

AMENDMENT #3

OFFERED IN THE HOUSE
TO: CSHB 47(JUD)

BY REPRESENTATIVE FIELDS

1 Page 1, line 1, following "procedure;": *(title amendment)*

2 Insert "relating to distribution of a generated sexual depiction;"

3

4 Page 1, following line 4:

5 Insert new bill sections to read:

6 *** Section 1.** AS 11.61 is amended by adding a new section to read:

7 **Sec. 11.61.117. Distribution of a generated sexual depiction.** (a) A person
8 commits the crime of distribution of a generated sexual depiction if the person
9 knowingly distributes or threatens to distribute an electronic or printed photograph,
10 picture, or film that depicts, by manipulation, creation, or modification, the genitals,
11 anus, or female breast of another person or shows another person engaged in a sexual
12 act with reckless disregard that the distribution may result in physical, emotional,
13 reputational, or economic harm to the other person.

14 (b) In an action under (a) of this section, it is not a defense that the electronic
15 or printed photograph, picture, or film contains a disclaimer stating that the depiction
16 was unauthorized or that the depicted person did not participate in the creation or
17 development of the electronic or printed photograph, picture, or film.

18 (c) In this section, "distribution" has the meaning given in AS 11.61.121(c).

19 (d) Distribution of a generated sexual depiction is a class A misdemeanor.

20 *** Sec. 2.** AS 11.61.118(a) is amended to read:

21 (a) A person commits the crime of harassment in the first degree if

22 **(1)** [,] under circumstances not proscribed under AS 11.41.410 -
23 11.41.427 or 11.41.434 - 11.41.440, the person violates AS 11.61.120(a)(5) and the

1 offensive physical contact is contact

2 (A) [(1)] with human or animal blood, mucus, saliva, semen,
3 urine, vomitus, or feces; or

4 (B) [(2)] by the person touching through clothing another
5 person's genitals, buttocks, or female breast; or

6 (2) under circumstances not proscribed under AS 11.61.117, the
7 person violates AS 11.61.120(a)(6) and the published or distributed electronic or
8 printed photograph, picture, or film depicts, by manipulation, creation, or
9 modification, the other person engaged in a sexual act."

10
11 Page 1, line 5:

12 Delete "Section 1"

13 Insert "Sec. 3"

14
15 Renumber the following bill sections accordingly.

16
17 Page 2, line 3, following "(6)":

18 Insert "under circumstances not proscribed under AS 11.61.117, and"

19
20 Page 2, line 10:

21 Delete "AS 11.61.121"

22 Insert "AS 11.61.117, 11.61.121"

23
24 Page 13, following line 20:

25 Insert a new bill section to read:

26 "* Sec. 18. AS 12.63.100(7) is amended to read:

27 (7) "sex offense" means

28 (A) a crime under AS 11.41.100(a)(3), or a similar law of
29 another jurisdiction, in which the person committed or attempted to commit a
30 sexual offense, or a similar offense under the laws of the other jurisdiction; in
31 this subparagraph, "sexual offense" has the meaning given in

1 AS 11.41.100(a)(3);

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

5 (i) sexual assault in the first degree;

6 (ii) sexual assault in the second degree;

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

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

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

11 (i) AS 11.41.410 - 11.41.438;

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

13 (iii) AS 11.41.450 - 11.41.458;

14 (iv) AS 11.41.460 or AS 26.05.900(c) if the indecent
15 exposure is before a person under 16 years of age and the offender has
16 previously been convicted under AS 11.41.460 or AS 26.05.900(c);

17 (v) AS 11.61.125 - 11.61.128;

18 (vi) AS 11.66.130(a)(2)(B) or AS 26.05.900(b) if the
19 person who was induced or caused to engage in prostitution was under
20 20 years of age at the time of the offense;

21 (vii) former AS 11.15.120, former 11.15.134, or assault
22 with the intent to commit rape under former AS 11.15.160, former
23 AS 11.40.110, or former 11.40.200;

24 (viii) AS 11.61.118(a)(1)(B) or former
25 AS 11.61.118(a)(2) if the offender has a previous conviction for that
26 offense;

27 (ix) AS 11.66.100(a)(2) if the offender is subject to
28 punishment under former AS 11.66.100(e);

29 (x) AS 26.05.890 if the person engaged in sexual
30 penetration or sexual contact with the victim;

