

CS FOR SENATE BILL NO. 110(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/23/12

Referred: Finance

Sponsor(s): SENATORS WIELECHOWSKI, McGuire

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to human trafficking and sex trafficking, to punishment and fines for**
2 **those offenses, and to peace officer powers to enforce human trafficking and sex**
3 **trafficking laws in licensed premises; including human trafficking in the first degree and**
4 **sex trafficking in the first degree in the definition of 'serious felony offense' for the**
5 **offense of conspiracy and including sex trafficking and online enticement of a minor in**
6 **the definition of 'most serious felony' for sentencing; relating to prostitution and**
7 **promoting prostitution; relating to sex offenses; including human trafficking and sex**
8 **trafficking in the list of offenses that make hearings for certain delinquent minors public**
9 **and require disclosure of the names of certain delinquent minors; and providing for an**
10 **effective date."**

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

12 *** Section 1.** AS 04.06.110 is amended to read:

Sec. 04.06.110. Peace officer powers. The director and the persons employed for the administration and enforcement of this title may, with the concurrence of the commissioner of public safety, exercise the powers of peace officers when those powers are specifically granted by the board. Powers granted by the board under this section may be exercised only when necessary for the enforcement of the criminally punishable provisions of this title, regulations of the board, and other criminally punishable laws and regulations, including investigation of violations of laws against prostitution and sex trafficking [PROMOTING PROSTITUTION] described in AS 11.66.100 - 11.66.135, human trafficking described in AS 11.41.355 - 11.41.365, [AS 11.66.100 - 11.66.130] and laws against gambling, promoting gambling, and related offenses described in AS 11.66.200 - 11.66.280.

* **Sec. 2.** AS 04.11.370(a) is amended to read:

(a) A license or permit shall be suspended or revoked if the board finds

(1) misrepresentation of a material fact on an application made under this title or a regulation adopted under this title;

(2) continuation of the manufacture, sale, or service of alcoholic beverages by the licensee or permittee would be contrary to the best interests of the public;

(3) failure on the part of the licensee to correct a defect that constitutes a violation of this title, a condition or restriction imposed by the board, a regulation adopted under this title, or other laws after receipt of notice issued by the board or its agent;

(4) conviction of a licensee of a violation of this title, a regulation adopted under this title, or an ordinance adopted under AS 04.21.010;

(5) conviction of an agent or employee of a licensee of a violation of this title, a regulation adopted under this title, or an ordinance adopted under AS 04.21.010, if the licensee is found by the board to have either knowingly allowed the violation or to have recklessly or with criminal negligence failed to act in accordance with the duty prescribed under AS 04.21.030 with the result that the agent or employee violates a law, regulation, or ordinance;

(6) failure of the licensee to comply with the public health, fire, or

1 safety laws and regulations in the state;

2 (7) use of the licensed premises as a resort for illegal possessors or
 3 users of narcotics, prostitutes, human traffickers, or sex traffickers [PROMOTERS
 4 OF PROSTITUTION]; in addition to any other legally competent evidence, the
 5 character of the premises may be proved by the general reputation of the premises in
 6 the community as a resort for illegal possessors or users of narcotics, prostitutes,
 7 human traffickers, or sex traffickers [PROMOTERS OF PROSTITUTION];

8 (8) occurrence of illegal gambling within the limits of the licensed
 9 premises;

10 (9) the licensee permitted a public offense involving moral turpitude to
 11 occur on the licensed premises;

12 (10) violation by a licensee of this title, a condition or restriction
 13 imposed by the board, a regulation adopted under this title, or an ordinance adopted
 14 under AS 04.21.010; or

15 (11) violation by an agent or employee of a licensee of a provision of
 16 this title, a condition or restriction imposed by the board, a regulation adopted under
 17 this title, or an ordinance adopted under AS 04.21.010, if the licensee is found by the
 18 board to have either knowingly allowed the violation or to have recklessly or with
 19 criminal negligence failed to act in accordance with the duty prescribed under AS
 20 04.21.030 with the result that the agent or employee violates the law, condition or
 21 restriction, regulation, or ordinance.

