

CS FOR SENATE BILL NO. 211(RLS) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

Amended: 4/4/96

Offered: 4/2/96

Sponsor(s): SENATORS ELLIS, Salo, Pearce, Lincoln, Donley, Phillips, Duncan, Taylor, Leman, Kelly, Torgerson, Sharp, Zharoff

REPRESENTATIVE Robinson

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to sexual assault and sexual abuse; and relating to
2 endangering the welfare 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 (a) An offender commits the crime of sexual assault in the first degree if

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

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

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

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

12 (B) who is in [ENTRUSTED TO] the offender's care

13 (i) by authority of law; or

14 (ii) in a facility or program that is required by law to be

1 licensed by the state [DEPARTMENT OF HEALTH AND SOCIAL
2 SERVICES]; or

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

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

6 (B) the offense takes place during the course of professional
7 treatment of the victim.

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

9 (a) An offender commits the crime of sexual assault in the second degree if

10 (1) the offender engages in sexual contact with another person without
11 consent of that person;

12 (2) the offender engages in sexual contact with a person

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

14 (B) who is in [ENTRUSTED TO] the offender's care

15 (i) by authority of law; or

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

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

21 (A) mentally incapable;

22 (B) incapacitated; or

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

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

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

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

29 * **Sec. 3.** AS 11.41.438(a) is amended to read:

30 (a) An offender commits the crime of sexual abuse of a minor in the third
31 degree if

1 (1) being 16 years of age or older, the offender engages in sexual
2 contact with a person who is 13, 14, or 15 years of age and at least three years
3 younger than the offender; or

4 (2) being 18 years of age or older, the offender engages in sexual
5 penetration with a person who is 16 or 17 years of age and

6 (A) at least three years younger than the offender, and the
7 offender occupies a position of authority in relation to the victim; or

8 (B) the offender is a police officer but is not a legal guardian
9 of the victim and the offender is known to the victim as a police officer.

10 * **Sec. 4.** AS 11.41.440(a) is amended to read:

11 (a) An offender commits the crime of sexual abuse of a minor in the fourth
12 degree if

13 (1) being under 16 years of age, the offender engages in sexual
14 penetration or sexual contact with a person who is under 13 years of age and at least
15 three years younger than the offender; or

16 (2) being 18 years of age or older, the offender engages in sexual
17 contact with a person who is 16 or 17 years of age and

18 (A) at least three years younger than the offender, and the
19 offender occupies a position of authority in relation to the victim; or

20 (B) the offender is a police officer but is not a legal guardian
21 of the victim and the offender is know to the victim as a police officer.

22 * **Sec. 5.** AS 11.51 is amended by adding new sections to read:

23 ARTICLE 2. VULNERABLE ADULTS.

24 Sec. 11.51.200. ENDANGERING THE WELFARE OF A VULNERABLE
25 ADULT IN THE FIRST DEGREE. (a) A person commits the crime of endangering
26 the welfare of a vulnerable adult in the first degree if the person

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

30 (A) by authority of law; or

31 (B) in a facility or program that is required by law to be

1 licensed by the state; or

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

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

6 Sec. 11.51.210. ENDANGERING THE WELFARE OF A VULNERABLE
7 ADULT IN THE SECOND DEGREE. (a) A person commits the crime of
8 endangering the welfare of a vulnerable adult in the second degree if the person fails
9 without lawful excuse to provide support for the vulnerable adult and the vulnerable
10 adult is in the person's care

11 (1) by authority of law; or

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

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

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

24 Sec. 11.51.220. DEFINITION OF VULNERABLE ADULT. In AS 11.51.200
25 - 11.51.210, "vulnerable adult" has the meaning given in AS 47.24.900.