

**HOUSE BILL NO. 354**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVE BRICE**

**Introduced: 2/9/00**

**Referred: Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to criminal sexual inducement of a minor, to distribution of**  
2 **pornography to minors, and to sex offenses."**

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

4 **\* Section 1.** AS 11.41 is amended by adding a new section to read:

5 **Sec. 11.41.452. Criminal sexual inducement of a minor.** (a) A person  
6 commits the crime of criminal sexual solicitation of a minor if, being 16 years of age  
7 or older, the offender engages in a course of conduct with a person who the offender  
8 believes is under 18 years of age and at least three years younger than the offender  
9 with the intent to induce the person to engage in sexual penetration or sexual contact  
10 or conduct described in AS 11.41.455(a)(1) - (7) with the offender or another person.

11 (b) In a prosecution under this section, it is not a defense that the victim was  
12 not actually under 18 years of age or at least three years younger than the offender.

13 (c) Criminal sexual inducement of a minor is a class C felony.

14 **\* Sec. 2.** AS 11.61 is amended by adding a new section to read:

1           **Sec. 11.61.128. Distribution of pornography to minors.** (a) A person  
2 commits the crime of distribution of pornography to minors if the person

3                   (1) distributes any material that visually or aurally depicts pornography  
4 to a person the offender believes to be a person under the age of 18 and at least three  
5 years younger than the offender; or

6                   (2) engages in communication with a person who the offender believes  
7 to be under the age of 18 and at least three years younger than the offender and the  
8 communication describes or discusses conduct that is pornographic.

9           (b) This section does not apply to

10                   (1) distribution or communication undertaken for a legitimate  
11 therapeutic or educational purpose by a medical, mental health, or educational  
12 professional licensed by the state;

13                   (2) distribution that occurs as part of an exhibition or performance of  
14 a motion picture if the distribution is performed within the scope of employment by  
15 a motion picture operator or projectionist employed by the owner or manager of a  
16 theater or other place for the showing of motion pictures, unless the motion picture  
17 operator or projectionist

18                               (A) has a financial interest in the theater or place in which  
19 employed; or

20                               (B) causes the performance or motion picture to be performed  
21 or exhibited without the consent of the manager or owner of the theater or  
22 other exhibition venue.

23           (c) In a prosecution under this section, it is not a defense that the victim was  
24 not actually under 18 years of age or at least three years younger than the offender.

25           (d) In this section, "pornography" means the following actual or simulated  
26 conduct:

27                   (1) sexual penetration;

28                   (2) the lewd touching of another person's genitals, anus, or breast;

29                   (3) masturbation;

30                   (4) bestiality;

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

1 (6) sexual masochism or sadism.

2 (e) Distribution of pornography to minors is a class B felony.

3 \* **Sec. 3.** AS 12.63.100(6) is amended to read:

4 (6) "sex offense" means

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

10 (B) a crime under AS 11.41.110(a)(3), or a similar law of  
11 another jurisdiction, in which the person committed or attempted to commit one  
12 of the following crimes, or a similar law of another jurisdiction:

13 (i) sexual assault in the first degree;

14 (ii) sexual assault in the second degree;

15 (iii) sexual abuse of a minor in the first degree; or

16 (iv) sexual abuse of a minor in the second degree;

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

19 (i) AS 11.41.410 - 11.41.438;

20 (ii) AS 11.41.440(a)(2);

21 (iii) AS 11.41.450 - 11.41.458;

22 (iv) AS 11.41.460 if the indecent exposure is before a  
23 person under 16 years of age and the offender has a previous conviction  
24 for that offense;

25 (v) AS 11.61.125, [OR] 11.61.127, **or 11.61.128**;

26 (vi) AS 11.66.110 or 11.66.130(a)(2) if the person who  
27 was induced or caused to engage in prostitution was 16 or 17 years of  
28 age at the time of the offense; or

29 (vii) former AS 11.15.120, former 11.15.134, or assault  
30 with the intent to commit rape under former AS 11.15.160, former  
31 AS 11.40.110, or former 11.40.200;