

Original sponsor: Chance

Offered: 5/17/76
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 306

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to rape and sexual assault; and pro-
7 viding for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 11.15.120 is amended to read:

10 Sec. 11.15.120. RAPE. (a) A person who (1) has carnal knowledge
11 of another person, forcibly and against the will of the other person, or
12 (2) being 16 years of age or older, carnally knows and abuses a person
13 under 16 years of age [WITH THE PERSON'S CONSENT], is guilty of rape.

14 (b) A person who assists another to force or compel a third person
15 to engage in a sexual act without consent is considered an accomplice to
16 rape, irrespective of the legal status of that person with respect to
17 the person forced or compelled to engage in a sexual act against his
18 will.

19 (c) For purposes of this section, the terms "carnal knowledge" and
20 "sexual act" include sexual, oral and anal intercourse, with some
21 penetration, however slight.

22 * Sec. 2. AS 11.15 is amended by adding a new section to read:

23 Sec. 11.15.137. SEXUAL ASSAULT. (a) A person who unlawfully
24 assaults another, or unlawfully threatens another in a menacing manner
25 or unlawfully strikes or touches another through the performance of any
26 act, including an act constituting another crime, with the intent to
27 arouse or gratify the sexual desires of either party, or who, without
28 consent, has sexual contact with another not that person's spouse, is
29 punishable by imprisonment for not more than one year, or by a fine of

1 not more than \$1,000, or by both.

2 (b) The exclusion of sexual contact with a spouse set out in (a)
3 of this section does not apply with respect to spouses living apart and
4 maintaining separate residences.

5 (c) For purposes of this section, "sexual contact" means any
6 touching of the genitals, buttocks or breasts of another person.

7 * Sec. 3. AS 12.45.045(a) is amended to read:

8 (a) In prosecutions for the crimes [CRIME] of rape, [AND] assault
9 with intent to commit rape, and sexual assault, evidence of the com-
10 plaining witness' previous sexual conduct shall not be admitted nor
11 reference made to it in the presence of the jury except as provided in
12 this section. When the defendant seeks to admit the evidence for any
13 purpose, he may apply for an order of the court at any time before or
14 during the trial or preliminary hearing. After the application is made,
15 the court shall conduct a hearing in camera to determine the admissi-
16 bility of the evidence. If the court finds that evidence offered by the
17 defendant regarding the sexual conduct of the complaining witness is
18 relevant, and that the probative value of the evidence offered is not
19 outweighed by the probability that its admission will create undue
20 prejudice, confusion of the issues, or unwarranted invasion of the
21 privacy of the complaining witness, the court shall make an order
22 stating what evidence may be introduced and the nature of the questions
23 which shall be permitted. The defendant may then offer evidence under
24 the order of the court.

25 * Sec. 4. This Act takes effect January 1, 1977.
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