

Introduced: 1/27/89
Referred: Health, Education &
Social Services and Judiciary

go00919h

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2

HOUSE BILL NO. 121

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to crimes of sexual assault on
7 mentally incapable or incapacitated persons; and
8 providing for an effective date."

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

10 * Section 1. AS 11.41.410(a) is amended to read:

11 (a) A person commits the crime of sexual assault in the first
12 degree if,

13 (1) being any age, the defendant engages in sexual pene-
14 tration with another person without consent of that person;

15 (2) being any age, the defendant attempts to engage in
16 sexual penetration with another person without consent of that person
17 and causes serious physical injury to that person;

18 (3) being any age [OVER THE AGE OF 18], the defendant
19 engages in sexual penetration with another person

20 (A) who the defendant knows is mentally incapable;

21 and

22 (B) who is entrusted to the defendant's care

23 (i) by authority of law; or

24 (ii) in a facility or program that is required by
25 law to be licensed by the Department of Health and Social
26 Services.

27 * Sec. 2. AS 11.41.420(a) is amended to read:

28 (a) An offender commits the crime of sexual assault in the
29 second degree if

1 (1) the offender engages in sexual contact with another
2 person without consent of that person;

3 (2) [BEING OVER THE AGE OF 18,] the offender engages in
4 sexual contact with a person

5 (A) who the offender knows is mentally incapable,

6 (B) who is entrusted to the offender's care

7 (i) by authority of law; or

8 (ii) in a facility or program that is required by
9 law to be licensed by the Department of Health and Social
10 Services; or

11 (3) [BEING OVER THE AGE OF 18,] the offender engages in
12 sexual penetration with a person who the offender knows is

13 (A) mentally incapable; or

14 (B) incapacitated.

15 * Sec. 3. AS 11.41.425(a) is amended to read:

16 (a) An offender commits the crime of sexual assault in the third
17 degree if [BEING OVER THE AGE OF 18,] the offender engages in sexual
18 contact with a person who the offender knows is

19 (1) mentally incapable; or

20 (2) incapacitated [TEMPORARILY INCAPABLE OF APPRAISING THE
21 NATURE OF THE PERSON'S CONDUCT AND IS PHYSICALLY UNABLE TO EXPRESS
22 UNWILLINGNESS TO ACT].

23 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).