

**SENATE BILL NO. 197**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY SENATORS COSTELLO, Micciche

Introduced: 2/19/18

Referred: Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act requiring a person who commits certain offenses under the code of military**  
2 **justice to register as a sex offender or child kidnapper; relating to the Servicemembers**  
3 **Civil Relief Act; relating to contracts made by a member of the organized militia;**  
4 **relating to nonjudicial punishment of members of the organized militia; relating to**  
5 **offenses subject to court-martial proceedings; and providing for an effective date."**

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

7 **\* Section 1.** AS 12.63.100(1) is amended to read:

8 (1) "aggravated sex offense" means

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

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

- 4 (i) sexual assault in the first degree;  
 5 (ii) sexual assault in the second degree;  
 6 (iii) sexual abuse of a minor in the first degree; or  
 7 (iv) sexual abuse of a minor in the second degree; [OR]

8 (C) a crime, or an attempt, solicitation, or conspiracy to commit  
 9 a crime, under AS 11.41.410, 11.41.434, or a similar law of another  
 10 jurisdiction or a similar provision under a former law of this state;

11 **(D) an offense, or an attempt, solicitation, or conspiracy to**  
 12 **commit an offense, under**

13 **(i) AS 26.05.890 if the person engaged in or**  
 14 **attempted to engage in sexual penetration; or**

15 **(ii) AS 26.05.893 if the prohibited sexual activity in**  
 16 **which the member of the militia engaged or attempted to engage is**  
 17 **sexual penetration;**

18 \* **Sec. 2.** AS 12.63.100(2) is amended to read:

19 (2) "child kidnapping" means

20 (A) a crime under AS 11.41.100(a)(3), or a similar law of  
 21 another jurisdiction, in which the person committed or attempted to commit  
 22 kidnapping;

23 (B) a crime under AS 11.41.110(a)(3), or a similar law of  
 24 another jurisdiction, in which the person committed or attempted to commit  
 25 kidnapping if the victim was under 18 years of age at the time of the offense;  
 26 [OR]

27 (C) a crime, or an attempt, solicitation, or conspiracy to commit  
 28 a crime, under AS 11.41.300, or a similar law of another jurisdiction or a  
 29 similar provision under a former law of this state, if the victim was under 18  
 30 years of age at the time of the offense; **or**

31 **(D) an offense, or an attempt, solicitation, or conspiracy to**

1 **commit an offense, under AS 26.05.935(b) if**

2 **(i) the member of the militia commits the**  
 3 **enumerated offense of kidnapping, punishable under Article 134,**  
 4 **10 U.S.C. 934 (Uniform Code of Military Justice); and**

5 **(ii) the victim was under 18 years of age at the time**  
 6 **of the offense;**

7 \* **Sec. 3.** AS 12.63.100(6) is amended to read:

8 (6) "sex offense" means

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

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

17 (i) sexual assault in the first degree;

18 (ii) sexual assault in the second degree;

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

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

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

23 (i) AS 11.41.410 - 11.41.438;

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

25 (iii) AS 11.41.450 - 11.41.458;

26 (iv) AS 11.41.460 if the indecent exposure is before a  
 27 person under 16 years of age and the offender has a previous conviction  
 28 for that offense **or for an offense under AS 26.05.900(c);**

29 (v) AS 11.61.125 - 11.61.128;

30 (vi) AS 11.66.110 or 11.66.130(a)(2)(B) if the person  
 31 who was induced or caused to engage in prostitution was under 20

1 years of age at the time of the offense;

2 (vii) former AS 11.15.120, former 11.15.134, or assault  
3 with the intent to commit rape under former AS 11.15.160, former  
4 AS 11.40.110, or former 11.40.200;

5 (viii) AS 11.61.118(a)(2) if the offender has a previous  
6 conviction for that offense; [OR]

7 (ix) AS 11.66.100(a)(2) if the offender is subject to  
8 punishment under AS 11.66.100(e);

9 **(x) AS 26.05.890 if the person engaged in sexual**  
10 **penetration or sexual contact with the victim;**

11 **(xi) AS 26.05.890 if, at the time of the offense, the**  
12 **victim is under a duty to obey the lawful orders of the offender,**  
13 **regardless of whether the offender is in the direct chain of**  
14 **command over the victim;**

15 **(xii) AS 26.05.893;**

16 **(xiii) AS 26.05.900(a)(1) - (4) if the victim is under 18**  
17 **years of age at the time of the offense;**

