercial sexual conduct
    - b. providing services, resources, or other assistance worth over \$200 with the intent to promote sex trafficking
    - c. managing, supervising, controlling, or owning a prostitution enterprise or place of prostitution
  - IV. Third degree (class C felony) includes
    - a. providing services, resources, or other assistance worth less than \$200 with the intent to promote sex trafficking

No changes to AS 11.41.355 (Patron of a victim of sex trafficking)

Sections 4-16: Technical and conforming changes

Section 17: New section to add victims of sex trafficking to AS 12.45.049 (relating to privilege during discovery, testimony, and evidence)

Sections 18-22: Technical and conforming changes

Section 23: Adds a five-year look back provision for convictions of prostitution

Sections 24-27: Technical and conforming changes

Section 28: Makes several changes to the vacation of judgment sections, including:

1. Includes misdemeanor drug charges as eligible to be vacated
2. Clarifies that the courts may grant a petition if the prosecutor doesn't object within 45 days
3. Explains that a petition to vacate does not give rise to a jury trial
4. Directs the courts to remove vacated cases from Court View if there are no corresponding felony charges in the case

Section 29-30: New sections to add victims of sex trafficking to AS 18.66.210 (relating to confidential communications) and AS 18.66.250 (definition of victim in confidential communications)

Section 31: Technical and conforming changes

Section 32: New section to ensure a person petitioning to vacate a judgment is entitled to a public defender

Section 33-35: Technical and conforming changes

Section 36: New section to add sex trafficking statutes to the offenses that can result in an administrative subpoena for assistance from an internet provider

Section 37-42: Technical and conforming changes

Section 43: Extends the effective date of the vacation of judgment sections to January 1, 2023, to allow the Courts time to develop forms and procedures

Section 44: Conforming change