

Introduced: 3/25/83
Referred: Health, Education & Social
Services and Judiciary

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1 IN THE HOUSE

2

SPONSOR SUBSTITUTE FOR 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 AS 11.41.455 is repealed and reenacted to read: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 a live performance, film,
12 photograph, negative, slide, book, newspaper, or magazine that
13 visually depicts the conduct listed below, the person knowingly
14 induces or employs a child under 16 years of age to engage in, or
15 photographs, films, or televises a child under 16 years of age engaged
16 in the following conduct:

17 (1) sexual penetration;

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

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

22 (4) masturbation;

23 (5) bestiality; or

24 (6) the lewd 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 a live

1 performance, film, photograph, negative, slide, book, newspaper, or
2 magazine that visually depicts such conduct.

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

4 * Sec. 2. AS 11.61 is amended by adding a new section to read:

5 Sec. 11.61.125. DISTRIBUTION OF CHILD PORNOGRAPHY. (a) A
6 person commits the crime of distribution of child pornography if the
7 person sends or causes to be sent, or brings or causes to be brought,
8 into this state for sale or distribution, or in this state possesses,
9 prepares, publishes, or prints with intent to distribute, sell, or
10 exhibit to others for commercial consideration, any matter which
11 visually depicts conduct described under AS 11.41.455(a), knowing that
12 the production of the matter involves the use of a minor or a person
13 who reasonably appears to be a minor engaged in such conduct.

14 (b) This section does not apply to acts that are an integral
15 part of the exhibition or performance of a motion picture when the
16 acts are done within the scope of employment by a motion picture
17 operator or projectionist employed by the owner or manager of a thea-
18 ter or other place for the showing of motion pictures, unless the
19 motion picture operator or projectionist

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

22 (2) caused the performance or motion picture to be per-
23 formed or exhibited without the consent of the manager or owner of the
24 theater or other place of showing.

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