18 **(xiv) AS 26.05.900(b) if the person who is compelled**  
19 **to engage in an act of prostitution is under 20 years of age at the**  
20 **time of the offense;**

21 **(xv) AS 26.05.900(c) if the exposure is before a**  
22 **person under 16 years of age and the offender has a previous**  
23 **conviction for that offense or for an offense under AS 11.41.460;**

24 **(xvi) AS 26.05.900 if, at the time of the offense, the**  
25 **victim is under a duty to obey the lawful orders of the offender,**  
26 **regardless of whether the offender is in the direct chain of**  
27 **command over the victim; or**

28 **(D) an offense, or an attempt, solicitation, or conspiracy to**  
29 **commit an offense, under AS 26.05.935(b) if the member of the militia**  
30 **commits one of the following enumerated offenses punishable under**  
31 **Article 134, 10 U.S.C. 934 (Uniform Code of Military Justice);**

1 **(i) child pornography; or**

2 **(ii) pandering and prostitution if the person who is**  
 3 **induced, enticed, caused, or procured to engage in a sexual act is**  
 4 **under 20 years of age at the time of the offense;**

5 \* **Sec. 4.** AS 12.63.100 is amended by adding new paragraphs to read:

6 (8) "sexual contact" has the meaning given in AS 11.81.900;

7 (9) "sexual penetration" has the meaning given in AS 11.81.900.

8 \* **Sec. 5.** AS 18.65.087(a) is amended to read:

9 (a) The Department of Public Safety shall maintain a central registry of sex  
 10 offenders and child kidnappers and shall adopt regulations necessary to carry out the  
 11 purposes of this section and AS 12.63. A post of the Alaska state troopers or a  
 12 municipal police department that receives registration or change of address  
 13 information under AS 12.63.010 shall forward the information within five working  
 14 days **after** [OF] receipt to the central registry of sex offenders and child kidnappers.  
 15 Unless the sex offender or child kidnapper provides proof satisfactory to the  
 16 department that the sex offender or child kidnapper is not physically present in the  
 17 state or that the time limits described in AS 12.63.010 have passed, the Department of  
 18 Public Safety may enter and maintain in the registry information described in  
 19 AS 12.63.010 about a sex offender or child kidnapper that the department obtains from

20 (1) the sex offender or child kidnapper under AS 12.63;

21 (2) a post of the Alaska state troopers or a municipal police department  
 22 under this subsection;

23 (3) a court judgment under AS 12.55.148, **AS 26.05.890(h),**  
 24 **26.05.893(d), 26.05.900(e), or 26.05.935(d);**

25 (4) the Department of Corrections under AS 33.30.012 or 33.30.035;

26 (5) the Federal Bureau of Investigation or another sex offender  
 27 registration agency outside this state if the information indicates that a sex offender or  
 28 child kidnapper is believed to be residing or planning to reside in the state or cannot be  
 29 located;

30 (6) a criminal justice agency in the state or another jurisdiction;

31 (7) the department's central repository under AS 12.62; information

1 entered in the registry from the repository is not subject to the requirements of  
2 AS 12.62.160(c)(3) or (4);

3 **(8) the Department of Military and Veterans' Affairs; or**

4 **(9)** [OR (8)] another reliable source as defined in regulations adopted  
5 by the department.

6 \* **Sec. 6.** AS 26.05.135 is amended to read:

7 **Sec. 26.05.135. Applicability of Servicemembers Civil Relief Act to**  
8 **members of the organized militia** [SUSPENSION OF ENFORCEMENT OF  
9 **CIVIL LIABILITIES].** The provisions of **50 U.S.C. 3901 - 4043 (Servicemembers**  
10 **Civil Relief Act)** [50 U.S.C. APP. 501 - 590,] pertaining to **consumer transactions**  
11 **and** the temporary suspension of enforcement of civil liabilities of persons in the  
12 military service of the United States [,] apply to members of the **organized militia**  
13 [ALASKA NATIONAL GUARD AND ALASKA NAVAL MILITIA] while on  
14 active duty for the state by order of the governor.

15 \* **Sec. 7.** AS 26.05.135 is amended by adding new subsections to read:

16 (b) In addition to the rights and protections provided under 50 U.S.C. 3901 -  
17 4043 (Servicemembers Civil Relief Act) and (a) of this section, a member of the  
18 organized militia may terminate a contract for any of the following services if the  
19 member receives official orders to relocate for a period of military service of at least  
20 90 days to a location that does not support the contract and the member provides  
21 written notice to the service provider as required under (c) of this section:

- 22 (1) Internet services;  
23 (2) athletic club or gym memberships;  
24 (3) satellite radio services; or  
25 (4) television services.

