

AMENDMENT #9

OFFERED IN THE SENATE

BY SENATOR HUGHES

TO: SCS CSHB 66(FIN)

1 Page 1, line 3, following "stalking;":

2 Insert "relating to sex trafficking; establishing the crime of patron of a victim of
3 sex trafficking; relating to human trafficking; relating to the crime of prostitution;"

4

5 Page 1, line 5, following "sentencing;":

6 Insert "relating to victim confidentiality; establishing the process for vacating
7 judgments for certain convictions of prostitution;"

8

9 Page 1, line 7, following "teams;":

10 Insert "relating to licensing of school bus drivers; relating to permanent fund
11 dividends for certain individuals whose convictions are vacated;"

12

13 Page 2, line 12:

14 Delete "sec. 49"

15 Insert "sec. 95"

16

17 Page 2, following line 18:

18 Insert new bill sections to read:

19 **** Sec. 2.** AS 04.06.110 is amended to read:

20 **Sec. 04.06.110. Peace officer powers.** The director and the persons employed
21 for the administration and enforcement of this title may, with the concurrence of the
22 commissioner of public safety, exercise the powers of peace officers when those
23 powers are specifically granted by the board. Powers granted by the board under this

1 section may be exercised only when necessary for the enforcement of the criminally
 2 punishable provisions of this title, regulations of the board, and other criminally
 3 punishable laws and regulations, including investigation of violations of laws against
 4 [PROSTITUTION AND] sex trafficking described in AS 11.41.340 - 11.41.357, laws
 5 against prostitution described in AS 11.66.101 - 11.66.106, [AS 11.66.100 -
 6 11.66.135] and laws against gambling, promoting gambling, and related offenses
 7 described in AS 11.66.200 - 11.66.280. Unless authorized by a search warrant
 8 described in AS 12.35, nothing in this section authorizes the use of metal keys,
 9 magnetic card keys, or identification cards to access private clubs.

10 * **Sec. 3.** AS 09.25.400 is amended to read:

11 **Sec. 09.25.400. Privilege relating to domestic violence, sex trafficking, and**
 12 **sexual assault counseling.** Confidential communications between a victim of
 13 domestic violence, sex trafficking, or sexual assault and a victim counselor are
 14 privileged under AS 18.66.200 - 18.66.250.

15 * **Sec. 4.** AS 11.31.120(h)(2) is amended to read:

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

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

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

21 (C) that is criminal mischief in the first degree under
 22 AS 11.46.475;

23 (D) that is terroristic threatening in the first degree under
 24 AS 11.56.807;

25 (E) that is human trafficking in the first degree under
 26 AS 11.41.360;

27 (F) that is sex trafficking in the first degree under AS 11.41.340
 28 [AS 11.66.110]; or

29 (G) that is arson in the first degree under AS 11.46.400 or arson
 30 in the second degree under AS 11.46.410."
 31

1 Renumber the following bill sections accordingly.

2

3 Page 5, following line 28:

4 Insert new bill sections to read:

5 **** Sec. 11.** AS 11.41 is amended by adding new sections to read:

6 **Sec. 11.41.340. Sex trafficking in the first degree.** (a) A person commits the
7 crime of sex trafficking in the first degree if the person

8 (1) as other than a patron of a victim of sex trafficking, induces or
9 causes another person to engage in a commercial sexual act through the use of force or
10 threat of force against any person; or

11 (2) violates AS 11.41.345 and the person induced or caused to engage
12 in the commercial sexual act is

13 (A) under 21 years of age; or

14 (B) in that person's legal custody.

15 (b) Sex trafficking in the first degree is an unclassified felony.

16 **Sec. 11.41.345. Sex trafficking in the second degree.** (a) A person commits
17 the crime of sex trafficking in the second degree if, as other than a patron of a victim
18 of sex trafficking under AS 11.41.355 or a patron of a prostitute under AS 11.66.104
19 or 11.66.106, the person intentionally induces or causes another person to engage in a
20 commercial sexual act.

21 (b) Sex trafficking in the second degree is a class A felony.

22 **Sec. 11.41.350. Sex trafficking in the third degree.** (a) A person commits the
23 crime of sex trafficking in the third degree if, as other than a patron of a victim of sex
24 trafficking, the person provides services, resources, or other assistance in furtherance
25 of a violation of AS 11.41.340 or 11.41.345.

26 (b) Sex trafficking in the third degree is a

27 (1) class B felony if the value of the services, resources, or other
28 assistance provided is \$200 or more; or

29 (2) class C felony if the value of the services, resources, or other
30 assistance provided is less than \$200.

31 **Sec. 11.41.355. Patron of a victim of sex trafficking.** (a) A person commits

1 the crime of patron of a victim of sex trafficking if the person solicits a commercial
2 sexual act

3 (1) with reckless disregard that the person engaging in the sexual act is
4 a victim of sex trafficking; or

5 (2) from a person who is under 18 years of age.

6 (b) In a prosecution under (a)(2) of this section, it is an affirmative defense
7 that, at the time of the alleged offense, the defendant

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

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

11 (c) Patron of a victim of sex trafficking is a

12 (1) class B felony if the person violates (a)(2) of this section;

13 (2) class C felony if the person violates (a)(1) of this section.

14 **Sec. 11.41.357. Inducing or causing a person to engage in a commercial**
15 **sexual act.** For purposes of AS 11.41.340 - 11.41.355, a person induces or causes
16 another person to engage in a commercial sexual act including by

17 (1) exposing or threatening to expose confidential information or a
18 secret, whether true or false, that would subject a person to hatred, contempt, or
19 ridicule;

20 (2) destroying, concealing, or threatening to destroy or conceal an
21 actual or purported passport or immigration document or another actual or purported
22 identification document of any person;

23 (3) threatening to report a person to a government agency for the
24 purpose of arrest or deportation;

25 (4) threatening to collect a debt;

26 (5) instilling in a person a fear that lodging, food, clothing, or
27 medication will be withheld from any person;

28 (6) providing a controlled substance to or withholding a controlled
29 substance from the other person; or

30 (7) engaging in deception.

31 * **Sec. 12.** AS 11.41.360(a) is amended to read:

1 (a) A person commits the crime of human trafficking in the first degree if,
2 under circumstances not proscribed under AS 11.41.340 - 11.41.357, the person

3 (1) [COMPELS OR] induces or causes another person to engage in
4 [SEXUAL CONDUCT,] adult entertainment [,] or labor [IN THE STATE] by force or
5 threat of force against any person; or

6 (2) violates AS 11.41.365 and the victim is under 21 years of age [,
7 OR BY DECEPTION].

8 * Sec. 13. AS 11.41.360(c) is amended to read:

9 (c) Human trafficking in the first degree is an unclassified [A CLASS A]
10 felony.

