

33-GH1029\S  
Radford  
4/11/23

**CS FOR HOUSE BILL NO. 68(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:  
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to sex trafficking; establishing the crime of patron of a victim of sex  
2 trafficking; relating to the crime of human trafficking; relating to the crime of  
3 prostitution; relating to sentencing for sex trafficking, patron of a victim of sex  
4 trafficking, human trafficking, and prostitution; relating to victim confidentiality;  
5 establishing the process for vacating judgments for certain convictions of prostitution;  
6 relating to revocation of a teaching certificate; relating to licensing of school bus drivers;  
7 relating to permanent fund dividends for certain individuals whose convictions are  
8 vacated; and providing for an effective date."

9 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

10 \* **Section 1.** AS 04.06.110 is amended to read:

11 **Sec. 04.06.110. Peace officer powers.** The director and the persons employed  
12 for the administration and enforcement of this title may, with the concurrence of the

commissioner of public safety, exercise the powers of peace officers when those powers are specifically granted by the board. Powers granted by the board under this section may be exercised only when necessary for the enforcement of the criminally punishable provisions of this title, regulations of the board, and other criminally punishable laws and regulations, including investigation of violations of laws against [PROSTITUTION AND] sex trafficking described in AS 11.41.340 - 11.41.355, laws against prostitution described in AS 11.66.101 - 11.66.106, [AS 11.66.100 - 11.66.135] and laws against gambling, promoting gambling, and related offenses described in AS 11.66.200 - 11.66.280. Unless authorized by a search warrant described in AS 12.35, nothing in this section authorizes the use of metal keys, magnetic card keys, or identification cards to access private clubs.

\* **Sec. 2.** AS 09.25.400 is amended to read:

**Sec. 09.25.400. Privilege relating to domestic violence, sex trafficking, and sexual assault counseling.** Confidential communications between a victim of domestic violence, sex trafficking, or sexual assault and a victim counselor are privileged under AS 18.66.200 - 18.66.250.

\* **Sec. 3.** AS 11.31.120(h)(2) is amended to read:

(2) "serious felony offense" means an offense

(A) against the person under AS 11.41, punishable as an unclassified or class A felony;

(B) involving controlled substances under AS 11.71, punishable as an unclassified, class A, or class B felony;

(C) that is criminal mischief in the first degree under AS 11.46.475;

(D) that is terroristic threatening in the first degree under AS 11.56.807;

(E) that is human trafficking in the first degree under AS 11.41.360;

(F) that is sex trafficking in the first degree under AS 11.41.340 [AS 11.66.110]; or

(G) that is arson in the first degree under AS 11.46.400 or arson

1 in the second degree under AS 11.46.410.

2 \* **Sec. 4.** AS 11.41 is amended by adding new sections to read:

3 **Sec. 11.41.340. Sex trafficking in the first degree.** (a) A person commits the  
4 crime of sex trafficking in the first degree if the person

5 (1) as other than a patron of a victim of sex trafficking, induces or  
6 causes another person to engage in a commercial sexual act through the use of force or  
7 threat of force against any person; or

8 (2) violates AS 11.41.345 and the person induced or caused to engage  
9 in the commercial sexual act is

10 (A) under 21 years of age; or

11 (B) in that person's legal custody.

12 (b) Sex trafficking in the first degree is an unclassified felony.

13 **Sec. 11.41.345. Sex trafficking in the second degree.** (a) A person commits  
14 the crime of sex trafficking in the second degree if, as other than a patron of a victim  
15 of sex trafficking and with the intent to promote sex trafficking, the person induces or  
16 causes another person to engage in a commercial sexual act.

17 (b) Sex trafficking in the second degree is a class A felony.

18 **Sec. 11.41.350. Sex trafficking in the third degree.** (a) A person commits the  
19 crime of sex trafficking in the third degree if, as other than a patron of a victim of sex  
20 trafficking, the person provides services, resources, or other assistance in furtherance  
21 of a violation of AS 11.41.340 or 11.41.345.

22 (b) Sex trafficking in the third degree is a

23 (1) class B felony if the value of the services, resources, or other  
24 assistance provided is \$200 or more; or

25 (2) class C felony if the value of the services, resources, or other  
26 assistance provided is less than \$200.

27 **Sec. 11.41.355. Patron of a victim of sex trafficking.** (a) A person commits  
28 the crime of patron of a victim of sex trafficking if the person solicits a commercial  
29 sexual act

30 (1) with reckless disregard that the person engaging in the sexual act is  
31 a victim of sex trafficking; or

(2) from a person who is under 18 years of age.

(b) In a prosecution under (a)(2) of this section, it is an affirmative defense that, at the time of the alleged offense, the defendant

(1) reasonably believed the person to be 18 years of age or older; and

(2) undertook reasonable measures to verify that the person was 18 years of age or older.

(c) Patron of a victim of sex trafficking is a

(1) class B felony if the person violates (a)(2) of this section;

(2) class C felony if the person violates (a)(1) of this section.

\* **Sec. 5.** AS 11.41.360(a) is amended to read:

(a) A person commits the crime of human trafficking in the first degree if the person

**(1)** [COMPELS OR] induces **or causes** another person to engage in [SEXUAL CONDUCT,] adult entertainment [,] or labor [IN THE STATE] by force or threat of force against any person; **or**

**(2) violates AS 11.41.365 and the victim is under 21 years of age** [, OR BY DECEPTION].

\* **Sec. 6.** AS 11.41.360(c) is amended to read:

(c) Human trafficking in the first degree is **an unclassified** [A CLASS A] felony.

\* **Sec. 7.** AS 11.41.365 is amended to read:

**Sec. 11.41.365. Human trafficking in the second degree.** (a) A person commits the crime of human trafficking in the second degree if, **with the intent to promote human trafficking,** the person **induces or causes another person to engage in adult entertainment or labor** [OBTAINS A BENEFIT FROM THE COMMISSION OF HUMAN TRAFFICKING UNDER AS 11.41.360, WITH RECKLESS DISREGARD THAT THE BENEFIT IS A RESULT OF THE TRAFFICKING].

(b) Human trafficking in the second degree is a class **A** [B] felony.

\* **Sec. 8.** AS 11.41 is amended by adding new sections to read:

**Sec. 11.41.366. Human trafficking in the third degree.** (a) A person

commits the crime of human trafficking in the third degree if the person provides services, resources, or other assistance with the intent to promote a violation of AS 11.41.360 or 11.41.365.

(b) Human trafficking in the third degree is a

(1) class B felony if the value of the services, resources, or other assistance provided is \$200 or more;

(2) class C felony if the value of the services, resources, or other assistance provided is less than \$200.

**Sec. 11.41.367. Applicability of AS 11.41.360 - 11.41.366.** AS 11.41.360 - 11.41.366 do not apply to acts that may reasonably be construed to be a normal caretaker request of a child or a normal interaction with a child.

**Sec. 11.41.368. Corroboration of certain testimony not required.** In a prosecution under AS 11.41.340 - 11.41.366, it is not necessary that the testimony of the person whose conduct is alleged to have been induced, caused, or promoted be corroborated by the testimony of any other witness or by documentary or other types of evidence.

**Sec. 11.41.369. Forfeiture.** (a) Property used to institute, aid, or facilitate, or received or derived from, a violation of AS 11.41.340 - 11.41.366, including real property, may be forfeited at sentencing.

(b) The legislature may appropriate funds received from the sale of property forfeited under (a) of this section for an offense under AS 11.41.340 - 11.41.355 to programs that provide resources to victims of sex trafficking.