26 (c) To terminate a contract under (b) of this section, the member of the  
27 organized militia shall provide the service provider with (1) written notice that the  
28 member is terminating the contract and the date the contract terminates, and (2) proof  
29 of the official orders calling the member into active military service. If possible, the  
30 member shall provide the proof of the official orders at the same time the member  
31 provides written notice terminating the contract. If, because of military necessity or

1 other circumstances, the member is unable to provide proof of official orders at the  
 2 time the member provides written notice terminating the contract, the member shall  
 3 provide proof of the official orders not more than 90 days after providing written  
 4 notice terminating the contract. A termination of contract under this section is  
 5 effective on the later of the following: the termination date the member indicates in the  
 6 written notice terminating the contract or the date the member provides the written  
 7 notice terminating the contract.

8 (d) A member of the organized militia who terminates a contract under this  
 9 section may reinstate the contract when the member is no longer in active military  
 10 service if the member provides written notice not later than 90 days after the active  
 11 military service ends. Not later than 30 days after receiving a written notice of  
 12 reinstatement of a contract under this subsection, a service provider shall resume  
 13 providing services under the contract to the member or, if the services previously  
 14 provided are no longer available, shall provide substantially similar services to the  
 15 member.

16 (e) A service provider may not charge to a member of the organized militia a  
 17 penalty, fee, or other cost, or retain the deposit of a member, who terminates a contract  
 18 under this section. A member who terminates a contract under this section is not liable  
 19 for payment for any services after the effective date of the termination of a contract  
 20 under this section.

21 (f) In this section,

22 (1) "member" means a member of the organized militia;

23 (2) "organized militia" includes the units of the militia described in  
 24 AS 26.05.010(b)(1).

25 \* **Sec. 8.** AS 26.05.360(b) is amended to read:

26 (b) The regulations adopted under this section must

27 (1) provide for nonjudicial punishment; the regulations for nonjudicial  
 28 punishment may not provide for confinement or separation from military service [OR  
 29 PROHIBIT A MEMBER OF THE MILITIA FROM DECLINING THE  
 30 IMPOSITION OF NONJUDICIAL PUNISHMENT IN FAVOR OF A COURT-  
 31 MARTIAL];

1 (2) as the adjutant general and the governor consider practicable, apply  
 2 the principles of law and the rules of evidence and procedure governing military  
 3 criminal cases in the courts of the armed forces of the United States, but may not be  
 4 contrary to or inconsistent with this chapter or the applicable Alaska Rules of  
 5 Evidence;

6 (3) include rules of pretrial, trial, and post-trial procedure, including  
 7 methods of proof, for cases before courts-martial and courts of inquiry.

8 \* **Sec. 9.** AS 26.05.555(a) is amended to read:

9 (a) A military judge or summary court-martial officer may punish for  
 10 contempt a person who

11 (1) uses a menacing word, sign, or gesture in its presence;

12 (2) [, OR WHO] disturbs its proceedings by any riot or disorder; or

13 (3) wilfully disobeys a lawful writ, process, order, rule, decree, or  
 14 command of the military judge or summary court-martial officer.

15 \* **Sec. 10.** AS 26.05 is amended by adding a new section to read:

16 **Sec. 26.05.697. Misprision of serious offense.** A member of the militia who  
 17 (1) knows that another person has committed a serious offense, (2) wrongfully  
 18 conceals the commission of the offense, and (3) fails to make the commission of the  
 19 offense known to a civilian or military authority as soon as possible shall be punished  
 20 as a court-martial may direct.

21 \* **Sec. 11.** AS 26.05.700 is amended to read:

22 **Sec. 26.05.700. Conviction of lesser included offense.** An accused may be  
 23 found guilty of an offense necessarily included in the offense charged, [OR] of an  
 24 attempt to commit either the offense under this chapter charged or an offense  
 25 necessarily included in the offense charged, or of an offense designated by the  
 26 President of the United States, in an appendix to the 2017 Manual for Courts-  
 27 Martial, United States, as a presidentially prescribed lesser included offense  
 28 under 10 U.S.C. 879.

29 \* **Sec. 12.** AS 26.05.715 is amended by adding a new subsection to read:

30 (c) A member of the militia who solicits or advises another person to commit  
 31 an offense under this chapter, other than an offense specified in (a) or (b) of this

1 section, shall be punished as a court-martial may direct.