11 * Sec. 14. AS 11.41.365 is amended to read:

12 **Sec. 11.41.365. Human trafficking in the second degree.** (a) A person
13 commits the crime of human trafficking in the second degree if, under circumstances
14 not proscribed under AS 11.41.340 - 11.41.357, and with the intent to promote
15 human trafficking, the person induces or causes another person to engage in adult
16 entertainment or labor by

17 (1) exposing or threatening to expose confidential information or a
18 secret, whether true or false, tending to subject a person to hatred, contempt, or
19 ridicule;

20 (2) destroying, concealing, or threatening to destroy or conceal an
21 actual or purported passport or immigration document or another actual or
22 purported identification document of any person;

23 (3) threatening to report a person to a government agency for the
24 purpose of arrest or deportation;

25 (4) threatening to collect a debt;

26 (5) instilling in a person a fear that lodging, food, clothing, or
27 medication will be withheld from any person;

28 (6) providing a controlled substance to or withholding a controlled
29 substance from the other person; or

30 (7) engaging in deception [OBTAINS A BENEFIT FROM THE
31 COMMISSION OF HUMAN TRAFFICKING UNDER AS 11.41.360, WITH

1 RECKLESS DISREGARD THAT THE BENEFIT IS A RESULT OF THE
2 TRAFFICKING].

3 (b) Human trafficking in the second degree is a class A [B] felony.

4 * **Sec. 15.** AS 11.41 is amended by adding new sections to read:

5 **Sec. 11.41.366. Human trafficking in the third degree.** (a) A person
6 commits the crime of human trafficking in the third degree if the person provides
7 services, resources, or other assistance with the intent to promote a violation of
8 AS 11.41.360 or 11.41.365.

9 (b) Human trafficking in the third degree is a

10 (1) class B felony if the value of the services, resources, or other
11 assistance provided is \$200 or more;

12 (2) class C felony if the value of the services, resources, or other
13 assistance provided is less than \$200.

14 **Sec. 11.41.367. Applicability of AS 11.41.360 - 11.41.366.** AS 11.41.360 -
15 11.41.366 do not apply to acts that may reasonably be construed to be a normal
16 caretaker request of a child or a normal interaction with a child.

17 **Sec. 11.41.369. Forfeiture.** (a) Property used to institute, aid, or facilitate, or
18 received or derived from, a violation of AS 11.41.340 - 11.41.366, including real
19 property, may be forfeited at sentencing.

20 (b) The legislature may appropriate funds received from the sale of property
21 forfeited under (a) of this section for an offense under AS 11.41.340 - 11.41.357 to
22 programs that provide resources to victims of sex trafficking.

23 * **Sec. 16.** AS 11.41.530(a) is amended to read:

24 (a) A person commits the crime of coercion if, under circumstances not
25 proscribed under AS 11.41.340 - 11.41.366 or 11.41.410 - 11.41.427 [AS 11.41.410 -
26 11.41.427], the person compels another to engage in conduct from which there is a
27 legal right to abstain or abstain from conduct in which there is a legal right to engage,
28 by means of instilling in the person who is compelled a fear that, if the demand is not
29 complied with, the person who makes the demand or another may

30 (1) inflict physical injury on anyone, except under circumstances
31 constituting robbery in any degree, or commit any other crime;

- 1 (2) accuse anyone of a crime;
- 2 (3) expose confidential information or a secret, whether true or false,
- 3 tending to subject a person to hatred, contempt, or ridicule or to impair the person's
- 4 credit or business repute;
- 5 (4) take or withhold action as a public servant or cause a public servant
- 6 to take or withhold action;
- 7 (5) bring about or continue a strike, boycott, or other collective
- 8 unofficial action, if the property is not demanded or received for the benefit of the
- 9 group in whose interest the person making the threat or suggestion purports to act;
- 10 (6) testify or provide information or withhold testimony or information
- 11 with respect to a person's legal claim or defense."
- 12

13 Renumber the following bill sections accordingly.

14
15 Page 6, line 20, through page 7, line 28:

16 Delete all material and insert:

17 **"* Sec. 21.** AS 11.66 is amended by adding new sections to read:

18 **Sec. 11.66.101. Prostitution in the first degree.** (a) A person commits the
19 crime of prostitution in the first degree if the person manages, supervises, controls, or
20 owns, either alone or in association with others, a prostitution enterprise or a place of
21 prostitution.

22 (b) Prostitution in the first degree is a class B felony.

23 **Sec. 11.66.102. Prostitution in the second degree.** (a) A person commits the
24 crime of prostitution in the second degree if the person engages in or agrees or offers
25 to engage in sexual conduct in exchange for a fee.

26 (b) A person may not be prosecuted under this section if the

27 (1) person witnessed or was a victim of, and reported to law
28 enforcement in good faith, one or more of the following crimes:

29 (A) murder in the first degree under AS 11.41.100;

30 (B) murder in the second degree under AS 11.41.110;

31 (C) manslaughter under AS 11.41.120;

- 1 (D) criminally negligent homicide under AS 11.41.130;
2 (E) assault in the first degree under AS 11.41.200;
3 (F) assault in the second degree under AS 11.41.210;
4 (G) assault in the third degree under AS 11.41.220;
5 (H) assault in the fourth degree under AS 11.41.230;
6 (I) sex trafficking in the first degree under AS 11.41.340;
7 (J) sex trafficking in the second degree under AS 11.41.345;
8 (K) sex trafficking in the third degree under AS 11.41.350;
9 (L) patron of a victim of sex trafficking under AS 11.41.355;
10 (M) sexual assault in the first degree under AS 11.41.410;
11 (N) sexual assault in the second degree under AS 11.41.420;
12 (O) sexual assault in the third degree under AS 11.41.425;
13 (P) sexual assault in the fourth degree under AS 11.41.427;
14 (Q) sexual abuse of a minor in the first degree under
15 AS 11.41.434;
16 (R) sexual abuse of a minor in the second degree under
17 AS 11.41.436;
18 (S) sexual abuse of a minor in the third degree under
19 AS 11.41.438;
20 (T) sexual abuse of a minor in the fourth degree under
21 AS 11.41.440;
22 (U) robbery in the first degree under AS 11.41.500;
23 (V) robbery in the second degree under AS 11.41.510;
24 (W) extortion under AS 11.41.520;
25 (X) coercion under AS 11.41.530;
26 (Y) distribution of generated obscene child sexual abuse
27 material under AS 11.61.121;
28 (Z) possession of generated obscene child sexual abuse
29 material under AS 11.61.122;
30 (AA) distribution of child sexual abuse material under
31 AS 11.61.125; or

1 (BB) possession of child sexual abuse material under
2 AS 11.61.127;

3 (2) evidence supporting the prosecution under (a) of this section was
4 obtained or discovered as a result of the person reporting the crime to law
5 enforcement; and

6 (3) person cooperated with law enforcement personnel.

7 (c) Prostitution in the second degree is a class B misdemeanor.