22 * **Sec. 3.** AS 11.31.120(h)(2) is amended to read:

23 (2) "serious felony offense" means an offense

24 (A) against the person under AS 11.41, punishable as an
 25 unclassified or class A felony;

26 (B) involving controlled substances under AS 11.71,
 27 punishable as an unclassified, class A, or class B felony;

28 (C) that is criminal mischief in the first degree under AS
 29 11.46.475; [OR]

30 (D) that is terroristic threatening in the first degree under AS
 31 11.56.807;

1 (E) that is human trafficking in the first degree under AS

2 11.41.355; or

3 (F) that is sex trafficking in the first degree under AS

4 11.66.110.

5 * **Sec. 4.** AS 11.41 is amended by adding a new section to read:

6 **Sec. 11.41.355. Human trafficking in the first degree.** (a) A person commits
7 the crime of human trafficking in the first degree if

8 (1) the person violates AS 11.41.360 by compelling or inducing
9 another person to engage in

10 (A) sexual conduct;

11 (B) adult entertainment; or

12 (C) an act described in AS 11.41.455(a)(1) - (7); and

13 (2) the other person compelled or induced is under 18 years of age.

14 (b) Human trafficking in the first degree is an unclassified felony.

15 * **Sec. 5.** AS 11.41.360(a) is amended to read:

16 (a) A person commits the crime of human trafficking in the second [FIRST]
17 degree if the person compels or induces another person to [COME TO THIS STATE
18 TO] engage in sexual conduct, adult entertainment, or labor in the state by force or
19 threat of force against any person, or by deception.

20 * **Sec. 6.** AS 11.41.360(c) is amended to read:

21 (c) Human trafficking in the second [FIRST] degree is a class A felony.

22 * **Sec. 7.** AS 11.41.365 is amended to read:

23 **Sec. 11.41.365. Human trafficking in the third [SECOND] degree.** (a) A
24 person commits the crime of human trafficking in the third [SECOND] degree if the
25 person obtains a benefit from the commission of human trafficking under AS
26 11.41.355 or 11.41.360 [AS 11.41.360,] with reckless disregard that the benefit is a
27 result of the trafficking.

28 (b) Human trafficking in the third [SECOND] degree is a class B felony.

29 * **Sec. 8.** AS 11.41.370 is amended by adding new paragraphs to read:

30 (4) "adult entertainment" means the conduct described in AS
31 23.10.350(f)(1) - (3);

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

* **Sec. 9.** AS 11.66.100(b) is amended to read:

(b) Except as provided in (c) of this section, prostitution

[PROSTITUTION] is a class B misdemeanor.

* **Sec. 10.** AS 11.66.100 is amended by adding new subsections to read:

(c) Prostitution is a class C felony if

(1) the defendant violates (a) of this section as a patron of a prostitute;

(2) the prostitute is under 18 years of age; and

(3) the defendant is over 18 years of age and at least three years older than the prostitute.

(d) In a prosecution under (c) of this section, it is an affirmative defense that, at the time of the alleged offense, the defendant

(1) reasonably believed the prostitute to be 18 years of age or older; and

(2) undertook reasonable measures to verify that the prostitute was 18 years of age or older.

* **Sec. 11.** AS 11.66.110(a) is amended to read:

(a) A person commits the crime of sex trafficking [PROMOTING PROSTITUTION] in the first degree if the person

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

(2) as other than a patron of a prostitute, induces or causes a person under 18 years of age to engage in prostitution; or

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

* **Sec. 12.** AS 11.66.110(c) is amended to read:

(c) Except as provided in (d) of this section, sex trafficking [PROMOTING PROSTITUTION] in the first degree is a class A felony.

* **Sec. 13.** AS 11.66.120 is amended to read:

Sec. 11.66.120. Sex trafficking [PROMOTING PROSTITUTION] in the second degree. (a) A person commits the crime of sex trafficking [PROMOTING

PROSTITUTION] in the second degree if the person

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

(2) procures or solicits a patron for a prostitute; or

(3) offers, sells, advertises, promotes, or facilitates travel that includes commercial sexual conduct as enticement for the travel; in this paragraph, "commercial sexual conduct" means sexual conduct for which anything of value is given or received by any person.

(b) **Sex trafficking** [PROMOTING PROSTITUTION] in the second degree is a class B felony.