2 \* **Sec. 13.** AS 26.05 is amended by adding a new section to read:

3 **Sec. 26.05.737. False or unauthorized pass offenses.** (a) A member of the  
4 militia who wrongfully and falsely makes, alters, counterfeits, or tampers with a  
5 military or official pass, permit, discharge certificate, or identification card shall be  
6 punished as a court-martial may direct.

7 (b) A member of the militia who wrongfully sells, gives, lends, or disposes of  
8 a false or unauthorized military or official pass, permit, discharge certificate, or  
9 identification card, knowing that the pass, permit, discharge certificate, or  
10 identification card is false or unauthorized, shall be punished as a court-martial may  
11 direct.

12 (c) A member of the militia who wrongfully uses or possesses a false or  
13 unauthorized military or official pass, permit, discharge certificate, or identification  
14 card, knowing that the pass, permit, discharge certificate, or identification card is false  
15 or unauthorized, shall be punished as a court-martial may direct.

16 \* **Sec. 14.** AS 26.05.740 is amended to read:

17 **Sec. 26.05.740. Missing movement; jumping from vessel.** A member of the  
18 militia who, **(1)** through neglect or design, misses the movement of a ship, aircraft, or  
19 unit with which the member is required, in the course of duty, to move, **or (2)**  
20 **intentionally or wrongfully jumps into the water from a vessel in use by the**  
21 **armed forces** may be punished by up to one year of confinement, by separation with  
22 characterization up to dishonorable discharge, and by such other punishment as a  
23 court-martial may direct.

24 \* **Sec. 15.** AS 26.05 is amended by adding new sections to read:

25 **Sec. 26.05.767. Impersonation of officer, noncommissioned officer, petty**  
26 **officer, agent, or official.** (a) A member of the militia who wrongfully and wilfully  
27 impersonates (1) an officer, noncommissioned officer, or petty officer, (2) an agent of  
28 superior authority of one of the armed forces of the United States or of the militia of  
29 the state, or (3) an official of a government shall be punished as a court-martial may  
30 direct.

31 (b) A member of the militia who wrongfully, wilfully, and with intent to

1 defraud impersonates (1) an officer, noncommissioned officer, or petty officer, (2) an  
 2 agent of superior authority of one of the armed forces of the United States or of the  
 3 militia of the state, or (3) an official of a government shall be punished as a court-  
 4 martial may direct.

5 (c) A member of the militia who wrongfully, wilfully, and without intent to  
 6 defraud impersonates an official of a government by committing an act that exercises  
 7 or asserts the authority of the office that the person claims to have shall be punished as  
 8 a court-martial may direct.

9 **Sec. 26.05.768. Wearing unauthorized insignia, decoration, badge, ribbon,**  
 10 **device, or lapel button.** A member of the militia who wears on the member's uniform  
 11 or civilian clothing an insignia, decoration, badge, ribbon, device, or lapel button that  
 12 the member is not authorized to wear shall be punished as a court-martial may direct.

13 \* **Sec. 16.** AS 26.05.785 is amended by adding a new subsection to read:

14 (b) A member of the militia who unlawfully drinks an alcoholic beverage with  
 15 a prisoner may be punished by up to one year of confinement, by separation with  
 16 characterization up to dishonorable discharge, and by such other punishment as a  
 17 court-martial may direct, whether or not the prisoner was committed in strict  
 18 compliance with law.

19 \* **Sec. 17.** AS 26.05 is amended by adding a new section to read:

20 **Sec. 26.05.793. Wrongful interference with adverse administrative**  
 21 **proceeding.** A member of the militia who, having reason to believe that an adverse  
 22 administrative proceeding is pending against a person subject to this chapter,  
 23 wrongfully acts with the intent to influence, impede, or obstruct the conduct of the  
 24 proceeding or otherwise obstruct the due administration of justice shall be punished as  
 25 a court-martial may direct.

26 \* **Sec. 18.** AS 26.05 is amended by adding new sections to read:

27 **Sec. 26.05.796. Wrongful refusal to testify.** A member of the militia who,  
 28 during a preliminary hearing or in the presence of a court-martial, board of officers,  
 29 military commission, court of inquiry, or officer taking a deposition of or for the state,  
 30 wrongfully refuses to qualify as a witness or answer a question after having been  
 31 directed to do so by the person presiding over the proceeding shall be punished as a

1 court-martial may direct.