8 **Sec. 11.66.104. Patron of a prostitute in the first degree.** (a) A person
9 commits the crime of patron of a prostitute in the first degree if the person violates
10 AS 11.66.106 and, within the preceding five years, the person has been previously
11 convicted on two or more separate occasions in this or another jurisdiction of an
12 offense under AS 11.66.106 or an offense under another law or ordinance in this or
13 another jurisdiction with similar elements.

14 (b) Patron of a prostitute in the first degree is a class C felony.

15 **Sec. 11.66.106. Patron of a prostitute in the second degree.** (a) A person
16 commits the crime of patron of a prostitute in the second degree if the person offers a
17 fee in exchange for sexual conduct.

18 (b) Patron of a prostitute in the second degree is a class A misdemeanor.

19 * **Sec. 22.** AS 11.66.145 is amended to read:

20 **Sec. 11.66.145. Forfeiture.** Property used to institute, aid, or facilitate, or
21 received or derived from, a violation of AS 11.66.101 - 11.66.106 [AS 11.66.100(e)
22 OR 11.66.110 - 11.66.135] may be forfeited at sentencing.

23 * **Sec. 23.** AS 11.66.150 is amended to read:

24 **Sec. 11.66.150. Definitions.** In AS 11.66.101 - 11.66.150 [AS 11.66.100 -
25 11.66.150], unless the context requires otherwise,

26 (1) "compensation" does not include any payment for reasonably
27 apportioned shared expenses;

28 (2) "place of prostitution" means any place where a person, other than
29 a proprietor of the place, engages in sexual conduct in return for a fee;

30 (3) "prostitution enterprise" means an arrangement in which two or
31 more persons are organized to render sexual conduct in return for a fee;

1 (4) "sexual conduct" means genital or anal intercourse, cunnilingus,
2 fellatio, or masturbation of one person by another person.

3 * **Sec. 24.** AS 11.66.150 is amended by adding a new paragraph to read:

4 (5) "fee" does not include payment for reasonably apportioned shared
5 expenses of a residence."
6

7 Renumber the following bill sections accordingly.
8

9 Page 10, following line 4:

10 Insert new bill sections to read:

11 ** **Sec. 28.** 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, **human trafficking in the first degree,**
16 sexual assault in the first degree, sexual abuse of a minor in the first degree,
17 misconduct involving a controlled substance in the first degree, sex trafficking in the
18 first degree [UNDER AS 11.66.110(a)(2)], and kidnapping, are classified on the basis
19 of their seriousness, according to the type of injury characteristically caused or risked
20 by commission of the offense and the culpability of the offender. Except for murder in
21 the first and second degree, attempted murder in the first degree, solicitation to
22 commit murder in the first degree, conspiracy to commit murder in the first degree,
23 murder of an unborn child, **human trafficking in the first degree,** sexual assault in
24 the first degree, sexual abuse of a minor in the first degree, misconduct involving a
25 controlled substance in the first degree, sex trafficking in the first degree [UNDER
26 AS 11.66.110(a)(2)], and kidnapping, the offenses in this title are classified into the
27 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. 29.** 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, human trafficking in the first degree, sexual assault in the first
21 degree, sexual abuse of a minor in the first degree, misconduct involving a controlled
22 substance in the first degree, sex trafficking in the first degree [UNDER
23 AS 11.66.110(a)(2)], and kidnapping, is designated in the section defining it. A felony
24 under the law of this state defined outside this title for which no penalty is specifically
25 provided is a class C felony.

26 * **Sec. 30.** AS 11.81.900(b) is amended by adding new paragraphs to read:

27 (69) "adult entertainment" means an activity in which one or more
28 individuals are employed, contracted, or permitted to, wholly or in part, entertain
29 others by

30 (A) removing clothes or other items that clothe or hide the
31 person's body;

1 (B) dancing or in any other manner exhibiting the individual's
2 body in a completely or almost completely unclothed state;

3 (C) participating in a simulated illegal, indecent, or lewd
4 exhibition, act, or practice, including simulated

5 (i) sexual penetration;

6 (ii) the lewd exhibition or touching of a person's
7 genitals, anus, or breast; or

8 (iii) bestiality;

9 (70) "commercial sexual act" means a sexual act for which anything of
10 value is given or received by any person;

11 (71) "services, resources, or other assistance" includes financial
12 support, business services, lodging, transportation, providing false identification
13 documents or other documentation, equipment, facilities, or any other service or
14 property, regardless of whether a person is compensated;

15 (72) "sexual act" means sexual penetration or sexual contact;

16 (73) "victim of sex trafficking" means a person who has been induced
17 or caused to engage in a commercial sexual act under AS 11.41.340 - 11.41.350."

18

19 Renumber the following bill sections accordingly.

20

21 Page 10, line 5:

22 Delete "AS 12.10.010(a)"

23 Insert "AS 12.10.010"

24

25 Page 10, line 6:

26 Delete "(a)"

27 Insert "**Sec. 12.10.010. General time limitations. (a)**"

28

29 Page 10, line 14:

30 Delete "AS 11.66.110 - 11.66.130,"

31 Insert "[AS 11.66.110 - 11.66.130,]"

1

2 Page 10, lines 19 - 21:

3 Delete "AS 11.66.110 - 11.66.130 that is an unclassified, class A, or class B felony or
4 that is committed against a person who, at the time of the offense, was under 20 years of age"

5 Insert "AS 11.41.340 or 11.41.345 [AS 11.66.110 - 11.66.130 THAT IS AN
6 UNCLASSIFIED, CLASS A, OR CLASS B FELONY OR THAT IS COMMITTED
7 AGAINST A PERSON WHO, AT THE TIME OF THE OFFENSE, WAS UNDER 20
8 YEARS OF AGE]"

9

10 Page 10, following line 22:

11 Insert new material to read:

12 "(b) Except as otherwise provided by law or in (a) of this section, a person
13 may not be prosecuted, tried, or punished for an offense unless the indictment is found
14 or the information or complaint is instituted not later than

15 (1) 10 years after the commission of a felony offense in violation of
16 AS 11.41.120 - 11.41.330, 11.41.350, 11.41.366, 11.41.425(a)(1), 11.41.425(a)(5),
17 11.41.425(a)(6), or 11.41.450 - 11.41.458; or

18 (2) five years after the commission of any other offense.

19 * **Sec. 32.** AS 12.37.010 is amended to read:

20 **Sec. 12.37.010. Authorization to intercept communications.** The attorney
21 general, or a person designated in writing or by law to act for the attorney general,
22 may authorize, in writing, an ex parte application to a court of competent jurisdiction
23 for an order authorizing the interception of a private communication if the interception
24 may provide evidence of, or may assist in the apprehension of persons who have
25 committed, are committing, or are planning to commit, the following offenses:

26 (1) murder in the first or second degree under AS 11.41.100 -
27 11.41.110;

28 (2) kidnapping under AS 11.41.300;

29 (3) a class A or unclassified felony drug offense under AS 11.71;

30 (4) sex trafficking in the first or second degree under AS 11.41.340 or
31 11.41.345 [AS 11.66.110 AND 11.66.120]; or

1 (5) human trafficking [IN THE FIRST DEGREE] under AS 11.41.360
 2 or 11.41.365.