* **Sec. 14.** AS 11.66.130 is amended to read:

Sec. 11.66.130. Sex trafficking [PROMOTING PROSTITUTION] in the third degree. (a) A person commits the crime of **sex trafficking** [PROMOTING PROSTITUTION] in the third degree if, with intent to promote prostitution, the person

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

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

(3) as other than a prostitute receiving compensation for personally rendered prostitution services, receives or agrees to receive money or other property **under** [PURSUANT TO] an agreement or understanding that the money or other property is derived from prostitution; or

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

(b) **Sex trafficking** [PROMOTING PROSTITUTION] in the third degree is a class C felony.

* **Sec. 15.** AS 11.66.135 is amended to read:

Sec. 11.66.135. Sex trafficking [PROMOTING PROSTITUTION] in the fourth degree. (a) A person commits the crime of **sex trafficking** [PROMOTING PROSTITUTION] in the fourth degree if the person engages in conduct that institutes,

1 aids, or facilitates prostitution under circumstances not proscribed under AS
2 11.66.130(a)(4).

3 (b) **Sex trafficking** [PROMOTING PROSTITUTION] in the fourth degree is
4 a class A misdemeanor.

5 * **Sec. 16.** AS 11.66.140 is amended to read:

6 **Sec. 11.66.140. Corroboration of certain testimony not required.** In a
7 prosecution under **AS 11.66.110 - 11.66.135** [AS 11.66.110 - 11.66.130], it is not
8 necessary that the testimony of the person whose prostitution is alleged to have been
9 compelled or promoted be corroborated by the testimony of any other witness or by
10 documentary or other types of evidence.

11 * **Sec. 17.** AS 11.81.250(a) is amended to read:

12 (a) For purposes of sentencing under AS 12.55, all offenses defined in this
13 title, except murder in the first and second degree, attempted murder in the first
14 degree, solicitation to commit murder in the first degree, conspiracy to commit murder
15 in the first degree, murder of an unborn child, sexual assault in the first degree, sexual
16 abuse of a minor in the first degree, misconduct involving a controlled substance in the
17 first degree, **sex trafficking** [PROMOTING PROSTITUTION] in the first degree
18 under AS 11.66.110(a)(2), **human trafficking in the first degree**, and kidnapping,
19 are classified on the basis of their seriousness, according to the type of injury
20 characteristically caused or risked by commission of the offense and the culpability of
21 the offender. Except for murder in the first and second degree, attempted murder in the
22 first degree, solicitation to commit murder in the first degree, conspiracy to commit
23 murder in the first degree, murder of an unborn child, sexual assault in the first degree,
24 sexual abuse of a minor in the first degree, misconduct involving a controlled
25 substance in the first degree, **sex trafficking** [PROMOTING PROSTITUTION] in the
26 first degree under AS 11.66.110(a)(2), **human trafficking in the first degree**, and
27 kidnapping, the offenses in this title are classified into the following categories:

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

30 (2) class B felonies, which characteristically involve conduct resulting
31 in less severe violence against a person than class A felonies, aggravated offenses

1 against property interests, or aggravated offenses against public administration or
2 order;

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

6 (4) class A misdemeanors, which characteristically involve less severe
7 violence against a person, less serious offenses against property interests, less serious
8 offenses against public administration or order, or less serious offenses against public
9 health and decency than felonies;

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

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

16 * **Sec. 18.** AS 11.81.250(b) is amended to read:

17 (b) The classification of each felony defined in this title, except murder in the
18 first and second degree, attempted murder in the first degree, solicitation to commit
19 murder in the first degree, conspiracy to commit murder in the first degree, murder of
20 an unborn child, sexual assault in the first degree, sexual abuse of a minor in the first
21 degree, human trafficking in the first degree, misconduct involving a controlled
22 substance in the first degree, sex trafficking in the first degree under AS
23 11.66.110(a)(2), and kidnapping, is designated in the section defining it. A felony
24 under the [ALASKA] law of this state defined outside this title for which no penalty
25 is specifically provided is a class C felony.

