

**CS FOR HOUSE BILL NO. 334(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/18/04

Referred: Rules

Sponsor(s): REPRESENTATIVES MEYER, Gruenberg, Wolf

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to unlawful exploitation of a minor and to distribution of child**  
2 **pornography."**

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

4 \* **Section 1.** AS 11.41.455(c) is amended to read:

5 (c) Unlawful exploitation of a minor is a **class A** [CLASS B] felony.

6 \* **Sec. 2.** AS 11.61.125(e) is amended to read:

7 (e) Distribution of child pornography is a

8 **(1) class B felony; or**

9 **(2) class A felony if the person has been previously convicted of**  
10 **distribution of child pornography in this jurisdiction or a similar crime in this or**  
11 **another jurisdiction.**

12 \* **Sec. 3.** AS 47.12.030(a) is amended to read:

13 (a) When a minor who was at least 16 years of age at the time of the offense is  
14 charged by complaint, information, or indictment with an offense specified in this

1 subsection, this chapter and the Alaska Delinquency Rules do not apply to the offense  
2 for which the minor is charged or to any additional offenses joinable to it under the  
3 applicable rules of court governing criminal procedure. The minor shall be charged,  
4 held, released on bail, prosecuted, sentenced, and incarcerated in the same manner as  
5 an adult. If the minor is convicted of an offense other than an offense specified in this  
6 subsection, the minor may attempt to prove, by a preponderance of the evidence, that  
7 the minor is amenable to treatment under this chapter. If the court finds that the minor  
8 is amenable to treatment under this chapter, the minor shall be treated as though the  
9 charges had been heard under this chapter, and the court shall order disposition of the  
10 charges of which the minor is convicted under AS 47.12.120(b). The provisions of  
11 this subsection apply when the minor is charged by complaint, information, or  
12 indictment with an offense

13 (1) that is an unclassified felony or a class A felony and the felony is a  
14 crime against a person **other than AS 11.41.455**;

15 (2) of arson in the first degree; or

16 (3) that is a class B felony and the felony is a crime against a person in  
17 which the minor is alleged to have used a deadly weapon in the commission of the  
18 offense and the minor was previously adjudicated as a delinquent or convicted as an  
19 adult, in this or another jurisdiction, as a result of an offense that involved use of a  
20 deadly weapon in the commission of a crime against a person or an offense in another  
21 jurisdiction having elements substantially identical to those of a crime against a  
22 person, and the previous offense was punishable as a felony; in this paragraph, "deadly  
23 weapon" has the meaning given in AS 11.81.900(b).