\* **Sec. 9.** AS 11.41 is amended by adding a new section to article 3 to read:

**Sec. 11.41.375. Actions that constitute inducing or causing.** For purposes of AS 11.41.340 - 11.41.365, inducing or causing another person to engage in a commercial sexual act, adult entertainment, or labor includes

(1) exposing or threatening to expose confidential information or a secret, whether true or false, that would subject a person to hatred, contempt, or ridicule;

(2) destroying, concealing, or threatening to destroy or conceal an actual or purported passport or immigration document or another actual or purported

identification document of any person;

(3) threatening to report a person to a government agency for the purpose of arrest or deportation;

(4) threatening to collect a debt;

(5) instilling in a person a fear that lodging, food, clothing, or medication will be withheld from any person;

(6) providing a controlled substance to or withholding a controlled substance from the other person; or

(7) engaging in deception as defined in AS 11.81.900(b).

\* **Sec. 10.** AS 11.41.530(a) is amended to read:

(a) A person commits the crime of coercion if, under circumstances not proscribed under **AS 11.41.340 - 11.41.366 or 11.41.410 - 11.41.427** [AS 11.41.410 - 11.41.427], the person compels another to engage in conduct from which there is a legal right to abstain or abstain from conduct in which there is a legal right to engage, by means of instilling in the person who is compelled a fear that, if the demand is not complied with, the person who makes the demand or another may

(1) inflict physical injury on anyone, except under circumstances constituting robbery in any degree, or commit any other crime;

(2) accuse anyone of a crime;

(3) expose confidential information or a secret, whether true or false, tending to subject a person to hatred, contempt, or ridicule or to impair the person's credit or business repute;

(4) take or withhold action as a public servant or cause a public servant to take or withhold action;

(5) bring about or continue a strike, boycott, or other collective unofficial action, if the property is not demanded or received for the benefit of the group in whose interest the person making the threat or suggestion purports to act;

(6) testify or provide information or withhold testimony or information with respect to a person's legal claim or defense.

\* **Sec. 11.** AS 11.66 is amended by adding new sections to read:

**Sec. 11.66.101. Prostitution in the first degree.** (a) A person commits the

crime of prostitution in the first degree if the person manages, supervises, controls, or owns, either alone or in association with others, a prostitution enterprise or a place of prostitution.

(b) Prostitution in the first degree is a class B felony.

**Sec. 11.66.102. Prostitution in the second degree.** (a) A person commits the crime of prostitution in the second degree if the person violates AS 11.66.104 and, within the preceding five years, the person has been previously convicted on two or more separate occasions in this or another jurisdiction of an offense under AS 11.66.104 or an offense under another law or ordinance in this or another jurisdiction with similar elements.

(b) Prostitution in the second degree is a class C felony.

**Sec. 11.66.104. Prostitution in the third degree.** (a) A person commits the crime of prostitution in the third degree if the person offers a fee in exchange for sexual conduct, whether the intended recipient is the person or someone else.

(b) Prostitution in the third degree is a class A misdemeanor.

**Sec. 11.66.106. Prostitution in the fourth degree.** (a) A person commits the crime of prostitution in the fourth degree if the person engages in or agrees or offers to engage in sexual conduct in exchange for a fee.

(b) Prostitution in the fourth degree is a class B misdemeanor.

**Sec. 11.66.108. Persons exempt from prosecution.** A person may not be prosecuted under AS 11.66.101 - 11.66.106 if the

(1) person witnessed or was a victim of, and reported to law enforcement in good faith, one or more of the following crimes:

- (A) murder in the first degree under AS 11.41.100;
- (B) murder in the second degree under AS 11.41.110;
- (C) manslaughter under AS 11.41.120;
- (D) criminally negligent homicide under AS 11.41.130;
- (E) assault in the first degree under AS 11.41.200;
- (F) assault in the second degree under AS 11.41.210;
- (G) assault in the third degree under AS 11.41.220;
- (H) assault in the fourth degree under AS 11.41.230;

- (I) sex trafficking in the first degree under AS 11.41.340;
- (J) sex trafficking in the second degree under AS 11.41.345;
- (K) sex trafficking in the third degree under AS 11.41.350;
- (L) patron of a victim of sex trafficking under AS 11.41.355;
- (M) sexual assault in the first degree under AS 11.41.410;
- (N) sexual assault in the second degree under AS 11.41.420;
- (O) sexual assault in the third degree under AS 11.41.425;
- (P) sexual assault in the fourth degree under AS 11.41.427;
- (Q) sexual abuse of a minor in the first degree under AS 11.41.434;
- (R) sexual abuse of a minor in the second degree under AS 11.41.436;
- (S) sexual abuse of a minor in the third degree under AS 11.41.438;
- (T) sexual abuse of a minor in the fourth degree under AS 11.41.440;
- (U) robbery in the first degree under AS 11.41.500;
- (V) robbery in the second degree under AS 11.41.510;
- (W) extortion under AS 11.41.520;
- (X) coercion under AS 11.41.530;
- (Y) distribution of child pornography under AS 11.61.125; or
- (Z) possession of child pornography under AS 11.61.127;
- (2) evidence supporting the prosecution under (a)(1) of this section was obtained or discovered as a result of the person reporting the crime to law enforcement; and
- (3) person cooperated with law enforcement personnel.

\* **Sec. 12.** AS 11.66.145 is amended to read:

**Sec. 11.66.145. Forfeiture.** Property used to institute, aid, or facilitate, or received or derived from, a violation of AS 11.66.101 - 11.66.106 [AS 11.66.100(e) OR 11.66.110 - 11.66.135] may be forfeited at sentencing.

\* **Sec. 13.** AS 11.66.145 is amended by adding a new subsection to read:



(b) The legislature may appropriate funds received from the sale of property forfeited under (a) of this section for an offense under AS 11.66.101 - 11.66.106 to programs that provide restitution to victims of sex trafficking.

\* **Sec. 14.** AS 11.81.250(a) is amended to read:

(a) For purposes of sentencing under AS 12.55, all offenses defined in this title, except murder in the first and second degree, attempted murder in the first degree, solicitation to commit murder in the first degree, conspiracy to commit murder in the first degree, murder of an unborn child, human trafficking in the first degree, sexual assault in the first degree, sexual abuse of a minor in the first degree, misconduct involving a controlled substance in the first degree, sex trafficking in the first degree [UNDER AS 11.66.110(a)(2)], and kidnapping, are classified on the basis of their seriousness, according to the type of injury characteristically caused or risked by commission of the offense and the culpability of the offender. Except for murder in the first and second degree, attempted murder in the first degree, solicitation to commit murder in the first degree, conspiracy to commit murder in the first degree, murder of an unborn child, human trafficking in the first degree, sexual assault in the first degree, sexual abuse of a minor in the first degree, misconduct involving a controlled substance in the first degree, sex trafficking in the first degree [UNDER AS 11.66.110(a)(2)], and kidnapping, the offenses in this title are classified into the following categories:

(1) class A felonies, which characteristically involve conduct resulting in serious physical injury or a substantial risk of serious physical injury to a person;

(2) class B felonies, which characteristically involve conduct resulting in less severe violence against a person than class A felonies, aggravated offenses against property interests, or aggravated offenses against public administration or order;

(3) class C felonies, which characteristically involve conduct serious enough to deserve felony classification but not serious enough to be classified as A or B felonies;

(4) class A misdemeanors, which characteristically involve less severe violence against a person, less serious offenses against property interests, less serious

offenses against public administration or order, or less serious offenses against public health and decency than felonies;

(5) class B misdemeanors, which characteristically involve a minor risk of physical injury to a person, minor offenses against property interests, minor offenses against public administration or order, or minor offenses against public health and decency;

(6) violations, which characteristically involve conduct inappropriate to an orderly society but which do not denote criminality in their commission.