2 **Sec. 26.05.798. Retaliation.** A member of the militia who, with the intent to  
 3 retaliate against a person for reporting or planning to report a criminal offense or for  
 4 making or planning to make a protected communication, or who, with the intent to  
 5 discourage any person from reporting a criminal offense or from making or planning  
 6 to make a protected communication, (1) wrongfully takes or threatens to take an  
 7 adverse personnel action against a person or (2) wrongfully withholds or threatens to  
 8 withhold a favorable personnel action with respect to a person shall be punished as a  
 9 court-martial may direct.

10 \* **Sec. 19.** AS 26.05 is amended by adding a new section to read:

11 **Sec. 26.05.833. Offenses against correctional custody and restriction.** (a) A  
 12 member of the militia who (1) is placed in correctional custody by a person authorized  
 13 to do so, (2) is placed under physical restraint while in correctional custody, and (3)  
 14 escapes from the physical restraint before the member is released from physical  
 15 restraint by proper authority shall be punished as a court-martial may direct.

16 (b) A member of the militia who (1) is placed in correctional custody by a  
 17 person authorized to do so, (2) is placed under restraint other than physical restraint  
 18 while in correctional custody, and (3) goes beyond the limits of the restraint before the  
 19 member is released from or relieved of the restraint by proper authority shall be  
 20 punished as a court-martial may direct.

21 (c) A member of the militia who (1) is ordered to be restricted to certain limits  
 22 by a person authorized to do so and (2) with knowledge of the limits of the restriction,  
 23 goes beyond the limits before the member is released from the limitations by proper  
 24 authority shall be punished as a court-martial may direct.

25 \* **Sec. 20.** AS 26.05.835 is amended by adding a new subsection to read:

26 (b) A member of the militia who (1) takes an oath that is in a matter in which  
 27 the oath is required or authorized by law and that is administered by a person who has  
 28 the authority to administer the oath and (2) makes or subscribes to a statement that is  
 29 false and that the person does not believe to be true at the time the person takes the  
 30 oath shall be punished as a court-martial may direct.

31 \* **Sec. 21.** AS 26.05.860 is amended to read:

1           **Sec. 26.05.860. Drunkness and other incapacitating offenses [DRUNK**  
 2 **ON DUTY].** A member of the militia, other than a sentinel or lookout, who **(1)** is  
 3 found under the influence of alcohol while on duty, **or (2) as a result of indulgence in**  
 4 **any alcoholic beverage or illicit drug, is unable to properly perform the**  
 5 **member's duty** may be punished by up to one year of confinement, by separation  
 6 with characterization up to dishonorable discharge, and by such other punishment as a  
 7 court-martial may direct.

8 \* **Sec. 22.** AS 26.05.860 is amended by adding a new subsection to read:

9           (b) A member of the militia who, while a prisoner, is drunk shall be punished  
 10 as a court-martial may direct.

11 \* **Sec. 23.** AS 26.05.865 is amended to read:

12           **Sec. 26.05.865. Misbehavior of sentinel.** A sentinel or lookout who is found  
 13 under the influence of alcohol or sleeping on the sentinel's or lookout's post or **who**  
 14 leaves the post before being regularly relieved **or loiters or wrongfully sits down on**  
 15 **post** may be punished, if the offense is committed in time of war or emergency as  
 16 described in AS 26.05.070, by confinement of not more than 10 years, by separation  
 17 with characterization up to dishonorable discharge, and by such other punishment as a  
 18 court-martial may direct, but if the offense is committed at any other time, by up to  
 19 one year of confinement, by separation with characterization up to dishonorable  
 20 discharge, and by such other punishment as a court-martial may direct.

21 \* **Sec. 24.** AS 26.05 is amended by adding a new section to read:

22           **Sec. 26.05.867. Disrespect toward sentinel or lookout.** A member of the  
 23 militia who, knowing that another person is a sentinel or lookout, uses wrongful and  
 24 disrespectful language or behaves in a wrongful and disrespectful manner that is  
 25 directed toward and within the hearing of the sentinel or lookout while the sentinel or  
 26 lookout is executing the sentinel or lookout's duties shall be punished as a court-  
 27 martial may direct.

