

COMMITTEE REPORT

HOUSE

(11)

FURTHER:

4/11/83

(Waived from Judiciary 4.7.83 to Rules)

Date: 4-12-83

Mr. Speaker: (Waived from Rules 4/11/83 to Finance)

The Committee on FINANCE has had SS HB 270,

An Act relating to child pornography.

under consideration and reports it back as follows:

do pass do not pass

do pass with attached amendments(s)

replace with CS for SS HB 270 (HESS) same title
 new title

and recommends do pass

AND attaches a "Letter of Intent" New Fiscal Note

reports it back without recommendation Zero Fiscal Note Attached

referred to the _____ Committee

MEMBERS SIGNING

DO PASS

Sam Rostinger
Bob Hodge
Jay Ward
John F. ...
Paul ...
...
...
...
...
...
...

MEMBERS HAVING

OTHER RECOMMENDATIONS:

Albert B. ...

CHAIRMAN

Offered: 4/6/83
Referred: Judiciary

Original sponsors: Liska, Adams,
Bussell, et al

1 IN THE HOUSE BY THE HEALTH, EDUCATION AND
2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 270 (HESS) SOCIAL SERVICES COMMITTEE
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 AS 11.41.455 is repealed and reenacted to read: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 vis-
13 ually depicts the conduct listed below, the person knowingly induces
14 or employs a child under 18 years of age to engage in, or photographs,
15 films, or televises a child under 18 years of age engaged in the
16 following actual or simulated 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 18 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 brings or causes to be brought into this state for sale or
8 distribution, or in this state possesses, prepares, publishes, or
9 prints with intent to distribute, sell, or exhibit to others for
10 commercial consideration, any matter which visually depicts conduct
11 described under AS 11.41.455(a), knowing that the production of the
12 matter involves the use of a child under 18 years of age engaged in
13 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.

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: CSSSHB 270 (Hess)
 Title: "Child Pornography"
 Sponsor: Repr. Liska
 Requestor: House Finance Committee

II. FISCAL DETAIL

Agency Affected: Department of Law
 Program Category Affected: Adm. of Justice
 BRU, Program of Subprogram(s) Affected: Prosecution

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		130.1	155.5	175.4	185.9	197.1
200 TRAVEL		10.1	12.8	13.6	14.4	15.3
300 CONTRACTUAL		18.0	20.7	21.9	23.2	24.6
400 COMMODITIES		10.0	5.7	6.0	6.4	6.8
500 EQUIPMENT		17.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		185.6	204.7	217.0	230.0	243.8
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND		185.6	204.7	217.0	230.0	243.8
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL-TIME		3	3	3	3	3
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not specified by sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard I. Pegues, Director
 Division: Administrative Services Division

Phone: 465-3672
 Date: April 12, 1983

Approved by Commissioner: Norman C. Gorsuch, Attorney General
 Department: Department of Law

Date: April 12, 1983

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

HB 270
Fiscal Note
Analysis

Section 1 of this bill adds a new subsection to the current Unlawful Exploitation of a Minor statute, making it a class B felony for a parent or guardian to knowingly allow his child to participate in sexual activities which will be used to produce a pornographic film, TV show, photograph, etc. Since in most cases a parent who would knowingly allow his child to engage in such activity would also be involved in "inducing or employing" the child to perform these acts (conduct which is already covered under existing law), it is expected that there would be only a few additional prosecutions under this portion of the bill. These few new cases could probably be handled by the present prosecution staff.

Section 2 of the bill makes it a class C felony for a person to knowingly sell or distribute pornographic material which visually depicts children engaged in sexual behavior. The bill could result in a large number of additional criminal prosecutions, as the sale or distribution of pornographic material of any sort is not now a criminal offense in this state. It is anticipated that enforcement of the new law would require the addition of two new prosecutors and one new secretary statewide. This estimate is based on the number of establishments in this state which are known to sell pornographic material, the complexity of legal issues that are involved in these types of cases, and the knowledge that convictions under similar statutes in other states are almost always appealed on constitutional grounds to the highest appellate court in the state, and frequently to the United States Supreme Court.

The committee substitute increases the age of unlawful exploitation of a minor from 16 years of age to 18 years of age. This change will increase the potential number of prosecutions, however, such prosecutions become more difficult due to the problem of establishing the chronological age of young people who are undergoing rapid physical development, which can vary substantially by individual. Consequently, no changes to our fiscal note dated March 29, 1983, will occur.

Fiscal Analysis - SSHB 270

The impact of HB 270 is expected to result in the addition of two Attorney IV positions (SR 24) and one Legal Secretary position (SR 10).

The first year of this analysis will cover 10 months of FY 84, allowing 2 months for these three positions to be established. The costs beyond FY 84 have been projected on a 12 month basis and include a 6% annual inflation factor.

1st Year (10 months)

	<u>AIV(PFT)</u>	<u>AIV(PFT)</u>	<u>L/SI(PFT)</u>	<u>TOTAL</u>
Personal Services	53.7	53.7	23.4	130.1
Travel	5.0	5.0	-0-	10.0
Contractual	8.0	8.0	2.0	18.0
Commodities - ongoing	1.5	1.5	1.5	4.5
Commod. - single time	2.0	2.0	1.5	5.5
Equipment - single time	1.5	1.5	14.5	17.5
				<hr/>
				185.6

2nd Year (12 months + 6% annual inflation)

Personal Services	68.3	68.3	28.9	165.5
Travel	6.4	6.4	-0-	12.8
Contractual	9.1	9.1	2.5	20.7
Commodities	1.9	1.9	1.9	5.7
				<hr/>
				204.7

1.	POSITION TITLE Attorney IV			RANGE/STEP 24A	DARG. UNIT X	FORM 12 PAGE/LINE	GOV.	APPRDV.	DISAP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 10	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 8	LEC.	
3.	CONTINUATION LEVEL			ADDITION	JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT					
	1		2		3				
	PERSONAL SERVICES								
5.	Salary	4,251/month	42,510						
6.	Benefits		6,555						
7.	Supplemental Benefits		2,240						
8.	Fixed Benefits		2,400						
9.	TOTAL PERSONAL SERVICES		01	53,705					
10.	Travel		02	5,000					
11.	Contractual		03	8,000					
12.	Commodities		04	3,500					
13.	Equipment		05	1,500					
14.	Other								
15.	TOTAL COST			71,705					
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.		General Funds 1004		71,705					
19.		I-A Receipts 1005							
20.		Program Receipts 1028							
21.		Other							
FOR B&H USE ONLY 4A KEY NUMBER _____									

To accommodate the addition of new felony statutes for the prosecution of those who knowingly sell or distribute pornographic material which visually depicts children engaged in sexual behavior, the Department of Law is requesting two new attorney positions and a new secretary position. This is one of two attorney positions which will be responsible for the enforcement of the new felony statutes statewide, including the pursuit of the many cases which will undoubtedly be appealed on constitutional grounds to the state's highest court and to the U.S. Supreme Court. These cases will involve complex legal issues which have been previously unaddressed by Alaska's criminal code.

13 REQUEST FOR
NEW POSITION

AGENCY Department of Law
PROGRAM Due Process
BRU Prosecution
COMPONENT Third Judicial District

Page _____ of _____
Revised Date _____

FY 84

1.	POSITION TITLE Attorney IV			RANGE/STEP 24A	BARG. UNIT X	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PPT	STAFF MONTHS 10	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 8	LEG.	

3.	CONTINUATION LEVEL		ADDITION	
4.	TYPE OF EXPENDITURE		AMOUNT	
	1	2	3	
	PERSONAL SERVICES			
5.	Salary	4,251/month	42,510	
6.	Benefits		6,555	
7.	Supplemental Benefits		2,240	
8.	Fixed Benefits		2,400	
9.	TOTAL PERSONAL SERVICES		01	53,705
10.	Travel		02	5,000
11.	Contractual		03	8,000
12.	Commodities		04	3,500
13.	Equipment		05	1,500
14.	Other			
15.	TOTAL COST			71,705

JUSTIFICATION

To accommodate the addition of new felony statutes for the prosecution of those who knowingly sell or distribute pornographic material which visually depicts children engaged in sexual behavior, the Department of Law is requesting two new attorney positions and a new secretary position. This is the second of two attorney positions which will be responsible for the enforcement of the new felony statutes statewide, including the pursuit of the many cases which will undoubtedly be appealed on constitutional grounds to the state's highest court and to the U.S. Supreme Court. These cases will involve complex legal issues which have been previously unaddressed by Alaska's criminal code.

	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.		General Funds 1004	71,705
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
21.		Other	

FOR B&M USE ONLY
4A KEY NUMBER _____

AGENCY Department of Law
PROGRAM Due Process
BRU Prosecution
COMPONENT Third Judicial District

FY 84

13 REQUEST FOR NEW POSITION

Page _____ of _____
Revised Date _____

1.	POSITION TITLE Legal Secretary I			RANGE/STEP 10B	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION	STAFF MONTHS 10	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 8	LEG.	
3.	CONTINUATION LEVEL			ADDITION	JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT	<p>This position is required to provide support for the two new attorney positions. This secretary will be responsible for the preparation of a large volume of court documents generated by the appeal of cases dealing with the constitutionality of Alaska's statutes on child pornography. The allocation of a single secretary to serve two full time attorneys is the minimum amount of support needed to meet the workload anticipated and is within the normal ratio of attorneys to secretaries for the Department of Law.</p>				
	1	2	3						
	PERSONAL SERVICES								
5.	Salary	1,726/month	17,260						
6.	Benefits		2,660						
7.	Supplemental Benefits		1,058						
8.	Fixed Benefits		2,400						
9.	TOTAL PERSONAL SERVICES		01	23,400					
10.	Travel		02	-0-					
11.	Contractual		03	2,000					
12.	Commodities		04	3,000					
13.	Equipment		05	14,500					
14.	Other								
15.	TOTAL COST			42,900					
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.		General Funds 1004		42,900					
19.		I-A Receipts 1005							
20.		Program Receipts 1028							
21.		Other							
FOR B&M USE ONLY									
4A KEY NUMBER _____									

AGENCY Department of Law

PROGRAM Due Process

BRU Prosecution

COMPONENT Third Judicial District

FY 84

13 REQUEST FOR
NEW POSITION

Page _____ of _____

Revised Date _____

POSITION PAPER

CS Sponsor Substitute for House Bill No. 270 (HESS)

"An Act relating to child pornography."

House Bill No. 270 raises the penalty for exploitation of a minor from a Class C felony to a Class B felony in AS 11.41.455. House Bill No. 270 also adds a new section, Sec. 11.61.125, to Alaska State Statutes which makes distribution of child pornography a Class C felony. The Department estimates that one additional medium security bed will be necessary to house offenders convicted of unlawful exploitation of a minor and/or distribution of child pornography.