3 * **Sec. 33.** AS 12.45.049 is amended to read:

4 **Sec. 12.45.049. Privilege relating to domestic violence, sex trafficking, and**
 5 **sexual assault counseling.** Confidential communications between a victim of
 6 domestic violence, sex trafficking, or sexual assault and a victim counselor are
 7 privileged under AS 18.66.200 - 18.66.250."
 8

9 Renumber the following bill sections accordingly.

10
 11 Page 13, following line 7:

12 Insert new bill sections to read:

13 **"* Sec. 38.** AS 12.55.015 is amended by adding a new subsection to read:

14 (m) In addition to the penalties authorized by this section, if a defendant holds
 15 a business license and is convicted of an offense under AS 11.41.340 - 11.41.366, and
 16 the defendant used the business in furtherance of the offense, the court shall revoke the
 17 defendant's business license.

18 * **Sec. 39.** AS 12.55.035(b) is amended to read:

19 (b) Upon conviction of an offense, a defendant who is not an organization may
 20 be sentenced to pay, unless otherwise specified in the provision of law defining the
 21 offense, a fine of not more than

22 (1) \$500,000 for murder in the first or second degree, attempted
 23 murder in the first degree, murder of an unborn child, human trafficking in the first
 24 degree, sexual assault in the first degree under AS 11.41.410(a)(1)(A), (2), (3), or (4),
 25 sexual abuse of a minor in the first degree, kidnapping, sex trafficking in the first
 26 degree [UNDER AS 11.66.110(a)(2)], or misconduct involving a controlled substance
 27 in the first degree;

28 (2) \$250,000 for a class A felony;

29 (3) \$100,000 for a class B felony;

30 (4) \$50,000 for a class C felony;

31 (5) \$25,000 for a class A misdemeanor;

1 (6) \$2,000 for a class B misdemeanor;

2 (7) \$500 for a violation.

3 * **Sec. 40.** AS 12.55.078(f) is amended to read:

4 (f) The court may not suspend the imposition or entry of judgment and may
5 not defer prosecution under this section of a person who

6 (1) is charged with a violation of AS 11.41.100 - 11.41.220, 11.41.260
7 - 11.41.320, 11.41.340 - 11.41.370 [11.41.360 - 11.41.370], 11.41.410 - 11.41.530,
8 AS 11.46.400, AS 11.61.125 - 11.61.128, AS 11.66.101, or 11.66.102 [OR
9 AS 11.66.110 - 11.66.135];

10 (2) uses a firearm in the commission of the offense for which the
11 person is charged;

12 (3) has previously been granted a suspension of judgment under this
13 section or a similar statute in another jurisdiction, unless the court enters written
14 findings that by clear and convincing evidence the person's prospects for rehabilitation
15 are high and suspending judgment under this section adequately protects the victim of
16 the offense, if any, and the community;

17 (4) is charged with a violation of AS 11.41.230, 11.41.250, or a felony
18 and the person has one or more prior convictions for a misdemeanor violation of
19 AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction
20 having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a
21 felony in this state; for the purposes of this paragraph, a person shall be considered to
22 have a prior conviction even if

23 (A) the charges were dismissed under this section;

24 (B) the conviction has been set aside under AS 12.55.085; or

25 (C) the charge or conviction was dismissed or set aside under
26 an equivalent provision of the laws of another jurisdiction; or

27 (5) is charged with a crime involving domestic violence, as defined in
28 AS 18.66.990.

29 * **Sec. 41.** AS 12.55.085(f) is amended to read:

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

31 (1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260

1 - 11.41.320, **11.41.340 - 11.41.370** [11.41.360 - 11.41.370], 11.41.410 - 11.41.530,
 2 AS 11.46.400, AS 11.61.125 - 11.61.128, **AS 11.66.101, or 11.66.102** [OR
 3 AS 11.66.110 - 11.66.135];

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

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

13 * **Sec. 42.** AS 12.55.125(b) is amended to read:

14 (b) A defendant convicted of attempted murder in the first degree, solicitation
 15 to commit murder in the first degree, conspiracy to commit murder in the first degree,
 16 kidnapping, **human trafficking in the first degree**, or misconduct involving a
 17 controlled substance in the first degree shall be sentenced to a definite term of
 18 imprisonment of at least five years but not more than 99 years. A defendant convicted
 19 of murder in the second degree or murder of an unborn child under
 20 AS 11.41.150(a)(2) - (4) shall be sentenced to a definite term of imprisonment of at
 21 least 15 years but not more than 99 years. A defendant convicted of murder in the
 22 second degree shall be sentenced to a definite term of imprisonment of at least 20
 23 years but not more than 99 years when the defendant is convicted of the murder of a
 24 child under 16 years of age and the court finds by clear and convincing evidence that
 25 the defendant (1) was a natural parent, a stepparent, an adoptive parent, a legal
 26 guardian, or a person occupying a position of authority in relation to the child; or (2)
 27 caused the death of the child by committing a crime against a person under
 28 AS 11.41.200 - 11.41.530. In this subsection, "legal guardian" and "position of
 29 authority" have the meanings given in AS 11.41.470."
 30

31 Renumber the following bill sections accordingly.

1

2 Page 14, lines 13 - 14:

3 Delete "under AS 11.66.110(a)(2)"

4 Insert "[UNDER AS 11.66.110(a)(2)]"

5

6 Page 15, line 4, following "AS 11.41.410(a)(1)(B),":

7 Insert "**sex trafficking in the second degree,**"

8

9 Page 15, line 8, following the first occurrence of "degree,":

10 Insert "**unlawful exploitation of a minor under AS 11.41.455(c)(2),**"

11

12 Page 15, lines 8 - 9:

13 Delete "under AS 11.66.110(a)(2)"

14 Insert "[UNDER AS 11.66.110(a)(2)]"

15

16 Page 15, line 30, following "(3)":

17 Insert "**sex trafficking in the third degree under AS 11.41.350(b)(1), patron of a**
18 **victim of sex trafficking under AS 11.41.355(c)(1),**"

19

20 Page 16, line 1, following "AS 11.41.458(b)(2),":

21 Insert "**indecent viewing or production of a picture under AS 11.61.123(g)(1),**"

22

23 Page 16, line 3, following "AS 11.41.410(a)(1)(B)":

24 Insert "**, sex trafficking in the second degree, unlawful exploitation of a minor**
25 **under AS 11.41.455(c)(1), or enticement of a minor under AS 11.41.452(e)**"

26

27 Page 16, line 16, following "(4)":

28 Insert "**sex trafficking in the third degree under AS 11.41.350(b)(2), patron of a**
29 **victim of sex trafficking under AS 11.41.355(c)(2),**"

30

31 Page 16, line 22, following "commit":

1 Insert "sex trafficking in the third degree under AS 11.41.350(b)(1), patron of a
2 victim of sex trafficking under AS 11.41.355(c)(1),"

3
4 Page 16, line 23:

5 Delete "unlawful exploitation of a minor"

6 Insert "indecent viewing or production of a picture under AS 11.61.123(g)(1)
7 [UNLAWFUL EXPLOITATION OF A MINOR]"

8
9 Page 16, line 24, following "material":

10 Insert "under AS 11.61.125(e)(2)"

11
12 Page 18, following line 21:

13 Insert new bill sections to read:

14 "* **Sec. 47.** AS 12.55.135 is amended by adding a new subsection to read:

15 (q) A defendant convicted under AS 11.66.104 shall be sentenced to a
16 minimum term of imprisonment of 72 hours if the defendant has been previously
17 convicted once in the previous five years in this or another jurisdiction of an offense
18 under AS 11.66.104 or an offense under another law or ordinance with similar
19 elements.

