



**CRIME OF SEX/HUMAN TRAFFICKING –  
SECTIONAL ANALYSIS**

May 3, 2023

**Section 1.** This section makes a conforming change to reflect the amendments made in section 32.

**Sections 2 - 29.** Sections 2 – 29 amend the professional licensing statutes to require the licensing boards to not issue or revoke the licenses of athletic trainers, private professional conservators and guardians, professional counselors, massage therapists, marital and family therapists, physicians, osteopaths, podiatrists, direct-entry midwives, nurses, pharmacists, psychologists, and psychological associates and clinical social workers who have been convicted of sex trafficking in the first through third degrees or being a patron of a victim of sex trafficking as enacted in the bill.

**Section 30.** This section makes confidential communications between a victim of sex trafficking and a victim counselor privileged.

**Section 31.** This section makes a conforming change to reflect the amendments made in section 32.

**Section 32.** This section enacts a new offense series: sex trafficking in the first, second, and third degrees. In essence, a person is guilty of *sex trafficking in the first degree* (unclassified sex felony) if the person uses force or the threat of force to coerce someone to engage in a commercial sexual acts or traffics a person under the age of 21 or who is in the person's legal custody.

A person is guilty of *sex trafficking in the second degree* (class A sex felony) if the person induces or causes another person to engage in commercial sexual acts.

Sex trafficking in the first and second degrees would be sentenced under the enhanced penalties for sexual felonies and the person would be required to register as a sex offender.

A person is guilty of *sex trafficking in the third degree* if the person provides resources in furtherance of the commission of sex trafficking. Sex trafficking in the third degree is a

class B felony if the value of the resources provided in furtherance of trafficking is \$200 or more or a class C felony if the value of the resources is less than \$200. Sex trafficking in the third degree is sentenced as a class B or C sex felony and is not a registerable sex offense.

This section also enacts the new crime of “patron of a victim of sex trafficking.” A person is guilty of being a patron of a victim of sex trafficking if they solicit commercial sexual acts with reckless disregard that the person they are soliciting is a victim of sex trafficking, or if they solicit sexual acts from a person under the age of 18. If the person solicited is under 18 years of age, this offense will be a class B sex felony. If the person solicited is an adult, this offense will be a class C sex felony. This crime would be sentenced under the enhanced penalties for sexual felonies and the person would be required to register as a sex offender.

**Section 33.** This section amends the crime of human trafficking in the first degree to be an unclassified felony when the person induces or causes a person to engage in adult entertainment or labor through the use of force against the victim or if the victim is under the age of 21.

**Section 34.** This section denotes that human trafficking in the first degree is an unclassified felony.

**Section 35.** This section amends human trafficking in the second degree to include situations in which the person induces or causes another person to engage in adult entertainment or labor by

- (1) exposing or threatening to expose confidential information or a secret, whether true or false, tending to 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 another person a fear that the actor will withhold from any person lodging, food, clothing, or medication;
- (6) providing or withholding controlled substances from the person; or
- (7) deceiving the victim.

Under this section, human trafficking in the second degree is a class A felony.

**Section 36.** This section enacts the new crime of human trafficking in the third degree. A person is guilty of human trafficking in the third degree if they provide resources in furtherance of human trafficking. Human trafficking in the third degree is a class B felony if the value of the resources is \$200 or more and a class C felony if the value of the resources is less than \$200.

The section also clarifies that human trafficking does not include normal caretaker interactions with a minor (for example, asking a child to shovel the driveway in exchange for an item of clothing etc.).

The section also makes clear that any property used to commit sex or human trafficking may be forfeited. The provision also states that the legislature may appropriate money from items forfeited as part of a sex trafficking case to programs that provide resources to victims of sex trafficking.

**Section 37.** This section clarifies that the crime of coercion is only to be used if the sex trafficking or human trafficking elements are not present.

**Section 38.** This section enacts a new offense series: prostitution in the first through fourth degrees.

***Prostitution in the First Degree:*** A person commits prostitution in the first degree if the person manages, supervises, or controls a prostitution enterprise or place of prostitution. Prostitution in the first degree is a class B felony.

*Note: managing, supervising, or controlling a prostitution enterprise or place of prostitution is currently criminalized as sex trafficking in the second (AS 11.66.120) and third degrees (AS 11.66.130). In addition, the definition of “fee” in “place of prostitution” excludes payment for reasonably apportioned shared expenses of a residence thereby exempting sex workers who live together and operate out of their residence.*

***Prostitution in the Second Degree:*** A person commits the crime of prostitution in the second degree if, in the previous five years, the person has been convicted two or more times of prostitution in the third degree (offering a fee in exchange for sexual conduct). Prostitution in the second degree is a class C felony.

***Prostitution in the Third Degree:*** A person commits the crime of prostitution in the third degree if the person offers a fee in exchange for sexual conduct. Prostitution in the third degree is a class A misdemeanor.

***Prostitution in the Fourth Degree:*** A person commits the crime of prostitution in the fourth degree if the person engages in, agrees, or offers to engage in sexual conduct in return for a fee. Prostitution in the fourth degree is a class B misdemeanor.

This section is a conforming change which references the new sex trafficking statutes in the prostitution statute.

**Section 39.** This is a conforming change to the changes made in sec. 38.

**Section 40 – 41.** These sections define “place of prostitution” and “fee.”

**Sections 42 and 43.** These sections make conforming changes related to the amendments made in section 32 - 36.

**Section 44.** This section adds the definitions that apply to the sex trafficking statutes and the human trafficking statutes to the general definition statute in Title 11 (AS 11.81.900).