Recommended by: Roger V. Endell
for Roger V. Endell, Director
Division of Adult Corrections

Date: April 1, 1983

Approved by: Robert London Smith
Robert London Smith, Ph.D.
Commissioner

Date: 4/7/83

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No.: SS for H.B. #270
 Title: "An Act relating to child porno."
 Sponsor: Representative Liska
 Requestor: HESS Committee

II. FISCAL DETAIL

Agency Affected: Health & Social Services
 Program Category Affected: Justice
 BRU, Program of Subprogram(s) Affected: Adult Confinement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		2.4	5.1	5.4	5.7	6.1
400 COMMODITIES		2.5	5.3	5.6	6.0	6.3
500 EQUIPMENT						
600 LAND & STRUCTURES			-	-	-	-
700 GRANTS, CLAIMS, ETC		.2	.2	.3	.3	.4
TOTAL OPERATING		5.1	10.6	11.3	12.0	12.8
CAPITAL	-0-	146.0	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	151.1	10.6	11.3	12.0	12.8
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

The source of funds to offset the fiscal impact of this bill has not been identified by the sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Roger C. Lange Phone: 465-3376
 Division: Adult Corrections Date: March 31, 1983
 Approved by Commissioner: Robert London Smith Date: 4/7/83
 Department: Health & Social Services

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
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3/8/83

FISCAL NOTE

SS for House Bill No. 270

Page 2

IV. ANALYSIS

A. Assumptions

Based on conversations with Department of Law staff, it is assumed that there will be one additional Class B felony conviction and four Class C felony convictions per year. It is assumed all will be first time offenders. Therefore it is estimated that 50% of the Class B and 20% of the Class C felony offenders will receive terms of confinement. This will result in approximately 1.5 person years per year of jail time will be served.

It is further assumed that the distributors of child pornography will remove these materials from their visible stock and convictions for distribution of child pornography will decrease from the original estimate of four per year.

Therefore, it is estimated that one additional medium security bed will be required if this proposed legislation is enacted.

B. Program Summary

1. Positions - An average of one position is required for every 2½ beds. Since only one bed is requested in the fiscal note, no positions are identified as being needed.
2. Other expenditures
 - a. Contractual Services
Medical care and counseling services \$2400
 - b. Commodities
Food and clothing \$2500
 - c. Grants
Inmate gratuities for kitchen, janitorial or other assigned tasks \$200.

C. Impact

There will be no significant economic or local government as a result of passage of this bill.

I. REQUEST
 Bill/Resolution No.: CS HB 270 (H&SS)
 Title: Child Pornography
 Sponsor: Liska
 Requestor: _____

II. FISCAL DETAIL
 Agency Affected: H&SS
 Program Category Affected: Social Services
 BRU, Program of Subprogram(s) Affected: None

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Enactment of this Bill would have no fiscal impact on the Division of Family and Youth Services as child pornography is already included in reporting of abuse.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Michael L. Price, Director *Michael L. Price* Phone: 465-3170
 Division: Family and Youth Services Date: 3/22/83

Approved by Commissioner: Robert London Smith *Robert London Smith* Date: 4/9/83
 Department: H&SS

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
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The following individuals are expected to testify on SS HB 270:

Representative John Liska, prime sponsor

Gail Huretsky, Office of the Chief Prosecutor, Department of Law

MAR 29 1983

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: SS HB 270
Title: "Child Pornography"
Sponsor: Liska
Requestor: House HESS

II. FISCAL DETAIL

Agency Affected: Law
Program Category Affected: Admin. of Justice
BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		130.1	165.5	175.4	185.9	197.1
200 TRAVEL		10.1	12.8	13.6	14.4	15.3
300 CONTRACTUAL		18.0	20.7	21.9	23.2	24.6
400 COMMODITIES		10.0	5.7	6.0	6.4	6.8
500 EQUIPMENT		17.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		185.6	204.7	217.0	230.0	243.8

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		185.6	204.7	217.0	230.0	243.8
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		3	3	3	3	3
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not specified by sponsor

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard I. Peques Phone: 465-3672

Division: Administrative Services Date: March 29, 1983

Approved by Commissioner: Norman C. Gorsuch, Attorney General Date: March 29, 1983

Department: Department of Law

Distribution:

- Original to Legislative Finance
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- Copy to Department (for Governor introduced bills)
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Section 1 of this bill adds a new subsection to the current Unlawful Exploitation of a Minor statute, making it a class B felony for a parent or guardian to knowingly allow his child to participate in sexual activities which will be used to produce a pornographic film, TV show, photograph, etc. Since in most cases a parent who would knowingly allow his child to engage in such activity would also be involved in "inducing or employing" the child to perform these acts (conduct which is already covered under existing law), it is expected that there would be only a few additional prosecutions under this portion of the bill. These few new cases could probably be handled by the present prosecution staff.

Section 2 of the bill makes it a class C felony for a person to knowingly sell or distribute pornographic material which visually depicts children engaged in sexual behavior. The bill could result in a large number of additional criminal prosecutions, as the sale or distribution of pornographic material of any sort is not now a criminal offense in this state. It is anticipated that enforcement of the new law would require the addition of two new prosecutors and one new secretary statewide. This estimate is based on the number of establishments in this state which are known to sell pornographic material, the complexity of legal issues that are involved in these types of cases, and the knowledge that con-

victions under similar statutes in other states are almost always appealed on constitutional grounds to the highest appellate court in the state, and frequently to the United States Supreme Court.

Fiscal Analysis - SSHB 270

The impact of HB 270 is expected to result in the addition of two Attorney IV positions (SR 24) and one Legal Secretary position (SR 10).

The first year of this analysis will cover 10 months of FY 84, allowing 2 months for these three positions to be established. The costs beyond FY 84 have been projected on a 12 month basis and include a 6% annual inflation factor.

1st Year (10 months)

	<u>AIV(PFT)</u>	<u>AIV(PFT)</u>	<u>L/SI(PFT)</u>	<u>TOTAL</u>
Personal Services	53.7	53.7	23.4	130.1
Travel	5.0	5.0	-0-	10.0
Contractual	8.0	8.0	2.0	18.0
Commodities - ongoing	1.5	1.5	1.5	4.5
Commod. - single time	2.0	2.0	1.5	5.5
Equipment - single time	1.5	1.5	14.5	17.5
				<hr/>
				185.6

2nd Year (12 months + 6% annual inflation)

Personal Services	68.3	68.3	28.9	165.5
Travel	6.4	6.4	-0-	12.8
Contractual	9.1	9.1	2.5	20.7
Commodities	1.9	1.9	1.9	5.7
				<hr/>
				204.7

1.	POSITION TITLE Attorney IV				RANGE/STEP 24A	BARG. UNIT X	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 10	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 8	LEC.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT	<p>To accommodate the addition of new felony statutes for the prosecution of those who knowingly sell or distribute pornographic material which visually depicts children engaged in sexual behavior, the Department of Law is requesting two new attorney positions and a new secretary position. This is the second of two attorney positions which will be responsible for the enforcement of the new felony statutes statewide, including the pursuit of the many cases which will undoubtedly be appealed on constitutional grounds to the state's highest court and to the U.S. Supreme Court. These cases will involve complex legal issues which have been previously unaddressed by Alaska's criminal code.</p>					
	1	2	3							
	PERSONAL SERVICES									
5.	Salary	4,251/month	42,510							
6.	Benefits		6,555							
7.	Supplemental Benefits		2,240							
8.	Fixed Benefits		2,400							
9.	TOTAL PERSONAL SERVICES		01	53,705						
10.	Travel		02	5,000						
11.	Contractual		03	8,000						
12.	Commodities		04	3,500						
13.	Equipment		05	1,500						
14.	Other									
15.	TOTAL COST			71,705						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts	1002							
17.		G.F. Match	1003							
18.		General Funds	1004	71,705						
19.		I-A Receipts	1005							
20.		Program Receipts	1028							
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER _____										

13 REQUEST FOR
NEW POSITION

AGENCY Department of Law
PROGRAM Due Process
BRU Prosecution
COMPONENT Third Judicial District

FY 84

Page of

Revised Date

1.	POSITION TITLE Legal Secretary I			RANGE/STEP 10B	BARG. UNIT GCU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAP.
2.	TYPE OF POSITION	STAFF MONTHS 10	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 8	LEG.	
3.	CONTINUATION LEVEL	ADDITION	JUSTIFICATION						
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
	PERSONAL SERVICES								
5.	Salary	1,726/month	17,260						
6.	Benefits		2,660						
7.	Supplemental Benefits		1,058						
8.	Fixed Benefits		2,400						
9.	TOTAL PERSONAL SERVICES		01	23,400					
10.	Travel		02	-0-					
11.	Contractual		03	2,000					
12.	Commodities		04	3,000					
13.	Equipment		05	14,500					
14.	Other								
15.	TOTAL COST			42,900					
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.		General Funds 1004		42,900					
19.		I-A Receipts 1005							
20.		Program Receipts 1028							
21.		Other							
FOR B&M USE ONLY 4A KEY NUMBER _____									

This position is required to provide support for the two new attorney positions. This secretary will be responsible for the preparation of a large volume of court documents generated by the appeal of cases dealing with the constitutionality of Alaska's statutes on child pornography. The allocation of a single secretary to serve two full time attorneys is the minimum amount of support needed to meet the workload anticipated and is within the normal ratio of attorneys to secretaries for the Department of Law.

AGENCY Department of Law

PROGRAM Due Process

BRU Prosecution

COMPONENT Third Judicial District

FY 84

13 REQUEST FOR
NEW POSITION

Page _____ of _____

Revised Date _____

POSITION PAPER

CS Sponsor Substitute for House Bill No. 270 (HESS)

"An Act relating to child pornography."

House Bill No. 270 raises the penalty for exploitation of a minor from a Class C felony to a Class B felony in AS 11.41.455. House Bill No. 270 also adds a new section, Sec. 11.61.125, to Alaska State Statutes which makes distribution of child pornography a Class C felony. The Department estimates that one additional medium security bed will be necessary to house offenders convicted of unlawful exploitation of a minor and/or distribution of child pornography.

Recommended by: Roger C. Lange
for Roger V. Endell, Director
Division of Adult Corrections

Date: April 1, 1983

Approved by: Robert London Smith
Robert London Smith, Ph.D.
Commissioner

Date: 4/7/83

POSITION PAPER

CS for SS for House Bill No. 270

"An Act relating to child pornography."