20 * **Sec. 48.** AS 12.55.185(10) is amended to read:

21 (10) "most serious felony" means

22 (A) arson in the first degree, [SEX TRAFFICKING IN THE
23 FIRST DEGREE UNDER AS 11.66.110(a)(2),] enticement of a minor under
24 AS 11.41.452(e), or any unclassified or class A felony prescribed under
25 AS 11.41; or

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

29
30 Renumber the following bill sections accordingly.

1 Page 19, following line 1:

2 Insert new bill sections to read:

3 *** Sec. 50.** AS 12.61.125(a) is amended to read:

4 (a) The defendant accused of a sex [SEXUAL] offense, the defendant's
5 counsel, or an investigator or other person acting on behalf of the defendant, may not

6 (1) notwithstanding AS 12.61.120, contact the victim of the offense or
7 a witness to the offense if the victim or witness, or the parent or guardian of the victim
8 or witness if the victim or witness is a minor, has informed the defendant or the
9 defendant's counsel in writing or in person that the victim or witness does not wish to
10 be contacted by the defense; a victim or witness who has not informed the defendant
11 or the defendant's counsel in writing or in person that the victim does not wish to be
12 contacted by the defense is entitled to rights as provided in AS 12.61.120;

13 (2) obtain a statement from the victim of the offense or a witness to the
14 offense, unless,

15 (A) if the statement is taken as a recording, the recording is
16 taken in compliance with AS 12.61.120, and written authorization is first
17 obtained from the victim or witness, or from the parent or guardian of the
18 victim or witness if the victim or witness is a minor; the written authorization
19 must state that the victim or witness is aware that there is no legal requirement
20 that the victim or witness talk to the defense; or

21 (B) if the statement is not taken as a recording, written
22 authorization is first obtained from the victim or witness, or from the parent or
23 guardian of the victim or witness if the victim or witness is a minor; the written
24 authorization must state that the victim or witness is aware that there is no
25 legal requirement that the victim or witness talk to the defense; a victim or
26 witness making a statement under this subparagraph remains entitled to rights
27 as provided in AS 12.61.120.

28 *** Sec. 51.** AS 12.61.125(d) is amended by adding a new paragraph to read:

29 (3) "sex offense" has the meaning given in AS 12.63.100 and includes
30 a crime, or an attempt, solicitation, or conspiracy to commit a crime under
31 AS 11.41.440(a)(1).

1 * **Sec. 52.** AS 12.61.140 is amended to read:

2 **Sec. 12.61.140. Disclosure of victim's name.** (a) The portion of the records of
3 a court or law enforcement agency that contains the name of the victim of an offense
4 under AS 11.41.300(a)(1)(C) or **a victim of a sex offense** [11.41.410 - 11.41.460]

5 (1) shall be withheld from public inspection, except with the consent of
6 the court in which the case is or would be prosecuted; and

7 (2) is not a public record under AS 40.25.110 - 40.25.125.

8 (b) In all written court records open to public inspection, the name of the
9 victim of an offense under AS 11.41.300(a)(1)(C) or **a victim of a sex offense**
10 [11.41.410 - 11.41.460] may not appear. Instead, the victim's initials shall be used.
11 However, a sealed record containing the victim's name shall be kept by the court in
12 order to ensure that a defendant is not charged twice for the same offense.

13 * **Sec. 53.** AS 12.61.140 is amended by adding a new subsection to read:

14 (c) In this section, "sex offense" has the meaning given in AS 12.63.100 and
15 includes a crime, or an attempt, solicitation, or conspiracy to commit a crime, under
16 AS 11.41.440(a)(1).

17 * **Sec. 54.** AS 12.62.900(23) is amended to read:

18 (23) "serious offense" means a conviction for a violation or for an
19 attempt, solicitation, or conspiracy to commit a violation of any of the following laws,
20 or of the laws of another jurisdiction with substantially similar elements:

21 (A) a felony offense;

22 (B) a crime involving domestic violence;

23 (C) AS 11.41.410 - 11.41.470;

24 (D) AS 11.51.130 or 11.51.200 - 11.56.210;

25 (E) AS 11.61.110(a)(7) or 11.61.125;

26 (F) **AS 11.66.101** [AS 11.66.100 - 11.66.130];

27 (G) former AS 11.15.120, former 11.15.134, or assault with the
28 intent to commit rape under former AS 11.15.160; or

29 (H) former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 -
30 11.40.420, if committed before January 1, 1980."
31

1 Renumber the following bill sections accordingly.

2

3 Page 23, line 12:

4 Delete "[AS 11.66.110,] 11.66.130(a)(2)(B)"

5 Insert "**former** AS 11.66.110, **former** AS 11.66.130(a)(2)(B)"

6

7 Page 23, lines 20 - 22:

8 Delete "AS 11.66.100(a)(2) if the offender is subject to punishment under
9 AS 11.66.100(e);

10 (x)"

11 Insert "[AS 11.66.100(a)(2) IF THE OFFENDER IS SUBJECT TO PUNISHMENT
12 UNDER AS 11.66.100(e);

13 (x)]"

14

15 Page 23, line 24:

16 Delete "(xi)"

17 Insert "**x** [(xi)]"

18

19 Page 23, line 28:

20 Delete "(xii)"

21 Insert "**xi** [(xii)]"

22

23 Page 23, line 30:

24 Delete "(xiii) **AS 26.05.900(a)** [AS 26.05.900(a)(1) - (4)]"

25 Insert "**xii** **AS 26.05.900(a)** [(xiii) AS 26.05.900(a)(1) - (4)]"

26

27 Page 24, line 1:

28 Delete "(xiv)"

29 Insert "**xiii** [(xiv)]"

30

31 Page 24, line 5:

1 Delete "(xv)"

2 Insert "(xiv) [(xv)]"

3

4 Page 24, following line 7:

5 Insert a new sub-subparagraph to read:

6 "(xv) AS 11.41.340, 11.41.345, or 11.41.355; or"

7

8 Page 24, line 8:

9 Delete "or"

10

11 Page 24, line 9:

12 Delete all material.

13

14 Page 24, line 18:

15 Delete "20"

16 Insert "21 [20]"

17

18 Page 24, following line 20:

19 Insert a new bill section to read:

20 **** Sec. 60.** AS 12.72 is amended by adding new sections to read:

21 **Sec. 12.72.100. Vacation of judgment of conviction for prostitution.** A
22 person may petition the court to vacate the judgment if, at the time of the offense, the
23 person was or would have been a victim of sex trafficking as defined in
24 AS 11.81.900(b) and was convicted or adjudicated delinquent for prostitution under
25 former AS 11.66.100 or under AS 11.66.106 or a similar municipal ordinance.

