

AMENDMENT # 10

OFFERED IN THE SENATE

BY SENATOR CLAMAN

TO: SCS CSHB 66(FIN)

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

2 Insert "relating to human trafficking; relating to prostitution; relating to sex
3 trafficking;"

4
5 Page 2, line 12:

6 Delete "sec. 49"

7 Insert "sec. 57"

8
9 Page 2, following line 18:

10 Insert a new bill section to read:

11 "** Sec. 2. AS 04.06.110 is amended to read:

12 **Sec. 04.06.110. Peace officer powers.** The director and the persons employed
13 for the administration and enforcement of this title may, with the concurrence of the
14 commissioner of public safety, exercise the powers of peace officers when those
15 powers are specifically granted by the board. Powers granted by the board under this
16 section may be exercised only when necessary for the enforcement of the criminally
17 punishable provisions of this title, regulations of the board, and other criminally
18 punishable laws and regulations, including investigation of violations of laws against
19 prostitution and sex trafficking described in AS 11.66.100 - 11.66.137 [AS 11.66.100 -
20 11.66.135] and laws against gambling, promoting gambling, and related offenses
21 described in AS 11.66.200 - 11.66.280. Unless authorized by a search warrant
22 described in AS 12.35, nothing in this section authorizes the use of metal keys,
23 magnetic card keys, or identification cards to access private clubs."

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Renumber the following bill sections accordingly.

Page 5, following line 28:

Insert a new bill section to read:

**** Sec. 9.** AS 11.41.365(a) is amended to read:

(a) A person commits the crime of human trafficking in the second degree if, **under circumstances not proscribed under AS 11.66.100 - 11.66.150, the person intentionally induces or causes another person to engage in adult entertainment or labor by**

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

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

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

(4) threatening to collect a debt;

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

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

(7) engaging in deception [OBTAINS A BENEFIT FROM THE COMMISSION OF HUMAN TRAFFICKING UNDER AS 11.41.360, WITH RECKLESS DISREGARD THAT THE BENEFIT IS A RESULT OF THE TRAFFICKING]."

Renumber the following bill sections accordingly.

Page 7, following line 28:

1 Insert new bill sections to read:

2 **** Sec. 15.** AS 11.66.100(d) is amended to read:

3 (d) **Prostitution** [EXCEPT AS PROVIDED IN (e) OF THIS SECTION,
4 PROSTITUTION] is a class B misdemeanor.

5 *** Sec. 16.** AS 11.66.120(a) is amended to read:

6 (a) A person commits the crime of sex trafficking in the second degree if the
7 person

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

10 (2) procures or solicits a patron for a prostitute; [OR]

11 (3) offers, sells, advertises, promotes, or facilitates travel that includes
12 **a commercial sexual act** [CONDUCT] as enticement for the travel; **or**

13 **(4) under circumstances not proscribed under AS 11.66.110,**
14 **induces or causes another person to engage in a commercial sexual act** [IN THIS
15 PARAGRAPH, "COMMERCIAL SEXUAL CONDUCT" MEANS SEXUAL
16 CONDUCT FOR WHICH ANYTHING OF VALUE IS GIVEN OR RECEIVED BY
17 ANY PERSON].

18 *** Sec. 17.** AS 11.66.120 is amended by adding a new subsection to read:

19 (c) For purposes of this section, inducing or causing another person to engage
20 in a commercial sexual act includes the following:

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

24 (2) destroying, concealing, or threatening to destroy or conceal an
25 actual or purported passport or immigration document or another actual or purported
26 identification document of any person;

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

29 (4) threatening to collect a debt;

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

1 (6) providing a controlled substance to or withholding a controlled
2 substance from the other person; or

3 (7) engaging in deception.

4 * **Sec. 18.** AS 11.66 is amended by adding a new section to read:

5 **Sec. 11.66.137. Patron of a victim of sex trafficking.** (a) A person commits
6 the crime of patron of a victim of sex trafficking if the person solicits a commercial
7 sexual act

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

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

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

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

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

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

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

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

19 * **Sec. 19.** 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 11.66.110 - 11.66.137 [AS 11.66.100(e)
22 OR 11.66.110 - 11.66.135] may be forfeited at sentencing."
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24 Renumber the following bill sections accordingly.

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26 Page 10, following line 4:

27 Insert a new bill section to read:

28 "** **Sec. 23.** AS 11.81.900(b) is amended by adding new paragraphs to read:

29 (69) "commercial sexual act" means a sexual act for which anything of
30 value is given or received by any person;

31 (70) "sexual act" means sexual penetration or sexual contact."

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Renumber the following bill sections accordingly.

