



LAWS OF ALASKA

2003

Source

SCS CSHB 52(STA)

Chapter No.

AN ACT

Relating to the crime of distribution of child pornography and to the forfeiture of property used to possess or distribute child pornography, to commit indecent viewing or photography, to commit a sex offense, or to solicit the commission of, attempt to commit, or conspire to commit possession or distribution of child pornography, indecent viewing or photography, or a sexual offense.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to the crime of distribution of child pornography and to the forfeiture of property
2 used to possess or distribute child pornography, to commit indecent viewing or photography,
3 to commit a sex offense, or to solicit the commission of, attempt to commit, or conspire to
4 commit possession or distribution of child pornography, indecent viewing or photography, or
5 a sexual offense.

6

7 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
8 to read:

9 INTENT. The forfeitures contemplated by secs. 2 and 4 of this Act are intended to be
10 forfeitures imposed in connection with conviction for a crime. The legislature intends for the
11 forfeiture to be ordered to the commissioner of public safety or other law enforcement agency.
12 Further, the legislature intends for the courts to continue to provide hearings to interested
13 persons who have an ownership interest in equipment subject to forfeiture under this Act and

1 to allow for remission to innocent nonnegligent third parties as applied in State v. Rice, 626
2 P.2d 104 (Alaska 1981), Fehir v. State, 755 P.2d 1107 (Alaska 1988), and Baum v. State, 24
3 P.3d 577 (Alaska App. 2001).

4 * **Sec. 2.** AS 11.41 is amended by adding a new section to read:

5 **Sec. 11.41.468. Forfeiture of property used in sexual offense.** (a) Property
6 used to aid a violation of AS 11.41.410 - 11.41.458 or to aid the solicitation of,
7 attempt to commit, or conspiracy to commit a violation of AS 11.41.410 - 11.41.458
8 may be forfeited to the state upon the conviction of the offender.

9 (b) In this section, "property" means computer equipment,
10 telecommunications equipment, photography equipment, video or audio equipment,
11 books, magazines, photographs, videotapes, audiotapes, and any equipment or device,
12 regardless of format or technology employed, that can be used to store, create, modify,
13 receive, transmit, or distribute digital or analog information, including images, motion
14 pictures, and sounds.

15 * **Sec. 3.** AS 11.61.125(d) is amended to read:

16 (d) In this section, "distribution" includes **the following, whether or not for**
17 **monetary or other consideration:** delivering, selling, renting, leasing, lending,
18 giving, circulating, exhibiting, presenting, providing, exchanging, [AND] placing on a
19 computer network or computer system, **and providing billing collection, or other**
20 **ancillary services for or otherwise supporting these activities** [WHETHER OR
21 NOT FOR MONETARY OR OTHER CONSIDERATION].

22 * **Sec. 4.** AS 11.61 is amended by adding a new section to read:

23 **Sec. 11.61.129. Forfeiture of property used in indecent viewing or**
24 **photography or child pornography.** (a) Property used to aid a violation of
25 AS 11.61.123 - 11.61.127 or to aid the solicitation of, attempt to commit, or
26 conspiracy to commit a violation of AS 11.61.123 - 11.61.127 may be forfeited to the
27 state upon the conviction of the offender.

28 (b) In this section, "property" has the meaning given in AS 11.41.468.

29 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
30 read:

31 **APPLICABILITY.** The changes to the definition of "distribution" made in sec. 3 of

1 this Act apply to offenses occurring on or after the effective date of this Act.