

**CS FOR SENATE BILL NO. 211(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 3/11/96  
Referred: Judiciary

Sponsor(s): SENATOR ELLIS

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to sexual assault; and relating to endangering the welfare of  
2 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 IN THE FIRST DEGREE. (a) A person commits the crime of endangering  
3 the welfare of a vulnerable adult in the first degree if the person

4                   (1) intentionally abandons the vulnerable adult in any place under  
5 circumstances creating a substantial risk of physical injury to the vulnerable adult and  
6 the vulnerable adult is in the person's care

7                           (A) by authority of law; or

8                           (B) in a facility or program that is required by law to be  
9 licensed by the state; or

10                   (2) violates AS 11.51.210 and, as a result of the violation, the  
11 vulnerable adult suffers serious physical injury.

12           (b) Endangering the welfare of a vulnerable adult in the first degree is a class  
13 C felony.

14           Sec. 11.51.210. ENDANGERING THE WELFARE OF A VULNERABLE  
15 ADULT IN THE SECOND DEGREE. (a) A person commits the crime of  
16 endangering the welfare of a vulnerable adult in the second degree if the person  
17 knowingly fails without lawful excuse to provide support for the vulnerable adult and  
18 the vulnerable adult is in the person's care

19                   (1) by authority of law; or

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

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

30           (c) Endangering the welfare of a vulnerable adult in the second degree is a  
31 class A misdemeanor.

**1** Sec. 11.51.220. DEFINITION OF VULNERABLE ADULT. In AS 11.51.200  
**2** - 11.51.210, "vulnerable adult" has the meaning given in AS 47.24.900.