CS for SS for House Bill No. 270 raises the penalty for exploitation of a minor from a Class C felony to a Class B felony in AS 11.41.455. House Bill No. 270 also adds a new section, Sec. 11.61.125, to Alaska State Statutes which makes distribution of child pornography a Class C felony. The Department estimates that one additional medium security bed will be necessary to house offenders convicted of unlawful exploitation of a minor and/or distribution of child pornography.

Recommended by:

for Roger V. Endell

Roger V. Endell, Director
Division of Adult Corrections

Date:

4-12-83

Approved by:

Robert London Smith

Robert London Smith, Ph.D.
Commissioner

Date:

4/14/83

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No. CS for SS H.B. #270
Title: "An Act relating to child porno."
Sponsor: HESS Committee
Requestor: Judiciary Committee

II. FISCAL DETAIL

Agency Affected: Health & Social Services
Program Category Affected: Justice
BRU, Program of Subprogram(s) Affected: Adult Confinement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		2.4	5.1	5.4	5.7	6.1
400 COMMODITIES		2.5	5.3	5.6	6.0	6.3
500 EQUIPMENT						
600 LAND & STRUCTURES			-	-	-	-
700 GRANTS, CLAIMS, ETC		.2	.2	.3	.3	.4
TOTAL OPERATING		5.1	10.6	11.3	12.0	12.8
CAPITAL	-0-	146.0	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND	-0-	151.1	10.6	11.3	12.0	12.8
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

The source of funds to offset the fiscal impact of this bill has not been identified by the sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Roger C. Lange
Division: Adult Corrections

Phone: 465-3376

Date: April 11, 1983

Approved by Commissioner: Robert London Smith, M.D.
Department: Health & Social Services

Date: 4/14/83

Distribution:

Original to Legislative Finance
Copy to Office of Management and Budget (for Legislature introduced bills)
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3/8/83

FISCAL NOTE

CS for SS for House Bill No. 270

Page 2

IV. ANALYSIS

A. Assumptions

Based on conversations with Department of Law staff, it is assumed that there will be one additional Class B felony conviction and four Class C felony convictions per year. It is assumed all will be first time offenders. Therefore it is estimated that 50% of the Class B and 20% of the Class C felony offenders will receive terms of confinement. This will result in approximately 1.5 person years per year of jail time will be served.

It is further assumed that the distributors of child pornography will remove these materials from their visible stock and convictions for distribution of child pornography will decrease from the original estimate of four per year.

Therefore, it is estimated that one additional medium security bed will be required if this proposed legislation is enacted.

B. Program Summary

1. Positions - An average of one position is required for every 2½ beds. Since only one bed is requested in the fiscal note, no positions are identified as being needed.
2. Other expenditures
 - a. Contractual Services
Medical care and counseling services \$2400
 - b. Commodities
Food and clothing \$2500
 - c. Grants
Inmate gratuities for kitchen, janitorial or other assigned tasks \$200.

C. Impact

There will be no significant economic or local government as a result of passage of this bill.

POSITION PAPER

CS Sponsor Substitute for House Bill No. 270 (HESS)

"An Act relating to child pornography."

House Bill No. 270 raises the penalty for exploitation of a minor from a Class C felony to a Class B felony in AS 11.41.455. House Bill No. 270 also adds a new section, Sec. 11.61.125, to Alaska State Statutes which makes distribution of child pornography a Class C felony. The Department estimates that one additional medium security bed will be necessary to house offenders convicted of unlawful exploitation of a minor and/or distribution of child pornography.

Recommended by: *Roger C. Lange*
for Roger V. Endell, Director
Division of Adult Corrections

Date: *April 1, 1983*

Approved by: *Robert London Smith*
Robert London Smith, Ph.D.
Commissioner

Date: *4/7/83*

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

CS
Bill/Resolution No.: SS for H.B. #270
Title: "An Act relating to child porno."
Sponsor: Representative Liska
Requestor: HESS Committee

II. FISCAL DETAIL

Agency Affected: Health & Social Services
Program Category Affected: Justice
BRU, Program of Subprogram(s) Affected:
Adult Confinement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		2.4	5.1	5.4	5.7	6.1
400 COMMODITIES		2.5	5.3	5.6	6.0	6.3
500 EQUIPMENT						
600 LAND & STRUCTURES			-	-	-	-
700 GRANTS, CLAIMS, ETC		.2	.2	.3	.3	.4
TOTAL OPERATING		5.1	10.6	11.3	12.0	12.8
CAPITAL	-0-	146.0	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	151.1	10.6	11.3	12.0	12.8
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

The source of funds to offset the fiscal impact of this bill has not been identified by the sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Roger C. Lange *Roger C. Lange* Phone: 465-3376
Division: Adult Corrections Date: March 31, 1983
Approved by Commissioner: *Robert London Smith* Date: 4/7/83
Department: Health & Social Services

Distribution:

Original to Legislative Finance
Copy to Office of Management and Budget (for Legislature introduced bills)
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3/8/83

IV. ANALYSIS

A. Assumptions

Based on conversations with Department of Law staff, it is assumed that there will be one additional Class B felony conviction and four Class C felony convictions per year. It is assumed all will be first time offenders. Therefore it is estimated that 50% of the Class B and 20% of the Class C felony offenders will receive terms of confinement. This will result in approximately 1.5 person years per year of jail time will be served.

It is further assumed that the distributors of child pornography will remove these materials from their visible stock and convictions for distribution of child pornography will decrease from the original estimate of four per year.

Therefore, it is estimated that one additional medium security bed will be required if this proposed legislation is enacted.

B. Program Summary

1. Positions - An average of one position is required for every 2½ beds. Since only one bed is requested in the fiscal note, no positions are identified as being needed.
2. Other expenditures
 - a. Contractual Services
Medical care and counseling services \$2400
 - b. Commodities
Food and clothing \$2500
 - c. Grants
Inmate gratuities for kitchen, janitorial or other assigned tasks \$200.

C. Impact

There will be no significant economic or local government as a result of passage of this bill.

I. REQUEST

Bill/Resolution No.: CS HB 270 (H&SS)
 Title: Child Pornography
 Sponsor: Liska
 Requestor: _____

II. FISCAL DETAIL

Agency Affected: H&SS
 Program Category Affected: Social Service
 BRU, Program of Subprogram(s) Affected: None

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Enactment of this Bill would have no fiscal impact on the Division of Family and Youth Services as child pornography is already included in reporting of abuse.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Michael L. Price, Director *Michael L. Price* Phone: 465-3170
 Division: Family and Youth Services Date: 3/22/83
 Approved by Commissioner: Robert London Smith *Robert London Smith* Date: 4/7/83
 Department: H & SS

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
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- THE MARKETING AND SALE OF CHILDREN IN ANCHORAGE -

Nationally, organized crime has discovered children and youth to be a highly marketable commodity. Anchorage hardcore adult criminals have also found juveniles to be saleable for a variety of criminal activities and sexual abuses limited only by the imagination and resources of the criminals minds involved.

According to law enforcement sources, statistics on local organized crime involving children and youth are just beginning to surface. Interviews with officers representing all levels of law enforcement indicate that recent breaking cases of drugs and sex rings involving youth are, to quote one officer, "just the tip of the iceberg." Further, officers interviewed stated that they believed criminal organizations involving juveniles exist to even a greater degree in our city than on the national level.

They stated that contributing factors to Alaska's problem with the growth of crimes involving use of the young are believed to be caused by the attraction of criminal organizations to the wealth of Alaska. Heavy drug and alcohol abuse, a young, highly mobile population and heavily impacted law enforcement and court systems also contribute to the problem.

There was also a strong indication that geographic location and international access could tie organizational trafficking in juveniles to criminal organizations involved in international operations.

The following information is a synopsis of the mechanics of organized crime operations involving juveniles according to Alaska law enforcement officers.

about their activities. The Senate Committee Report suggested the following characteristics as typical of a sexually exploited boy:

- Between the ages of 8 and 17
- An under achiever in school or at home
- Usually without previous homosexual experience
- Came from a home where the parents were absent either physically or psychologically
- Had no strong moral or religious obligations
- Usually had no record of previous delinquency
- Suffered from poor sociological development²²

Often the parents are unaware of what their children are doing, but there have been cases where parents have sold their own children for sexual purposes.

The effects of sexual exploitation on children are devastating. Many children suffer physical harm as a result of the premature and inappropriate sexual demands placed on them. Perhaps more serious is the disruption of emotional development. Although the psychological problems experienced by children who are sexually exploited have not been extensively studied, there is ample evidence that such involvement is harmful. One recent study suggests that children who are used to produce pornography suffer harmful effects similar to those experienced by incest victims.²³ Such effects may include depression, guilt and psychologically induced somatic disorders.²⁴ Often, these children grow up to lead a life of drugs and prostitution.²⁵ More tragically, children who are sexually abused are more likely to abuse their own children.²⁶

The Need for Effective Child Sexual Exploitation Laws

In the past four years, Congress and the state legislatures have played a crucial role in the fight against the rapidly growing problem of child pornography and child prostitution. Prior to 1977 there were few laws, either federal or state, addressing the sexual exploitation of children. Today, virtually all states and the federal government have enacted laws which specifically deal with the problem.²⁷

The flurry of legislative activity resulted from a belief that the existing laws used to prosecute child exploiters did not adequately protect children from these activities. On the federal level, the general obscenity statutes prohibited the mailing,²⁸ importation²⁹ and interstate transportation³⁰ of obscene materials. While these statutes cover all forms of legally "obscene" pornography, they do not differentiate between material depicting adults and material depicting children. Furthermore, they do not specifically prohibit the production of child pornography. Also, it was generally the practice of the federal authorities to investigate only large manufacturers and distributors. Combined with the fact that much of the business of child pornography was conducted through interstate commerce and the mails, Congress determined that specific legislation was needed.³¹

Several types of state statutes have indirectly addressed child sexual exploitation prior to enactment of the new legislation. These include: 1) sex offense statutes; 2) child abuse laws; 3) contributing to the delinquency of a minor laws; 4) child labor laws; and 5) obscenity statutes. However, even though these laws address the problem in one form or another many state legislators found them to be inadequate for reasons discussed below.

