

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

April 3, 2024

1:10 p.m.

MEMBERS PRESENT

Representative Sarah Vance, Chair
Representative Jamie Allard, Vice Chair
Representative Ben Carpenter
Representative Jesse Sumner
Representative Andrew Gray
Representative Cliff Groh

MEMBERS ABSENT

Representative Craig Johnson

COMMITTEE CALENDAR

HOUSE BILL NO. 358

"An Act relating to use of artificial intelligence to create or alter a representation of the voice or likeness of an individual."

- MOVED CSHB 358 (JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 358

SHORT TITLE: PROHIBIT AI-ALTERED REPRESENTATIONS

SPONSOR(S): REPRESENTATIVE(S) CRONK

02/20/24	(H)	READ THE FIRST TIME - REFERRALS
02/20/24	(H)	JUD
03/13/24	(H)	JUD AT 1:00 PM GRUENBERG 120
03/13/24	(H)	Heard & Held
03/13/24	(H)	MINUTE(JUD)
03/15/24	(H)	JUD AT 1:00 PM GRUENBERG 120
03/15/24	(H)	Heard & Held
03/15/24	(H)	MINUTE(JUD)
03/20/24	(H)	JUD AT 1:00 PM GRUENBERG 120
03/20/24	(H)	<Bill Hearing Canceled>
03/22/24	(H)	JUD AT 1:00 PM GRUENBERG 120
03/22/24	(H)	Heard & Held
03/22/24	(H)	MINUTE(JUD)
03/25/24	(H)	JUD AT 1:00 PM GRUENBERG 120

03/25/24 (H) Heard & Held
03/25/24 (H) MINUTE (JUD)
03/27/24 (H) JUD AT 1:00 PM GRUENBERG 120
03/27/24 (H) Heard & Held
03/27/24 (H) MINUTE (JUD)
04/01/24 (H) JUD AT 1:00 PM GRUENBERG 120
04/01/24 (H) Heard & Held
04/01/24 (H) MINUTE (JUD)
04/03/24 (H) JUD AT 1:00 PM GRUENBERG 120

WITNESS REGISTER

BOB BALLINGER, Staff
Representative Sarah Vance
Alaska state Legislature
Juneau, Alaska

POSITION STATEMENT: Explained amendments to the proposed CS for HB 358, Version U, on behalf of Representative Vance.

KACI SCHROEDER, Assistant Attorney General
Legal Services Section
Criminal Division
Department of Law
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on the proposed CS for HB 358, Version U.

DAVE STANCLIFF, Staff
Representative Mike Cronk
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Gave final comment on Amendment 12 to the proposed CS for HB 358, Version U, on behalf of Representative Cronk, prime sponsor.

ACTION NARRATIVE

[1:10:50 PM](#)

CHAIR VANCE called the House Judiciary Standing Committee meeting to order at 1:10 p.m. Representatives Carpenter, Sumner, Gray, Groh, Allard, and Vance were present at the call to order.

HB 358-PROHIBIT AI-ALTERED REPRESENTATIONS

[1:11:23 PM](#)

CHAIR VANCE announced that the only order of business would be HOUSE BILL NO. 358, "An Act relating to use of artificial intelligence to create or alter a representation of the voice or likeness of an individual." [Before the committee, adopted as the working document on 3/22/24 and amended on 3/27/24 and 4/1/24, was the proposed committee substitute (CS) for HB 358, Version 33-LS1272\U, Walsh, 3/21/24 ("Version U").]

[Because of their length, some amendments discussed or adopted during the meeting are found at the end of the minutes for HB 358. Shorter amendments are included in the main text.]

[1:12:17 PM](#)

REPRESENTATIVE ALLARD moved to rescind the committee's action on 3/27/24 in adopting Amendment 2 to Version U, labeled 33-LS1272\U.4, Walsh, 3/26/24, which read:

Page 1, line 13, through page 2, line 6:

Delete all material and insert:

"(1) production of the material involved the use of a child under 18 years of age who engaged in the conduct; or

(2) the material depicts [A DEPICTION OF] a part of an actual child under 18 years of age, or is a representation that is indistinguishable from an identifiable child under 18 years of age, who, by manipulation, creation, or modification, including by use of artificial intelligence, appears to be engaged in the conduct."