\* **Sec. 15.** AS 11.81.250(b) is amended to read:

(b) The classification of each felony defined in this title, except murder in the first and second degree, attempted murder in the first degree, solicitation to commit murder in the first degree, conspiracy to commit murder in the first degree, murder of an unborn child, human trafficking in the first degree, sexual assault in the first degree, sexual abuse of a minor in the first degree, misconduct involving a controlled substance in the first degree, sex trafficking in the first degree [UNDER AS 11.66.110(a)(2)], and kidnapping, is designated in the section defining it. A felony under the law of this state defined outside this title for which no penalty is specifically provided is a class C felony.

\* **Sec. 16.** AS 11.81.900(b) is amended by adding new paragraphs to read:

(69) "adult entertainment" means an activity in which one or more individuals are employed, contracted, or permitted to, wholly or in part, entertain others by

(A) removing clothes or other items that clothe or hide the person's body;

(B) dancing or in any other manner exhibiting the individual's body in a completely or almost completely unclothed state;

(C) participating in a simulated illegal, indecent, or lewd exhibition, act, or practice, including simulated

(i) sexual penetration;

(ii) the lewd exhibition or touching of a person's genitals, anus, or breast; or

(iii) bestiality;

(70) "anything of value" does not include compensation for reasonably apportioned shared expenses of a residence;

(71) "commercial sexual act" means a sexual act for which anything of value is given or received by any person;

(72) "place of prostitution" means a place where a person, other than a proprietor of the place, engages in sexual conduct in return for a fee;

(73) "services, resources, or other assistance" includes financial support, business services, lodging, transportation, providing false identification documents or other documentation, equipment, facilities, or any other service or property, regardless of whether a person is compensated;

(74) "sexual act" means sexual penetration or sexual contact;

(75) "sexual conduct" means genital or anal intercourse, cunnilingus, fellatio, or masturbation of one person by another person;

(76) "victim of sex trafficking" means a person who has been induced or caused to engage in a commercial sexual act under AS 11.41.340 - 11.41.350.

\* **Sec. 17.** AS 12.10.010 is amended to read:

**Sec. 12.10.010. General time limitations.** (a) Prosecution for the following offenses may be commenced at any time:

(1) murder;

(2) attempt, solicitation, or conspiracy to commit murder or hindering the prosecution of murder;

(3) felony sexual abuse of a minor;

(4) sexual assault that is an unclassified, class A, or class B felony or a violation of AS 11.41.425(a)(2) - (4);

(5) a violation of AS 11.41.425, 11.41.427, 11.41.450 - 11.41.458, [AS 11.66.110 - 11.66.130,] or former AS 11.41.430, when committed against a person who, at the time of the offense, was under 18 years of age;

(6) kidnapping;

(7) distribution of child pornography in violation of AS 11.61.125;

(8) sex trafficking violation of AS 11.41.340 or 11.41.345

[AS 11.66.110 - 11.66.130 THAT IS AN UNCLASSIFIED, CLASS A, OR CLASS B FELONY OR THAT IS COMMITTED AGAINST A PERSON WHO, AT THE TIME OF THE OFFENSE, WAS UNDER 20 YEARS OF AGE];

(9) human trafficking in violation of AS 11.41.360 or 11.41.365.

(b) Except as otherwise provided by law or in (a) of this section, a person may not be prosecuted, tried, or punished for an offense unless the indictment is found or the information or complaint is instituted not later than

(1) 10 years after the commission of a felony offense in violation of AS 11.41.120 - 11.41.330, 11.41.350, 11.41.366, 11.41.425(a)(1), 11.41.425(a)(5), 11.41.425(a)(6), or 11.41.450 - 11.41.458; or

(2) five years after the commission of any other offense.

\* **Sec. 18.** AS 12.37.010 is amended to read:

**Sec. 12.37.010. Authorization to intercept communications.** The attorney general, or a person designated in writing or by law to act for the attorney general, may authorize, in writing, an ex parte application to a court of competent jurisdiction for an order authorizing the interception of a private communication if the interception may provide evidence of, or may assist in the apprehension of persons who have committed, are committing, or are planning to commit, the following offenses:

(1) murder in the first or second degree under AS 11.41.100 - 11.41.110;

(2) kidnapping under AS 11.41.300;

(3) a class A or unclassified felony drug offense under AS 11.71;

(4) sex trafficking in the first or second degree under AS 11.41.340 or 11.41.345 [AS 11.66.110 AND 11.66.120]; or

(5) human trafficking [IN THE FIRST DEGREE] under AS 11.41.360 or 11.41.365.

\* **Sec. 19.** AS 12.45.049 is amended to read:

**Sec. 12.45.049. Privilege relating to domestic violence, sex trafficking, and sexual assault counseling.** Confidential communications between a victim of domestic violence, sex trafficking, or sexual assault and a victim counselor are privileged under AS 18.66.200 - 18.66.250.

\* **Sec. 20.** AS 12.55.015 is amended by adding a new subsection to read:

(m) In addition to the penalties authorized by this section, if a defendant holds a business license and is convicted of an offense under AS 11.41.340 - 11.41.366, and the defendant used the business in furtherance of the offense, the court shall revoke the defendant's business license.

\* **Sec. 21.** AS 12.55.035(b) is amended to read:

(b) Upon conviction of an offense, a defendant who is not an organization may be sentenced to pay, unless otherwise specified in the provision of law defining the offense, a fine of not more than

(1) \$500,000 for murder in the first or second degree, attempted murder in the first degree, murder of an unborn child, **human trafficking in the first degree**, sexual assault in the first degree under AS 11.41.410(a)(1)(A), (2), (3), or (4), sexual abuse of a minor in the first degree, kidnapping, sex trafficking in the first degree [UNDER AS 11.66.110(a)(2)], or misconduct involving a controlled substance in the first degree;

(2) \$250,000 for a class A felony;

(3) \$100,000 for a class B felony;

(4) \$50,000 for a class C felony;

(5) \$25,000 for a class A misdemeanor;

(6) \$2,000 for a class B misdemeanor;

(7) \$500 for a violation.

\* **Sec. 22.** AS 12.55.078(f) is amended to read:

(f) The court may not suspend the imposition or entry of judgment and may not defer prosecution under this section of a person who

(1) is charged with a violation of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320, **11.41.340 - 11.41.370** [11.41.360 - 11.41.370], 11.41.410 - 11.41.530, AS 11.46.400, AS 11.61.125 - 11.61.128, **AS 11.66.101, or 11.66.102** [OR AS 11.66.110 - 11.66.135];

(2) uses a firearm in the commission of the offense for which the person is charged;

(3) has previously been granted a suspension of judgment under this

section or a similar statute in another jurisdiction, unless the court enters written findings that by clear and convincing evidence the person's prospects for rehabilitation are high and suspending judgment under this section adequately protects the victim of the offense, if any, and the community;

(4) is charged with a violation of AS 11.41.230, 11.41.250, or a felony and the person has one or more prior convictions for a misdemeanor violation of AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a felony in this state; for the purposes of this paragraph, a person shall be considered to have a prior conviction even if

(A) the charges were dismissed under this section;

(B) the conviction has been set aside under AS 12.55.085; or

(C) the charge or conviction was dismissed or set aside under an equivalent provision of the laws of another jurisdiction; or

(5) is charged with a crime involving domestic violence, as defined in AS 18.66.990.