26 * **Sec. 19.** AS 12.55.035(b) is amended to read:

27 (b) Upon conviction of an offense, a defendant who is not an organization may
28 be sentenced to pay, unless otherwise specified in the provision of law defining the
29 offense, a fine of not [NO] more than

30 (1) \$500,000 for murder in the first or second degree, attempted
31 murder in the first degree, murder of an unborn child, sexual assault in the first degree,

sexual abuse of a minor in the first degree, kidnapping, **sex trafficking** [PROMOTING PROSTITUTION] in the first degree under AS 11.66.110(a)(2), **human trafficking in the first degree** or misconduct involving a controlled substance in the first degree;

(2) \$250,000 for a class A felony;

(3) \$100,000 for a class B felony;

(4) \$50,000 for a class C felony;

(5) \$10,000 for a class A misdemeanor;

(6) \$2,000 for a class B misdemeanor;

(7) \$500 for a violation.

* **Sec. 20.** AS 12.55.085(f) is amended to read:

(f) The court may not suspend the imposition of sentence of a person who

(1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320, **11.41.355 - 11.41.365** [11.41.360 - 11.41.370], 11.41.410 - 11.41.530, AS 11.46.400, or AS 11.61.125 - 11.61.128;

(2) uses a firearm in the commission of the offense for which the person is convicted; or

(3) is convicted of a violation of AS 11.41.230 - 11.41.250 or a felony and the person has one or more prior convictions for a misdemeanor violation of AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a felony in this state; for the purposes of this paragraph, a person shall be considered to have a prior conviction even if that conviction has been set aside under (e) of this section or under the equivalent provision of the laws of another jurisdiction.

* **Sec. 21.** AS 12.55.125 is amended to read:

(i) A defendant convicted of

(1) sexual assault in the first degree, sexual abuse of a minor in the first degree, **sex trafficking** [OR PROMOTING PROSTITUTION] in the first degree under AS 11.66.110(a)(2), **or human trafficking in the first degree** may be sentenced to a definite term of imprisonment of not more than 99 years and shall be sentenced to a definite term within the following presumptive ranges, subject to

adjustment as provided in AS 12.55.155 - 12.55.175:

(A) if the offense is a first felony conviction, the offense does not involve circumstances described in (B) of this paragraph, and the victim was

(i) less than 13 years of age, 25 to 35 years;

(ii) 13 years of age or older, 20 to 30 years;

(B) if the offense is a first felony conviction and the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury during the commission of the offense, 25 to 35 years;

(C) if the offense is a second felony conviction and does not involve circumstances described in (D) of this paragraph, 30 to 40 years;

(D) if the offense is a second felony conviction and the defendant has a prior conviction for a sexual felony, 35 to 45 years;

(E) if the offense is a third felony conviction and the defendant is not subject to sentencing under (F) of this paragraph or (I) of this section, 40 to 60 years;

(F) if the offense is a third felony conviction, the defendant is not subject to sentencing under (I) of this section, and the defendant has two prior convictions for sexual felonies, 99 years;

(2) **human trafficking in the second degree under AS 11.41.360 involving sexual conduct or adult entertainment**, unlawful exploitation of a minor under AS 11.41.455(c)(2), online enticement of a minor under AS 11.41.452(e), or attempt, conspiracy, or solicitation to commit sexual assault in the first degree, sexual abuse of a minor in the first degree, **sex trafficking** [OR PROMOTING PROSTITUTION] in the first degree under AS 11.66.110(a)(2), **or human trafficking in the first degree** may be sentenced to a definite term of imprisonment of not more than 99 years and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(A) if the offense is a first felony conviction, the offense does not involve circumstances described in (B) of this paragraph, and the victim was

1 (i) under 13 years of age, 20 to 30 years;

2 (ii) 13 years of age or older, 15 to 30 years;

3 (B) if the offense is a first felony conviction and the defendant
4 possessed a firearm, used a dangerous instrument, or caused serious physical
5 injury during the commission of the offense, 25 to 35 years;

6 (C) if the offense is a second felony conviction and does not
7 involve circumstances described in (D) of this paragraph, 25 to 35 years;

8 (D) if the offense is a second felony conviction and the
9 defendant has a prior conviction for a sexual felony, 30 to 40 years;

10 (E) if the offense is a third felony conviction, the offense does
11 not involve circumstances described in (F) of this paragraph, and the defendant
12 is not subject to sentencing under (I) of this section, 35 to 50 years;