28 \* **Sec. 25.** AS 26.05.890(a) is amended to read:

29           (a) A member of the militia who commits any of the following acts is guilty of  
 30 sexual assault and, **except as provided under (g) of this section, shall** [MAY] be  
 31 punished [BY UP TO 10 YEARS OF CONFINEMENT,] by separation with

1 characterization [UP TO] dishonorable discharge[,] and **may, in addition to**  
 2 **separation, be punished by up to 10 years of confinement and** by such other  
 3 punishment as a court-martial may direct:

4 (1) a sexual act on another person by

5 (A) threatening or placing another person in fear;

6 (B) causing bodily harm to another person;

7 (C) making a fraudulent representation that the sexual act  
 8 serves a professional purpose;

9 (D) inducing a belief by any artifice, pretense, or concealment  
 10 that the person is another person;

11 (2) a sexual act on another person when the person knows or  
 12 reasonably should know that the other person is asleep, unconscious, or otherwise  
 13 unaware that the sexual act is occurring;

14 (3) a sexual act on another person when the other person is incapable  
 15 of consenting to the sexual act because of

16 (A) impairment by a drug, intoxicant, or other similar  
 17 substance, and that condition is known or reasonably should be known by the  
 18 person;

19 (B) a mental disease or defect or physical disability, and that  
 20 condition is known or reasonably should be known by the person.

21 \* **Sec. 26.** AS 26.05.890 is amended by adding new subsections to read:

22 (g) The convening authority of the court-martial may reduce, commute, or  
 23 suspend a sentence of separation with characterization dishonorable discharge  
 24 imposed by a court-martial under (a) of this section to a sentence of separation with  
 25 characterization bad conduct if, after sentencing and before the entry of judgment, the  
 26 accused provides substantial assistance with the investigation or prosecution of  
 27 another person.

28 (h) When a person is convicted of an offense under this section that requires  
 29 the person to register as a sex offender under AS 12.63, the court-martial shall provide  
 30 the person with information regarding sex offender registration under AS 12.63.010  
 31 and, if it can be determined by the court-martial, inform the person whether the

1 conviction will require the person to register for life or a lesser period under AS 12.63.

2 \* **Sec. 27.** AS 26.05 is amended by adding a new section to read:

3 **Sec. 26.05.893. Prohibited sexual activities with military recruit or trainee**  
 4 **by person in position of special trust.** (a) A member of the militia who (1) is an  
 5 officer, a noncommissioned officer, or a petty officer, (2) is in a training leadership  
 6 position with respect to a specially protected junior member of the armed forces of the  
 7 United States or of the militia of the state, and (3) engages in prohibited sexual activity  
 8 with the specially protected junior member of the armed forces of the United States or  
 9 of the militia of the state shall be punished as a court-martial may direct.

10 (b) A member of the militia who is a military recruiter and engages in  
 11 prohibited sexual activity with (1) an applicant for military service or (2) a specially  
 12 protected junior member of the armed forces of the United States or of the militia of  
 13 the state who is enlisted under a delayed entry program shall be punished as a court-  
 14 martial may direct.

15 (c) Consent is not a defense in a prosecution under this section.

16 (d) When a person is convicted of an offense under this section that requires  
 17 the person to register as a sex offender under AS 12.63, the court-martial shall provide  
 18 the person with information regarding sex offender registration under AS 12.63.010  
 19 and, if it can be determined by the court-martial, inform the person whether the  
 20 conviction will require the person to register for life or a lesser period under AS 12.63.

21 \* **Sec. 28.** AS 26.05 is amended by adding a new section to read:

22 **Sec. 26.05.897. Assault.** (a) A member of the militia commits the offense of  
 23 assault if the person attempts or offers to do bodily harm to another person using  
 24 unlawful force or violence, whether or not the attempt or offer is consummated. A  
 25 person who commits assault may be punished by up to one year of confinement, by  
 26 separation with characterization up to dishonorable discharge, and by such other  
 27 punishment as a court-martial may direct.

28 (b) A member of the militia commits the offense of aggravated assault if the  
 29 person (1) uses a dangerous weapon or other means or force likely to produce death or  
 30 grievous bodily harm to commit the offense described in (a) of this section or (2)  
 31 commits the offense described in (a) of this section and intentionally inflicts grievous

1           bodily harm, with or without a weapon, on another person. A person who commits  
2           aggravated assault may be punished by up to five years of confinement, by separation  
3           with characterization up to dishonorable discharge, and by such other punishment as a  
4           court-martial may direct.