The past five years have seen increased public and professional concern about an insidious form of child abuse - the exploitation of children for sexual stimulation and commercial gain. Media attention to the problem by the Chicago Tribune¹ and Time Magazine² and the CBS television program "60 Minutes,"³ among others, have produced graphic and alarming reports about a situation too disturbing to fully comprehend. Additionally, Congressional hearings on the subject, culminating in new federal legislation, have given the problem national attention.⁴

Children are being sexually exploited throughout the country in a variety of ways. Most commonly, they are used as prostitutes or models for the production of pornographic photographs and films. This is distinguishable from another serious and related problem - sexual abuse of children by parents and guardians. Sexual exploitation usually involves a commercial element: children selling themselves or being sold as prostitutes or models. Sexual abuse, on the other hand, is generally perpetrated by an adult the child knows, most often by a parent, guardian or a person with authority over the child, and generally has no commercial element. While the two problems are interrelated (i.e., parents who sexually abuse their children may also exploit them commercially), this monograph will be concerned only with sexual exploitation.⁵

Child pornography, also known as "kiddie porn," is generally defined as films, photographs, magazines, books and motion pictures which depict children in sexually explicit acts, both heterosexual and homosexual.⁶ Production, distribution and sale of child pornography is a secretive business, making a determination of its full extent extremely difficult. Estimates of the number of children involved range from the thousands to the hundreds of thousands.⁷ The statistics cannot be accurately verified and the facts and figures vary, but one thing is clear: a significant number of children are being sexually exploited throughout the country.

The availability of child pornography is a good indicator of its nature and scope. A relatively obscure and unusual product as late as the 1960's, child pornography has become increasingly popular. In 1977, there were at least 260 different monthly magazines published in the United States with such names as "Torrid Tots," "Night Boys," "Lolita," "Boys Who Love Boys," and "Children Love."⁸

Congress has concluded that child pornography and child prostitution have become highly organized industries that operate on a nationwide scale.⁹ It has been estimated that these enterprises may gross a half-billion to a billion dollars a year.¹⁰ To date, police have uncovered production centers in Los Angeles, New York, Chicago and several other large cities.¹¹ But production is by no means limited to these areas. Police have also discovered child pornography and prostitution operations in suburban and rural communities.¹² Moreover, since such photographs or films can be taken in private homes, discovery of their production is very difficult.

Child pornography is a lucrative business; the costs of sexually exploiting children are minimal and the profits enormous. A magazine that retails for \$7.50 to \$12.50 per copy can be produced for as little as 35 to 50 cents. Similarly, a cheap home movie camera can be used to produce films that sell thousands of copies for \$75 to \$200 each.¹³ These prices are considerably higher than for similar materials featuring adult pornography.

Child Pornography and Child Prostitution

Several authorities have found a close relationship between child pornography and child prostitution.¹⁴ Frequently, a person hiring a child prostitute will also film their activities. These films are then reproduced and sold to distributors.

There have also been cases where child pornography and prostitution operations have been organized into "sex rings."¹⁵ For example, a Tennessee minister who operated a home for wayward boys encouraged the boys to engage in orgies. He then filmed them with hidden cameras and sold the films. Also, he arranged for "sponsors" to come to the home and have sex with the boys.¹⁶

However, child pornography is generally a "cottage industry," with production occurring surreptitiously in private homes and motel rooms. Consequently, combatting the problem and protecting the children can be very difficult.

Profile of People Who Sexually Exploit Children

The rapid growth of child pornography reveals a demand for the material by people who are stimulated by sexual activity with children. They are known as "pedophiles" - people who are predisposed to sexually use children or who turn to them as a result of conflicts or problems in their adult relationships. Some have organized and become vocal about what they believe is their right to sexual fulfillment. For example, the Rene Guyon Society in California purports to have 5,000 members who claim to have each deflowered a child under eight. Their motto: "sex by eight or it is too late."¹⁷ In May, 1977, the first meeting of the International Pedophilic Information Exchange was held in Wales.¹⁸ It advocates a change in the laws to permit sex between adults and "consenting" children, although such permission is a legal impossibility since children are not capable of consenting.

The pedophile's sexual access to children is gained by either pressuring the child into sexual activity through enticement, encouragement, or instruction, or by forcing such activity through threat, intimidation, or physical duress.

The research of Dr. Nicholas Groth, Ann Wolbert Burgess, and their colleagues forms an essential basis for understanding the phenomenon of pedophilia.¹⁹ Reports on their observations and clinical experiences have helped separate myths from realities concerning those adults who sexually victimize children.²⁰ They have found that pedophiles are not "dirty old men" but are rather at the younger end of the age spectrum. Many may commit their first pedophilic offense while in their teens. Generally, they are neither retarded nor psychotic.

Child pornographers have little difficulty recruiting youngsters. Typically, the victims are runaways who come to the city with little or no money. A recent U.S. Senate Committee report estimates that between 700,000 to one million children run away from home each year.²¹ Adult exploiters pick them up at bus stations, hamburger stands and street corners and offer them money, gifts or drugs for sexual favors.

However, not all exploited children are runaways. Many seem to live normal lives with their families. Frequently, they are children who have been abused at home or come from broken homes or live with parents who simply don't care

MISSING: 100,000 Children a Year

The figures are estimates. But the few known facts are appalling: thousands are murdered annually, the number of missing children is rising and *no one* is keeping an accurate count

Condensed from KIWANIS MAGAZINE
GARY TURBAK

ABOUT 8:30 A.M. on January 7, 1980, Katheleen Mancil drove her daughter Marian Batson to school in Inverness, Fla. "See you tonight," Katheleen called

about 25 miles from the school. She had joined the swelling ranks of children simply labeled MISSING.

Sheila and Katherine Lyon, ages 13 and 11, journeyed to a suburban



1. Jason Manuel Tomassi, W. Va., Missing: 10/6/79 Age: 1; 2. David Marcus Tomassi, W. Va., Missing: 10/6/79 Age: 2; 3. Rene Dawn Wild, Pa., Missing: 8/3/78 Age: 8; 4. Matthew Lawrence Lopez, Colo., Missing: 3/17/81 Age: 6; 5. Adrian Van Tilson, R.I., Missing: 3/27/81 Age: 7;

as the petite, blue-eyed 16-year-old stepped from the car.

But she did not see Marian that night. Or the next. Or the next.

No one remembers seeing Marian after she left her mother's car. The day after her disappearance, her purse was found in a trash can

shopping center on March 25, 1975, and were never seen again. In early October 1980, two-year-old Brandy Barlow vanished from her front yard. The list goes on.

Probably the most publicized missing-child case of late has been that of six-year-old Etan Patz. On

May 25, 1979, Etan walked alone for the first time to his Manhattan school-bus stop and has not been seen since. Methodical searches with bloodhounds, helicopters, psychics, and phalanxes of police have failed to turn up any clues.

These are not isolated cases. Everyone close to the missing-child problem agrees that it is a large one—and growing. Statistics, however, are tough to come by. Boundaries between runaways, parental kidnap victims and children stolen by strangers tend to blur.

The best estimates are that about a million American youngsters leave home each year, with 90 percent returning in two weeks. Approximately 100,000 children are thus unaccounted for. Add another

Yet no single U.S. agency concerns itself exclusively with missing children on a national scale. Automobiles, handguns and silverware can be registered, traced and recovered more easily than children. "Our priorities are mixed up," says Ken Wooden, director of the National Coalition for Children's Justice. "If someone steals a car, he can be traced and caught because we have a computer system for tracing stolen cars. But children apparently aren't that important to us."

Each missing-child case has its own poignant drama and irony. In July 1976, 12-year-old Dee Scofield disappeared while running an errand at a Florida shopping center. Two days later, a classmate reportedly saw Dee looking out a van



6. Tamara Farrow Buck, Minn., Missing: 2/4/81 Age: 5; 7. Jamie Marie Dake, Mo., Missing: 2/22/81 Age: 5; 8. Ryan Nicole Burton, Texas, Missing: 9/6/81 Age: 3; 9. Kristie Michelle Morris, Ala., Missing: 5/15/81 Age: 5; 10. Rebecca Ruti, Chippis, N.J., Missing: 9/11/78 Age: 4;

25,000 to 100,000 stolen by divorced or separated parents, and the total becomes significant. "Kids who just disappear present a big problem that people had better start opening their eyes to," says Det. Sgt. Dick Ruffino of the Bergen County, New Jersey, Sheriff's Office.

window, desperately forming the word "help" over and over with her lips. Dee Scofield has never been found.

On October 18, 1981, Jimmy Rogers, 14, left his Hanson, Mass., home for a friend's house. He may have hitched a ride. He has not

been seen or heard from since.

"Child snatching, kidnapping and the ugly things that happen to these kids are so horrendous that people refuse to deal with them," explains Stan Patz, father of missing Etan. "Trying to handle cases like ours on a local level is a tremendous impediment. We need a centralized, national clearinghouse with information about which children are missing and how they can be identified."

But most cases fall to local police, against whom some parents of missing children raise a litany of complaints. Because so many children do run away from home, police label most missing kids runaways. And unless the child is very young or evidence of foul play exists, police

course, occurs when the child is not a runaway and could possibly have been helped if immediate action had been taken.

On the morning after Christmas, 1974, 13-year-old Janna Hanson went to a friend's house. A short time later, Doreen Hanson drove by to pick up her daughter; Janna wasn't there. Doreen immediately went to the police, but they wouldn't search for 24 hours.

When police did finally begin an investigation, it was too late. Janna's body was found after several months, and evidence indicated she had been murdered on December 26.

Parents also complain bitterly about the FBI's refusal to help find missing children. The FBI becomes involved in a missing-child case



11. Shannon E. Zelber, N.Y., Missing: 1/11/82 Age: 11; 12. Michelle Lee Oglesby, Calif., Missing: 10/22/81 Age: 10; 13. Tamela Lynn Hall, W.Va., Missing: 11/12/80 Age: 9; 14. Taj Narbonne, Mass., Missing: 3/31/81 Age: 9; 15. Etan Patz, N.Y., Missing: 5/25/79 Age: 6;

commonly will not act on a missing-child report for 24 hours. The reason: sheer work volume. A surfeit of violent crimes—most with injured victims and plenty of evidence—takes priority over the "maybe" crime of a missing youngster.

The heart-rending tragedy, of

only when there's proof of a kidnapping—such as a ransom note—or evidence that the child was taken across state lines.

"The first-time disappearance of a minor should be prima facie evidence that a kidnapping has taken place," says John Clinkscales, whose

son Kyle disappeared six years ago. "The FBI could then become immediately involved, and there might be a chance of finding some of these children. We need help."

And answers. Parents always ask the inevitable: *Why? Why would someone steal a child? Why my child?* There are many answers, yet no answers.

A million couples a year divorce in the United States, and many of these cases result in child snatchings. For love, hate, spite or revenge, one parent steals a child from the other.

In December 1974, Gloria Yerkovich said good-by to her four-year-old Joanna as the girl left to spend the weekend with her father. She didn't want to go, but

school, grow up and lead a more or less normal life.

When a stranger steals a child, anything can happen. Parents of missing children hope that their child will end up in a loving, caring family, perhaps through black-market adoption. The cruel truth is that a missing child stands a fair chance of being murdered. Each year an estimated 2500 children in the United States disappear and later are found murdered.