\* **Sec. 23.** AS 12.55.085(f) is amended to read:

(f) The court may not suspend the imposition of sentence of a person who

(1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320, **11.41.340 - 11.41.370** [11.41.360 - 11.41.370], 11.41.410 - 11.41.530, AS 11.46.400, AS 11.61.125 - 11.61.128, **AS 11.66.101, or 11.66.102** [OR AS 11.66.110 - 11.66.135];

(2) uses a firearm in the commission of the offense for which the person is convicted; or

(3) is convicted of a violation of AS 11.41.230 - 11.41.250 or a felony and the person has one or more prior convictions for a misdemeanor violation of AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a felony in this state; for the purposes of this paragraph, a person shall be considered to have a prior conviction even if that conviction has been set aside under (e) of this section or under the equivalent provision of the laws of another jurisdiction.

1 \* **Sec. 24.** AS 12.55.125(b) is amended to read:

2 (b) A defendant convicted of attempted murder in the first degree, solicitation  
3 to commit murder in the first degree, conspiracy to commit murder in the first degree,  
4 kidnapping, human trafficking in the first degree, or misconduct involving a  
5 controlled substance in the first degree shall be sentenced to a definite term of  
6 imprisonment of at least five years but not more than 99 years. A defendant convicted  
7 of murder in the second degree or murder of an unborn child under  
8 AS 11.41.150(a)(2) - (4) shall be sentenced to a definite term of imprisonment of at  
9 least 15 years but not more than 99 years. A defendant convicted of murder in the  
10 second degree shall be sentenced to a definite term of imprisonment of at least 20  
11 years but not more than 99 years when the defendant is convicted of the murder of a  
12 child under 16 years of age and the court finds by clear and convincing evidence that  
13 the defendant (1) was a natural parent, a stepparent, an adoptive parent, a legal  
14 guardian, or a person occupying a position of authority in relation to the child; or (2)  
15 caused the death of the child by committing a crime against a person under  
16 AS 11.41.200 - 11.41.530. In this subsection, "legal guardian" and "position of  
17 authority" have the meanings given in AS 11.41.470.

18 \* **Sec. 25.** AS 12.55.125(i) is amended to read:

19 (i) A defendant convicted of

20 (1) sexual assault in the first degree under AS 11.41.410(a)(1)(A), (2),  
21 (3), or (4), sexual abuse of a minor in the first degree, unlawful exploitation of a minor  
22 under AS 11.41.455(c)(2), or sex trafficking in the first degree [UNDER  
23 AS 11.66.110(a)(2)] may be sentenced to a definite term of imprisonment of not more  
24 than 99 years and shall be sentenced to a definite term within the following  
25 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

26 (A) if the offense is a first felony conviction, the offense does  
27 not involve circumstances described in (B) of this paragraph, and the victim  
28 was

29 (i) less than 13 years of age, 25 to 35 years;

30 (ii) 13 years of age or older, 20 to 30 years;

31 (B) if the offense is a first felony conviction and the defendant

possessed a firearm, used a dangerous instrument, or caused serious physical injury during the commission of the offense, 25 to 35 years;

(C) if the offense is a second felony conviction and does not involve circumstances described in (D) of this paragraph, 30 to 40 years;

(D) if the offense is a second felony conviction and the defendant has a prior conviction for a sexual felony, 35 to 45 years;

(E) if the offense is a third felony conviction and the defendant is not subject to sentencing under (F) of this paragraph or (I) of this section, 40 to 60 years;

(F) if the offense is a third felony conviction, the defendant is not subject to sentencing under (I) of this section, and the defendant has two prior convictions for sexual felonies, 99 years;

(2) sexual assault in the first degree under AS 11.41.410(a)(1)(B), sex trafficking in the second degree, unlawful exploitation of a minor under AS 11.41.455(c)(1), enticement of a minor under AS 11.41.452(e), or attempt, conspiracy, or solicitation to commit sexual assault in the first degree under AS 11.41.410(a)(1)(A), (2), (3), or (4), sexual abuse of a minor in the first degree, unlawful exploitation of a minor under AS 11.41.455(c)(2), or sex trafficking in the first degree [UNDER AS 11.66.110(a)(2)] may be sentenced to a definite term of imprisonment of not more than 99 years and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(A) if the offense is a first felony conviction, the offense does not involve circumstances described in (B) of this paragraph, and the victim was

(i) under 13 years of age, 20 to 30 years;

(ii) 13 years of age or older, 15 to 30 years;

(B) if the offense is a first felony conviction and the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury during the commission of the offense, 25 to 35 years;

(C) if the offense is a second felony conviction and does not



involve circumstances described in (D) of this paragraph, 25 to 35 years;

(D) if the offense is a second felony conviction and the defendant has a prior conviction for a sexual felony, 30 to 40 years;

(E) if the offense is a third felony conviction, the offense does not involve circumstances described in (F) of this paragraph, and the defendant is not subject to sentencing under (I) of this section, 35 to 50 years;

(F) if the offense is a third felony conviction, the defendant is not subject to sentencing under (I) of this section, and the defendant has two prior convictions for sexual felonies, 99 years;

(3) **sex trafficking in the third degree under AS 11.41.350(b)(1), patron of a victim of sex trafficking under AS 11.41.355(c)(1),** sexual assault in the second degree, sexual abuse of a minor in the second degree, enticement of a minor under AS 11.41.452(d), indecent exposure in the first degree under AS 11.41.458(b)(2), **indecent viewing or production of a picture under AS 11.61.123(g)(1),** distribution of child pornography under AS 11.61.125(e)(2), or attempt, conspiracy, or solicitation to commit sexual assault in the first degree under AS 11.41.410(a)(1)(B), **sex trafficking in the second degree, unlawful exploitation of a minor under AS 11.41.455(c)(1), or enticement of a minor under AS 11.41.452(e)** may be sentenced to a definite term of imprisonment of not more than 99 years and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(A) if the offense is a first felony conviction, five to 15 years;

(B) if the offense is a second felony conviction and does not involve circumstances described in (C) of this paragraph, 10 to 25 years;

(C) if the offense is a second felony conviction and the defendant has a prior conviction for a sexual felony, 15 to 30 years;

(D) if the offense is a third felony conviction and does not involve circumstances described in (E) of this paragraph, 20 to 35 years;

(E) if the offense is a third felony conviction and the defendant has two prior convictions for sexual felonies, 99 years;

(4) **sex trafficking in the third degree under AS 11.41.350(b)(2),**

**patron of a victim of sex trafficking under AS 11.41.355(c)(2)**, sexual assault in the third degree, sexual abuse of a minor in the third degree under AS 11.41.438(c), incest, indecent exposure in the first degree under AS 11.41.458(b)(1), indecent viewing or production of a picture under **AS 11.61.123(g)(2)** [AS 11.61.123(f)(1) OR (2)], possession of child pornography, distribution of child pornography under AS 11.61.125(e)(1), or attempt, conspiracy, or solicitation to commit **sex trafficking in the third degree under AS 11.41.350(b)(1)**, **patron of a victim of sex trafficking under AS 11.41.355(c)(1)**, sexual assault in the second degree, sexual abuse of a minor in the second degree, **indecent viewing or production of a picture under AS 11.61.123(g)(1)**, [UNLAWFUL EXPLOITATION OF A MINOR,] or distribution of child pornography **under AS 11.61.125(e)(2)**, may be sentenced to a definite term of imprisonment of not more than 99 years and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(A) if the offense is a first felony conviction and does not involve the circumstances described in (B) or (C) of this paragraph, two to 12 years;

(B) if the offense is a first felony conviction under AS 11.61.125(e)(1) and does not involve circumstances described in (C) of this paragraph, four to 12 years;

(C) if the offense is a first felony conviction under AS 11.61.125(e)(1), and the defendant 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 or distribution mechanism, six to 14 years;

(D) if the offense is a second felony conviction and does not involve circumstances described in (E) of this paragraph, eight to 15 years;

(E) if the offense is a second felony conviction and the defendant has a prior conviction for a sexual felony, 12 to 20 years;

(F) if the offense is a third felony conviction and does not involve circumstances described in (G) of this paragraph, 15 to 25 years;

(G) if the offense is a third felony conviction and the defendant has two prior convictions for sexual felonies, 99 years.