Page 2, line 13, following "AS 11.46.990":

Insert "i":

(3) "identifiable child" means an individual who is recognizable as an actual child by the child's face, likeness, or other distinguishing characteristics, regardless of whether the individual depicted is no longer under 18 years of age"

CHAIR VANCE announced that there being no objection, Amendment 2 was rescinded.

[1:12:53 PM](#)

The committee took a brief at-ease.

[1:13:33 PM](#)

REPRESENTATIVE ALLARD moved to adopt [replacement] Amendment 2 to Version U, labeled 33-LS1272\U.18, Walsh, 4/2/24, which read:

Page 1, line 13, through page 2, line 6:

Delete all material and insert:

"(1) production of the material involved the use of a child under 18 years of age who engaged in the conduct; or

(2) material depicts [A DEPICTION OF] a part of an actual child under 18 years of age, or is a representation that is indistinguishable from an identifiable child under 18 years of age, who, by manipulation, creation, or modification, appears to be engaged in the conduct."

Page 2, lines 9 - 12:

Delete all material.

Page 2, line 13:

Delete "(2)"

Insert "(1)"

Following "AS 11.46.990":

Insert ";

(2) "identifiable child" means an individual who is recognizable as an actual child by the child's face, likeness, or other distinguishing characteristics, regardless of whether the individual depicted is no longer under 18 years of age"

REPRESENTATIVE CARPENTER objected for the purpose of discussion.

[1:13:49 PM](#)

BOB BALLINGER, Staff, Representative Sarah Vance, Alaska state Legislature, on behalf of Representative Vance, explained that the new Amendment 2 would remove the term "artificial intelligence" to avoid redundancy, as existing language that deals with manipulation, creation, and modification should be sufficient. Furthermore, he said [if the language were left in], it could be considered an element of the crime itself. In addition, the proposed amendment would remove the criminal definition of "artificial intelligence."

[1:14:46 PM](#)

REPRESENTATIVE CARPENTER removed his objection. There being no further objection, Amendment 2 was adopted.

[1:14:57 PM](#)

REPRESENTATIVE ALLARD moved to adopt Amendment 11 to Version U, labeled 33-LS1272\U.17, Walsh, 4/2/24, which read:

Page 2, line 16:
Following "not":
Insert "knowingly"
Delete "made"

Page 2, lines 18 - 19:
Delete "whose speech, conduct, or likeness is manipulated in a deepfake in violation of"
Insert "who is harmed by an electioneering communication that violates"

Page 2, line 21:
Delete "deepfake"
Insert "electioneering communication"

Page 2, line 22:
Delete "deepfake; or"
Insert "electioneering communication;"

Page 2, following line 22:
Insert a new paragraph to read:
" (2) a person who disseminates an electioneering communication knowing that the electioneering communication includes a deepfake; or"

Re-number the following paragraph accordingly.

Page 2, line 24, following "communication":
Insert "with the intent to influence an election and knowing that the electioneering communication includes a deepfake"

Page 2, lines 26 - 27:
Delete "whose speech, conduct, or likeness is manipulated in a deepfake in violation of"
Insert "who is harmed by an electioneering communication that violates"

Page 2, line 27:

Delete "deepfake"
Insert "electioneering communication"

Page 3, line 16:
Delete "(b) (2)"
Insert "(b) (3)"

REPRESENTATIVE CARPENTER objected for the purpose of discussion.

[1:15:10 PM](#)

MR. BALLINGER explained that Amendment 11 would delete the term "made" and insert the term "knowingly" in AS 15.80.009 (a) and delete "whose speech, conduct, or likeness is manipulated in a deepfake in violation of" and insert "who is harmed by an electioneering communication that violates" in AS 15.80.009 (b) to ensure, for example, that if someone were to use President Biden's likeness to hurt an opponent, it would still be actionable. It would also insert a new paragraph in subsection (b) to hold a person liable who disseminates an electioneering communication knowing that the electioneering communication includes a deepfake.