31 (xi) AS 26.05.890 if, at the time of the offense, the

1 victim is under a duty to obey the lawful orders of the offender,
 2 regardless of whether the offender is in the direct chain of command
 3 over the victim;

4 (xii) AS 26.05.893 if the person engaged in sexual
 5 penetration or sexual contact with the victim;

6 (xiii) AS 26.05.900(a) if the victim is under 18 years of
 7 age at the time of the offense;

8 (xiv) AS 26.05.900 if, at the time of the offense, the
 9 victim is under a duty to obey the lawful orders of the offender,
 10 regardless of whether the offender is in the direct chain of command
 11 over the victim;

12 (xv) AS 11.61.123 if the offender is subject to
 13 punishment under AS 11.61.123(g)(1) or (2);

14 (xvi) AS 11.66.137;

15 (xvii) AS 11.61.130(a)(2); or

16 (xviii) AS 11.66.110 and 11.66.120;

17 (D) an offense, or an attempt, solicitation, or conspiracy to
 18 commit an offense, under AS 26.05.935(b), or a similar law of another
 19 jurisdiction, if the member of the militia commits one of the following
 20 enumerated offenses punishable under Article 134, 10 U.S.C. 934 (Uniform
 21 Code of Military Justice):

22 (i) child sexual abuse material; or

23 (ii) pandering and prostitution if the person who is
 24 induced, enticed, caused, or procured to engage in a sexual act is under
 25 20 years of age at the time of the offense; or

26 (E) an offense in which the person is required to register as a
 27 sex offender under the laws of another jurisdiction;"

28
 29 Renumber the following bill sections accordingly.

30
 31 Page 16, following line 29:

1 Insert a new bill section to read:

2 **** Sec. 24.** AS 47.17.020(e) is amended to read:

3 (e) The department shall immediately notify the nearest law enforcement
4 agency if the department

5 (1) concludes that the harm was caused by a person who is not
6 responsible for the child's welfare;

7 (2) is unable to determine

8 (A) who caused the harm to the child; or

9 (B) whether the person who is believed to have caused the
10 harm has responsibility for the child's welfare; or

11 (3) concludes that the report involves

12 (A) possible criminal sex abuse or sex offenses under
13 AS 11.41.410 - 11.41.458, AS 11.61.116, 11.61.118(a)(1)(B)
14 [11.61.118(a)(2)], 11.61.120(a)(6), 11.61.123, or 11.61.128, including sex
15 offenses committed by a minor against a minor; or

16 (B) abuse or neglect that results in the need for medical
17 treatment of the child."

18

19 Renumber the following bill section accordingly.

20

21 Page 17, following line 2:

22 Insert new paragraphs to read:

23 "(1) AS 11.61.117, enacted by sec. 1 of this Act;

24 (2) AS 11.61.118(a), as amended by sec. 2 of this Act;"

25

26 Renumber the following paragraphs accordingly.

27

28 Page 17, following line 15:

29 Insert a new paragraph to read:

30 "(6) AS 12.63.100(7), as amended by sec. 18 of this Act;"

31

1 Renumber the following paragraph accordingly.

2

3 Page 17, line 3:

4 Delete "sec. 1"

5 Insert "sec. 3"

6

7 Page 17, line 4:

8 Delete "sec. 3"

9 Insert "sec. 5"

10

11 Page 17, line 5:

12 Delete "sec. 4"

13 Insert "sec. 6"

14

15 Page 17, line 6:

16 Delete "sec. 5"

17 Insert "sec. 7"

18

19 Page 17, line 7:

20 Delete "sec. 6"

21 Insert "sec. 8"

22

23 Page 17, line 8:

24 Delete "sec. 7"

25 Insert "sec. 9"

26

27 Page 17, line 11:

28 Delete "sec. 9"

29 Insert "sec. 11"

30

31 Page 17, line 12:

1 Delete "sec. 10"

2 Insert "sec. 12"

3

4 Page 17, line 13:

5 Delete "sec. 12"

6 Insert "sec. 14"

7

8 Page 17, line 14:

9 Delete "sec. 14"

10 Insert "sec. 16"

11

12 Page 17, line 15:

13 Delete "sec. 15"

14 Insert "sec. 17"

15

16 Page 17, line 16:

17 Delete "sec. 16"

18 Insert "sec. 19"