While the abduction and murder of a child is a senseless, psychotic act, many children are used for much more calculated reasons. Says Ken Wooden, "Kids are constantly being sought for the lucrative child-prostitution business. Most police departments and public officials



16. Sabrina Raynell Drake, Okla., Missing: 8/15/80 Age: 6; 17. Tommy (Landau) Perlstein, N.Y., Missing: 12/26/81 Age: 9; 18. Marian Wavie Batson, Fla., Missing: 1/7/80 Age: 16; 19. James W. Rogers, Mass., Missing: 10/18/81 Age: 14.

a court order had said she must.

Joanna never returned. The separation that was to last a weekend has stretched to 7½ years.

Despicable as parental kidnapping is, these children may be more fortunate than others. At least there's a chance they will go to

aren't doing anything about it."

If fear about what may be happening to a missing child is the parents' primary emotion, frustration is the second. Of-

ten, little more is done once local police exhaust all leads. Teleprinted missing-child reports from one city do not carry a high priority in another. Verbal descriptions alone are often useless.

Out of desperation, parents turn to posting fliers and driving by

parks and other areas frequented by children. "It's a totally helpless feeling," says Stan Patz. "There's just nothing more we can do."

In the past few years, however, various groups have been formed—usually by parents or relatives of missing children—to advise and comfort distraught parents. One such organization is Child Find, Inc., Box 277, New Paltz, N.Y. 12561. It maintains a toll-free number (800-431-5005) to be used by children searching for their parents or parents trying to identify missing children. Another organization is SEARCH, which publishes *The National Runaway/Missing Persons Report*, a magazine containing photos, descriptions and personal data that can help identify the missing. The report is distributed about every three months to 22,000 agencies and individuals in law enforcement, security, medicine and social service. SEARCH's address is 560 Sylvan Ave., Englewood Cliffs, N. J. 07632. (All correspondence should include a stamped, self-addressed envelope.) Phone: 201-567-4040.

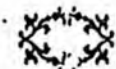
But such efforts are not likely to solve the problem overnight. At present, hope is a parent's most sustaining weapon.

For some families, that hope does not cease even after a child's body is found. Says Doreen Hanson: "After our daughter's remains were discovered, we still kept searching, at least in our minds. For weeks after, I would see a girl on the street who resembled my daughter and I would hope in my heart that it was Janna.

"No one on the outside can understand the trauma taking place in a family that has a child missing. The frustration, the not knowing, the agony are beyond explanation."

If you have information regarding children Nos. 1-17, contact Child Find, Inc. (800-431-5005); No. 18, contact Dee Scofield Awareness Program, Inc. (813-839-5025 or 813-681-4357); No. 19, Hanson, Mass., Police Dept. (617-294-8081).

✦ For information on reprints of this article, see page 199 ✦



The following organizations are also interested in the missing-child problem:

Find Me Inc., P.O. Box 1612, LaGrange, Ga. 30241; National Coalition for Children's Justice, 1214 Evergreen Rd., Yardley, Pa. 19067; Dee Scofield Awareness Program, Inc., 4418 Bay Court Ave., Tampa, Fla. 33611; Family and Friends of Missing Persons and Violent Crime Victims, P.O. Box 21444, Seattle, Wash. 98111

Locally-sold porn publication leads FBI to missing juvenile

by Jeff Berlner
Times Writer

A homosexual magazine for sale in Anchorage has led to the discovery that a juvenile depicted in the publication is a boy missing from his Costa Mesa, Calif., home for nearly four years.

The youth, James Wilfrid Trotter, now 17, was featured in a November 1982 Reader's Digest article on missing children. His whereabouts had been unknown since April 19, 1979.

Information uncovered by Anchorage police led to Trotter's discovery in San Francisco where he was allegedly working for a company employing underage youths in pornography.

Although an Anchorage ordinance prohibits the sale of pornography featuring minors, police chief Brian Porter said, "We defer to higher police authority: we turned everything over to the FBI."

Anchorage FBI agent John Darst acknowledged that he has the case but said he has not begun an investigation.

The FBI's inaction has angered U.S. Senate investigator Jay Howell who said he has complained to FBI headquarters in Washington D.C. Howell, under the direction of Sen. Paula Hawkins, R-Fla., has been working on the national problem of missing and exploited children.

"Our concern is that cases should be investigated," Howell said, "then what you need is enforcement."

Anyone involved in production, interstate distribution or sale of sexually explicit material employing juveniles is guilty of a felony under federal laws governing the sexual exploitation of children.

This would include the Anchorage booksellers. The Anchorage adult book store owner denied he sold material depicting juveniles.

Trotter was 15 in some of the magazines for sale in Anchorage adult bookstores, according to a private investigator who — using information from the Anchorage police — found Trotter in San Francisco and verified that he was the "missing" youth featured in Reader's Digest four months ago.

Virginia private investigator Robert Levesque, who specializes in finding missing children, confirmed that he found Trotter and spoke with him.

Levesque gave this account of Trotter's life since his disappearance:

Running away just before his 15th birthday, Jamie, as he is called, made his way to Los Angeles where — after three months on the street — "he was kidnaped by a well-known pimp."

From that point on, Jamie supported himself by selling his body. He has appeared in

films, in 35 pornographic magazines and has worked for a studio which Levesque said specializes in pornography depicting underage youths.

"Jamie is considered a hustler and open for hire," the investigator said.

An unrelated investigation by Anchorage police investigator Frank Feichtinger, who works on child sexual abuse cases, turned up the evidence leading to Jamie's discovery, Chief Porter said.

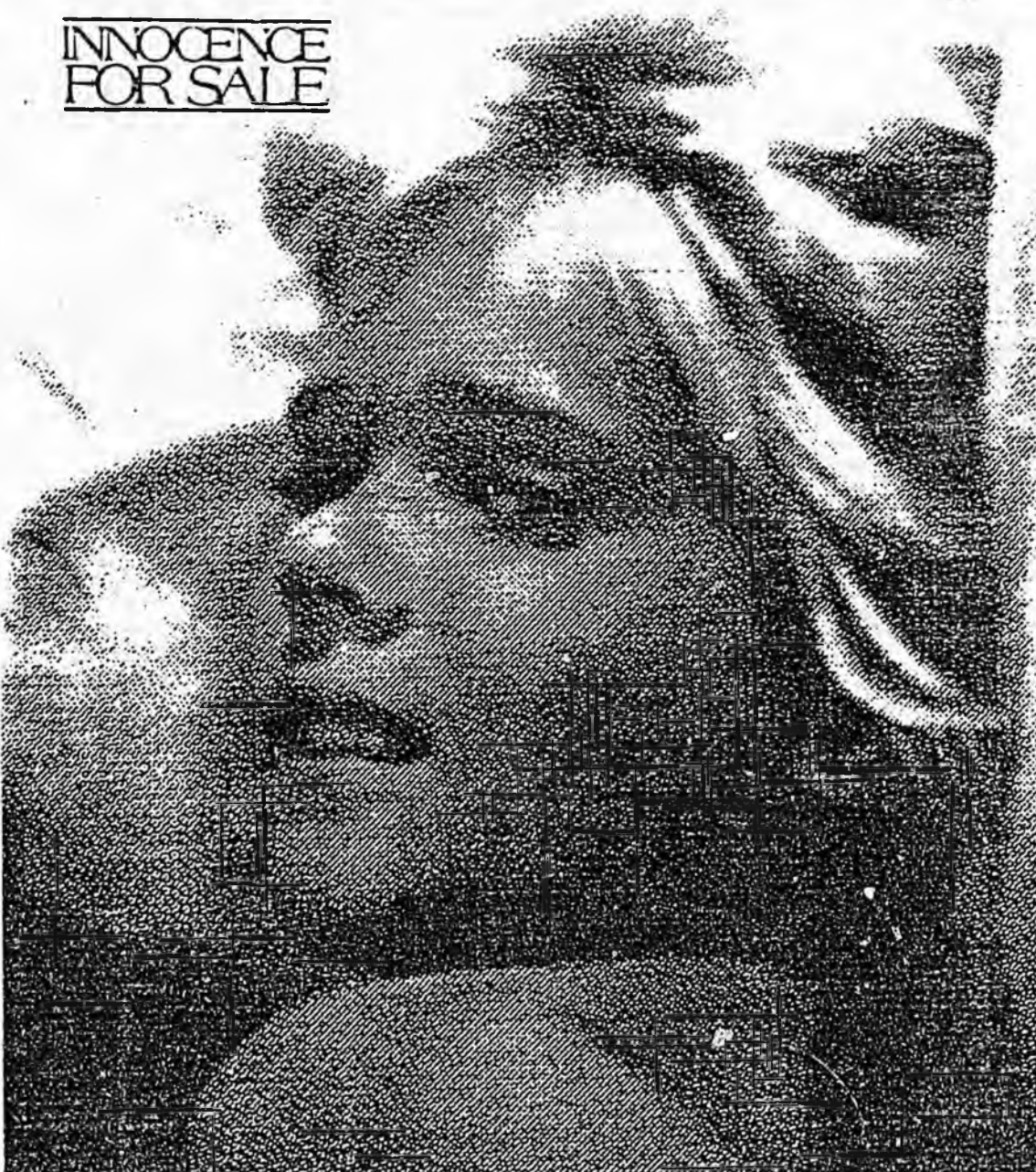
"The publications are probably illegal," Porter said of the magazines sold in Anchorage featuring Jamie.

To determine whether they really do violate laws against child pornography, Jamie's age must be determined, Porter said. But since more serious federal laws govern child pornography, the chief said Anchorage police did not act to enforce the municipality's misdemeanor law against selling child pornography, but rather turned all its material over to the FBI to use as evidence.

"It's a zero case," said FBI agent Darst. "It's so nebulous that we don't know what we've got. We don't know how old he is in the magazines. Our San Francisco office will investigate it and present it to the U.S. attorney there to decide."

Darst said he has not given the material to the San Francisco FBI yet.

INNOCENCE
FOR SALE



Who are these children? The Indianapolis, Indiana, Police Department has asked the Journal to publish the pictures of these youngsters, all victims of child pornography.



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he first time Sunny appeared in a pornographic magazine, she was about 6, a tow-headed youngster with a toothless grin and wide, innocent blue eyes. Detectives in the Indianapolis Police Department's child porn unit nicknamed her "Sunny," because she was such an obvious contrast to the other children whose pictures crossed their desks. Sgt. Tom Rodgers, head of the unit, remembers, "This kid's smile was real."

Her strikingly childlike expression in an unchildlike pose alerted police that this little girl's victimization had probably just begun. If she were lucky, she'd be identified before the assault on her young mind and body twisted her grin—and her life.