[1:17:52 PM](#)

REPRESENTATIVE GRAY expressed concern that the word "knowingly" could be abused, which would take away the power of the bill.

REPRESENTATIVE SUMNER said he agreed with Representative Gray; however, he believed it would be unfair to remove the term "knowingly." He gave an example and opined that knowing intent should be involved in the liability.

REPRESENTATIVE CARPENTER removed his objection.

REPRESENTATIVE GRAY objected.

[1:20:12 PM](#)

A roll call vote was taken. Representatives Groh, Allard, Carpenter, Sumner, and Vance voted in favor of Amendment 11. Representative Gray voted against it. Therefore, Amendment 11 was adopted by a vote of 5-1.

[1:20:56 PM](#)

REPRESENTATIVE ALLARD moved to adopt Amendment 12 to Version U, labeled 33-LS1272\U.19, Walsh, 4/3/24. [Amendment 12 is provided at the end of the minutes on HB 358.]

REPRESENTATIVE CARPENTER objected for the purpose of discussion.

[1:21:09 PM](#)

MR. BALLINGER explained that Amendment 12 would incorporate the Miller Test within existing child pornography statutes to create a new crime: the distribution of generating obscene child sexual abuse material. He provided a sectional analysis of the proposed amendment, noting that an exception was included to protect movies that include the nudity of a minor. Possession of over 100 copies of this material would fall under the intent to distribute, resulting in a class B felony or a class A felony for repeated offenses. He explained that obscene child sexual abuse material that meets the Miller Test would no longer be considered First Amendment protected speech, and therefore, could be criminalized under current jurisprudence and still be constitutional. At the request of TechNet, Amendment 12 would also allow employees of technology companies acting in the scope of their employment to possess these materials for the purpose of searching for and deleting them without being held liable. He noted that the possession of generated [child] sexual abuse material would be a class C felony.

[1:31:31 PM](#)

REPRESENTATIVE GRAY directed attention to page 1, line 22 of Amendment 12 and asked why the number 100 was chosen.

MR. BALLINGER explained that the language mirrored existing distribution laws. He pointed out that if an individual had 99 [copies of the material], he/she would still be guilty of possession.

REPRESENTATIVE GRAY directed attention to page 1, line 12, and asked why section (b) was needed. He reasoned that if a movie is being shown in a movie theater, it could be assumed that it has artistic value and is not obscene.

MR. BALLINGER reiterated that the amendment mirrored distribution of child pornography statutes.

REPRESENTATIVE GRAY referenced Sally Mann who photographed her child nude and published the content in books. He opined that

if movie theater employees were protected, bookstore employees should be too.

MR. BALLINGER pointed out that language in question only pertained to artificial intelligence (AI) generated material, not photographs of an actual child. He shared his belief that [Sally Mann's] photographs would be protected under the Miller Test.

[1:36:30 PM](#)

REPRESENTATIVE SUMNER clarified that (b)(1) and (b)(2) [on page 1 of Amendment 12] provide exemptions to theatre owners.

CHAIR VANCE asked Ms. Schroeder to walk the committee through this section.

[1:37:22 PM](#)

KACI SCHROEDER, Assistant Attorney General, Criminal Division, Department of Law (DOL), explained that section (b) on page 1 of Amendment 12 is a mirror image of language in the distribution of child pornography statute. The language was inserted prior to 1990. She added that in the context of obscenity and the Miller Test, the utility is "zero," adding that there would be no harm in removing the language.

[1:38:15 PM](#)

REPRESENTATIVE ALLARD expressed concern about giving businesses the free will of not knowing. She opined that if libraries can be prosecuted for disseminating child sexual abuse material without checking the identification of minors, the same standard should be held for business owners.

MS. SCHROEDER reiterated that she could not defend this language and said there is no utility for it, especially in this context.

[1:40:10 PM](#)

REPRESENTATIVE GROH directed attention to AS 11.61.122(a) and questioned the use of the word lewd.

MS. SCHROEDER referenced the federal obscenity statute, which had been litigated extensively. She explained that case law indicates that nudity alone is not enough [to be considered lewd exhibition].

