

Offered: 6/23/83  
For Today's Calendar

Original sponsors: Pettyjohn, Sturgulewski,  
Halford, et al

1 IN THE SENATE BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 74 (Finance)

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 AS 11.41.420 is repealed and reenacted to read: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) An  
13 offender commits the crime of sexual assault in the second degree if  
14 the 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 11.41.434. SEXUAL ABUSE OF A MINOR IN THE FIRST DEGREE.

27 (a) An offender 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 13 years of age or aids,  
2 induces, causes, or encourages a person who is under 13 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 18 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. 11.41.436. SEXUAL ABUSE OF A MINOR IN THE SECOND DEGREE.

13 (a) An offender 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 13, 14, or 15 years of age and  
17 at least three years younger than the offender, or aids, induces,  
18 causes or encourages a person who is 13, 14, or 15 years of age and at  
19 least three years younger than the offender to engage in sexual pene-  
20 tration with another person;

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

25 (3) being 18 years of age or older, the offender engages in  
26 sexual contact with a person who is under 18 years of age and who

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

29 (B) is the offender's son or daughter, including an

1 illegitimate or adopted child, or a stepchild; or

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

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

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

8 (a) An offender commits the crime of sexual abuse of a minor in the  
9 third degree if, being 16 years of age or older, the offender engages  
10 in sexual contact with a person who is 13, 14, or 15 years of age and  
11 at least three years younger than the offender.

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

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

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

16 (a) An offender commits the crime of sexual abuse of a minor in the  
17 fourth degree if, being under 16 years of age, the offender engages in  
18 sexual penetration or sexual contact with a person who is under 13  
19 years of age and at least three years younger than the offender.

20 (b) Sexual abuse of a minor in the fourth degree is a class A  
21 misdemeanor.

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

23 Sec. 11.41.460. INDECENT EXPOSURE. (a) An offender commits the  
24 crime of indecent exposure if the offender intentionally exposes the  
25 offender's genitals to another person with reckless disregard for the  
26 offensive, insulting, or frightening effect the act may have on that  
27 person.

28 (b) Indecent exposure before a person under 16 years of age is a  
29 class A misdemeanor. Indecent exposure before a person 16 years of

1 age or older is a class B misdemeanor.

2 \* Sec. 5. AS 11.41.470 is amended to read:

3 Sec. 11.41.470. DEFINITIONS. For purposes of AS 11.41.410 -  
4 11.41.470, unless the context requires otherwise,

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

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

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

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

16 (B) is incapacitated as a result of an act of the  
17 defendant.

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

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

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

24 (c) Even if the general time limitation has expired, a prosecu-  
25 tion under AS 11.41.410 - 11.41.460 for an offense committed against a  
26 person under the age of 16 may be commenced within one year after the  
27 crime is reported to a peace officer or the person reaches the age of  
28 16, whichever occurs first. This subsection does not extend the  
29 period of limitation by more than five years.

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

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

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

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

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

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

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

17 (6) "sexual assault" means a crime specified in AS 11.41.-  
18 410 - 11.41.450 [OR AS 11.51.130(a)(4)];

19 \* Sec. 10. AS 11.41.410(a)(3) and (4), AS 11.41.430, and AS 11.51.-  
20 130(a)(4) are repealed.

21 \* Sec. 11. Section 7 of this Act applies to offenses committed during  
22 or after the five years immediately before the effective date of this Act.