\* **Sec. 26.** AS 12.55.135 is amended by adding a new subsection to read:

(q) A defendant convicted under AS 11.66.104 shall be sentenced to a minimum term of imprisonment of 72 hours if the defendant has been previously convicted once in the previous five years in this or another jurisdiction of an offense under AS 11.66.104 or an offense under another law or ordinance with similar elements.

\* **Sec. 27.** AS 12.55.185(10) is amended to read:

(10) "most serious felony" means

(A) arson in the first degree, [SEX TRAFFICKING IN THE FIRST DEGREE UNDER AS 11.66.110(a)(2),] enticement of a minor under AS 11.41.452(e), or any unclassified or class A felony prescribed under AS 11.41; or

(B) an attempt, or conspiracy to commit, or criminal solicitation under AS 11.31.110 of, an unclassified felony prescribed under AS 11.41;

\* **Sec. 28.** AS 12.55.185(16) is amended to read:

(16) "sexual felony" means sexual assault in the first degree, sexual abuse of a minor in the first degree, sex trafficking in the first degree, sex trafficking in the second degree, sexual assault in the second degree, sexual abuse of a minor in the second degree, sex trafficking in the third degree, patron of a victim of sex trafficking, sexual abuse of a minor in the third degree under AS 11.41.438(c), unlawful exploitation of a minor, indecent viewing or production of a picture under AS 11.61.123(g)(1) or (2) [AS 11.61.123(f)(1) OR (2)], distribution of child pornography, sexual assault in the third degree, incest, indecent exposure in the first degree, possession of child pornography, enticement of a minor, and felony attempt, conspiracy, or solicitation to commit those crimes;

\* **Sec. 29.** AS 12.61.125(a) is amended to read:

(a) The defendant accused of a sex [SEXUAL] offense, the defendant's counsel, or an investigator or other person acting on behalf of the defendant, may not

(1) notwithstanding AS 12.61.120, contact the victim of the offense or a witness to the offense if the victim or witness, or the parent or guardian of the victim or witness if the victim or witness is a minor, has informed the defendant or the defendant's counsel in writing or in person that the victim or witness does not wish to be contacted by the defense; a victim or witness who has not informed the defendant or the defendant's counsel in writing or in person that the victim does not wish to be contacted by the defense is entitled to rights as provided in AS 12.61.120;

(2) obtain a statement from the victim of the offense or a witness to the offense, unless,

(A) if the statement is taken as a recording, the recording is taken in compliance with AS 12.61.120, and written authorization is first obtained from the victim or witness, or from the parent or guardian of the victim or witness if the victim or witness is a minor; the written authorization must state that the victim or witness is aware that there is no legal requirement that the victim or witness talk to the defense; or

(B) if the statement is not taken as a recording, written authorization is first obtained from the victim or witness, or from the parent or guardian of the victim or witness if the victim or witness is a minor; the written authorization must state that the victim or witness is aware that there is no legal requirement that the victim or witness talk to the defense; a victim or witness making a statement under this subparagraph remains entitled to rights as provided in AS 12.61.120.

\* **Sec. 30.** AS 12.61.125(d) is amended by adding a new paragraph to read:

(3) "sex offense" has the meaning given in AS 12.63.100 and includes a crime, or an attempt, solicitation, or conspiracy to commit a crime under AS 11.41.440(a)(1).

\* **Sec. 31.** AS 12.61.140 is amended to read:

**Sec. 12.61.140. Disclosure of victim's name.** (a) The portion of the records of a court or law enforcement agency that contains the name of the victim of an offense under AS 11.41.300(a)(1)(C) or a victim of a sex offense [11.41.410 - 11.41.460]

(1) shall be withheld from public inspection, except with the consent of

the court in which the case is or would be prosecuted; and

(2) is not a public record under AS 40.25.110 - 40.25.125.

(b) In all written court records open to public inspection, the name of the victim of an offense under AS 11.41.300(a)(1)(C) or a victim of a sex offense [11.41.410 - 11.41.460] may not appear. Instead, the victim's initials shall be used. However, a sealed record containing the victim's name shall be kept by the court in order to ensure that a defendant is not charged twice for the same offense.

\* **Sec. 32.** AS 12.61.140 is amended by adding a new subsection to read:

(c) In this section, "sex offense" has the meaning given in AS 12.63.100.

\* **Sec. 33.** AS 12.62.900(23) is amended to read:

(23) "serious offense" means a conviction for a violation or for an attempt, solicitation, or conspiracy to commit a violation of any of the following laws, or of the laws of another jurisdiction with substantially similar elements:

(A) a felony offense;

(B) a crime involving domestic violence;

(C) AS 11.41.410 - 11.41.470;

(D) AS 11.51.130 or 11.51.200 - 11.56.210;

(E) AS 11.61.110(a)(7) or 11.61.125;

(F) **AS 11.66.101** [AS 11.66.100 - 11.66.130];

(G) former AS 11.15.120, former 11.15.134, or assault with the intent to commit rape under former AS 11.15.160; or

(H) former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 - 11.40.420, if committed before January 1, 1980.

\* **Sec. 34.** AS 12.63.100(7) is amended to read:

(7) "sex offense" means

(A) a crime under AS 11.41.100(a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit a sexual offense, or a similar offense under the laws of the other jurisdiction; in this subparagraph, "sexual offense" has the meaning given in AS 11.41.100(a)(3);

(B) a crime under AS 11.41.110(a)(3), or a similar law of

another jurisdiction, in which the person committed or attempted to commit one of the following crimes, or a similar law of another jurisdiction:

- (i) sexual assault in the first degree;
- (ii) sexual assault in the second degree;
- (iii) sexual abuse of a minor in the first degree; or
- (iv) sexual abuse of a minor in the second degree;

(C) a crime, or an attempt, solicitation, or conspiracy to commit a crime, under the following statutes or a similar law of another jurisdiction:

- (i) AS 11.41.410 - 11.41.438;
- (ii) AS 11.41.440(a)(2);
- (iii) AS 11.41.450 - 11.41.458;
- (iv) AS 11.41.460 or AS 26.05.900(c) if the indecent exposure is before a person under 16 years of age and the offender has previously been convicted under AS 11.41.460 or AS 26.05.900(c);
- (v) AS 11.61.125 - 11.61.128;
- (vi) **former** AS 11.66.110, **former** 11.66.130(a)(2)(B), or AS 26.05.900(b) if the person who was induced or caused to engage in prostitution was under 20 years of age at the time of the offense;
- (vii) former AS 11.15.120, former 11.15.134, or assault with the intent to commit rape under former AS 11.15.160, former AS 11.40.110, or former 11.40.200;
- (viii) AS 11.61.118(a)(2) if the offender has a previous conviction for that offense;
- (ix) [AS 11.66.100(a)(2) IF THE OFFENDER IS SUBJECT TO PUNISHMENT UNDER AS 11.66.100(e);
- (x)] AS 26.05.890 if the person engaged in sexual penetration or sexual contact with the victim;
- (x)** [(xi)] AS 26.05.890 if, at the time of the offense, the victim is under a duty to obey the lawful orders of the offender, regardless of whether the offender is in the direct chain of command over the victim;