26 **Sec. 12.72.105. Filing of petition for vacation of judgment.** (a) A person
27 seeking a vacation of judgment under this chapter shall file a petition with the clerk at
28 the court location where the underlying criminal case was filed and serve a copy on
29 the prosecuting authority responsible for obtaining the conviction.

30 (b) If the prosecuting authority does not file a response within 45 days after
31 service of the petition, the court may grant the vacation of judgment without further

1 proceedings.

2 **Sec. 12.72.110. Limitations on petition for vacation of judgment.** (a) A
3 person may file a petition under this chapter only after a judgment has been entered on
4 the person's case or, if the conviction was appealed, after the court's decision on the
5 case is final under the Alaska Rules of Appellate Procedure.

6 (b) An action for a petition for vacation of judgment under AS 12.72.100 does
7 not give rise to the right to a trial by jury.

8 **Sec. 12.72.115. Presumption and burden of proof in vacation of judgment**
9 **proceedings.** (a) The person petitioning the court for a vacation of judgment of
10 conviction or adjudication of delinquency for prostitution under former AS 11.66.100
11 or under AS 11.66.106 or a similar municipal ordinance must prove all factual
12 assertions by a preponderance of the evidence.

13 (b) There is a rebuttable presumption that a person who was under 21 years of
14 age at the time of an offense under AS 11.66.106 was or would have been a victim of
15 sex trafficking.

16 **Sec. 12.72.120. Vacation of judgment.** (a) If the court grants the petition for a
17 vacation of judgment,

18 (1) the judgment of conviction or adjudication of delinquency for
19 prostitution under former AS 11.66.100 or under AS 11.66.106 or a similar municipal
20 ordinance shall be vacated;

21 (2) the Alaska Court System may not publish on a publicly available
22 Internet website the court records of the conviction for prostitution under former
23 AS 11.66.100 or under AS 11.66.106 or a similar municipal ordinance if the person
24 was not convicted of a felony charge in that case; and

25 (3) the Department of Public Safety may not release information
26 related to the conviction for prostitution under former AS 11.66.100 or under
27 AS 11.66.106 or a similar municipal ordinance in response to a request under
28 AS 12.62.160(b)(6), (8), or (9).

29 (b) The Alaska Court System shall remove a person's court records from a
30 publicly available Internet website under (a)(2) of this section within 30 days after the
31 court grants a petition for vacation of judgment."

1

2 Renumber the following bill sections accordingly.

3

4 Page 25, following line 5:

5 Insert new bill sections to read:

6 **** Sec. 62.** AS 18.66.210 is amended to read:7 **Sec. 18.66.210. Exceptions.** The privilege provided under AS 18.66.200 does
8 not apply to

- 9 (1) reports of suspected child abuse or neglect under AS 47.17;
- 10 (2) evidence that the victim is about to commit a crime;
- 11 (3) a proceeding that occurs after the victim's death;
- 12 (4) a communication relevant to an issue of breach by the victim or
13 victim counselor of a duty arising out of the victim-victim counselor relationship;
- 14 (5) a communication that is determined to be admissible hearsay as an
15 excited utterance under the Alaska Rules of Evidence;
- 16 (6) a child-in-need-of-aid proceeding under AS 47.10;
- 17 (7) a communication made during the victim-victim counselor
18 relationship if the services of the counselor were sought, obtained, or used to enable
19 anyone to commit or plan a crime or to escape detection or apprehension after the
20 commission of a crime; or
- 21 (8) a criminal proceeding concerning criminal charges against a victim
22 of domestic violence, sex trafficking, or sexual assault in which [WHERE] the victim
23 is charged with a crime

24 (A) under AS 11.41 against a minor; or

25 (B) in which the physical, mental, or emotional condition of the
26 victim is raised in defense of the victim.27 *** Sec. 63.** AS 18.66.250(1) is amended to read:

- 28 (1) "confidential communication" means information exchanged
29 between a victim and a victim counselor in private or in the presence of a third party
30 who is necessary to facilitate communication or further the counseling process and
31 that is disclosed in the course of victim counseling resulting from sex trafficking, a

1 sexual assault, or domestic violence;

2 * **Sec. 64.** AS 18.66.250(3) is amended to read:

3 (3) "victim" means a person who consults a victim counselor for
4 assistance in overcoming adverse effects of a sexual assault, sex trafficking, or
5 domestic violence;

6 * **Sec. 65.** AS 18.66.250(4) is amended to read:

7 (4) "victim counseling" means support, assistance, advice, or treatment
8 to alleviate the adverse effects of sex trafficking, a sexual assault, or domestic
9 violence on the victim;

10 * **Sec. 66.** AS 18.66.250(5) is amended to read:

11 (5) "victim counseling center" means a private organization, an
12 organization operated by or contracted by a branch of the armed forces of the United
13 States, or a local government agency that

14 (A) has, as one of its primary purposes, the provision of direct
15 services to victims for trauma resulting from [A] sexual assault, sex
16 trafficking, or domestic violence;

17 (B) is not affiliated with a law enforcement agency or a
18 prosecutor's office; and

19 (C) is not on contract with the state to provide services under
20 AS 47;

21 * **Sec. 67.** AS 18.66.250(6) is amended to read:

22 (6) "victim counselor" means an employee or supervised volunteer of a
23 victim counseling center that provides counseling to victims

24 (A) who has undergone a minimum of 40 hours of training in
25 sex trafficking, domestic violence, or sexual assault, crisis intervention, victim
26 support, treatment, and related areas; or

27 (B) whose duties include victim counseling.

28 * **Sec. 68.** AS 18.66.990(2) is amended to read:

29 (2) "crisis intervention and prevention program" means a community
30 program that provides information, education, counseling, and referral services to
31 individuals experiencing personal crisis related to domestic violence, sex trafficking,

1 or sexual assault and to individuals in personal or professional transition, excluding
 2 correctional half-way houses, outpatient mental health programs, and drug or alcohol
 3 rehabilitation programs;"

4
 5 Renumber the following bill sections accordingly.