[1:43:01 PM](#)

REPRESENTATIVE ALLARD moved to adopt Conceptual Amendment 1 to Amendment 12 to delete all material on page 1, lines 12-21.

REPRESENTATIVE CARPENTER objected for the purpose of discussion.

[1:43:47 PM](#)

CHAIR VANCE asked whether any other language in the proposed amendment would need to be changed to match the intent of Conceptual Amendment 1 to Amendment 12.

MR. BALLINGER answered no.

REPRESENTATIVE ALLARD opined that the legislature should not be lighter on these laws.

REPRESENTATIVE GRAY opined that the language in question was antiquated and no longer a necessary protection,

REPRESENTATIVE CARPENTER removed his objection. There being no further objection, Conceptual Amendment 1 to Amendment 12 was adopted.

[1:46:24 PM](#)

REPRESENTATIVE CARPENTER directed attention to page 2, line 20, and asked how the law would be enforced if there is no actual human being involved.

MS. SCHROEDER stated that it would be an image that looks like a child under the age of 18 engaging in sexual conduct described in AS 11.41.455. She added that it would not be necessary for an actual child to be involved to be covered by this language.

[1:47:28 PM](#)

REPRESENTATIVE CARPENTER asked whether it is possible to distinguish between a 17- and 18-year-old.

MS. SCHROEDER explained that DOL tends not to charge cases that are "close to the line," as it needs to be proven to a jury beyond a reasonable doubt.

MR. BALLINGER pointed out that other evidence may demonstrate age, such as a specific request for images of 16-year-old, for example.

REPRESENTATIVE GRAY said there's no question that depictions of very young children are under the age of 18, which is the goal of the proposed amendment. He acknowledged that it may be difficult to enforce the law for 16-year-olds, but enforcement for 6-year-olds could be accomplished.

CHAIR VANCE reiterated that the area of law pertaining to generated obscene child sexual abuse material is new. She said she wanted to ensure that the bill would be standing on proven case law to create a solid foundation moving forward.

[1:53:08 PM](#)

REPRESENTATIVE CARPENTER referred to paragraph (3) on page 2 and asked whether an argument could be made that a generated image is artistic and therefore, has merit.

MR. BALLINGER said there is relevant case law on that. Ultimately, he shared his understanding that the reasonable person standard would be used. He added that [paragraph 3] was included because it's part of the Miller Test.

REPRESENTATIVE CARPENTER asked whether removing that language would defeat the Miller Test.

MR. BALLINGER said it would make the Miller Test incomplete.

[1:56:25 PM](#)

REPRESENTATIVE CARPENTER sought to confirm that paragraph (2) was conveying that if something has artistic value it's okay.

REPRESENTATIVE ALLARD asked whether it's necessary to include the Miller Test and was unsure whether she the liked the use of the word "artistic."

MR. BALLINGER reiterated that the reasonable person standard had been adjudicated. He added that there's a low likelihood that a judge or a jury would consider this content to hold serious artistic value.

[1:58:37 PM](#)

REPRESENTATIVE GRAY said the committee seemed to be suggesting that the art of the Renaissance era is obscene. He suggested that Mr. Ballinger read the Miller Test into the record.

MR. BALLINGER deferred to Ms. Schroeder.

[1:59:57 PM](#)

MS. SCHROEDER directed attention to AS 11.41.455, which read as follows:

Sec. 11.41.455. Unlawful exploitation of a minor.

(a) A person commits the crime of unlawful exploitation of a minor if, in the state and with the intent of producing a live performance, film, audio, video, electronic, or electromagnetic recording, photograph, negative, slide, book, newspaper, magazine, or other material that visually or aurally depicts the conduct listed in (1) - (7) of this subsection, the person knowingly induces or employs a child under 18 years of age to engage in, or photographs, films, records, or televises a child under 18 years of age engaged in, the following actual or simulated conduct:

- (1) sexual penetration;
 - (2) the lewd touching of another person's genitals, anus, or breast;
 - (3) the lewd touching by another person of the child's genitals, anus, or breast;
 - (4) masturbation;
 - (5) bestiality;
 - (6) the lewd exhibition of the child's genitals;
- or
- (7) sexual masochism or sadism.