1 (xi) [(xii)] AS 26.05.893 if the person engaged in sexual  
2 penetration or sexual contact with the victim;

3 (xii) [(xiii)] AS 26.05.900(a)(1) - (4) if the victim is  
4 under 18 years of age at the time of the offense;

5 (xiii) [(xiv)] AS 26.05.900 if, at the time of the offense,  
6 the victim is under a duty to obey the lawful orders of the offender,  
7 regardless of whether the offender is in the direct chain of command  
8 over the victim; [OR]

9 (xiv) [(xv)] AS 11.61.123 if the offender is subject to  
10 punishment under AS 11.61.123(g)(1) or (2); or

11 (xv) AS 11.41.340, 11.41.345, or 11.41.355  
12 [AS 11.61.123(f)(1) OR (2)];

13 (D) an offense, or an attempt, solicitation, or conspiracy to  
14 commit an offense, under AS 26.05.935(b), or a similar law of another  
15 jurisdiction, if the member of the militia commits one of the following  
16 enumerated offenses punishable under Article 134, 10 U.S.C. 934 (Uniform  
17 Code of Military Justice):

18 (i) child pornography; or

19 (ii) pandering and prostitution if the person who is  
20 induced, enticed, caused, or procured to engage in a sexual act is under  
21 20 years of age at the time of the offense; or

22 (E) an offense in which the person is required to register as a  
23 sex offender under the laws of another jurisdiction;

24 \* **Sec. 35.** AS 12.72 is amended by adding new sections to read:

25 **Sec. 12.72.100. Vacation of judgment of conviction for prostitution.** A  
26 person may petition the court to vacate the judgment if, at the time of the offense, the  
27 person was or would have been a victim of sex trafficking as defined in  
28 AS 11.81.900(b) and was convicted or adjudicated delinquent for prostitution under  
29 former AS 11.66.100 or under AS 11.66.106 or a similar municipal ordinance.

30 **Sec. 12.72.105. Filing of petition for vacation of judgment.** (a) A person  
31 seeking a vacation of judgment under this chapter shall file a petition with the clerk at

1 the court location where the underlying criminal case was filed and serve a copy on  
2 the prosecuting authority responsible for obtaining the conviction.

3 (b) If the prosecuting authority does not file a response within 45 days after  
4 service of the petition, the court may grant the vacation of judgment without further  
5 proceedings.

6 **Sec. 12.72.110. Limitations on petition for vacation of judgment.** (a) A  
7 person may file a petition under this chapter only after a judgment has been entered on  
8 the person's case or, if the conviction was appealed, after the court's decision on the  
9 case is final under the Alaska Rules of Appellate Procedure.

10 (b) An action for a petition for vacation of judgment under AS 12.72.100 does  
11 not give rise to the right to a trial by jury.

12 **Sec. 12.72.115. Presumption and burden of proof in vacation of judgment**  
13 **proceedings.** (a) The person petitioning the court for a vacation of judgment of  
14 conviction or adjudication of delinquency for prostitution under former AS 11.66.100  
15 or under AS 11.66.106 or a similar municipal ordinance must prove all factual  
16 assertions by a preponderance of the evidence.

17 (b) There is a rebuttable presumption that a person who was under 21 years of  
18 age at the time of an offense under AS 11.66.106 was or would have been a victim of  
19 sex trafficking.

20 **Sec. 12.72.120. Vacation of judgment.** (a) If the court grants the petition for a  
21 vacation of judgment,

22 (1) the judgment of conviction or adjudication of delinquency for  
23 prostitution under former AS 11.66.100 or under AS 11.66.106 or a similar municipal  
24 ordinance shall be vacated;

25 (2) the Alaska Court System may not publish on a publicly available  
26 Internet website the court records of the conviction for prostitution under former  
27 AS 11.66.100 or under AS 11.66.106 or a similar municipal ordinance if the person  
28 was not convicted of a felony charge in that case; and

29 (3) the Department of Public Safety may not release information  
30 related to the conviction for prostitution under former AS 11.66.100 or under  
31 AS 11.66.106 or a similar municipal ordinance in response to a request under



AS 12.62.160(b)(6), (8), or (9).

(b) The Alaska Court System shall remove a person's court records from a publicly available Internet website under (a)(2) of this section within 30 days after the court grants a petition for vacation of judgment.

\* **Sec. 36.** AS 14.20.030(b) is amended to read:

(b) The commissioner or the Professional Teaching Practices Commission shall revoke for life the certificate of a person who has been convicted of a crime, or an attempt, solicitation, or conspiracy to commit a crime, involving a minor under AS 11.41.340 - 11.41.355, 11.41.410 - 11.41.460 [AS 11.41.410 - 11.41.460], AS 11.61.125, or 11.61.127, or a law or ordinance in another jurisdiction with elements similar to an offense described in this subsection.

\* **Sec. 37.** AS 18.66.060 is amended to read:

**Sec. 18.66.060. Qualifications for grants and contracts.** A local community entity is qualified to receive a grant or contract under this chapter if it agrees to provide services approved by the council to victims of domestic violence or sexual assault or their families or to perpetrators of domestic violence, sex trafficking, or sexual assault without regard to ability to pay.

\* **Sec. 38.** AS 18.66.210 is amended to read:

**Sec. 18.66.210. Exceptions.** The privilege provided under AS 18.66.200 does not apply to

- (1) reports of suspected child abuse or neglect under AS 47.17;
- (2) evidence that the victim is about to commit a crime;
- (3) a proceeding that occurs after the victim's death;
- (4) a communication relevant to an issue of breach by the victim or victim counselor of a duty arising out of the victim-victim counselor relationship;
- (5) a communication that is determined to be admissible hearsay as an excited utterance under the Alaska Rules of Evidence;
- (6) a child-in-need-of-aid proceeding under AS 47.10;
- (7) a communication made during the victim-victim counselor relationship if the services of the counselor were sought, obtained, or used to enable anyone to commit or plan a crime or to escape detection or apprehension after the

commission of a crime; or

(8) a criminal proceeding concerning criminal charges against a victim of domestic violence, sex trafficking, or sexual assault in which [WHERE] the victim is charged with a crime

(A) under AS 11.41 against a minor; or

(B) in which the physical, mental, or emotional condition of the victim is raised in defense of the victim.

\* **Sec. 39.** AS 18.66.250(1) is amended to read:

(1) "confidential communication" means information exchanged between a victim and a victim counselor in private or in the presence of a third party who is necessary to facilitate communication or further the counseling process and that is disclosed in the course of victim counseling resulting from sex trafficking, a sexual assault, or domestic violence;

\* **Sec. 40.** AS 18.66.250(3) is amended to read:

(3) "victim" means a person who consults a victim counselor for assistance in overcoming adverse effects of a sexual assault, sex trafficking, or domestic violence;

\* **Sec. 41.** AS 18.66.250(4) is amended to read:

(4) "victim counseling" means support, assistance, advice, or treatment to alleviate the adverse effects of sex trafficking, a sexual assault, or domestic violence on the victim;

\* **Sec. 42.** AS 18.66.250(5) is amended to read:

(5) "victim counseling center" means a private organization, an organization operated by or contracted by a branch of the armed forces of the United States, or a local government agency that

(A) has, as one of its primary purposes, the provision of direct services to victims for trauma resulting from [A] sexual assault, sex trafficking, or domestic violence;

(B) is not affiliated with a law enforcement agency or a prosecutor's office; and

(C) is not on contract with the state to provide services under

AS 47;

\* **Sec. 43.** AS 18.66.250(6) is amended to read:

(6) "victim counselor" means an employee or supervised volunteer of a victim counseling center that provides counseling to victims

(A) who has undergone a minimum of 40 hours of training in sex trafficking, domestic violence, or sexual assault, crisis intervention, victim support, treatment, and related areas; or

(B) whose duties include victim counseling.

