

**HOUSE BILL NO. 148**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES KERTTULA, Croft, Gara, Gruenberg, McGuire, Dahlstrom

Introduced: 2/14/05

Referred: Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to trafficking of persons."**

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

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

4 **Sec. 11.41.350. Trafficking of persons.** (a) A person commits the crime of  
5 trafficking of persons if the person

6 (1) recruits, harbors, transports, provides, or obtains by any means  
7 another person knowing that force, fraud, or coercion will be used to cause the person  
8 to engage in forced labor, sexual conduct, or involuntary servitude; or

9 (2) benefits financially or by receiving anything of value from  
10 participation in a venture under (1) of this subsection.

11 (b) In this section,

12 (1) "forced labor or involuntary servitude" means a condition of  
13 servitude induced by means of

14 (A) any scheme, plan, or pattern of behavior intended to cause  
15 a person to believe that, if the person does not enter into or continue the

1 servitude, such person or another person will suffer serious physical injury or  
2 physical restraint; or

3 (B) the abuse or threatened abuse of the legal process;

4 (2) "sexual conduct" has the meaning given in AS 11.66.150.

5 (c) Trafficking of person is an unclassified felony.

6 \* **Sec. 2.** AS 11.81.250(a) is amended to read:

7 (a) For purposes of sentencing under AS 12.55, all offenses defined in this  
8 title, except murder in the first and second degree, attempted murder in the first  
9 degree, solicitation to commit murder in the first degree, conspiracy to commit murder  
10 in the first degree, sexual assault in the first degree, sexual abuse of a minor in the first  
11 degree, misconduct involving a controlled substance in the first degree, **trafficking of**  
12 **persons**, and kidnapping, are classified on the basis of their seriousness, according to  
13 the type of injury characteristically caused or risked by commission of the offense and  
14 the culpability of the offender. Except for murder in the first and second degree,  
15 attempted murder in the first degree, solicitation to commit murder in the first degree,  
16 conspiracy to commit murder in the first degree, sexual assault in the first degree,  
17 sexual abuse of a minor in the first degree, misconduct involving a controlled  
18 substance in the first degree, **trafficking of persons**, and kidnapping, the offenses in  
19 this title are classified into the following categories:

20 (1) class A felonies, which characteristically involve conduct resulting  
21 in serious physical injury or a substantial risk of serious physical injury to a person;

22 (2) class B felonies, which characteristically involve conduct resulting  
23 in less severe violence against a person than class A felonies, aggravated offenses  
24 against property interests, or aggravated offenses against public administration or  
25 order;

26 (3) class C felonies, which characteristically involve conduct serious  
27 enough to deserve felony classification but not serious enough to be classified as A or  
28 B felonies;

29 (4) class A misdemeanors, which characteristically involve less severe  
30 violence against a person, less serious offenses against property interests, less serious  
31 offenses against public administration or order, or less serious offenses against public

1 health and decency than felonies;

2 (5) class B misdemeanors, which characteristically involve a minor  
3 risk of physical injury to a person, minor offenses against property interests, minor  
4 offenses against public administration or order, or minor offenses against public health  
5 and decency;

6 (6) violations, which characteristically involve conduct inappropriate  
7 to an orderly society but which do not denote criminality in their commission.

8 \* **Sec. 3.** AS 11.81.250(b) is amended to read:

9 (b) The classification of each felony defined in this title, except murder in the  
10 first and second degree, attempted murder in the first degree, solicitation to commit  
11 murder in the first degree, conspiracy to commit murder in the first degree, sexual  
12 assault in the first degree, sexual abuse of a minor in the first degree, misconduct  
13 involving a controlled substance in the first degree, **trafficking of persons**, and  
14 kidnapping, is designated in the section defining it. A felony under Alaska law defined  
15 outside this title for which no penalty is specifically provided is a class C felony.

16 \* **Sec. 4.** AS 12.55.125(b) is amended to read:

17 (b) A defendant convicted of attempted murder in the first degree, solicitation  
18 to commit murder in the first degree, conspiracy to commit murder in the first degree,  
19 kidnapping, **trafficking of persons**, or misconduct involving a controlled substance in  
20 the first degree shall be sentenced to a definite term of imprisonment of at least five  
21 years but not more than 99 years. A defendant convicted of murder in the second  
22 degree shall be sentenced to a definite term of imprisonment of at least 10 years but  
23 not more than 99 years. A defendant convicted of murder in the second degree shall  
24 be sentenced to a definite term of imprisonment of at least 20 years but not more than  
25 99 years when the defendant is convicted of the murder of a child under 16 years of  
26 age and the court finds by clear and convincing evidence that the defendant (1) was a  
27 natural parent, a stepparent, an adopted parent, a legal guardian, or a person occupying  
28 a position of authority in relation to the child; or (2) caused the death of the child by  
29 committing a crime against a person under AS 11.41.200 - 11.41.530. In this  
30 subsection, "legal guardian" and "position of authority" have the meanings given in  
31 AS 11.41.470.

1     \* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to  
2 read:  
3           **APPLICABILITY.** This Act applies to offenses committed on or after the effective  
4 date of this Act.