MS. SCHROEDER reiterated that nudity alone is not enough.

CHAIR VANCE clarified that Amendment 12 addresses those acts that are generated and would establish new law based on proven case law.

[2:02:11 PM](#)

DAVE STANCLIFF, Staff, Representative Mike Cronk, Alaska State Legislature, on behalf of Representative Cronk, prime sponsor of

HB 358, opined that Amendment 12, as amended, would make it easier for people to see the need "for the green button."

[2:03:15 PM](#)

REPRESENTATIVE CARPENTER removed his objection. There being no further objection, Amendment 12, as amended, was adopted.

CHAIR VANCE sought final comment on Version U, as amended.

[2:04:47 PM](#)

REPRESENTATIVE GRAY pointed out that the bill started out with the intention to prevent deepfakes in elections, which is very important to everyone in the room. He expressed his hope that it would make a difference in [the November elections].

[2:05:19 PM](#)

REPRESENTATIVE ALLARD moved to report CSHB 358, Version 33-LS1272\U, Walsh, 3/21/24, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 358(JUD) was reported out of the House Judiciary Standing Committee.

[2:05:59 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:05 p.m.

AMENDMENTS

The following amendment to CSHB 358, Version U, was moved for adoption during the hearing. [Shorter amendments are provided in the main text only.]

Amendment 12 [33-LS1272\U.19, Walsh, 4/3/24]:

Page 1, line 1, following "**deepfakes**":

Insert "**relating to generated obscene child sexual abuse material**;"

Page 1, following line 7:

Insert a new bill section to read:

"* **Sec. 2.** AS 11.61 is amended by adding new sections to read:

Sec. 11.61.121. Distribution of generated obscene child sexual abuse material. (a) A person commits the crime of distribution of generated obscene child sexual abuse material if the person distributes in this state or advertises, promotes, solicits, or offers to distribute in this state any material that is proscribed under AS 11.61.122.

(b) This section does not apply to acts that are an integral part of the exhibition or performance of a motion picture if the acts are performed within the scope of employment by a motion picture operator or projectionist employed by the owner or manager of a theater or other place for the showing of motion pictures, unless the motion picture operator or projectionist

(1) has a financial interest in the theater or place in which employed; or

(2) causes the performance or motion picture to be performed or exhibited without the consent of the manager or owner of the theater or other place of showing.

(c) The possession of 100 or more films, audio, video, electronic, or electromagnetic recordings, photographs, negatives, slides, books, newspapers, magazines, or other materials, including a combination of these items totaling 100 or more, is prima facie evidence of distribution and intent to distribute under (a) of this section.

(d) In this section, "distribution" includes the following, whether or not for monetary or other consideration: delivering, selling, renting, leasing, lending, giving, circulating, exhibiting, presenting, providing, exchanging, placing on a computer network or computer system, and providing billing collection, or other ancillary services for or otherwise supporting these activities.

(e) Distribution of generated obscene child sexual abuse material is a

(1) class B felony; or

(2) class A felony if the person has been previously convicted of distribution of generated obscene child sexual abuse material in this jurisdiction or a similar crime in this or another jurisdiction.

Sec. 11.61.122. Possession of generated obscene child sexual abuse material. (a) A person commits the crime of possession of generated obscene child sexual abuse material if the person knowingly possesses or knowingly accesses on a computer with intent to view any material that

(1) the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest;

(2) depicts, in a patently offensive way, a child under 18 years of age who, by manipulation, creation, or modification, appears to be engaged in conduct described in AS 11.41.455(a); and

(3) when considered as a whole, lacks serious literary, artistic, political, or scientific value.

(b) This section does not apply to an employee of an interactive computer service, Internet service provider, cloud service provider, or telecommunications network who, while acting in the scope of employment, possesses or accesses the material described in (a) of this section solely to prevent, detect, report, or otherwise respond to the production, generation, manipulation, or modification of the material. In this subsection, "interactive computer service" has the meaning given in AS 15.80.009.

(c) In this section, "computer" has the meaning given in AS 11.46.990.

(d) Possession of generated obscene child sexual abuse material is a class C felony."

Renumber the following bill sections accordingly.