\* **Sec. 44.** AS 18.66.990(2) is amended to read:

(2) "crisis intervention and prevention program" means a community program that provides information, education, counseling, and referral services to individuals experiencing personal crisis related to domestic violence, sex trafficking, or sexual assault and to individuals in personal or professional transition, excluding correctional half-way houses, outpatient mental health programs, and drug or alcohol rehabilitation programs;

\* **Sec. 45.** AS 18.67.080(a) is amended to read:

(a) In a case in which a person is injured or killed by an incident specified in AS 18.67.101(1), [OR] by the act of any other person that is within the description of offenses listed in AS 18.67.101(2), or as a result of the person's involvement in a commercial sexual act as described in AS 18.67.101(3), the board may order the payment of compensation in accordance with the provisions of this chapter:

(1) to or for the benefit of the injured person;

(2) in the case of personal injury or death of the victim, to a person responsible or who had been responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of the injury or death;

(3) in the case of death of the victim, to or for the benefit of one or more of the dependents of the victim; or

(4) to the provider of a service under AS 18.67.110(b).

\* **Sec. 46.** AS 18.67.101 is amended to read:

**Sec. 18.67.101. Incidents and offenses to which this chapter applies.** The board may order the payment of compensation in accordance with the provisions of

1 this chapter for personal injury or death that resulted from

2 (1) an attempt on the part of the applicant to prevent the commission of  
3 crime, or to apprehend a suspected criminal, or aiding or attempting to aid a police  
4 officer to do so, or aiding a victim of crime; [OR]

5 (2) the commission or attempt on the part of one other than the  
6 applicant to commit any of the following offenses:

7 (A) murder in any degree;

8 (B) manslaughter;

9 (C) criminally negligent homicide;

10 (D) assault in any degree;

11 (E) kidnapping;

12 (F) sexual assault in any degree;

13 (G) sexual abuse of a minor;

14 (H) robbery in any degree;

15 (I) threats to do bodily harm;

16 (J) driving while under the influence of an alcoholic beverage,  
17 inhalant, or controlled substance or another crime resulting from the operation  
18 of a motor vehicle, boat, or airplane when the offender is under the influence  
19 of an alcoholic beverage, inhalant, or controlled substance;

20 (K) arson in the first degree;

21 (L) [SEX TRAFFICKING IN VIOLATION OF AS 11.66.110  
22 OR 11.66.130(a)(2)(B);

23 (M)] human trafficking in any degree; or

24 (M) [(N)] unlawful exploitation of a minor; or

25 (3) the applicant's having been induced or caused to engage in a  
26 commercial sexual act under AS 11.41.340 - 11.41.350.

27 \* **Sec. 47.** AS 18.85.100(c) is amended to read:

28 (c) An indigent person is entitled to representation under (a) and (b) of this  
29 section for purposes of bringing a timely application for post-conviction relief or  
30 petition for vacation of judgment under AS 12.72. An indigent person is not entitled  
31 to representation under (a) and (b) of this section for purposes of bringing

(1) an untimely or successive application for post-conviction relief **or petition for vacation of judgment** under AS 12.72 or an untimely or successive motion for reduction or modification of sentence;

(2) a petition for review or certiorari from an appellate court ruling on an application for post-conviction relief; or

(3) an action or claim for habeas corpus in federal court attacking a state conviction.

\* **Sec. 48.** AS 28.15.046(c) is amended to read:

(c) The department may not issue a license under this section to an applicant

(1) who has been convicted of any of the following offenses:

(A) a violation, or an attempt, solicitation, or conspiracy to commit a violation, of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.470, or 11.41.500 - 11.41.530;

(B) a felony violation of endangering the welfare of a child in the first degree under AS 11.51.100;

(C) felony indecent viewing or production of a picture under AS 11.61.123;

(D) distribution of child pornography under AS 11.61.125;

(E) possession of child pornography under AS 11.61.127;

(F) distribution of indecent material to minors under AS 11.61.128;

(G) felony prostitution under **AS 11.66.101 or 11.66.102** [AS 11.66.100(e)];

(H) sex trafficking in the first, second, or third degree [UNDER AS 11.66.110 - 11.66.130];

(I) a felony involving distribution of a controlled substance under AS 11.71 or imitation controlled substance under AS 11.73;

(J) a felony violation under AS 28.35.030(n) or 28.35.032(p);

**(K) patron of a victim of sex trafficking under AS 11.41.355;** or

(2) who has been convicted of any of the following offenses and less

than two years have elapsed since the applicant's date of conviction for the offense:

(A) assault in the fourth degree under AS 11.41.230;

(B) reckless endangerment under AS 11.41.250;

(C) contributing to the delinquency of a minor under AS 11.51.130;

(D) misdemeanor prostitution under AS 11.66.104 or 11.66.106 [AS 11.66.100(a)(2)];

(E) a misdemeanor violation of endangering the welfare of a child in the first degree under AS 11.51.100.

\* **Sec. 49.** AS 34.03.360(10) is amended to read:

(10) "illegal activity involving a place of prostitution" means a violation of AS 11.66.101(a) [AS 11.66.120(a)(1) OR 11.66.130(a)(2)(A) OR (D)];

\* **Sec. 50.** AS 34.03.360(17) is amended to read:

(17) "prostitution" means an act in violation of AS 11.66.101 - 11.66.106 [AS 11.66.100];

\* **Sec. 51.** AS 43.23.005 is amended by adding a new subsection to read:

(i) The provisions of (d) of this section do not apply if an individual's conviction was vacated during the qualifying year under AS 12.72. If an individual becomes eligible under this subsection, the individual is eligible to receive a permanent fund dividend only for the qualifying year in which the conviction was vacated and each subsequent qualifying year for which the individual is otherwise eligible under this section.

\* **Sec. 52.** AS 44.23.080(a) is amended to read:

(a) If there is reasonable cause to believe that an Internet service account has been used in connection with a violation of AS 11.41.340 - 11.41.350, 11.41.452 [AS 11.41.452], 11.41.455, or AS 11.61.125 - 11.61.128, and that the identity, address, and other information about the account owner will assist in obtaining evidence that is relevant to the offense, a law enforcement officer may apply to the attorney general or the attorney general's designee for an administrative subpoena to obtain the business records of the Internet service provider located inside or outside of the state.

