

**SENATE BILL NO. 292**

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

**BY SENATOR DYSON**

**Introduced: 2/19/08**

**Referred: State Affairs, Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to sexual offenses and inappropriate sexual conduct."**

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

3 **\* Section 1.** AS 11.41.436(a) is amended to read:

4 (a) An offender commits the crime of sexual abuse of a minor in the second  
5 degree if,

6 (1) being 17 years of age or older, the offender engages in sexual  
7 penetration with a person who is 13, 14, or 15 years of age and at least four years  
8 younger than the offender, or aids, induces, causes, or encourages a person who is 13,  
9 14, or 15 years of age and at least four years younger than the offender to engage in  
10 sexual penetration with another person;

11 (2) being 16 years of age or older, the offender engages in sexual  
12 contact with a person who is under 13 years of age or aids, induces, causes, or  
13 encourages a person under 13 years of age to engage in sexual contact with another  
14 person;

15 (3) being 18 years of age or older, the offender engages in sexual

1 contact with a person who is under 18 years of age, and the offender is the victim's  
2 natural parent, stepparent, adopted parent, or legal guardian;

3 (4) being 16 years of age or older, the offender aids, induces, causes,  
4 or encourages a person who is under 16 years of age to engage in conduct described in  
5 AS 11.41.455(a)(2) - (6);

6 (5) being 18 years of age or older, the offender engages in sexual  
7 contact with a person who is under 16 years of age, and

8 (A) the victim at the time of the offense is residing in the same  
9 household as the offender and the offender has authority over the victim; or

10 (B) the offender occupies a position of authority in relation to  
11 the victim;

12 (6) being 18 years of age or older, the offender engages in sexual  
13 penetration with a person who is 16 or 17 years of age and at least three years younger  
14 than the offender, and the offender occupies a position of authority in relation to the  
15 victim; or

16 (7) being 13, 14, or 15 [UNDER 16] years of age, the offender  
17 engages in sexual penetration with a person who is under 13 years of age and at least  
18 three years younger than the offender.

19 \* **Sec. 2.** AS 11.41.438(a) is amended to read:

20 (a) An offender commits the crime of sexual abuse of a minor in the third  
21 degree if

22 (1) being 17 years of age or older, the offender engages in sexual  
23 contact with a person who is 13, 14, or 15 years of age and at least four years younger  
24 than the offender;

25 (2) being 11 or 12 years of age, the offender engages in sexual  
26 penetration with a person who is at least two years younger than the offender; or

27 (3) being under 11 years of age, the offender engages in sexual  
28 penetration with a person who is at least one year younger than the offender.

29 \* **Sec. 3.** AS 11.41.440(a) is amended to read:

30 (a) An offender commits the crime of sexual abuse of a minor in the fourth  
31 degree if

1                   (1) being **13, 14, or 15** [UNDER 16] years of age, the offender  
2 engages in sexual contact with a person who is under 13 years of age and at least three  
3 years younger than the offender; [OR]

4                   (2) being 18 years of age or older, the offender engages in sexual  
5 contact with a person who is 16 or 17 years of age and at least three years younger  
6 than the offender, and the offender occupies a position of authority in relation to the  
7 victim;

8                   **(3) being 16 years of age or older, the offender engages in sexual**  
9 **penetration with a person 16 or 17 years of age under circumstances not**  
10 **proscribed under AS 11.41.434 or 11.41.436 or under (2) of this subsection;**

11                   **(4) being 11 or 12 years of age, the offender engages in sexual**  
12 **contact with a person who is at least two years younger than the offender; or**

13                   **(5) being under 11 years of age, the offender engages in sexual**  
14 **contact with a person who is at least one year younger than the offender.**

15 \* **Sec. 4.** AS 47.10.011 is amended by adding a new paragraph to read:

16                   (13) the child has engaged in inappropriate sexual conduct and the  
17 child has not received appropriate treatment or supervision to protect the child or  
18 others.