5           \* **Sec. 29.** AS 26.05.900(a) is amended to read:

6                   (a) A member of the militia who knowingly commits any of the following acts  
7           without legal justification or lawful authorization is guilty of an offense under this  
8           section and may be punished by up to one year of confinement, by separation with  
9           characterization up to dishonorable discharge, and by such other punishment as a  
10          court-martial may direct:

11                   (1) knowingly and wrongfully views the private area of another  
12          person, without the other person's consent and under circumstances in which the other  
13          person has a reasonable expectation of privacy;

14                   (2) knowingly and wrongfully photographs, videotapes, films, or  
15          records, by any means, the private area of another person without the other person's  
16          consent and under circumstances in which the other person has a reasonable  
17          expectation of privacy;

18                   (3) knowingly [AND WRONGFULLY] broadcasts [OR  
19          DISTRIBUTES] a recording **of another person's private area** that the person knows  
20          or reasonably should know was made **or broadcast**

21                                   **(A) without the other person's consent; and**

22                                   **(B) under circumstances in which the other person had a**  
23                                   **reasonable expectation of privacy;**

24                   (4) **knowingly distributes a recording of another person's private**  
25                   **area that the person knows or reasonably should know was made or distributed**

26                                   **(A) without the other person's consent; and**

27                                   **(B) under circumstances in which the other person had a**  
28                                   **reasonable expectation of privacy** [UNDER THE CIRCUMSTANCES

29                                   DESCRIBED IN (2) OF THIS SUBSECTION].

30           \* **Sec. 30.** AS 26.05.900(d) is amended by adding new paragraphs to read:

31                   (7) "recording" means a still or moving visual image captured or

1 recorded by any means;

2 (8) "without the other person's consent" has the meaning given to  
3 "without consent" in AS 11.41.470.

4 \* **Sec. 31.** AS 26.05.900 is amended by adding a new subsection to read:

5 (e) When a person is convicted of an offense under this section that requires  
6 the offender to register as a sex offender under AS 12.63, the court-martial shall  
7 provide the person with information regarding sex offender registration under  
8 AS 12.63.010 and, if it can be determined by the court-martial, inform the person  
9 whether the conviction will require the person to register for life or a lesser period  
10 under AS 12.63.

11 \* **Sec. 32.** AS 26.05 is amended by adding a new section to read:

12 **Sec. 26.05.913. Public records offenses.** A member of the militia who (1)  
13 wilfully and unlawfully alters, conceals, removes, mutilates, obliterates, or destroys a  
14 public record or (2) takes a public record with the intent to alter, conceal, remove,  
15 mutilate, obliterate, or destroy the public record shall be punished as a court-martial  
16 may direct.

17 \* **Sec. 33.** AS 26.05.935 is amended by adding a new subsection to read:

18 (d) When a person is convicted of an enumerated offense under (b) of this  
19 section that requires the offender to register as a sex offender under AS 12.63, the  
20 court-martial shall provide the person with information regarding sex offender  
21 registration under AS 12.63.010 and, if it can be determined by the court-martial,  
22 inform the person whether the conviction will require the person to register for life or  
23 a lesser period under AS 12.63.

24 \* **Sec. 34.** AS 26.05 is amended by adding new sections to read:

25 **Sec. 26.05.940. Offenses concerning government computers.** (a) A member  
26 of the militia who (1) knowingly accesses a government computer with an  
27 unauthorized purpose, (2) by accessing the government computer obtains classified  
28 information, and (3) with reason to believe the information could be used to the injury  
29 of the United States or to the advantage of any foreign nation, intentionally  
30 communicates, delivers, or transmits the information, or causes the information to be  
31 communicated, delivered, or transmitted, to any person who is not entitled to receive

1 the information shall be punished as a court-martial may direct.

2 (b) A member of the militia who intentionally accesses a government  
3 computer with an unauthorized purpose and by accessing the government computer  
4 obtains classified or other protected information from the government computer shall  
5 be punished as a court-martial may direct.

6 (c) A member of the militia who knowingly causes the transmission of a  
7 program, information, code, or command and, as a result of that conduct, intentionally  
8 and without authorization causes damage to a government computer shall be punished  
9 as a court-martial may direct.

10 **Sec. 26.05.945. Breach of medical quarantine.** A member of the militia who  
11 is ordered into medical quarantine by a person authorized to issue the quarantine order  
12 and who, with knowledge of the quarantine order and the limits imposed under the  
13 quarantine order, goes beyond the limits imposed under the quarantine order before  
14 the person is released from quarantine by proper authority shall be punished as a  
15 court-martial may direct.

16 \* **Sec. 35.** The uncodified law of the State of Alaska is amended by adding a new section to  
17 read:

18 **APPLICABILITY.** (a) AS 26.05.135, as amended by secs. 6 and 7 of this Act, applies  
19 only to a contract entered into on or after the effective date of secs. 6 and 7 of this Act.

