

HOUSE BILL NO. 82

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE JOSEPHSON

Introduced: 1/22/13

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to probation and parole officers and the crime of sexual assault."**

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

3 *** Section 1.** AS 11.41.425(a) is amended to read:

4 (a) An offender commits the crime of sexual assault in the third degree if the
5 offender

6 (1) engages in sexual contact with a person who the offender knows is

7 (A) mentally incapable;

8 (B) incapacitated; or

9 (C) unaware that a sexual act is being committed;

10 (2) while employed in a state correctional facility or other placement
11 designated by the commissioner of corrections for the custody and care of prisoners,
12 engages in sexual penetration with a person who the offender knows is committed to
13 the custody of the Department of Corrections to serve a term of imprisonment or
14 period of temporary commitment;

15 (3) engages in sexual penetration with a person 18 or 19 years of age

1 who the offender knows is committed to the custody of the Department of Health and
 2 Social Services under AS 47.10 or AS 47.12 and the offender is the legal guardian of
 3 the person; [OR]

4 (4) while employed in the state by a law enforcement agency as a
 5 peace officer, or while acting as a peace officer in the state, engages in sexual
 6 penetration with a person with reckless disregard that the person is in the custody or
 7 the apparent custody of the offender, or is committed to the custody of a law
 8 enforcement agency; or

9 (5) while employed in the state as a probation or parole officer by
 10 the Department of Corrections, engages in sexual penetration with a person the
 11 offender knows to be a probationer or parolee committed to the supervision of
 12 the Department of Corrections.

13 * **Sec. 2.** AS 11.41.427(a) is amended to read:

14 (a) An offender commits the crime of sexual assault in the fourth degree if

15 (1) while employed in a state correctional facility or other placement
 16 designated by the commissioner of corrections for the custody and care of prisoners,
 17 the offender engages in sexual contact with a person who the offender knows is
 18 committed to the custody of the Department of Corrections to serve a term of
 19 imprisonment or period of temporary commitment;

20 (2) the offender engages in sexual contact with a person 18 or 19 years
 21 of age who the offender knows is committed to the custody of the Department of
 22 Health and Social Services under AS 47.10 or AS 47.12 and the offender is the legal
 23 guardian of the person; [OR]

24 (3) while employed in the state by a law enforcement agency as a
 25 peace officer, or while acting as a peace officer in the state, the offender engages in
 26 sexual contact with a person with reckless disregard that the person is in the custody or
 27 the apparent custody of the offender, or is committed to the custody of a law
 28 enforcement agency; or

29 (4) while employed in the state as a probation or parole officer by
 30 the Department of Corrections, engages in sexual contact with a person the
 31 offender knows to be a probationer or parolee committed to the supervision of

1 **the Department of Corrections.**

2 * **Sec. 3.** AS 12.10.010(a) is amended to read:

3 (a) Prosecution for the following offenses may be commenced at any time:

4 (1) murder;

5 (2) attempt, solicitation, or conspiracy to commit murder or hindering
6 the prosecution of murder;

7 (3) felony sexual abuse of a minor;

8 (4) sexual assault that is an unclassified, class A, or class B felony or a
9 violation of **AS 11.41.425(a)(2) - (5)** [AS 11.41.425(a)(2) - (4)];

10 (5) a violation of AS 11.41.425, 11.41.427, 11.41.450 - 11.41.458,
11 AS 11.66.110 - 11.66.130, or former AS 11.41.430, when committed against a person
12 who, at the time of the offense, was under 18 years of age;

13 (6) kidnapping.