But Sunny wasn't found. In the next few years, she appeared in more pornographic magazines and films, and her smile changed to a half-smirk, a look that might have been a comic parody of seduction were it not worn by a youngster photographed in a sexual encounter with an adult male. By the time she was about 14 and beginning to develop into a young woman, she was the filmed object of increasingly savage sado-masochism.

Police officers report they haven't come across any pictures of Sunny in more than a year. That's not surprising since she's reached the age when models are routinely discarded for younger children. If her life parallels statistics, Sunny, not yet 16, is (continued on page 127)

The names of the child victims and their families have been changed to protect their privacy.



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continued from page 81

walking the streets as a prostitute.

Julie Rich was a chatty 3-year-old with an expanding vocabulary. Her latest acquisition was "butt," a word that puzzled Julie's mother since it wasn't one she or her husband were likely to use. Then one day, while talking about James Meacham, the owner of Isabel's Nursery School in Los Angeles, where she spent the mornings, Julie announced: "James took pictures of my butt today."

Diane Rich wanted desperately to believe her child was confused. But when she questioned Julie further, the little girl demonstrated positions she was forced to take for the photographs—and Rich's worst fears were confirmed.

Around the same time, parents of other children who attended Isabel's heard similar stories from their youngsters, and the police were notified. When Meacham, a middle-aged man with a doctoral degree, was finally arrested, police confiscated more than two thousand pictures of boys and girls between the ages of two and five, including nude pornographic shots of giggly little Julie Rich.

Johnny Atwood was a troubled kid. The 13-year-old couldn't get along with his real father (his parents were divorced), and he was having difficulty adjusting to his stepfather. So when Johnny was hired by Donald Glaser, a United Church of Christ minister, to help with home repairs, his mother was delighted. Perhaps the Reverend would have a positive influence on the boy.

But young Johnny's troubles had only just begun. Two months after he accepted the job, his parents became suspicious of gifts and money he had received. They questioned him, and the boy eventually broke down and told the truth. He had been the willing prey of the charismatic clergyman who convinced him that posing in homosexual acts was no more than an easy way to earn big money fast.

When the police arrested the minister, they found a diary and a photo album chronicling thirteen years of encounters with young boys.

Unfortunately, these aren't isolated cases. Two teenage girls in rural New Jersey narrowly escaped death last year when a man, jailed for soliciting their participation in child pornography, tried to have them killed so they couldn't testify against him. Law enforcement officials estimate that as many as one million youngsters—ranging in age from 16 to under a year—are sexually molested and then filmed or photographed, either for the abuser's

own pleasure or for a profit. Many of the young victims, like Sunny, are never identified and are subjected to every form of sadism and bestiality. One magazine, *Baby Sex*, shows six-month old infants in sexual acts with adults. Some audio tapes, complete with descriptive narrative, record the screams of a little girl being raped.

"This sickness exists," says Father Bruce Ritter, founder of New York's Covenant House, a nonprofit youth shelter, "because a small segment of society wants it, another segment profits by it, and the rest aren't doing anything about it. Maybe we don't know enough—or care enough."

Who are the child pornographers? Often they are people who profit from the sickness of others. There are disturbed, immature people called pedophiles who cannot relate to other adults sexually, but can only receive sexual satisfaction by having relations with children. Pedophiles are excited by seeing children in stimulating poses. Child pornographers realize that a great deal of money can be earned by catering to these perverted tastes. Dana E. Caro of the criminal investigation division of the Federal Bureau of Investigation has testified that most child pornography material available in this country was originally produced for self-gratification by individual or groups of pedophiles. Commercial photographers and distributors of child porn pose as pedophiles in order to obtain these sexually explicit photographs of children free of charge. The commercial

pornographers then sell the photographs, which are published in child porn magazines.

Children become ensnared in child pornography in many ways. Commercial operators may pick up youngsters who have run away from home. According to police, the pornographer's favorite subject is the attractive, well-scrubbed, smiling child, the more innocent-looking the better. Pedophiles may kidnap and molest a child, then take photographs for their own use or to pass along to friends. Other children may actually be exploited by their own parents. Every child is a potential victim.

Even children from happy homes may be lured into the vile business by someone familiar, someone they're supposed to respect. The toddlers who kissed their mothers good-bye at the entrance of Isabel's Nursery School had been taught to be "good little boys and girls" and obey the teacher. Jacqueline Connor, head of the sexual crimes program in the Los Angeles county district attorney's office, says she gets at least one complaint a week that youth leaders, camp counselors, baby sitters or other people in positions of authority are involved in some form of child molestation, including pornography.

Since the predator is often someone parents trust, they easily miss signals that something is wrong. "When Jenny complained that she didn't like her gym coach," recalls one mother, "I snapped that if she did what she was told she'd get along with her" (continued)

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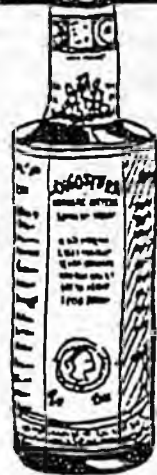
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INNOCENCE
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teachers." Jenny, however, stuck to her opinion of the coach and stayed away from him. He was later fired for asking children to pose nude.

Pornographers get children to pose through insidious methods, including blackmail. When two young girls in Chicago accepted a job modeling jeans, one of their mothers went to the first session to be sure everything was legitimate. But after several weeks, the girls were coaxed into modeling bathing suits with the bribe, "We won't tell your mom. This will be extra money you can pocket." Next came nude photos, and by the time they were asked to pose for hard-core pornography, their photographer had them cornered. "He told us that if he showed our parents the nude photos, they'd believe we had done the rest anyway," one of the girls reports. "I was really ashamed to let my folks see those pictures."

The seducer is also quick to prey on a child's vulnerabilities. For instance, Ellen Crandon, 14, had recently been diagnosed as diabetic and was coping with the anxieties the disease produces in addition to the usual traumas of adolescence. She began to confide her per-

sonal feelings to a family friend, Senne Brookshire, 53, who was always a kind, patient listener. He had to be. It took more than a year of kindness and grandfatherly attention before he had so ingratiated himself that he caught Ellen sufficiently off guard to molest her and take pictures.

Brookshire then swore Ellen to secrecy, convincing her that she was at fault, that her parents would never forgive her and that her father would probably wind up in prison for trying to kill him as revenge. For months, Ellen kept her awful secret to herself. However, when she found out that Brookshire had also molested her 12-year-old sister, she told her parents about their trusted friend.

Psychological damage

But telling the truth is not always easy. Ellen has been in therapy for several years trying to deal with the after-effects of sexual abuse.

The psychological damage to children can be serious—and longterm. Johnny Atwood was so shaken by his encounters with the Reverend Glaser that he had to be placed in a resident adolescent psychiatric facility. Two years later, he still needs counseling. Several years after the incident at Isabel's Nursery School, one little boy still cries out in the night, "He's going to kill me! If I tell, he'll cut me up!"

According to Ann Burgess, at Boston City Hospital, who has studied children involved in pornographic exploitation, many of the youngsters withdraw, avoiding all social contact. She believes that the secrecy demanded by the pornographers leaves children feeling that they are society's outsiders and increases the chances they'll turn to anti-social behavior such as truancy, alcohol and drug abuse.

Still worse, "Some of these youngsters never get back into the mainstream," says Frank Osanka, a social psychologist in Naperville, Illinois, and a leading specialist in the prevention of sexual exploitation of children. "By the time they are fourteen and no longer young and 'attractive' enough to pose, they have accepted the pornographer's brainwashing—that they are no good—and so they go on to a deviant lifestyle."

Also, there is a tendency in some police departments and even among some parents to think of youngsters as participants rather than victims in pornography. Particularly if the child is older, people are judgmental. In turn, the child hears an adult definition of pornography as crime, and begins to think of himself as a criminal. The terrifying reality is that relatively few child pornography victims are iden-

tified. So there may be hundreds of thousands of youngsters, alone, coping with their own interpretations of whether they are "good guys" or "bad guys" in society.

In many cases, a youngster's pornographic experience will color future attitudes about sex. According to Dr. Osanka, the child tends to blame himself, not the adult, and thinks "There must be something wrong with me." "That conviction," says the psychologist, "can lead to promiscuity, or it can cause some youngsters to grow up believing sex is bad." Psychiatrists note that, as victims get older, some have difficulty synchronizing the physical, emotional and psychological dimensions of marriage. "Sex may become the victim's only form of expression," says Dr. Burgess, "or it may become separate from feeling."

Sex may also become a bartering tool. "Pornographers teach children to be manipulative," Dr. Burgess warns. "Even a five-year-old can be programmed to use sex to acquire recognition and attention." The child learns that sex is something to be given in exchange for favors—anything from ice cream to a ten-speed bicycle. Kathy Johnson, one of the Isabel Nursery School parents, reports that after her 3-year-old son left the school, he tried to get his way at home by giving his mother a "French kiss."

In addition to the trauma of being sexually molested, a child who's been photographed or filmed must cope with another fear: Will the obscene pictures or movies show up again? A youngster may know that the material still exists and that he or she has no control over its future use. The child's own imagination, plus any suggestion of blackmail the pornographer may have made, becomes a constant threat to the youngster's happiness. "One photograph," says Dr. Osanka, "can haunt a child for a lifetime."

For instance, Margie, a shy 9-year-old, was lured into a pornographic session by a Little League coach who used provocative pictures of Brooke Shields as a child to entice her. Although the coach has been convicted, not all the photos of Margie were found. Recently, she refused to go to her school's open house because she dreamed her teacher had the missing photographs displayed for everyone to see. "No one in her school has any idea what went on," her mother says, "but she has nightmares just the same."

While children like Margie suffer, pornographers make huge profits. A magazine of obscene pictures of children can be produced for fifty cents and sold for as much as \$12.50. Overall, the kiddie porn industry (continued)

INNOCENCE

continued

is estimated at half a billion to a billion dollars annually.

The pornographers work in back rooms, garages and motels in every size community across the country. In 1981, an FBI investigation of a film developer in Syracuse, New York, uncovered truckloads of child smut for customers in such diverse places as Chicago and Swansboro (North Carolina), New York and Gardner (Montana).

Even those who deal in adult pornography are incensed at the proliferation of material using children. "This is a monstrous crime," charges Joe Steinman, chairman of the Essex Group, an "adult film" conglomerate. "It bears no similarity to adult media, which features consenting people of legal age. Children don't have a choice—they're exploited." Steinman, who is vice president of the Adult Film Association of America reports that the national organization voted unanimously to oust any member involved in child porn.

Pornographers' allies

Nevertheless, those engaged in the sexual exploitation of children have some powerful allies. In Los Angeles, the Rene Guyon Society, which claims 5,000 members, is made up of doctors, lawyers and other men and women in respected, influential positions who believe that young children should experience sex. The group, whose slogan is "Sex by age eight, or it's too late," uses child porn to stimulate youngsters.

