

HOUSE BILL NO. 240

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES COGHILL, Johnson, Dahlstrom

Introduced: 4/19/07

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to human trafficking and prostitution."**

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

3 *** Section 1.** AS 11.41.360(a) is amended to read:

4 (a) A person commits the crime of human trafficking in the first degree if the
5 person compels or induces another person [TO COME TO THIS STATE] to engage in
6 sexual conduct, adult entertainment, or labor in the state

7 (1) by force or threat of force against any person, [OR] by deception,
8 or by coercion; or

9 (2) when the person compelled or induced is under 18 years of age.

10 *** Sec. 2.** AS 11.66.110(a) is amended to read:

11 (a) A person commits the crime of promoting prostitution in the first degree if
12 the person

13 (1) induces or causes a person to engage in prostitution through the use
14 of force;

15 (2) as other than a patron of a prostitute, induces or causes a person

1 under 18 [16] years of age to engage in prostitution; or

2 (3) induces or causes a person in that person's legal custody to engage
3 in prostitution.

4 * **Sec. 3.** AS 11.66.110(b) is amended to read:

5 (b) In a prosecution under (a)(2) of this section, it is not a defense that the
6 defendant reasonably believed that the person induced or caused to engage in
7 prostitution was 18 [16] years of age or older.

8 * **Sec. 4.** AS 11.66.110(c) is amended to read:

9 (c) **Promoting** [EXCEPT AS PROVIDED IN (d) OF THIS SECTION,
10 PROMOTING] prostitution in the first degree is a class A [B] felony.

11 * **Sec. 5.** AS 11.66.120(b) is amended to read:

12 (b) Promoting prostitution in the second degree is a class B [C] felony.

13 * **Sec. 6.** AS 11.66.130 is amended to read:

14 **Sec. 11.66.130. Promoting prostitution in the third degree.** (a) A person
15 commits the crime of promoting prostitution in the third degree if, with intent to
16 promote prostitution, the person

17 (1) manages, supervises, controls, or owns, either alone or in
18 association with others, a place of prostitution;

19 (2) as other than a patron of a prostitute, induces or causes a person 18
20 [16] years of age or older to engage in prostitution;

21 (3) as other than a prostitute receiving compensation for personally
22 rendered prostitution services, receives or agrees to receive money or other property
23 pursuant to an agreement or understanding that the money or other property is derived
24 from prostitution; or

25 (4) engages in conduct that institutes, aids, or facilitates a prostitution
26 enterprise.

27 (b) Promoting prostitution in the third degree is a class C felony [A
28 MISDEMEANOR].

29 * **Sec. 7.** AS 11.66 is amended by adding a new section to read:

30 **Sec. 11.66.135. Promoting prostitution in the fourth degree.** (a) A person
31 commits the crime of promoting prostitution in the fourth degree if the person engages

1 in conduct that institutes, aids, or facilitates prostitution.

2 (b) Promoting prostitution in the fourth degree is a class A misdemeanor.

3 * **Sec. 8.** AS 11.66 is amended by adding a new section to read:

4 **Sec. 11.66.145. Forfeiture.** Property used to institute, aid, or facilitate, or
5 received or derived from, a violation of AS 11.66.110 - 11.66.135 shall be forfeited.

6 * **Sec. 9.** AS 47.10.011 is amended to read:

7 **Sec. 47.10.011. Children in need of aid.** Subject to AS 47.10.019, the court
8 may find a child to be a child in need of aid if it finds by a preponderance of the
9 evidence that the child has been subjected to any of the following:

10 (1) a parent or guardian has abandoned the child as described in
11 AS 47.10.013, and the other parent is absent or has committed conduct or created
12 conditions that cause the child to be a child in need of aid under this chapter;

13 (2) a parent, guardian, or custodian is incarcerated, the other parent is
14 absent or has committed conduct or created conditions that cause the child to be a
15 child in need of aid under this chapter, and the incarcerated parent has not made
16 adequate arrangements for the child;

17 (3) a custodian with whom the child has been left is unwilling or
18 unable to provide care, supervision, or support for the child, and the whereabouts of
19 the parent or guardian is unknown;

20 (4) the child is in need of medical treatment to cure, alleviate, or
21 prevent substantial physical harm or is in need of treatment for mental injury and the
22 child's parent, guardian, or custodian has knowingly failed to provide the treatment;

23 (5) the child is habitually absent from home or refuses to accept
24 available care and the child's conduct places the child at substantial risk of physical or
25 mental injury;