6
 7 Page 25, following line 26:

8 Insert new bill sections to read:

9 **** Sec. 70.** AS 18.67.080(a) is amended to read:

10 (a) In a case in which a person is injured or killed by an incident specified in
 11 AS 18.67.101(1), [OR] by the act of any other person that is within the description of
 12 offenses listed in AS 18.67.101(2), **or as a result of the person's involvement in a**
 13 **commercial sexual act as described in AS 18.67.101(3)**, the board may order the
 14 payment of compensation in accordance with the provisions of this chapter:

15 (1) to or for the benefit of the injured person;

16 (2) in the case of personal injury or death of the victim, to a person
 17 responsible or who had been responsible for the maintenance of the victim who has
 18 suffered pecuniary loss or incurred expenses as a result of the injury or death;

19 (3) in the case of death of the victim, to or for the benefit of one or
 20 more of the dependents of the victim; or

21 (4) to the provider of a service under AS 18.67.110(b).

22 *** Sec. 71.** AS 18.67.101 is amended to read:

23 **Sec. 18.67.101. Incidents and offenses to which this chapter applies.** The
 24 board may order the payment of compensation in accordance with the provisions of
 25 this chapter for personal injury or death that resulted from

26 (1) an attempt on the part of the applicant to prevent the commission of
 27 crime, or to apprehend a suspected criminal, or aiding or attempting to aid a police
 28 officer to do so, or aiding a victim of crime; [OR]

29 (2) the commission or attempt on the part of one other than the
 30 applicant to commit any of the following offenses:

31 (A) murder in any degree;

- 1 (B) manslaughter;
- 2 (C) criminally negligent homicide;
- 3 (D) assault in any degree;
- 4 (E) kidnapping;
- 5 (F) sexual assault in any degree;
- 6 (G) sexual abuse of a minor;
- 7 (H) robbery in any degree;
- 8 (I) threats to do bodily harm;
- 9 (J) driving while under the influence of an alcoholic beverage,
- 10 inhalant, or controlled substance or another crime resulting from the operation
- 11 of a motor vehicle, boat, or airplane when the offender is under the influence
- 12 of an alcoholic beverage, inhalant, or controlled substance;
- 13 (K) arson in the first degree;
- 14 (L) [SEX TRAFFICKING IN VIOLATION OF AS 11.66.110
- 15 OR 11.66.130(a)(2)(B);
- 16 (M)] human trafficking in any degree; or
- 17 ~~(M)~~ [(N)] unlawful exploitation of a minor; ~~or~~
- 18 **(3) the applicant's having been induced or caused to engage in a**
- 19 **commercial sexual act under AS 11.41.340 - 11.41.350.**

20 * Sec. 72. AS 18.85.100(c) is amended to read:

- 21 (c) An indigent person is entitled to representation under (a) and (b) of this
- 22 section for purposes of bringing a timely application for post-conviction relief **or**
- 23 **petition for vacation of judgment** under AS 12.72. An indigent person is not entitled
- 24 to representation under (a) and (b) of this section for purposes of bringing
- 25 (1) an untimely or successive application for post-conviction relief **or**
- 26 **petition for vacation of judgment** under AS 12.72 or an untimely or successive
- 27 motion for reduction or modification of sentence;
- 28 (2) a petition for review or certiorari from an appellate court ruling on
- 29 an application for post-conviction relief; or
- 30 (3) an action or claim for habeas corpus in federal court attacking a
- 31 state conviction."

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Renumber the following bill sections accordingly.

Page 26, line 12:

Delete "AS 11.66.100(e)"

Insert "**AS 11.66.101 or 11.66.102** [AS 11.66.100(e)]"

Page 26, line 14:

Delete "AS 11.66.110 - 11.66.130"

Insert "**AS 11.41.340 - 11.41.350** [AS 11.66.110 - 11.66.130]"

Page 26, following line 17:

Insert "**(K) patron of a victim of sex trafficking under AS 11.41.355;**"

Page 26, line 25:

Delete "AS 11.66.100(a)(2)"

Insert "**AS 11.66.104 or 11.66.106** [AS 11.66.100(a)(2)]"

Page 26, following line 27:

Insert new bill sections to read:

*** Sec. 74.** AS 34.03.360(10) is amended to read:

(10) "illegal activity involving a place of prostitution" means a violation of **AS 11.66.101(a)** [AS 11.66.120(a)(1) OR 11.66.130(a)(2)(A) OR (D)];

*** Sec. 75.** AS 34.03.360(17) is amended to read:

(17) "prostitution" means an act in violation of **AS 11.66.101 - 11.66.106** [AS 11.66.100];

*** Sec. 76.** AS 43.23.005 is amended by adding a new subsection to read:

(i) The provisions of (d) of this section do not apply if an individual's conviction was vacated during the qualifying year under AS 12.72. If an individual becomes eligible under this subsection, the individual is eligible to receive a permanent fund dividend only for the qualifying year in which the conviction was

1 vacated and each subsequent qualifying year for which the individual is otherwise
2 eligible under this section.

3 * **Sec. 77.** AS 44.23.080(a) is amended to read:

4 (a) If there is reasonable cause to believe that an Internet service account has
5 been used in connection with a violation of AS 11.41.340 - 11.41.350, 11.41.452
6 [AS 11.41.452], 11.41.455, or AS 11.61.125 - 11.61.128, and that the identity,
7 address, and other information about the account owner will assist in obtaining
8 evidence that is relevant to the offense, a law enforcement officer may apply to the
9 attorney general or the attorney general's designee for an administrative subpoena to
10 obtain the business records of the Internet service provider located inside or outside of
11 the state.

12 * **Sec. 78.** AS 47.10.990(33) is amended to read:

13 (33) "sexual abuse" means the conduct described in AS 11.41.410 -
14 11.41.460₂ [;] conduct constituting "sexual exploitation" as defined in AS 47.17.290,
15 and conduct prohibited by AS 11.41.340 - 11.41.357 [AS 11.66.100 - 11.66.150];"

16
17 Renumber the following bill sections accordingly.

18
19 Page 27, lines 18 - 19:

20 Delete "in the first degree under AS 11.66.110"

21 Insert "[IN THE FIRST DEGREE] under AS 11.41.340 or 11.41.345 [AS 11.66.110]"

22
23 Page 28, line 8:

24 Delete "in the first degree"

25 Insert "under AS 11.41.340 or 11.41.345 [IN THE FIRST DEGREE]"

26
27 Page 29, following line 2:

28 Insert a new bill section to read:

29 ** **Sec. 82.** AS 47.17.290(18) is amended to read:

30 (18) "sexual exploitation" includes

31 (A) allowing, permitting, or encouraging a child to engage in a

1 commercial sexual act prohibited by AS 11.41.340 - 11.41.357 or
 2 prostitution prohibited by AS 11.66.101 [AS 11.66.100 - 11.66.150], by a
 3 person responsible for the child's welfare;

4 (B) allowing, permitting, encouraging, or engaging in activity
 5 prohibited by AS 11.41.455(a), by a person responsible for the child's welfare."
 6

7 Renumber the following bill sections accordingly.

8
 9 Page 39, line 27:

10 Delete all material and insert:

11 **** Sec. 96.** AS 11.41.360(b), 11.41.470(7); AS 11.56.765(c)(3), 11.56.767(c)(3);
 12 AS 11.66.100, 11.66.110, 11.66.120, 11.66.130, 11.66.135, 11.66.140, 11.66.150(1);
 13 AS 12.40.110; and AS 12.61.125(d)(2) are repealed."
 14

15 Page 41, lines 5 - 13:

16 Delete all material and insert:

17 "APPLICABILITY. (a) The following sections apply to offenses committed on or
 18 after the effective date of those sections:

- 19 (1) AS 11.31.120(h)(2), as amended by sec. 4 of this Act;
 20 (2) AS 11.41.110, as amended by sec. 5 of this Act;
 21 (3) AS 11.41.110(c), enacted by sec. 6 of this Act;
 22 (4) AS 11.41.120(a), as amended by sec. 7 of this Act;
 23 (5) AS 11.41.140, as amended by sec. 8 of this Act;
 24 (6) AS 11.41.240, enacted by sec. 9 of this Act;
 25 (7) AS 11.41.260(a), as amended by sec. 10 of this Act;
 26 (8) AS 11.41.340 - 11.41.357, enacted by sec. 11 of this Act;
 27 (9) AS 11.41.360(a), as amended by sec. 12 of this Act;
 28 (10) AS 11.41.360(c), as amended by sec. 13 of this Act;
 29 (11) AS 11.41.365, as amended by sec. 14 of this Act;
 30 (12) AS 11.41.366 - 11.41.369, enacted by sec. 15 of this Act;
 31 (13) AS 11.41.530(a), as amended by sec. 16 of this Act;

- 1 (14) AS 11.66.101 - 11.66.106, enacted by sec. 21 of this Act;
- 2 (15) AS 11.66.145, as amended by sec. 22 of this Act;
- 3 (16) AS 11.66.150, as amended by sec. 23 of this Act;
- 4 (17) AS 11.66.150(5), enacted by sec. 24 of this Act;
- 5 (18) AS 11.71.010(a), as amended by sec. 25 of this Act;
- 6 (19) AS 11.71.010(b), as amended by sec. 26 of this Act;
- 7 (20) AS 11.71.021(a), as amended by sec. 27 of this Act;
- 8 (21) AS 11.81.250(a), as amended by sec. 28 of this Act;
- 9 (22) AS 11.81.250(b), as amended by sec. 29 of this Act;
- 10 (23) AS 11.81.900(b)(69) - (73), enacted by sec. 30 of this Act;
- 11 (24) AS 12.10.010, as amended by sec. 31 of this Act;
- 12 (25) AS 12.37.010, as amended by sec. 32 of this Act; and
- 13 (26) AS 18.66.990(3), as amended by sec. 69 of this Act.

14 (b) The following sections apply to sentences imposed on or after the effective date of
 15 those sections for conduct occurring on or after the effective date of those sections:

- 16 (1) AS 12.55.015(m), enacted by sec. 38 of this Act;
- 17 (2) AS 12.55.035(b), as amended by sec. 39 of this Act;
- 18 (3) AS 12.55.078(f), as amended by sec. 40 of this Act;
- 19 (4) AS 12.55.085(f), as amended by sec. 41 of this Act;
- 20 (5) AS 12.55.125(b), as amended by sec. 42 of this Act;
- 21 (6) AS 12.55.125(c), as amended by sec. 43 of this Act;
- 22 (7) AS 12.55.125(i), as amended by sec. 44 of this Act;
- 23 (8) AS 12.55.127(c), as amended by sec. 45 of this Act;
- 24 (9) AS 12.55.135(q), enacted by sec. 47 of this Act;
- 25 (10) AS 12.55.185(10), as amended by sec. 48 of this Act;
- 26 (11) AS 12.55.185(16), as amended by sec. 49 of this Act;
- 27 (12) AS 12.62.900(23), as amended by sec. 54 of this Act.

28
 29 Reletter the following subsections accordingly.

30

31 Page 41, line 15:

1 Delete "sec. 26"

2 Insert "sec. 55"

3 Delete "sec. 27"

4 Insert "sec. 56"

5

6 Page 41, line 16:

7 Delete "sec. 28"

8 Insert "sec. 57"

9

10 Page 41, line 18:

11 Delete "secs. 26 - 28"

12 Insert "secs. 55 - 57"

13

14 Page 41, line 19:

15 Delete "sec. 29"

16 Insert "sec. 58"

17

18 Page 41, line 20:

19 Delete "sec. 29"

20 Insert "sec. 58"

21

22 Page 41, line 22:

23 Delete "sec. 29"

24 Insert "sec. 58"

25

26 Page 41, line 23:

27 Delete "sec. 29"

28 Insert "sec. 58"

29

30 Page 41, line 25:

31 Delete "sec. 29"

1 Insert "sec. 58"

2

3 Page 41, line 27:

4 Delete "sec. 30"

5 Insert "sec. 59"

6

7 Page 41, line 28:

8 Delete "sec. 30"

9 Insert "sec. 59"

10

11 Page 41, following line 28:

12 Insert new subsections to read:

13 "(g) AS 12.72.100 - 12.72.120, enacted by sec. 60 of this Act, and AS 18.85.100(c),
14 as amended by sec. 72 of this Act, apply to petitions filed on or after the effective date of secs.
15 60 and 72 of this Act for conduct occurring before, on, or after the effective date of secs. 60
16 and 72 of this Act.

17 (h) The following sections apply to communications made on or after the effective
18 date of those sections relating to offenses occurring on or after the effective date of those
19 sections:

- 20 (1) AS 09.25.400, as amended by sec. 3 of this Act;
21 (2) AS 12.45.049, as amended by sec. 33 of this Act;
22 (3) AS 12.61.125(d)(3), enacted by sec. 51 of this Act;
23 (4) AS 12.61.140, as amended by sec. 52 of this Act;
24 (5) AS 12.61.140(c), enacted by sec. 53 of this Act;
25 (6) AS 18.66.210, as amended by sec. 62 of this Act;
26 (7) AS 18.66.250(1), as amended by sec. 63 of this Act;
27 (8) AS 18.66.250(3), as amended by sec. 64 of this Act;
28 (9) AS 18.66.250(4), as amended by sec. 65 of this Act;
29 (10) AS 18.66.250(5), as amended by sec. 66 of this Act;
30 (11) AS 18.66.250(6), as amended by sec. 67 of this Act."

31

1 Reletter the following subsection accordingly.

2

3 Page 41, line 29:

4 Delete "sec. 49"

5 Insert "sec. 95"

6

7 Page 41, line 30:

8 Delete "sec. 49"

9 Insert "sec. 95"

10

11 Page 41, line 31:

12 Delete "sec. 49"

13 Insert "sec. 95"

14

15 Page 42, line 4:

16 Delete "sec. 49" in both places

17 Insert "sec. 95" in both places

18

19 Page 42, line 6:

20 Delete "Section 48"

21 Insert "Section 94"

22

23 Page 42, line 7:

24 Delete "sec. 54"

25 Insert "sec. 100"