1 \* **Sec. 53.** AS 47.10.990(33) is amended to read:

2 (33) "sexual abuse" means the conduct described in AS 11.41.410 -  
3 11.41.460, [;] conduct constituting "sexual exploitation" as defined in AS 47.17.290,  
4 and conduct prohibited by **AS 11.41.340 - 11.41.355** [AS 11.66.100 - 11.66.150];

5 \* **Sec. 54.** AS 47.12.110(d) is amended to read:

6 (d) Notwithstanding (a) of this section, a court hearing on a petition seeking  
7 the adjudication of a minor as a delinquent shall be open to the public, except as  
8 prohibited or limited by order of the court, if

9 (1) the department files with the court a motion asking the court to  
10 open the hearing to the public, and the petition seeking adjudication of the minor as a  
11 delinquent is based on

12 (A) the minor's alleged commission of an offense, and the  
13 minor has knowingly failed to comply with all the terms and conditions  
14 required of the minor by the department or imposed on the minor in a court  
15 order entered under AS 47.12.040(a)(2) or 47.12.120;

16 (B) the minor's alleged commission of

17 (i) a crime against a person that is punishable as a  
18 felony;

19 (ii) a crime in which the minor employed a deadly  
20 weapon, as that term is defined in AS 11.81.900(b), in committing the  
21 crime;

22 (iii) arson under AS 11.46.400 - 11.46.410;

23 (iv) burglary under AS 11.46.300;

24 (v) distribution of child pornography under  
25 AS 11.61.125;

26 (vi) sex trafficking [IN THE FIRST DEGREE] under  
27 **AS 11.41.340 or 11.41.345** [AS 11.66.110]; or

28 (vii) misconduct involving a controlled substance under  
29 AS 11.71 involving the delivery of a controlled substance or the  
30 possession of a controlled substance with intent to deliver, other than  
31 an offense under AS 11.71.040 or 11.71.050; or

(C) the minor's alleged commission of a felony and the minor was 16 years of age or older at the time of commission of the offense when the minor has previously been convicted or adjudicated a delinquent minor based on the minor's commission of an offense that is a felony; or

(2) the minor agrees to a public hearing on the petition seeking adjudication of the minor as a delinquent.

\* **Sec. 55.** AS 47.12.315(a) is amended to read:

(a) Notwithstanding AS 47.12.310, and except as otherwise provided in this section, the department shall disclose information to the public, on request, concerning a minor subject to this chapter who was at least 13 years of age at the time of commission of

(1) a felony offense against a person under AS 11.41;

(2) arson in the first or second degree;

(3) burglary in the first degree;

(4) distribution of child pornography;

(5) sex trafficking under AS 11.41.340 or 11.41.345 [IN THE FIRST DEGREE];

(6) misconduct involving a controlled substance in the first, second, or third degrees involving distribution or possession with intent to deliver; or

(7) misconduct involving weapons in the first through fourth degrees.

\* **Sec. 56.** AS 47.17.290(18) is amended to read:

(18) "sexual exploitation" includes

(A) allowing, permitting, or encouraging a child to engage in a commercial sexual act prohibited by AS 11.41.340 - 11.41.355 or prostitution prohibited by AS 11.66.101 [AS 11.66.100 - 11.66.150], by a person responsible for the child's welfare;

(B) allowing, permitting, encouraging, or engaging in activity prohibited by AS 11.41.455(a), by a person responsible for the child's welfare.

\* **Sec. 57.** AS 11.41.360(b), 11.41.470(7); AS 11.56.765(c)(3), 11.56.767(c)(3); AS 11.66.100, 11.66.110, 11.66.120, 11.66.130, 11.66.135, 11.66.140, 11.66.150; and AS 12.61.125(d)(2) are repealed.



\* **Sec. 58.** The uncodified law of the State of Alaska is amended by adding a new section to read:

**APPLICABILITY.** (a) The following sections apply to offenses committed on or after the effective date of those sections:

- (1) AS 11.41.340 - 11.41.355, enacted by sec. 4 of this Act;
- (2) AS 11.41.360(a), as amended by sec. 5 of this Act;
- (3) AS 11.41.360(c), as amended by sec. 6 of this Act;
- (4) AS 11.41.365, as amended by sec. 7 of this Act;
- (5) AS 11.41.366 - 11.41.369, enacted by sec. 8 of this Act;
- (6) AS 11.41.375, enacted by sec. 9 of this Act;
- (7) AS 11.41.530(a), as amended by sec. 10 of this Act;
- (8) AS 11.66.101 - 11.66.108, enacted by sec. 11 of this Act;
- (9) AS 11.66.145, as amended by sec. 12 of this Act;
- (10) AS 11.66.145(b), enacted by sec. 13 of this Act;
- (11) AS 11.81.250(a), as amended by sec. 14 of this Act;
- (12) AS 11.81.250(b), as amended by sec. 15 of this Act;
- (13) AS 11.81.900(b), as amended by sec. 16 of this Act;
- (14) AS 12.10.010, as amended by sec. 17 of this Act;
- (15) AS 12.37.010, as amended by sec. 18 of this Act;
- (16) AS 14.20.030(b), as amended by sec. 36 of this Act.

(b) The following sections apply to sentences imposed on or after the effective date of those sections for conduct occurring on or after the effective date of those sections:

- (1) AS 12.55.015(m), enacted by sec. 20 of this Act;
- (2) AS 12.55.035(b), as amended by sec. 21 of this Act;
- (3) AS 12.55.078(f), as amended by sec. 22 of this Act;
- (4) AS 12.55.085(f), as amended by sec. 23 of this Act;
- (5) AS 12.55.125(b), as amended by sec. 24 of this Act;
- (6) AS 12.55.125(i), as amended by sec. 25 of this Act;
- (7) AS 12.55.135(q), enacted by sec. 26 of this Act;
- (8) AS 12.55.185(10), as amended by sec. 27 of this Act;
- (9) AS 12.55.185(16), as amended by sec. 28 of this Act;

(10) AS 12.62.900(23), as amended by sec. 33 of this Act.

(c) AS 12.63.100(7), as amended by sec. 34 of this Act, applies to the duty to register as a sex offender for offenses committed on or after the effective date of sec. 34 of this Act.

(d) AS 12.72.100 - 12.72.120, enacted by sec. 35 of this Act, and AS 18.85.100(c), as amended by sec. 47 of this Act, apply to petitions filed on or after the effective date of sec. 35 of this Act for conduct occurring before, on, or after the effective date of secs. 35 and 47 of this Act.

(e) AS 12.72.100 - 12.72.120, enacted by sec. 35 of this Act, apply to convictions under former AS 11.66.100 occurring before the effective date of sec. 35 of this Act.

(f) The following sections apply to communications made on or after the effective date of those sections relating to offenses occurring on or after the effective date of those sections:

- (1) AS 09.25.400, as amended by sec. 2 of this Act;
- (2) AS 12.45.049, as amended by sec. 19 of this Act;
- (3) AS 12.61.125(a), as amended by sec. 29 of this Act;
- (4) AS 12.61.125(d)(3), enacted by sec. 30 of this Act;
- (5) AS 12.61.140, as amended by sec. 31 of this Act;
- (6) AS 12.61.140(c), enacted by sec. 32 of this Act;
- (7) AS 18.66.210, as amended by sec. 38 of this Act;
- (8) AS 18.66.250(3), as amended by sec. 40 of this Act;
- (9) AS 18.66.250(4), as amended by sec. 41 of this Act;
- (10) AS 18.66.250(5), as amended by sec. 42 of this Act;
- (11) AS 18.66.250(6), as amended by sec. 43 of this Act.

**\* Sec. 59.** The uncoded law of the State of Alaska is amended by adding a new section to read:

**PRIOR COURT RECORDS.** The Alaska Court System shall, to the extent practicable, remove court records existing before the effective date of sec. 35 of this Act that meet the requirements of AS 12.72.120, enacted by sec. 35 of this Act, from the court system's publicly available Internet website.

**\* Sec. 60.** Sections 35 and 47 of this Act take effect January 1, 2024.

**\* Sec. 61.** Except as provided in sec. 60 of this Act, this Act takes effect July 1, 2023.