The North American Man-Boy Love Association (NAMBLA), a homosexual group, has chapters around the country, an emergency defense fund for members arrested for molestation, a prisoner support committee and a lending library of what they call "boy love literature." Last December, police officials raided a cottage in Massachusetts that they believed was used by members of NAMBLA, and found photographs, some of which they say showed young boys in sex acts with men. In the past, NAMBLA has taken positions on a variety of issues, including the military draft, and consequently received support from some student groups and gay organizations. In recent years, there have been moves to crack down on child pornography. In 1978, the Protection of Children Against Sexual Exploitation Act was signed to halt the production and dissemination of pornographic material involving youngsters. Since then, the FBI reports 428 investigations under the provisions of the Act, leading to thirty-three indictments and twenty-three convictions. Last year, the U.S.

Supreme Court held that the dissemination of pornography using children is illegal regardless of whether the material is judged legally obscene. The ruling upholds laws in twenty states and paves the way for other states to enact stronger legislation. Also, the Missing Children's Act, sponsored by Senator Paula Hawkins (Rep., Fla.), was made law last year, allowing a national computer to be used to help trace children reported missing.

But despite these moves, law-enforcement efforts are too often fragmented. Civil, criminal, local and federal codes differ, and three federal bureaus—postal, customs and FBI—have jurisdiction over child porn. Local police, who are usually ill-equipped to track down the offenders, frequently claim that the FBI doesn't do enough, while the FBI says it needs expanded authority. "Right now," says Sean McWeeney, chief of the organized crime section, criminal investigative division of the FBI, "we get involved when there's evidence of a large operation. But it's the small-town operator who contributes to the massive business in child pornography."

Part of the enforcement problem is that many children are too frightened to come forward, and many parents are unwilling to press charges. Sometimes, they refuse to face up to the full implications of what has happened. When a Boy Scout leader in Louisiana was arrested on child porn charges, parents wouldn't testify, reasoning: "He was the best Scout leader we ever had." Some people regard an abused youngster as suddenly "sexual." For instance, last year one judge dismissed a charge of sexual molestation, calling the 5-year-old girl involved "provocative."

In addition to overcoming bias and getting cooperation from parents and victims, a strong legal case also requires concerted efforts by law-enforcement officials. In Los Angeles, according to Connor of the D.A.'s sexual crimes program, her office and the police department's sexually exploited child unit worked hand in hand for more than a year in preparing the case against James Meacham, the owner of Isabel's Nursery School. Meacham was eventually tried on eleven counts of molestation and received a 26-year, 8-month sentence, just short of the 28-year maximum.

In most cases, however, the courts tend to be lenient. For example:

- Donald Glaser, the minister who seduced Johnny Atwood, was put on probation and sent back to an unwary community to do two hundred hours of community service. Johnny's mother, who was reluctant to testify for fear of exposure, but did so to keep the minis-

HOW TO PROTECT YOUR CHILD

Could your youngster be a victim of child pornography? Like other forms of sexual molestation, there are signs to watch for—and ways to protect a child:

- Give youngsters clear-cut, specific warnings. Tell them that no one, even people in authority, should touch them where they don't want to be touched.

- Know to whose care you entrust your children. Demand that schools, youth groups, camps and other organizations do thorough background checks on employees and volunteers working with children.

- Set up a pattern of open communication with your child. Be sure the youngster knows the difference between doing something bad and being a victim of wrongdoing.

- If your child has negative feelings about a teacher or some other authority figure, explore why he feels the way he does.

- Know the signs that a child may have been assaulted, such as unexplained or continual physical disturbances, loss of appetite, disturbed sleep, mood change and sudden sexually focused behavior, such as talking more about parts of the body or adding genitalia to drawings.

- Believe your children if they say they've been assaulted. Experts agree children seldom lie about molestation.

- If you feel your child needs psychological counseling, be sure the therapist is skilled in dealing with sexually exploited children. Professionals say special expertise is needed to help youngsters overcome the trauma.

ter off the streets, now wonders, "I risked my son's reputation, his peace of mind, and for what?"

- Senne Brookshire was out on probation for child abuse when he molested the Crandon sisters. After his arrest, he was released on bail and soon molested two other children. Police estimate he'll probably have to serve only four and a half years of his current seven-year sentence.

Judges who hand out easy sentences are often swayed by a defendant's willingness to seek psychiatric counseling. They assume psychiatry is equipped to help a molester reverse his sexual deviation. Most psychiatrists, however, claim there's no satisfactory treatment.

Overall, child pornography tends to be a low priority with (continued)



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INNOCENCE

continued

police and politicians. A few years ago, Dr. Judianne Densen-Gerber, a noted child advocate, tried to get White House involvement by approaching then President Carter for help in curbing sexual abuse of children. "He told me I represented a special interest group," she charges.

The persistent child advocate hasn't given up. She's collecting one million signatures appealing to President Reagan to declare children the nation's first priority.

Dr. Densen-Gerber believes that the laws already on the books aren't being implemented. She says, "I've heard district attorneys say they can't concern themselves with naughty pictures when they have murders to deal with."

Such an attitude, however, indicates ignorance. These sexually lewd pictures harm society as a whole. All children become more susceptible to violence. "There's a ripple effect," says Kristin Cole Brown, information director of Child Find, a non-profit agency devoted to locating missing youngsters. "Kiddie porn readers may be incited to abduct and rape a child." To stop these

crimes against children and put this double-x-rated industry out of business will take the combined efforts of concerned community leaders, law enforcement officials—and parents.

Senator Arlen Specter of Pennsylvania, who chairs the subcommittee on juvenile justice, agrees that tougher sentences are needed, and says law enforcement should initiate an intensive program to acquaint parents with the dangers of child porn. "We've got to make it expensive for these criminals to do business," he argues. "If we accept the findings that abused children often become child abusers, we have to see that ignoring this issue is setting up a pattern for future violence against yet another generation." **End**

I'm sure that you, like the editors of *Ladies' Home Journal*, were shocked and horrified by this report on child pornography. But we all know that outrage is not enough. We must put a stop to this vile business and better protect all our children.

Recently Senator Arlen Specter (Rep., Pa.) introduced a new bill in the Senate relating to child pornography. The bill's objectives are to strengthen existing laws and toughen the punishment for those trafficking in child porn.

The bill makes three major changes in existing legislation:

Part one will increase penalties. Fines would be raised from \$10,000 to \$75,000 for a first offense, and from \$15,000 to \$150,000 for subsequent offenses.

Federal law currently prohibits interstate distribution of child pornography or distribution through the mails for sale or commercial use. The second part of Senator Specter's bill would make any interstate distribution or distribution through the mails (even non-commercial) a Federal crime.

Part three would change the wording of existing laws. It would eliminate the word "obscene" from many laws to take away the burden of proving obscenity. This bill would simply make unlawful the distribution of any photographs which sexually exploit children under age 18. (The bill makes an exception only for certain nude photographs which are judged to have "serious literary, artistic, scientific, social or educational value.")

Fill out the forms on page 150. Send one to your senator and another to us at the *Journal*. Senator Specter's bill will pass much more quickly if you help. And I know you will.

Myrna Blyth
Editor-in-Chief



TONY KNOWLES
MAYOR

ANCHORAGE POLICE DEPARTMENT

625 C STREET • ANCHORAGE, ALASKA 99501-3599
TELEPHONE (907) 279-1441



BRIAN S. PORTER
CHIEF

April 1, 1983

Representative John Liska
House of Representatives
Juneau, Alaska 99811

Dear Representative Liska,

We wish first to express our appreciation of your efforts on behalf of the problem of sexually exploited children in this State and particularly in the Municipality of Anchorage. This problem is of great concern to the Anchorage Police Department and we would like to assist you in any way possible in your efforts to deal with the problem legislatively. In response to your letter of March 22, 1983 to Officer Frank Feichtinger, we would like to provide you with the following input and information which can be taken as representative of my views as well as the position of the Anchorage Police Department. We would like first to comment on several of the proposed pieces of legislation that deal with this matter and then to provide you with what specific information we can in response to your questions outlined in the letter.

In reference to House Bill No. 270, "An Act relating to child pornography", we are in support of Section 1 as it stands with the following exceptions:

1. We feel that the ages of the children addressed should be changed from under the age of 16 to under the age of 18. The reasoning for this is three fold: First, that since under existing law a person under the age of 18 is treated generally as subject to the juvenile system of justice as opposed to the adult system when that person is accused of a crime, it is only logical that that same maturity standard should be applied when that same person is being addressed as a victim under the law; Second, that since in most cases where this law would be applicable, the potential victims are usually delinquent or pre-delinquent children whose levels of maturity are lower and

Representative Liska

April 1, 1983

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susceptibility higher than that of the levels of the general population, there is good argument to raise the applicable age; Third, that in enforcing this law it will be necessary to prove to the court that the persons so featured in pornographic material are in fact, under a certain age, the physical appearance of the victim is a primary issue if the victim cannot be positively identified. It is difficult to prove, beyond the standard of reasonable doubt, that a child who has reached the puberty stage of development is under the age of 16 from physical appearance alone. It would be much easier to prove this if the age were "under 18", particularly when we are dealing with victims who are of the actual ages of between 13 and 16 that have reached puberty. This age bracket of 13 to 18 appears to be the age bracket that we are most frequently dealing with in the juvenile pornography we have so far encountered.

2. We further feel that this offense should be upgraded to a Class A Felony as our experience with youngsters who have been victims of pornographic abuse are seriously psychologically damaged not only because of the sexual acts involved but also because of the continuing threat of having those acts publically and graphically exposed. We feel that this kind of damage is heavily causational to the child's subsequent hard delinquency in many cases that we have so far dealt with. → S mm'

We also wish to express our support for Section 2 of House Bill No. 270 as it stands and for Section 3 of the same Bill. In reference to Section 3, we would again like to state that we feel that the age of the children featured should be raised from "under 16" to "under 18" for the same reasons as stated in the comments regarding Section 1 above. Additionally, it is unclear from the wording of Section 3 who is responsible, in the case of a bookstore, theatre or video distribution outlet, etc. that might be the vehicle for distribution of such material, would be subject to the penalties in the statute. Often in criminal enterprises actual owners and/or managers are not those that might be listed on public documents as being owners or shareholders of a particular business or corporation. Perhaps there is a need to specify exactly who and under what standard a person is determined to be criminally responsible for such sale, distribution or possession. For example, if a magazine is found for sale in a local bookstore that features actors under the specified ages, it appears from the present wording that the clerk who actually makes a sale of the magazine is generally criminally responsible, but we are confused as to whether the actual owner and/or manager of the establishment is also responsible and if so, what legal standard is to be used to determine who the owner/manager is?