13 (F) if the offense is a third felony conviction, the defendant is
14 not subject to sentencing under (I) of this section, and the defendant has two
15 prior convictions for sexual felonies, 99 years;

16 (3) sexual assault in the second degree, sexual abuse of a minor in the
17 second degree, online enticement of a minor under AS 11.41.452(d), unlawful
18 exploitation of a minor under AS 11.41.455(c)(1), [OR] distribution of child
19 pornography under AS 11.61.125(e)(2), **or attempt, conspiracy, or solicitation to**
20 **commit human trafficking in the second degree under AS 11.41.360 involving**
21 **sexual conduct or adult entertainment**, may be sentenced to a definite term of
22 imprisonment of not more than 99 years and shall be sentenced to a definite term
23 within the following presumptive ranges, subject to adjustment as provided in AS
24 12.55.155 - 12.55.175:

25 (A) if the offense is a first felony conviction, five to 15 years;

26 (B) if the offense is a second felony conviction and does not
27 involve circumstances described in (C) of this paragraph, 10 to 25 years;

28 (C) if the offense is a second felony conviction and the
29 defendant has a prior conviction for a sexual felony, 15 to 30 years;

30 (D) if the offense is a third felony conviction and does not
31 involve circumstances described in (E) of this paragraph, 20 to 35 years;

(E) if the offense is a third felony conviction and the defendant has two prior convictions for sexual felonies, 99 years;

(4) sexual assault in the third degree, incest, indecent exposure in the first degree, possession of child pornography, distribution of child pornography under AS 11.61.125(e)(1), or attempt, conspiracy, or solicitation to commit sexual assault in the second degree, sexual abuse of a minor in the second degree, unlawful exploitation of a minor, or distribution of child pornography, may be sentenced to a definite term of imprisonment of not more than 99 years and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(A) if the offense is a first felony conviction, two to 12 years;

(B) if the offense is a second felony conviction and does not involve circumstances described in (C) of this paragraph, eight to 15 years;

(C) if the offense is a second felony conviction and the defendant has a prior conviction for a sexual felony, 12 to 20 years;

(D) if the offense is a third felony conviction and does not involve circumstances described in (E) of this paragraph, 15 to 25 years;

(E) if the offense is a third felony conviction and the defendant has two prior convictions for sexual felonies, 99 years.

* **Sec. 22.** AS 12.55.185(10) is amended to read:

(10) "most serious felony" means

(A) arson in the first degree, sex trafficking [PROMOTING PROSTITUTION] in the first degree under AS 11.66.110(a)(2), online enticement of a minor under AS 11.41.452(e), or any unclassified or class A felony prescribed under AS 11.41; or

(B) an attempt, or conspiracy to commit, or criminal solicitation under AS 11.31.110 of, an unclassified felony prescribed under AS 11.41;

* **Sec. 23.** AS 12.55.185(16) is amended to read:

(16) "sexual felony" means sexual assault in the first degree, sexual abuse of a minor in the first degree, human trafficking in the first degree, sex

1 **trafficking in the first degree under AS 11.66.110(a)(2)**, sexual assault in the second
 2 degree, sexual abuse of a minor in the second degree, **online enticement of a minor**,
 3 unlawful exploitation of a minor, distribution of child pornography, **human**
 4 **trafficking in the second degree involving sexual conduct or adult entertainment**,
 5 sexual assault in the third degree, incest, indecent exposure in the first degree,
 6 possession of child pornography, and felony attempt, conspiracy, or solicitation to
 7 commit those crimes;

8 * **Sec. 24.** AS 12.63.100(6) is amended to read:

9 (6) "sex offense" means

10 (A) a crime under AS 11.41.100(a)(3), or a similar law of
 11 another jurisdiction, in which the person committed or attempted to commit a
 12 sexual offense, or a similar offense under the laws of the other jurisdiction; in
 13 this subparagraph, "sexual offense" has the meaning given in AS
 14 11.41.100(a)(3);

15 (B) a crime under AS 11.41.110(a)(3), or a similar law of
 16 another jurisdiction, in which the person committed or attempted to commit
 17 one of the following crimes, or a similar law of another jurisdiction:

18 (i) sexual assault in the first degree;

19 (ii) sexual assault in the second degree;

20 (iii) sexual abuse of a minor in the first degree; or

21 (iv) sexual abuse of a minor in the second degree; or

22 (C) a crime, or an attempt, solicitation, or conspiracy to commit
 23 a crime, under the following statutes or a similar law of another jurisdiction:

24 (i) AS 11.41.410 - 11.41.438;

25 (ii) AS 11.41.440(a)(2);

26 (iii) AS 11.41.450 - 11.41.458;

27 (iv) AS 11.41.460 if the indecent exposure is before a
 28 person under 16 years of age and the offender has a previous conviction
 29 for that offense;

30 (v) AS 11.61.125 - 11.61.128;

31 (vi) AS 11.66.110 or 11.66.130(a)(2) if the person who

was induced or caused to engage in prostitution was 16 or 17 years of age at the time of the offense;

(vii) former AS 11.15.120, former 11.15.134, or assault with the intent to commit rape under former AS 11.15.160, former AS 11.40.110, or former 11.40.200; [OR]

(viii) AS 11.61.118(a)(2) if the offender has a previous conviction for that offense;

(ix) human trafficking in the first degree under AS 11.41.355;

(x) sex trafficking in the first degree under AS 11.66.110(a)(2);

* **Sec. 25.** AS 15.80.010(9) is amended to read:

(9) "felony involving moral turpitude" includes those crimes that are immoral or wrong in themselves such as murder, manslaughter, assault, sexual assault, sexual abuse of a minor, unlawful exploitation of a minor, robbery, extortion, coercion, kidnapping, incest, arson, burglary, theft, forgery, criminal possession of a forgery device, offering a false instrument for recording, scheme to defraud, falsifying business records, commercial bribe receiving, commercial bribery, bribery, receiving a bribe, perjury, perjury by inconsistent statements, endangering the welfare of a minor, escape, promoting contraband, interference with official proceedings, receiving a bribe by a witness or a juror, jury tampering, misconduct by a juror, tampering with physical evidence, hindering prosecution, terroristic threatening, riot, criminal possession of explosives, unlawful furnishing of explosives, **sex trafficking, human trafficking** [PROMOTING PROSTITUTION], criminal mischief, misconduct involving a controlled substance or an imitation controlled substance, permitting an escape, promoting gambling, possession of gambling records, distribution of child pornography, and possession of child pornography;

* **Sec. 26.** AS 28.15.046(c) is amended to read:

(c) The department may not issue a license under this section to an applicant who has been convicted of any of the following offenses within 20 years of the time of application:

- 1 (1) sexual abuse of a minor in any degree under AS 11.41.434 -
2 11.41.440;
- 3 (2) sexual assault in any degree under AS 11.41.410 - 11.41.425;
- 4 (3) incest under AS 11.41.450;
- 5 (4) unlawful exploitation of a minor under AS 11.41.455;
- 6 (5) contributing to the delinquency of a minor under AS 11.51.130;
- 7 (6) a felony involving possession of a controlled or imitation
8 controlled substance under AS 11.71 or AS 11.73;
- 9 (7) a felony or misdemeanor involving distribution of a controlled or
10 imitation controlled substance under AS 11.71 or AS 11.73;
- 11 (8) sex trafficking [PROMOTING PROSTITUTION] in the first or
12 second degree under AS 11.66.110 or 11.66.120;
- 13 (9) indecent exposure in the first or second degree under AS 11.41.458
14 or 11.41.460;
- 15 **(10) human trafficking in the first degree under AS 11.41.355 and**
16 **human trafficking in the second degree involving sexual conduct or adult**
17 **entertainment.**

18 * **Sec. 27.** AS 47.12.110(d) is amended to read:

19 (d) Notwithstanding (a) of this section, a court hearing on a petition seeking
20 the adjudication of a minor as a delinquent shall be open to the public, except as
21 prohibited or limited by order of the court, if

22 (1) the department files with the court a motion asking the court to
23 open the hearing to the public, and the petition seeking adjudication of the minor as a
24 delinquent is based on