Page 2, following line 13:

Insert new bill sections to read:

"* **Sec. 5.** AS 11.61.129(a) is amended to read:

(a) Property used to aid a violation of **AS 11.61.121 - 11.61.128** [AS 11.61.123 - 11.61.128] or to aid the solicitation of, attempt to commit, or conspiracy to commit a violation of **AS 11.61.121 - 11.61.128** [AS 11.61.123 - 11.61.128] may be forfeited to the state upon the conviction of the offender.

* **Sec. 6.** AS 12.55.125(i) is amended to read:

(i) A defendant convicted of

(1) sexual assault in the first degree under AS 11.41.410(a)(1)(A), (2), (3), or (4), sexual abuse of a minor in the first degree, unlawful exploitation of a minor under AS 11.41.455(c)(2), or sex trafficking in the first degree under AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more than 99 years and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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

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

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

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

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

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

(E) if the offense is a third felony conviction and the defendant is not subject to sentencing under (F) of this paragraph or (1) of this section, 40 to 60 years;

(F) if the offense is a third felony conviction, the defendant is not subject to sentencing under (1) of this section, and the defendant has two prior convictions for sexual felonies, 99 years;

(2) sexual assault in the first degree under AS 11.41.410(a)(1)(B), unlawful exploitation of a minor under AS 11.41.455(c)(1), enticement of a minor under AS 11.41.452(e), or attempt, conspiracy, or solicitation to commit sexual assault in the first degree under AS 11.41.410(a)(1)(A), (2), (3), or (4), sexual abuse of a minor in the first degree, or sex trafficking in the first degree under AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more than 99 years and shall be sentenced to a definite term within the following

presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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

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

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

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

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

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

(E) if the offense is a third felony conviction, the offense does not involve circumstances described in (F) of this paragraph, and the defendant is not subject to sentencing under (1) of this section, 35 to 50 years;

(F) if the offense is a third felony conviction, the defendant is not subject to sentencing under (1) of this section, and the defendant has two prior convictions for sexual felonies, 99 years;

(3) sexual assault in the second degree, sexual abuse of a minor in the second degree, enticement of a minor under AS 11.41.452(d), indecent exposure in the first degree under AS 11.41.458(b)(2), **distribution of generated obscene child sexual abuse material under AS 11.61.121(e)(2)**, distribution of child pornography under AS 11.61.125(e)(2), or attempt, conspiracy, or solicitation to commit sexual assault in the first degree under AS 11.41.410(a)(1)(B) may be sentenced to a definite term of imprisonment of not more than 99 years and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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

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

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

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

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

(4) sexual assault in the third degree, sexual abuse of a minor in the third degree under AS 11.41.438(c), incest, indecent exposure in the first degree under AS 11.41.458(b)(1), possession of generated obscene child sexual abuse material, distribution of generated obscene child sexual abuse material under AS 11.61.121(e)(1), indecent viewing or production of a picture under AS 11.61.123(f)(1) or (2), possession of child pornography, distribution of child pornography under AS 11.61.125(e)(1), or attempt, conspiracy, or solicitation to commit sexual assault in the second degree, sexual abuse of a minor in the second degree, unlawful exploitation of a minor, distribution of generated obscene child sexual abuse material, or distribution of child pornography, may be sentenced to a definite term of imprisonment of not more than 99 years and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(A) if the offense is a first felony conviction and does not involve the circumstances described in (B) or (C) of this paragraph, two to 12 years;

(B) if the offense is a first felony conviction under AS 11.61.121(e)(1) or 11.61.125(e)(1) [AS 11.61.125(e)(1)] and does not involve circumstances described in (C) of this paragraph, four to 12 years;

(C) if the offense is a first felony conviction under AS 11.61.121(e)(1) or 11.61.125(e)(1) [AS 11.61.125(e)(1),] and the defendant hosted, created, or helped host or create a mechanism for multi-party sharing or distribution of generated obscene child sexual abuse material or child pornography, or received a financial benefit or had a financial interest in a generated obscene child sexual

abuse material or child pornography sharing or distribution mechanism, six to 14 years;

