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Referred: Health, Education &
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WARD

1 IN THE HOUSE

2

HOUSE BILL NO. 270

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to child pornography."

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

8 * Section 1. AS 11.41.455 is repealed and reenacted to read:

9 Sec. 11.41.455. UNLAWFUL EXPLOITATION OF A MINOR. (a) A person
10 commits the crime of unlawful exploitation of a minor if, in this
11 state and with the intent of producing for any commercial purpose a
12 live performance, film, photograph, negative, slide, book, newspaper,
13 or magazine that depicts the conduct listed below, the person know-
14 ingly induces or employs a child under 16 years of age to engage in,
15 or photographs, films, or televises a child under 16 years of age
16 engaged in the following conduct:

17 (1) sexual penetration;

18 (2) the obscene touching of another person's genitals,
19 anus, or female breast;

20 (3) the obscene touching by another person of the child's
21 genitals, anus, or female breast;

22 (4) masturbation;

23 (5) bestiality; or

24 (6) the obscene exhibition of the child's genitals.

25 (b) A parent, legal guardian, or person having custody or con-
26 trol of a child under 16 years of age commits the crime of unlawful
27 exploitation of a minor if, in this state, the person permits the
28 child to engage in conduct described in (a) of this section knowing
29 that the conduct is intended to be used in producing for a commercial

1 purpose a live performance, film, photograph, negative, slide, book,
2 newspaper, or magazine.

3 (c) Unlawful exploitation of a minor is a class B felony.

4 * Sec. 2. AS 11.41.470 is amended by adding a new paragraph to read:

5 (4) "obscene" means, conduct that, taken as a whole and
6 applying contemporary community standards,

7 (A) appeals to the prurient interest in sex;

8 (B) is patently offensive; and

9 (C) lacks serious literary, artistic, political, or
10 scientific value.

11 * Sec. 3. AS 11.61 is amended by adding a new section to read:

12 Sec. 11.61.125. DISTRIBUTION OF CHILD PORNOGRAPHY. (a) A
13 person commits the crime of distribution of child pornography if the
14 person sends or causes to be sent, or brings or causes to be brought,
15 into this state for sale or distribution, or in this state possesses,
16 prepares, publishes, or prints with intent to distribute, sell, or
17 exhibit to others for commercial consideration, any visual or printed
18 matter which depicts conduct described under AS 11.41.455(a), knowing
19 that the production of the matter involves the use of a minor engaged
20 in such conduct.

21 (b) This section does not apply to acts that are an integral
22 part of the exhibition or performance of a motion picture when the
23 acts are done within the scope of employment by a motion picture
24 operator or projectionist employed by the owner or manager of a thea-
25 ter or other place for the showing of motion pictures, unless the
26 motion picture operator or projectionist

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

29 (2) caused the performance or motion picture to be

1 performed or exhibited without the consent of the manager or owner of
2 the theater or other place of showing.

3 (c) Distribution of child pornography is a class C felony.