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In reference to House Bill No. 117, "An Act relating to sexual abuse of a minor", We support the proposed changes in Section 1 and the addition of Section 2 but again feel that the applicable age should be raised in both sections from "under 16" to "under 18", for essentially the same reasons that were previously given in reference to House Bill No. 270. Additionally, as touched on previously, it has been the experience of our Department that the youngsters targeted for this kind of abuse are usually delinquent or pre-delinquent youngsters whose level of emotional development is generally considerably below that of their peer group in the general population. It is because of this often lower level of development and the fact that these youngster's basic needs are not being met in a normal and positive way through family, school and/or social interactions that they are particularly vulnerable to this kind of sexual abuse. It has been our experience that when such a youngster becomes the victim of this kind of sexual abuse, their already existing potential for hard delinquent behavior is substantially increased. Offenders are usually very good at being able to target those youngsters that are vulnerable by virtue of their emotional development and it has been our experience so far that those targeted are in fact those who already have serious problems in their emotional and social development. This section of the juvenile population is precisely the section that must be protected if prevention of delinquent behavior is to be effective.

In reference to House Bill No. 109, "An act relating to criminal prosecution of minors", we in support of Section 1 as it stands and in support of Section 2 with the following exception: We do not feel that Section (a) (1) should include Class A Felony offenses as a blanket rule. We do feel that the present unclassified felonies (murder, kidnapping and rape) should be included in this section but some Class A Felonies we do not necessarily feel should automatically subject the 16 and 17 year old to the adult system. An example being the 16 year old that drives a get-away car in an armed robbery of a Qwik Stop or similar establishment where the weapon used was not a firearm and there is no physical injury involved and the defendant is perhaps a first-time offender. We feel that it should be easier to waive a 16 year old to the adult system in certain Class A Felony offenses than it presently is but feel that by making such a waiver a blanket rule the potential for rehabilitation of some offenders is greatly reduced.

In reference to House Bill No. 128, "An Act raising the penalties for promoting child prostitution", we are in favor of the bill as it stands with the exception that we again feel that the applicable age should be raised from "under 16" to "under 18" for the reasons previously given. Again, the severe psychological and emotional damage incurred by the victims as a result of this kind of abuse and their subsequently higher potential for delinquent behavior and habitual criminal actions is our reasoning.

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Referencing House Bill No. 127, "An Act to increase the punishment for sexual assault in the First Degree", we are in favor of this bill as it stands.

In reference to House Bill No. 58 (Sponsor Substitute), "An Act requiring certain prisoners to serve a full sentence", we are in favor of the bill as it stands. It is logical that if a prisoner is not amenable to rehabilitative efforts, the prisoner is a high risk for parole, probation, release or furlough prior to the completion of his full sentence.

We would like to suggest that you consider introducing or supporting legislation that would authorize the fingerprinting and photographing of juveniles arrested, charged or incarcerated for felony offenses. Under present law, this can be done only by order of the court and probable cause for such actions must be established in and probable cause for such actions must be established in reference to a specific case. As such, even habitual offenders' fingerprints and photographs are not available to law enforcement authorities for investigation of possible subsequent offenses. This has greatly impaired the efforts of law enforcement authorities in the investigation of such crimes as burglary, robbery and sexual assault because fingerprint comparisons and photographic lineups cannot be used as an investigative tool if suspects happen to be juveniles. As you are well aware, juveniles account for a substantial portion of these offenses (particularly burglary and theft). We are aware that other states have taken measures to reduce the age of persons subjected to fingerprinting and photographing as a result of being charged with felony offenses and that these fingerprints and photographs are made available, as they are in the adult system, to law enforcement agencies. In addition we feel that all juveniles subjected to juvenile probation should be fingerprinted and photographed with these fingerprints and photographs being available to law enforcement agencies. This department has investigated cases in which offenders have stated that even though they have previously been arrested for similar offenses while subject to the juvenile system they were aware that their fingerprints and photographs were not on file and that because of this they thought they could escape detection for their present offenses.

In response to your questions of Officer Feichtinger, we would like to provide you with the following information:

At this time we do not know for sure the extent of the business and market in child pornography in Anchorage. We do know that there are seven (7) "adult bookstores and theatres" in the Anchorage area and we do believe that they are all profit making ventures. We do presently have under investigation two of these establishments in reference to the sales of juvenile pornography. We have information that there is a large underground market for child pornography, some of which is locally produced and distributed but much of which is imported

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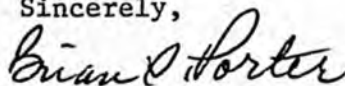
point would seem to indicate that of those juveniles in the Anchorage area that have been involved in felony class crimes, 50% or greater of the boys and an equal if not higher number of the girls, have been victims of sexual abuse by persons not connected with their family relationships during their late pre-teen to middle teenage years. As stated previously, we do feel that this kind of abuse is causational in subsequent delinquent/criminal behavior. We feel that a percentage of these same youngsters have also been victims of pornographers but we could not give a fair estimate of that percentage at this point.

Other sources of information on this subject whom you may wish to contact, that we know of, are as follows:

1. A book entitled Children in Chains by Clifford Linedecker.
2. A book entitled For Money or For Love by Robin Lloyd.
3. The Los Angeles Police Department's Sexually Exploited Children Unit.
4. Transcripts of the U. S. Senate's numerous hearings on sexually exploited children and child pornography.
5. An organization called S.L.A.M. - Society's League Against Molestation based out of California that has been instrumental in developing model legislation concerning these problems.
6. Mr. Jeff Berliner - reporter - Anchorage Times.
7. Ms. Penelope Douglas - Channel 2 television - Anchorage
8. Sergeant Rollie Port - Alaska State Troopers - Palmer
9. Child Find Inc. - An organization with a local chapter just started based out of New York City and dealing with the locating of missing children.
10. Louisville, Kentucky Police Department - Exploited Children Unit.
11. Paul Olson and Betsy Sheele of the Anchorage Office - District Attorney's Office.
12. Federal Bureau of Investigation - Washington, D. C. - who should have information about organized criminal activity as it relates to Child Pornography.
13. George Buhite - Program Director, McLaughlin Youth Center.

Thank you for your attention to these problems addressed and we appreciate your support of legislation dealing with these matters. We hope this information will be useful in promoting this legislation and if this Department can assist further we will be happy to do so.

Sincerely,



Brian S. Porter
Chief of Police

BSP:vka

HSS STAFF REPORT

SS HB 270 RELATING TO CHILD PORNOGRAPHY

MARCH 30, 1983

Dave Palmer

Section 1.

11.41.455 (a) Unlawful exploitation of a minor--defines the crime. This is the existing statute. No change.

(b) This new subsection provides that those adults who have custody of a minor who knowingly permit the exploitation in (a) are guilty of exploitation.

(c) Both offenses are a class B felony.

11.61.125 (a) This new section makes distribution or intent to distribute child pornography a crime.

(b) certain exemptions are allowed for employees of a theater.

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

The SSHB 270 deletes the definition of "obscene". A memo from legal services cites a US Supreme Court case that allows penalization for the production of child pornography and the distribution of material depicting children engaged in sexual conduct without requiring that the material be legally obscene.

Additional amendments are proposed by the sponsor. He requests they be incorporated into the bill as a committee substitute. The proposed changes are attached to this report

Two fiscal notes are attached. a zero note from the Department of Public Safety, and a \$185.6 fiscal note from the Department of Law.

incorporated into CS

ADDITIONAL AMMENDMENTS
FOR HOUSE BILL 270

1. Raising age covered from 16 to 18:

Sec. 11.41.455 (a) (Line 14 and 15, Page 1)
(b) (Line 26, Page 1)

Rationale:

- a. Enforcement of this law is predicated on proving to the court that the persons featured in these pornographic materials is under a certain age. When a victim cannot be positively identified (as in cases where materials are imported from outside Alaska and the child is not physically present) it is very difficult to prove beyond the standard reasonable doubt that a child who has reached the puberty stage of development is under 16 from physical appearance alone. Using 18, it would be much easier to prove when dealing with victims are actually between 13 and 16. This is the age bracket most encountered in the experience of the Anchorage Police Department according to Police Chief Porter.
- b. Under existing law a person under the age of 18 is treated generally as subject to the juvenile system of justice as opposed to the adult system. It is only logical that we apply the same maturity standard when that same person is the victim under the law.
- c. January 26, 1983 Senator Specter introduced similar legislation in Washington, D.C. and the Bill being reviewed by Judiciary uses the age of 18 as its criteria. Should this Bill pass, Alaska State Statutes would conform to the Federal standard.

2. Addition to include "Simulated" sexual acts:

Amend to read in Sec. 11.41.455, Line 16 page 1:

"in the following actual or simulated conduct:"

Rationale:

The deplorable intent is the same whether the sexual acts involved in the exploitation of these children are actual or simulated. We also want to avoid the technicality of having to prove whether the acts were actually performed or only simulated.

3. Change this exploitation of a minor from a Class B Felony to a Class A Felony, and distribution of the materials from a Class C Felony to a Class B Felony.

Rationale:

- a. Experience of experts shows that the "damage" to these victims is of major proportions. These are not minor crimes. Aside from the actual physical injury caused to many of these victims, the psychological damage is often extensive. There is also the continuing threat of having those acts depicted in these pornographic materials publically and graphically exposed throughout the victim's lifetime. There also seems to be a heavy causal effect to the child's subsequent hard delinquency. In addition there seems to be a likelihood that these victims can continue the abuse on their own children.

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

BY LISKA, ADAMS, BUSSELL, FLOOD, FRITZ,
GRUSSENDORF, HURLBERT, LINDAUER,
MALONE, MARTIN, PHILLIPS, SHULTZ,
SZYMANSKI, TISCHER, WARD, CLOCKSIN,
PESTINGER, UEHLING AND MCBRIDE

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.

Offered: 4/6/83
Referred: Judiciary

Original sponsors: Liska, Adams,
Bussell, et al

1 IN THE HOUSE BY THE HEALTH, EDUCATION AND
2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 270 (HESS) SOCIAL SERVICES COMMITTEE
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

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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 vis-
13 ually depicts the conduct listed below, the person knowingly induces
14 or employs a child under 18 years of age to engage in, or photographs,
15 films, or televises a child under 18 years of age engaged in the
16 following actual or simulated 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 18 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

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9 prints with intent to distribute, sell, or exhibit to others for
10 commercial consideration, any matter which visually depicts conduct
11 described under AS 11.41.455(a), knowing that the production of the
12 matter involves the use of a child under 18 years of age engaged in
13 such conduct.

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