

SENATE BILL NO. 211

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY SENATOR ELLIS

Introduced: 1/10/96

Referred: STA, JUD

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to sexual assault; and relating to endangering the welfare of**
2 **vulnerable adults and neglect of vulnerable adults."**

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

4 *** Section 1.** AS 11.41.410(a) is amended to read:

5 Sec. 11.41.410. SEXUAL ASSAULT IN THE FIRST DEGREE. (a) An
6 offender commits the crime of sexual assault in the first degree if

7 (1) the offender engages in sexual penetration with another person
8 without consent of that person;

9 (2) the offender attempts to engage in sexual penetration with another
10 person without consent of that person and causes serious physical injury to that person;

11 (3) the offender engages in sexual penetration with another person

12 (A) who the offender knows is mentally incapable; and

13 (B) who is entrusted to the offender's care

14 (i) by authority of law; or

1 (ii) in a facility or program that is required by law to be
2 licensed by the state [DEPARTMENT OF HEALTH AND SOCIAL
3 SERVICES]; or

4 (4) the offender engages in sexual penetration with a person who the
5 offender knows is unaware that a sexual act is being committed and
6 (A) the offender is a health care worker; and
7 (B) the offense takes place during the course of professional
8 treatment of the victim.

9 * **Sec. 2.** AS 11.41.420(a) is amended to read:

10 (a) An offender commits the crime of sexual assault in the second degree if
11 (1) the offender engages in sexual contact with another person without
12 consent of that person;

13 (2) the offender engages in sexual contact with a person
14 (A) who the offender knows is mentally incapable; and
15 (B) who is entrusted to the offender's care

16 (i) by authority of law; or

17 (ii) in a facility or program that is required by law to be
18 licensed by the state [DEPARTMENT OF HEALTH AND SOCIAL
19 SERVICES];

20 (3) the offender engages in sexual penetration with a person who the
21 offender knows is

22 (A) mentally incapable;

23 (B) incapacitated; or

24 (C) unaware that a sexual act is being committed; or

25 (4) the offender engages in sexual contact with a person who the
26 offender knows is unaware that a sexual act is being committed and

27 (A) the offender is a health care worker; and

28 (B) the offense takes place during the course of professional
29 treatment of the victim.

30 * **Sec. 3.** AS 11.51 is amended by adding new sections to read:

31 ARTICLE 2. VULNERABLE ADULTS.

1 Sec. 11.51.200. ENDANGERING THE WELFARE OF A VULNERABLE
2 ADULT. (a) A person commits the crime of endangering the welfare of a vulnerable
3 adult if the person intentionally deserts the vulnerable adult in any place under
4 circumstances creating a substantial risk of physical injury to the vulnerable adult and
5 the vulnerable adult is entrusted to the person's care

6 (1) by authority of law; or

7 (2) in a facility or program that is required by law to be licensed by the
8 state.

9 (b) Endangering the welfare of a vulnerable adult is a class C felony.

10 Sec. 11.51.210. CRIMINAL NEGLECT OF A VULNERABLE ADULT. (a)
11 A person commits the crime of criminal neglect of a vulnerable adult if the person
12 fails without lawful excuse to provide support for the vulnerable adult and the
13 vulnerable adult is entrusted to the person's care

14 (1) by authority of law; or

15 (2) in a facility or program that is required by law to be licensed by the
16 state.

17 (b) As used in this section "support" includes necessary food, care, clothing,
18 shelter, and medical attention. There is no failure to provide medical attention to a
19 vulnerable adult if the vulnerable adult is provided treatment solely by spiritual means
20 through prayer in accordance with the tenets and practices of a recognized church or
21 religious denomination of which the vulnerable adult is a member or adherent,
22 provided the vulnerable adult consents to the treatment through spiritual means only,
23 and the treatment is administered by an accredited practitioner of the church or
24 denomination.

25 (c) Criminal nonsupport of a vulnerable adult is a class A misdemeanor.

26 Sec. 11.51.220. DEFINITION OF VULNERABLE ADULT. In AS 11.51.200
27 - 11.51.210, "vulnerable adult" has the meaning given in AS 47.24.900.