

Offered: 5/30/83
Referred: Finance

Original sponsors: Pestinger, Cowdery,
Barnes and Lindauer

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 117 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act revising the laws relating to sexual abuse of
7 a minor, sexual assault, and indecent exposure;
8 extending the time limitation for prosecution of
9 sexual offenses; and amending AS 01.05.031(c) and
10 sec. 4, ch. 58, SLA 1982."
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
12 * Section 1. AS 01.05.031(c) is amended to read:
13 (c) Except in AS 11 and AS 12, the [THE] revisor shall edit and
14 revise the laws as they are enacted by the legislature, without
15 changing the meaning of any law, so as to avoid the use of pronouns
16 denoting masculine or feminine gender.
17 * Sec. 2. Section 4, ch. 58, SLA 1982 is amended to read:
18 Sec. 4. Except in AS 11 and AS 12, the [THE] revisor of statutes
19 is directed to avoid the use of pronouns denoting masculine or
20 feminine gender in the printed pamphlets of the Alaska Statutes as
21 they are scheduled for reprinting.
22 * Sec. 3. AS 11.41.420 is repealed and reenacted to read:
23 Sec. AS 11.41.420. SEXUAL ASSAULT IN THE SECOND DEGREE. (a) A
24 person commits the crime of sexual assault in the second degree if he
25 engages in
26 (1) sexual contact with another person without consent of
27 that person; or
28 (2) sexual penetration with a person who he knows
29 (A) is suffering from a mental disorder or defect

1 which renders the person incapable of appraising the nature of
2 the conduct under circumstances in which a person who is capable
3 of appraising the nature of the conduct would not engage in
4 sexual penetration; or

5 (B) is incapacitated.

6 (b) Sexual assault in the second degree is a class B felony.

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

8 Sec. AS 11.41.434. SEXUAL ABUSE OF A MINOR IN THE FIRST DEGREE.

9 (a) A person commits the crime of sexual abuse of a minor in the
10 first degree if

11 (1) being 16 years of age or older, he engages in sexual
12 penetration with a person who is under 13 years of age or aids,
13 induces, causes, or encourages a person who is under 13 years of age
14 to engage in sexual penetration with another person; or

15 (2) being 18 years of age or older, he engages in sexual
16 penetration with a person who is under 18 years of age and who

17 (A) is entrusted to his care by authority of law; or

18 (B) is his son or daughter, including an illegitimate
19 or adopted child, or a stepchild.

20 (b) Sexual abuse of a minor in the first degree is an unclassi-
21 fied felony and is punishable as provided in AS 12.55.

22 Sec. 11.41.436. SEXUAL ABUSE OF A MINOR IN THE SECOND DEGREE.

23 (a) A person commits the crime of sexual abuse of a minor in the
24 second degree if

25 (1) being 16 years of age or older, he engages in sexual
26 penetration with a person who is 13, 14, or 15 years of age and at
27 least three years younger than he, or aids, induces, causes or
28 encourages a person who is 13, 14, or 15 years of age and at least
29 three years younger than he to engage in sexual penetration with

1 another person;

2 (2) being 16 years of age or older, he engages in sexual
3 contact with a person who is under 13 years of age or aids, induces,
4 causes, or encourages a person under 13 years of age to engage in
5 sexual contact with another person;

6 (3) being 18 years of age or older, he engages in sexual
7 contact with a person who is under 18 years of age and who

8 (A) is entrusted to his care by authority of law; or

9 (B) is his son or daughter, including an illegitimate
10 or adopted child, or a stepchild; or

11 (4) being 16 years of age or older, he aids, induces,
12 causes, or encourages a person who is under 16 years of age to engage
13 in conduct described in AS 11.41.455(a)(2) - (6).

14 (b) Sexual abuse of a minor in the second degree is a class B
15 felony.

16 Sec. 11.41.438. SEXUAL ABUSE OF A MINOR IN THE THIRD DEGREE.

17 (a) A person commits sexual abuse of a minor in the third degree if,
18 being 16 years of age or older, he engages in sexual contact with a
19 person who is 13, 14, or 15 years of age and at least three years
20 younger than he.

21 (b) Sexual abuse of a minor in the third degree is a class C
22 felony.

23 * Sec. 5. AS 11.41.440 is repealed and reenacted to read:

24 Sec. 11.41.440. SEXUAL ABUSE OF A MINOR IN THE FOURTH DEGREE.

25 (a) A person commits sexual abuse of a minor in the fourth degree if,
26 being under 16 years of age, he engages in sexual penetration or
27 sexual contact with a person who is under 13 years of age and at least
28 three years younger than he.

29 (b) Sexual abuse of a minor in the fourth degree is a class A

1 misdemeanor.

2 * Sec. 6. AS 11.41 is amended by adding a new section to read:

3 Sec. 11.41.460. INDECENT EXPOSURE. (a) A person commits the
4 crime of indecent exposure if he intentionally exposes his genitals,
5 buttock, anus, or female breast to another person with reckless
6 disregard for the offensive, insulting, or frightening effect the act
7 may have on that person.

8 (b) Indecent exposure before a person under 16 years of age is a
9 class A misdemeanor. Indecent exposure before a person 16 years of
10 age or older is a class B misdemeanor.

11 * Sec. 7. AS 11.41.470 is amended to read:

12 Sec. 11.41.470. DEFINITIONS. For purposes of AS 11.41.410 -
13 11.41.470, unless the context requires otherwise,

14 (1) "incapacitated" means that a person is temporarily
15 incapable of appraising the nature of his conduct and is physically
16 unable to express unwillingness to act;

17 (2) "victim" means the person alleged to have been sub-
18 jected to sexual assault in any degree or sexual abuse of a minor in
19 any degree;

20 (3) "without consent" means that a person

21 (A) with or without resisting, is coerced by the use
22 of force against a person or property, or by the express or
23 implied threat of [IMMINENT] death, imminent physical injury, or
24 [IMMINENT] kidnapping to be inflicted on anyone; or

25 (B) is incapacitated as a result of an act of the
26 defendant.

27 * Sec. 8. AS 12.10.020 is amended by adding a new subsection to read:

28 (c) Even if the general time limitation has expired, a prosecu-
29 tion under AS 11.41.410 - 11.41.455 for an offense committed against a

1 person under the age of 16 may be commenced within one year after the
2 crime is reported to a peace officer or the person reaches the age of
3 16, whichever occurs first. This provision does not extend the period
4 of limitation by more than five years.

5 * Sec. 9. AS 12.55.125(i) is amended to read:

6 (i) A defendant convicted of sexual assault in the first degree
7 or sexual abuse of a minor in the first degree may be sentenced to a
8 definite term of imprisonment of not more than 30 years, and shall be
9 sentenced to the following presumptive terms, subject to adjustment as
10 provided in AS 12.55.155 - 12.55.175:

11 (1) if the offense is a first felony conviction and does
12 not involve circumstances described in (2) of this subsection, eight
13 years;

14 (2) if the offense is a first felony conviction, and the
15 defendant possessed a firearm, used a dangerous instrument, or caused
16 serious physical injury during the commission of the offense, 10
17 years;

18 (3) if the offense is a second felony conviction, 15 years;

19 (4) if the offense is a third felony conviction, 25 years.

20 * Sec. 10. AS 18.66.900(6) is amended to read:

21 (6) "sexual assault" means a crime specified in AS 11.41.-
22 410 - 11.41.450 [OR AS 11.51.130(a)(4)];

23 * Sec. 11. AS 11.41.410(a)(3) and (4), AS 11.41.430, AS 11.51.130(a)-
24 (4), and AS 11.61.110(a)(7) are repealed.