

CS FOR HOUSE BILL NO. 381(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/19/04
Referred: Finance

Sponsor(s): REPRESENTATIVE MCGUIRE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to child endangerment."**

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

3 * **Section 1.** AS 11.51.100(a) is amended to read:

4 (a) A person commits the crime of endangering the welfare of a child in the
5 first degree if [, BEING A PARENT, GUARDIAN, OR OTHER PERSON
6 LEGALLY CHARGED WITH THE CARE OF A CHILD UNDER 16 YEARS OF
7 AGE,] the person

8 (1) **being a parent, guardian, or other person legally charged with**
9 **the care of a child under 16 years of age,**

10 **(A)** intentionally deserts the child in a place under
11 circumstances creating a substantial risk of physical injury to the child;

12 **(B)** [(2)] leaves the child with another person who is not a
13 parent, guardian, or lawful custodian of the child knowing that the person

14 **(i)** [(A)] is registered or required to register as a sex
15 offender under AS 12.63 or a law or ordinance in another jurisdiction

1 with similar requirements;

2 **(ii)** [(B)] has been charged by complaint, information,
3 or indictment with a violation of AS 11.41.410 - 11.41.455 or a law or
4 ordinance in another jurisdiction with similar elements; or

5 **(iii)** [(C)] has been charged by complaint, information,
6 or indictment with an attempt, solicitation, or conspiracy to commit a
7 crime described in **(ii)** [(B)] of this **subparagraph** [PARAGRAPH]; or

8 **(C)** [(3)] leaves the child with another person knowing that the
9 person has previously physically mistreated or had sexual contact with any
10 child, and the other person causes physical injury or engages in sexual contact
11 with the child;

12 **(2) transports a child in a motor vehicle, aircraft, or watercraft**
13 **while in violation of AS 28.35.030; or**

14 **(3) knowingly transports a child in a motor vehicle in violation of**
15 **AS 28.05.095(b) and the child suffers physical injury or dies.**

16 * **Sec. 2.** AS 11.51.100(c) is amended to read:

17 (c) Endangering the welfare of a child in the first degree under **(a)(1)(A) or**
18 **(B)** [(a)(1) OR (2)] of this section is a class C felony. **Endangering the welfare of a**
19 **child under (a)(2) of this section is a class A misdemeanor.**

20 * **Sec. 3.** AS 11.51.100(d) is amended to read:

21 (d) Endangering the welfare of a child in the first degree under **(a)(1)(C)**
22 [(a)(3)] of this section is a

23 (1) class B felony if the child dies;

24 (2) class C felony if the child suffers sexual contact, sexual
25 penetration, or serious physical injury; or

26 (3) class A misdemeanor if the child suffers physical injury.

27 * **Sec. 4.** AS 11.51.100 is amended by adding a new subsection to read:

28 (e) Endangering the welfare of a child in the first degree under (a)(3) of this
29 section is a

30 (1) class C felony if the child dies;

31 (2) class A misdemeanor if the child suffers serious physical injury; or

1

(3) class B misdemeanor if the child suffers physical injury.