**Section 45.** This section establishes that there is no statute of limitations for sex trafficking and human trafficking in the first and second degrees. However, the statute of limitations for sex trafficking in the third degree and human trafficking in the third degree is ten years.

**Section 46.** This section makes conforming changes reflecting the amendments to sex trafficking and human trafficking.

**Section 47.** This section makes confidential communications between a victim of sex trafficking and a victim counselor privileged.

**Sections 48.** This section adds a new provision to the statute that lays out the types of sanctions that can be imposed for a criminal offense to include that a court shall revoke a business license of a person who is convicted of sex trafficking or human trafficking if the person used the business in furtherance of the offense.

**Section 49.** This section makes conforming changes to the statute relating to fines reflecting the changes made to the sex trafficking and human trafficking statutes.

**Section 50.** This section amends the statute relating to a suspended entry of judgment to prohibit a person who has been charged with sex or human trafficking or prostitution in the first or second degree from being eligible for a suspended entry of judgment.

**Section 51.** This section amends the statute relating to a suspended imposition of sentence to prohibit a person who has been charged with sex or human trafficking or prostitution in the first or second degree from being eligible for a suspended imposition of sentence.

**Section 52.** This section establishes that human trafficking, as an unclassified felony, will be sentenced between 5 and 99 years.

**Section 53.** This section amends AS 12.55.125(i) (the sex offense sentencing statutes) incorporating the new sex trafficking statutes and patron of a victim of sex trafficking statute. This ensures that these offenses will be subject to the higher sentences associated with sex offenses. This section also corrects an error in the citation of unlawful exploitation of a minor under AS 11.41.455(c)(1) and indecent viewing of a picture under AS 11.61.123.

**Section 54.** This section establishes mandatory minimum terms of imprisonment for repeat patrons of sex workers. Upon the second conviction with five years, the person will be subject to a class A misdemeanor with a mandatory minimum of 72 hours to serve.

**Section 55.** This section makes conforming changes to the definition of “most serious felony” reflecting the new sex trafficking statutes.

**Section 56.** This section adds sex trafficking and patron of a victim of sex trafficking to the definition of “sexual felony” and corrects the citation to indecent viewing of a picture under AS 11.61.123.

**Sections 57 and 58.** These sections extend the protections offered to victims of sex offenses in regards to how they are interviewed by the defense to victims of all registerable sex offenses.

**Sections 59-60.** These sections amend the prohibition on publishing of the name of a victim of a sexual offense in public court documents to include victims of all registerable sex offenses. The victim will be instead identified by initials.

**Section 61.** This section amends the definition of “serious offense” to reflect the changes made to the prostitution statutes.

**Section 62.** This section amends the definition of “sex offense” in AS 12.66 to include sex trafficking in the first and second degrees as well as patron of a victim of sex trafficking.

**Section 63.** This section establishes a process whereby a person who has been convicted of prostitution can get that conviction vacated if they are able to show that they were a victim of sex trafficking at the time that they committed the offense. If the conviction is vacated, the court system may not publish records relating to the conviction on CourtView nor may the Department of Public Safety release that information as part of an employment background check.

**Section 64 and 67 - 71.** These sections incorporate education on sex and human trafficking into any education provided to students on sexual abuse, sexual assault, and dating violence.

**Section 65.** This section requires a person seeking a teaching certificate to receive training of sex and human trafficking.

**Section 66.** This section requires the revocation of a person's teaching certificate if they have been convicted of sex trafficking.

**Section 72.** This section prohibits a person who has been convicted of sex trafficking or being a patron of a victim of sex trafficking from being a teacher at a religious or other private school.

**Section 73.** This section makes a conforming change to the statute which allows for some privileged information to be disclosed. Specifically, if the victim of sex trafficking has been charged with a crime under AS 11.41 against a minor or where the physical, mental, or emotional condition of the victim is raised as a defense of the victim.

**Section 74 – 78.** These sections make conforming amendments to extend the protections on privileged communications for victims of sexual assault and domestic violence to victims of sex trafficking.

**Section 79.** This section amends the definition of “crisis intervention and prevention program” to include programs that provide information, education, counseling, and referral services to individuals experiencing a crisis related to sex trafficking.

**Section 80 – 81.** These sections amend the statutes relating to the Violent Crimes Compensation Board to include victims of sex trafficking.

**Section 82.** This section allows the public defender to represent a person who is petitioning for a vacation of judgement.

**Section 83.** This section makes conforming changes to the statute relating to the licensing of school bus drivers to reflect the changes made to the sex trafficking and prostitution statutes and to incorporate the new crime of patron of a victim of sex trafficking.

**Sections 84 and 85.** These sections make conforming changes referencing the changes made to the sex trafficking and prostitution statutes.

**Section 86.** This section makes a person who has had their conviction for prostitution vacated eligible for a permanent fund dividend.

**Section 87.** This section authorizes administrative subpoenas for sex trafficking in the first, second, and third degrees.

**Sections 88 - 91.** These sections make conforming changes referencing the changes made to the sex trafficking statutes.

**Section 92.** This section is the repealer section.

**Section 93.** This section is the applicability section. The majority of this bill will apply to offenses occurring on or after the effective date.

**Section 95.** This section makes the sections relating to sex trafficking education effective January 1, 2024.

**Section 96.** This section makes the remainder of the bill effective July 1, 2023.