

Offered: 6/6/83
Referred: Rules

Original sponsors: Pettyjohn, Sturgulewski,
Halford, et al

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2

CS FOR SENATE BILL NO. 74 (Judiciary) am

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; and
8 extending the time limitation for prosecution of
9 sexual offenses."

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

11 * Section 1. AS 11.41.420 is repealed and reenacted to read:

12 Sec. AS 11.41.420. SEXUAL ASSAULT IN THE SECOND DEGREE. (a) A
13 person commits the crime of sexual assault in the second degree if the
14 offender engages in

15 (1) sexual contact with another person without consent of
16 that person; or

17 (2) sexual penetration with a person who the offender knows
18 (A) is suffering from a mental disorder or defect
19 which renders the person incapable of appraising the nature of
20 the conduct under circumstances in which a person who is capable
21 of appraising the nature of the conduct would not engage in
22 sexual penetration; or

23 (B) is incapacitated.

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

25 * Sec. 2. AS 11.41 is amended by adding new sections to read:

26 Sec. AS 11.41.432. SEXUAL ABUSE OF A MINOR IN THE FIRST DEGREE.
27 (a) A person commits the crime of sexual abuse of a minor in the
28 first degree if

29 (1) being 16 years of age or older, the offender engages in

1 sexual penetration with a person who is under 10 years of age or aids,
2 induces, causes, or encourages a person who is under 10 years of age
3 to engage in sexual penetration with another person; or

4 (2) being 18 years of age or older, the offender engages in
5 sexual penetration with a person who is under 13 years of age and who

6 (A) is entrusted to the offender's care by authority
7 of law; or

8 (B) is the offender's son or daughter, including an
9 illegitimate or adopted child, or a stepchild.

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

12 Sec. 11.41.434. SEXUAL ABUSE OF A MINOR IN THE SECOND DEGREE.

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

15 (1) being 16 years of age or older, the offender engages in
16 sexual penetration with a person who is 10, 11, or 12 years of age or
17 aids, induces, causes or encourages a person who is 10, 11, or 12
18 years of age to engage in sexual penetration with another person; or

19 (2) being 18 years of age or older, the offender engages in
20 sexual penetration with a person who is under 18 years of age but 13
21 years of age or older and who

22 (A) is entrusted to the offender's care by authority
23 of law; or

24 (B) is the offender's son or daughter, including an
25 illegitimate or adopted child, or a stepchild.

26 (b) Sexual abuse of a minor in the second degree is a class A
27 felony.

28 Sec. 11.41.436. SEXUAL ABUSE OF A MINOR IN THE THIRD DEGREE.

29 (a) A person commits the crime of sexual abuse of a minor in the

1 third degree if

2 (1) being 16 years of age or older, the offender engages in
3 sexual penetration with a person who is 13, 14, or 15 years of age and
4 at least four years younger than the offender, or aids, induces,
5 causes or encourages a person who is 13, 14, or 15 years of age and at
6 least four years younger than the offender to engage in sexual pene-
7 tration with another person;

8 (2) being 16 years of age or older, the offender engages in
9 sexual contact with a person who is under 13 years of age or aids,
10 induces, causes, or encourages a person under 13 years of age to
11 engage in sexual contact with another person; or

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

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

17 Sec. 11.41.438. SEXUAL ABUSE OF A MINOR IN THE FOURTH DEGREE.

18 (a) A person commits the crime of sexual abuse of a minor in the
19 fourth degree if

20 (1) being 16 years of age or older, the offender engages in
21 sexual contact with a person who is 13, 14, or 15 years of age and at
22 least four years younger than the offender; or

23 (2) being 18 years of age or older, the offender engages in
24 sexual contact with a person who is under 18 years of age but 13 years
25 of age or older and who

26 (A) is entrusted to the offender's care by authority
27 of law; or

28 (B) is the offender's son or daughter, including an
29 illegitimate or adopted child, or a stepchild.

1 (b) Sexual abuse of a minor in the fourth degree is a class C
2 felony.

3 * Sec. 3. AS 11.41.440 is repealed and reenacted to read:

4 Sec. 11.41.440. SEXUAL ABUSE OF A MINOR IN THE FIFTH DEGREE.

5 (a) A person commits sexual abuse of a minor in the fifth degree if,
6 being under 16 years of age, the offender engages in sexual penetra-
7 tion or sexual contact with a person who is under 13 years of age and
8 at least three years younger than the offender.

9 (b) Sexual abuse of a minor in the fifth degree is a class A
10 misdemeanor.

11 * Sec. 4. AS 11.41 is amended by adding a new section to read:

12 Sec. 11.41.460. INDECENT EXPOSURE. (a) A person commits the
13 crime of indecent exposure if the offender intentionally exposes the
14 offender's genitals, to another person with reckless disregard for the
15 offensive, insulting, or frightening effect the act may have on that
16 person.

17 (b) Indecent exposure before a person under 16 years of age is a
18 class A misdemeanor. Indecent exposure before a person 16 years of
19 age or older is a class B misdemeanor.

20 * Sec. 5. AS 11.41.470 is amended to read:

21 Sec. 11.41.470. DEFINITIONS. For purposes of AS 11.41.410 -
22 11.41.470, unless the context requires otherwise,

23 (1) "incapacitated" means [THAT A PERSON IS] temporarily
24 incapable of appraising the nature of one's own [HIS] conduct and [IS]
25 physically unable to express unwillingness to act;

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

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

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

5 (B) is incapacitated as a result of an act of the
6 defendant.

7 * Sec. 6. AS 11.61.110(a)(7) is amended to read:

8 (7) the offender [HE] intentionally exposes the offender's
9 [HIS GENITALS,] buttock or [,] anus [, OR FEMALE BREAST] to another
10 with reckless disregard for the offensive or insulting effect the act
11 may have on that person.

12 * Sec. 7. AS 12.10.020 is amended by adding a new subsection to read:

13 (c) Even if the general time limitation has expired, a prosecu-
14 tion under AS 11.41.410 - 11.41.455 for an offense committed against a
15 person under the age of 16 may be commenced within one year after the
16 crime is reported to a peace officer or the person reaches the age of
17 16, whichever occurs first. This provision does not extend the period
18 of limitation by more than five years.

19 * Sec. 8. AS 12.55.125(i) is amended to read:

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

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

28 (2) if the offense is a first felony conviction, and the
29 defendant possessed a firearm, used a dangerous instrument, or caused

1 serious physical injury during the commission of the offense, 10
2 years;

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

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

5 * Sec. 9. AS 18.66.900(6) is amended to read:

6 (6) "sexual assault" means a crime specified in AS 11.41.-
7 410 - 11.41.455 [11.41.450 OR AS 11.51.130(a)(4)];

8 * Sec. 10. AS 11.41.410(a)(3) and (4), AS 11.41.430, and AS 11.51.130(a)
9 (4) are repealed.