

Introduced: 1/8/90
Referred: Judiciary

6-1663A

BY SEN. FISCHER

1 IN THE SENATE

2

SENATE BILL NO. 355

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to sexual offenses against chil-
7 dren."

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

9 * Section 1. AS 11.41.434(a) is amended to read:

10 (a) An offender commits the crime of sexual abuse of a minor in
11 the first degree if

12 (1) being 16 years of age or older, the offender engages in
13 sexual penetration with a person who is under 13 years of age or aids,
14 induces, causes, or encourages a person who is under 13 years of age
15 to engage in sexual penetration with another person;

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

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

20 (B) is the offender's son or daughter, including an
21 illegitimate or adopted child, or a stepchild; [OR]

22 (3) being 18 years of age or older, the offender engages in
23 sexual penetration with a person who is under 16 years of age, and the
24 victim at the time of the offense is

25 (A) residing as a member of the social unit in the
26 same household as the offender and the offender is in a position
27 of authority over the victim; or

28 (B) temporarily entrusted to the offender's care; or

29 (4) being 18 years of age or older, the offender engages in

1 sexual penetration with a person who is 16 or 17 years of age, and at
2 the time of the offense

3 (A) the victim attends a public or private school that
4 is high school level or lower; and

5 (B) the offender is authorized by the school or its
6 school district to work with the students in a paid or voluntary
7 capacity as part of the curriculum or program of activities of
8 the school or school district.

9 * Sec. 2. AS 11.41.436(a) is amended to read:

10 (a) An offender commits the crime of sexual abuse of a minor in
11 the second degree if

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

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

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

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

26 (B) is the offender's son or daughter, including an
27 illegitimate or adopted child, or a stepchild;

28 (4) being 16 years of age or older, the offender aids,
29 induces, causes, or encourages a person who is under 16 years of age

1 to engage in conduct described in AS 11.41.455(a)(2) - (6); [OR]
2 (5) being 18 years of age or older, the offender engages in
3 sexual contact with a person who is under 16 years of age, and the
4 victim at the time of the offense is
5 (A) residing as a member of the social unit in the
6 same household as the offender and the offender is in a position
7 of authority over the victim; or
8 (B) temporarily entrusted to the offender's care; or
9 (6) being 18 years of age or older, the offender engages in
10 sexual contact with a person who is 16 or 17 years of age, and at the
11 time of the offense
12 (A) the victim attends a public or private school that
13 is high school level or lower; and
14 (B) the offender is authorized by the school or its
15 school district to work with the students in a paid or voluntary
16 capacity as part of the curriculum or program of activities of
17 the school or school district.
18 * Sec. 3. AS 14.20.020(a) is amended to read:
19 (a) Except as provided in (f) of this section, the [THE] depart-
20 ment shall issue a teacher certificate to every person who meets the
21 requirements in (b) and (c) of this section.
22 * Sec. 4. AS 14.20.020 is amended by adding a new subsection to read:
23 (f) The department may not issue a teacher certificate to a
24 person who has been convicted of a crime involving a minor under
25 AS 11.41.434 - 11.41.438, 11.41.455, or 11.41.460, or under a law in
26 another jurisdiction with elements substantially similar to an offense
27 described in AS 11.41.434 - 11.41.438, 11.41.455, or 11.41.460.
28 * Sec. 5. AS 14.20.030 is amended by adding a new subsection to read:
29 (b) The commissioner or the Professional Teaching Practices

1 Commission shall revoke for life the certificate of a person who has
2 been convicted of a crime involving a minor under AS 11.41.434 -
3 11.41.438, 11.41.455, or 11.41.460, or under a law in another
4 jurisdiction with elements substantially similar to an offense
5 described in AS 11.41.434 - 11.41.438, 11.41.455, or 11.41.460.

6 * Sec. 6. AS 14.20.020(f), as enacted by sec. 4 of this Act, and
7 AS 14.20.030(b), as enacted by sec. 5 of this Act, do not apply when the
8 crime occurred before the effective date of this Act.