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

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

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

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

* **Sec. 7.** AS 12.55.185(16) is amended to read:

(16) "sexual felony" means sexual assault in the first degree, sexual abuse of a minor in the first degree, sex trafficking in the first degree, sexual assault in the second degree, sexual abuse of a minor in the second degree, sexual abuse of a minor in the third degree under AS 11.41.438(c), unlawful exploitation of a minor, indecent viewing or production of a picture under AS 11.61.123(f)(1) or (2), distribution of child pornography, distribution of generated obscene child sexual abuse material, sexual assault in the third degree, incest, indecent exposure in the first degree, possession of child pornography, possession of generated obscene child sexual abuse material, enticement of a minor, and felony attempt, conspiracy, or solicitation to commit those crimes;

* **Sec. 8.** AS 14.20.030(b) is amended to read:

(b) The commissioner or the Professional Teaching Practices Commission shall revoke for life the certificate of a person who has been convicted of a crime, or an attempt, solicitation, or conspiracy to commit a crime, involving a minor under AS 11.41.410 - 11.41.460, AS 11.61.121, 11.61.122, 11.61.125 [AS 11.61.125], or 11.61.127, or a law or ordinance in another jurisdiction with elements similar to an offense described in this subsection."

Renumber the following bill sections accordingly.

Page 4, following line 12:

Insert new bill sections to read:

** **Sec. 10.** AS 28.15.046(c) is amended to read:

(c) The department may not issue a license under this section to an applicant

(1) who has been convicted of any of the following offenses:

(A) a violation, or an attempt, solicitation, or conspiracy to commit a violation, of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.470, or 11.41.500 - 11.41.530;

(B) a felony violation of endangering the welfare of a child in the first degree under AS 11.51.100;

(C) felony indecent viewing or production of a picture under AS 11.61.123;

(D) distribution of child pornography under AS 11.61.125;

(E) possession of child pornography under AS 11.61.127;

(F) distribution of indecent material to minors under AS 11.61.128;

(G) felony prostitution under AS 11.66.100(e);

(H) sex trafficking in the first, second, or third degree under AS 11.66.110 - 11.66.130;

(I) a felony involving distribution of a controlled substance under AS 11.71 or imitation controlled substance under AS 11.73;

(J) a felony violation under AS 28.35.030(n) or 28.35.032(p);

(K) distribution of generated obscene child sexual abuse material under AS 11.61.121;

(L) possession of generated obscene child sexual abuse material under AS 11.61.122; or

(2) who has been convicted of any of the following offenses and less than two years have elapsed since the applicant's date of conviction for the offense:

(A) assault in the fourth degree under AS 11.41.230;

(B) reckless endangerment under AS 11.41.250;

(C) contributing to the delinquency of a minor under AS 11.51.130;

(D) misdemeanor prostitution under AS 11.66.100(a)(2);

(E) a misdemeanor violation of endangering the welfare of a child in the first degree under AS 11.51.100.

* **Sec. 11.** AS 44.23.080(a) is amended to read:

(a) If there is reasonable cause to believe that an Internet service account has been used in connection with a violation of AS 11.41.452, 11.41.455, **AS 11.61.121, 11.61.122, or 11.61.125 - 11.61.128** [OR AS 11.61.125 - 11.61.128], and that the identity, address, and other information about the account owner will assist in obtaining evidence that is relevant to the offense, a law enforcement officer may apply to the attorney general or the attorney general's designee for an administrative subpoena to obtain the business records of the Internet service provider located inside or outside of the state."

Renumber the following bill section accordingly.

Page 4, lines 15 - 17:

Delete all material and insert:

"APPLICABILITY. The following sections apply to offenses committed on or after the effective date of this Act:

(1) AS 11.61.127(a), as amended by sec. 3 of this Act;

(2) AS 11.61.127(f), as amended by sec. 4 of this Act;

(3) AS 11.61.129(a), as amended by sec. 5 of this Act;

(4) AS 12.55.125(i), as amended by sec. 6 of this Act;

(5) AS 12.55.185(16), as amended by sec. 7 of this Act; and

(6) AS 14.20.030(b), as amended by sec. 8 of this Act."