Page 16, line 2, following "AS 11.61.125(e)(2),":

Insert "**patron of a victim of sex trafficking under AS 11.66.137,**"

Page 16, line 21, following "AS 11.61.125(e)(1),":

Insert "**patron of a victim of sex trafficking under AS 11.66.137,**"

Page 16, line 23:

Delete "or"

Insert "[OR]"

Page 16, line 24, following "**material**"

Insert "**, or patron of a victim of sex trafficking under AS 11.66.137**"

Page 18, line 26, following "minor,":

Insert "**patron of a victim of sex trafficking,**"

Page 23, line 21, following "under":

Insert "**former**"

Page 24, following line 7:

Insert a new sub-subparagraph to read:

"(xvi) AS 11.66.137;"

Renumber the following sub-subparagraphs accordingly.

Page 26, line 12:

Delete "felony prostitution under AS 11.66.100(e);"

Insert "**patron of a victim of sex trafficking under AS 11.66.137** [FELONY

1 PROSTITUTION UNDER AS 11.66.100(e)]"

2

3 Page 39, line 27:

4 Delete "AS 12.40.110 is"

5 Insert "AS 11.66.100(b), 11.66.100(e), and AS 12.40.110 are"

6

7 Page 41, line 5:

8 Delete "sec. 2"

9 Insert "sec. 3"

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11 Page 41, line 6:

12 Delete "sec. 3"

13 Insert "sec. 4"

14 Delete "sec. 4"

15 Insert "sec. 5"

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17 Page 41, line 7:

18 Delete "sec. 5"

19 Insert "sec. 6"

20 Delete "sec. 6"

21 Insert "sec. 7"

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23 Page 41, line 8:

24 Delete "sec. 7"

25 Insert "sec. 8"

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27 Page 41, line 8, following the second occurrence of "Act,":

28 Insert "AS 11.41.365(a), as amended by sec. 9 of this Act, AS 11.66.100(d), as
29 amended by sec. 15 of this Act, AS 11.66.120(a), as amended by sec. 16 of this Act,
30 AS 11.66.120(c), enacted by sec. 17 of this Act, AS 11.66.137, enacted by sec. 18 of this Act,
31 AS 11.66.145, as amended by sec. 19 of this Act,"

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Page 41, lines 8 - 9:

Delete "sec. 13"

Insert "sec. 20"

Page 41, line 9:

Delete "sec. 14"

Insert "sec. 21"

Page 41, line 10:

Delete "sec. 15"

Insert "sec. 22"

Following the first occurrence of "Act,"

Insert "AS 11.81.900(b)(69) and (70), enacted by sec. 23 of this Act,"

Delete "sec. 21"

Insert "sec. 29"

Page 41, line 11:

Delete "sec. 23"

Insert "sec. 31"

Page 41, lines 11 - 12:

Delete "sec. 32"

Insert "sec. 40"

Page 41, lines 12 - 13:

Delete "secs. 2 - 7, 13 - 15, 21, 23, and 32"

Insert "secs. 3 - 9, 15 - 23, 29, 31, and 40"

Page 41, line 15:

Delete "sec. 26"

1 Insert "sec. 34"

2 Delete "sec. 27"

3 Insert "sec. 35"

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5 Page 41, line 16:

6 Delete "sec. 28"

7 Insert "sec. 36"

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9 Page 41, line 18:

10 Delete "secs. 26 - 28"

11 Insert "secs. 34 - 36"

12

13 Page 41, line 19:

14 Delete "sec. 29"

15 Insert "sec. 37"

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17 Page 41, line 20:

18 Delete "sec. 29"

19 Insert "sec. 37"

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21 Page 41, line 22:

22 Delete "sec. 29"

23 Insert "sec. 37"

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25 Page 41, line 23:

26 Delete "sec. 29"

27 Insert "sec. 37"

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29 Page 41, line 25:

30 Delete "sec. 29"

31 Insert "sec. 37"

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2 Page 41, line 27:

3 Delete "sec. 30"

4 Insert "sec. 38"

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6 Page 41, line 28:

7 Delete "sec. 30"

8 Insert "sec. 38"

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10 Page 41, line 29:

11 Delete "sec. 49"

12 Insert "sec. 57"

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14 Page 41, line 30:

15 Delete "sec. 49"

16 Insert "sec. 57"

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18 Page 41, line 31:

19 Delete "sec. 49"

20 Insert "sec. 57"

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22 Page 42, line 4:

23 Delete "sec. 49" in both places

24 Insert "sec. 57" in both places

25

26 Page 42, line 6:

27 Delete "Section 48"

28 Insert "Section 56"

29

30 Page 42, line 7:

31 Delete "sec. 54"

1 Insert "sec. 62"