20 (b) AS 12.63.100(1), as amended by sec. 1 of this Act, AS 12.63.100(2), as amended  
21 by sec. 2 of this Act, AS 12.63.100(6), as amended by sec. 3 of this Act, AS 12.63.100(8) and  
22 (9), enacted by sec. 4 of this Act, AS 18.65.087(a), as amended by sec. 5 of this Act,  
23 AS 26.05.890(h), enacted by sec. 26 of this Act, AS 26.05.893(d), enacted by sec. 27 of this  
24 Act, AS 26.05.900(e), enacted by sec. 31 of this Act, and AS 26.05.935(d), enacted by sec. 33  
25 of this Act, apply to persons convicted of sex offenses or child kidnapping on or after the  
26 effective date of secs. 1 - 5, 26, 27, 31, and 33 of this Act.

27 (c) AS 26.05.360(b), as amended by sec. 8 of this Act, applies to nonjudicial  
28 punishment imposed for offenses committed on or after the effective date of sec. 8 of this Act.

29 (d) AS 26.05.555(a), as amended by sec. 9 of this Act, AS 26.05.697, enacted by sec.  
30 10 of this Act, AS 26.05.700, as amended by sec. 11 of this Act, AS 26.05.715(c), enacted by  
31 sec. 12 of this Act, AS 26.05.737, enacted by sec. 13 of this Act, AS 26.05.740, as amended

1 by sec. 14 of this Act, AS 26.05.767 and 26.05.768, enacted by sec. 15 of this Act,  
 2 AS 26.05.785(b), enacted by sec. 16 of this Act, AS 26.05.793, enacted by sec. 17 of this Act,  
 3 AS 26.05.796 and 26.05.798, enacted by sec. 18 of this Act, AS 26.05.833, enacted by sec. 19  
 4 of this Act, AS 26.05.835(b), enacted by sec. 20 of this Act, AS 26.05.860, as amended by  
 5 sec. 21 of this Act, AS 26.05.860(b), enacted by sec. 22 of this Act, AS 26.05.865, as  
 6 amended by sec. 23 of this Act, AS 26.05.867, enacted by sec. 24 of this Act,  
 7 AS 26.05.890(a), as amended by sec. 25 of this Act, AS 26.05.890(g), enacted by sec. 26 of  
 8 this Act, AS 26.05.893(a) - (c), enacted by sec. 27 of this Act, AS 26.05.897, enacted by sec.  
 9 28 of this Act, AS 26.05.900(a), as amended by sec. 29 of this Act, AS 26.05.900(d), enacted  
 10 by sec. 30 of this Act, AS 26.05.913, enacted by sec. 32 of this Act, and AS 26.05.940 and  
 11 26.05.945, enacted by sec. 34 of this Act, apply to offenses occurring on or after the effective  
 12 date of secs. 9 - 30, 32, and 34 of this Act.

13 \* **Sec. 36.** The uncodified law of the State of Alaska is amended by adding a new section to  
 14 read:

15 **DUTY OF ADJUTANT GENERAL OF THE DEPARTMENT OF MILITARY AND**  
 16 **VETERANS' AFFAIRS; NOTICE TO REVISOR OF STATUTES.** The adjutant general of  
 17 the Department of Military and Veterans' Affairs shall notify the revisor of statutes, on or  
 18 before January 1, 2019, if the President of the United States signs an executive order  
 19 designating the effective date, under sec. 5542, P.L. 114-328, National Defense Authorization  
 20 Act for Fiscal Year 2017, of the amendments to the Uniform Code of Military Justice made  
 21 by the Military Justice Act of 2016.

22 \* **Sec. 37.** The uncodified law of the State of Alaska is amended by adding a new section to  
 23 read:

24 **CONDITIONAL EFFECT.** Sections 1 - 5, 8 - 34, and 35(b) - (d) of this Act take  
 25 effect only if the adjutant general of the Department of Military and Veterans' Affairs notifies  
 26 the revisor of statutes under sec. 36 of this Act, on or before January 1, 2019, that the  
 27 President of the United States has signed an executive order designating the effective date,  
 28 under sec. 5542, P.L. 114-328, National Defense Authorization Act for Fiscal Year 2017, of  
 29 the amendments to the Uniform Code of Military Justice made by the Military Justice Act of  
 30 2016 and the effective date designated in the executive order is January 1, 2019, or earlier.

31 \* **Sec. 38.** If secs. 1 - 5, 8 - 34, and 35(b) - (d) of this Act take effect under sec. 37 of this

1 Act, they take effect January 1, 2019.

2 \* **Sec. 39.** Except as provided in sec. 38 of this Act, this Act takes effect July 1, 2018.