25 (A) the minor's alleged commission of an offense, and the
26 minor has knowingly failed to comply with all the terms and conditions
27 required of the minor by the department or imposed on the minor in a court
28 order entered under AS 47.12.040(a)(2) or 47.12.120;

29 (B) the minor's alleged commission of

30 (i) a crime against a person that is punishable as a
31 felony;

(ii) a crime in which the minor employed a deadly weapon, as that term is defined in AS 11.81.900(b), in committing the crime;

(iii) arson under AS 11.46.400 - 11.46.410;

(iv) burglary under AS 11.46.300;

(v) distribution of child pornography under AS 11.61.125;

(vi) **sex trafficking** [PROMOTING PROSTITUTION] in the first degree under AS 11.66.110; [OR]

(vii) misconduct involving a controlled substance under AS 11.71 involving the delivery of a controlled substance or the possession of a controlled substance with intent to deliver, other than an offense under AS 11.71.040 or 11.71.050; or

(viii) human trafficking in the first degree under AS 11.41.355; or

(C) the minor's alleged commission of a felony and the minor was 16 years of age or older at the time of commission of the offense when the minor has previously been convicted or adjudicated a delinquent minor based on the minor's commission of an offense that is a felony; or

(2) the minor agrees to a public hearing on the petition seeking adjudication of the minor as a delinquent.

* **Sec. 28.** AS 47.12.315(a) is amended to read:

(a) Notwithstanding AS 47.12.310, when an agency takes action under AS 47.12.040(a)(1) to adjust a matter, or when, under AS 47.12.040(a)(2), the court directs the agency to adjust the matter, the agency

(1) shall, for a minor who is at least 13 years of age at the time of commission of the offense, disclose to the public the name of the minor, the name or names of the parent, parents, or guardian of the minor, the action required by the agency to be taken by the minor under AS 47.12.060 to adjust the matter, and information about the offense exclusive of information that identifies the victim of the offense, if the minor was, under AS 47.12.020, previously alleged to be a delinquent

minor on the basis of the minor's commission of at least one offense and, on the basis of that allegation, a state agency has, under AS 47.12.040(a), been asked to make a preliminary inquiry to determine if any action on that matter is appropriate, and, if the minor is alleged to be a delinquent minor on the basis of the minor's commission of another offense, exercise of agency jurisdiction is based on the minor's alleged commission of that other offense, and that other offense is one of the following:

(A) a crime against a person that is punishable as a felony;

(B) a crime in which the minor employed a deadly weapon, as that term is defined in AS 11.81.900(b), in committing the crime;

(C) arson under AS 11.46.400 - 11.46.410;

(D) burglary under AS 11.46.300;

(E) distribution of child pornography under AS 11.61.125;

(F) **sex trafficking** [PROMOTING PROSTITUTION] in the first degree under AS 11.66.110; [OR]

(G) misconduct involving a controlled substance under AS 11.71 involving the delivery of a controlled substance or the possession of a controlled substance with intent to deliver, other than an offense under AS 11.71.040 or 11.71.050; **or**

(H) human trafficking in the first degree under AS 11.41.355; and

(2) may, for a minor who is at least 13 years of age at the time of commission of the offense, disclose to the public the name of the minor, the name or names of the parent, parents, or guardian of the minor, the action required by the agency to be taken by the minor under AS 47.12.060 to adjust the matter, and information about the offense exclusive of information that identifies the victim of the offense if the minor has knowingly failed to comply with all terms and conditions required of the minor by the agency to adjust the matter under AS 47.12.060(b).

* **Sec. 29.** AS 11.41.360(b)(1) and 11.41.360(b)(3) are repealed.

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

APPLICABILITY. (a) Sections 1, 2, 11 - 15, 18, and 25 - 28 of this Act apply to

1 offenses committed before, on, or after the effective date of the Act.

2 (b) Sections 3 - 10, 16, 17, 19 - 24, and 29 of this Act apply to offenses committed on
3 or after the effective date of this Act.

4 * **Sec. 31.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

6 REVISOR'S INSTRUCTION. The revisor of statutes is instructed to change the catch
7 line of AS 11.66.110 from "Promoting prostitution in the first degree" to "Sex trafficking in
8 the first degree."

9 * **Sec. 32.** This Act takes effect July 1, 2012.