26 (6) the child has suffered substantial physical harm, or there is a
27 substantial risk that the child will suffer substantial physical harm, as a result of
28 conduct by or conditions created by the child's parent, guardian, or custodian or by the
29 failure of the parent, guardian, or custodian to supervise the child adequately;

30 (7) the child has suffered sexual abuse, or there is a substantial risk that
31 the child will suffer sexual abuse, as a result of conduct by or conditions created by the

1 child's parent, guardian, or custodian or by the failure of the parent, guardian, or
 2 custodian to adequately supervise the child; if a parent, guardian, or custodian has
 3 actual notice that a person has been convicted of a sex offense against a minor within
 4 the past 15 years, is registered or required to register as a sex offender under AS 12.63,
 5 or is under investigation for a sex offense against a minor, and the parent, guardian, or
 6 custodian subsequently allows a child to be left with that person, this conduct
 7 constitutes prima facie evidence that the child is at substantial risk of being sexually
 8 abused;

9 (8) conduct by or conditions created by the parent, guardian, or
 10 custodian have

11 (A) resulted in mental injury to the child; or

12 (B) placed the child at substantial risk of mental injury as a
 13 result of

14 (i) a pattern of rejecting, terrorizing, ignoring, isolating,
 15 or corrupting behavior that would, if continued, result in mental injury;
 16 or

17 (ii) exposure to conduct by a household member, as
 18 defined in AS 18.66.990, against another household member that is a
 19 crime under AS 11.41.100 - 11.41.220, 11.41.230(a)(1) or (2), or
 20 11.41.410 - 11.41.432, an offense under a law or ordinance of another
 21 jurisdiction having elements similar to a crime under AS 11.41.100 -
 22 11.41.220, 11.41.230(a)(1) or (2), or 11.41.410 - 11.41.432, an attempt
 23 to commit an offense that is a crime under AS 11.41.100 - 11.41.220 or
 24 11.41.410 - 11.41.432, or an attempt to commit an offense under a law
 25 or ordinance of another jurisdiction having elements similar to a crime
 26 under AS 11.41.100 - 11.41.220 or 11.41.410 - 11.41.432; or

27 (iii) repeated exposure to conduct by a household
 28 member, as defined in AS 18.66.990, against another household
 29 member that is a crime under AS 11.41.230(a)(3) or 11.41.250 -
 30 11.41.270 or an offense under a law or ordinance of another jurisdiction
 31 having elements similar to a crime under AS 11.41.230(a)(3) or

1 11.41.250 - 11.41.270;

2 (9) conduct by or conditions created by the parent, guardian, or
3 custodian have subjected the child or another child in the same household to neglect;

4 (10) the parent, guardian, or custodian's ability to parent has been
5 substantially impaired by the addictive or habitual use of an intoxicant, and the
6 addictive or habitual use of the intoxicant has resulted in a substantial risk of harm to
7 the child; if a court has previously found that a child is a child in need of aid under this
8 paragraph, the resumption of use of an intoxicant by a parent, guardian, or custodian
9 within one year after rehabilitation is prima facie evidence that the ability to parent is
10 substantially impaired and the addictive or habitual use of the intoxicant has resulted
11 in a substantial risk of harm to the child as described in this paragraph;

12 (11) the parent, guardian, or custodian has a mental illness, serious
13 emotional disturbance, or mental deficiency of a nature and duration that places the
14 child at substantial risk of physical harm or mental injury;

15 (12) the child has committed an illegal act as a result of pressure,
16 guidance, or approval from the child's parent, guardian, or custodian;

17 **(13) the child has been induced, caused, or permitted to engage in**
18 **a prostitution activity in violation of AS 11.66.**

19 * **Sec. 10.** AS 47.10.030(c) is amended to read:

20 (c) If the minor is in such condition or surroundings that the minor's welfare
21 requires the immediate assumption of custody by the court, the court may order, by
22 endorsement upon the summons, that the officer serving the summons shall at once
23 take the minor into custody and make the temporary placement of the minor that the
24 court directs. **If the minor is alleged to be engaged in prostitution activities in**
25 **violation of AS 11.66, the court shall order that the officer serving the summons**
26 **take the minor into custody and make the temporary placement of the minor that**
27 **the court directs.**

28 * **Sec. 11.** AS 11.66.110(d) is repealed.

29 * **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to
30 read:

31 APPLICABILITY. Sections 1 - 8 and 11 of this Act apply to offenses committed on or

1 after the effective date of this Act.