

Original sponsors: Pettyjohn, Sturgulewski,
Halford, et al

1 IN THE SENATE

BY THE FINANCE COMMITTEE

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

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act revising the laws relating to sexual abuse of
7 a minor, sexual assault, and indecent exposure; and
8 extending the time limitation for prosecution of
9 sexual offenses."

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

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 AS 11.41.420 is repealed and reenacted to read:

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

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

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

23 (B) is incapacitated.

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

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

26 Sec. AS 11.41.434. SEXUAL ABUSE OF A MINOR IN THE FIRST DEGREE.

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

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

1 sexual penetration with a person who is under 13 years of age or aids,
2 induces, causes, or encourages a person who is under 13 years of age
3 to engage in sexual penetration with another person; or

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

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

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

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

12 Sec. 11.41.436. SEXUAL ABUSE OF A MINOR IN THE SECOND DEGREE.

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

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

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

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

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

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

1 illegitimate or adopted child, or a stepchild; or

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

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

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

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

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

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

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

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

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

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

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

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

1 age or older is a class B misdemeanor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 * Sec. 11. Section 7 of this Act applies to offenses committed during
22 or after the five years immediately before the effective date of this Act.
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THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HCS SB 74 (Finance)

Title Sexual Abuse of a Minor

Requested by House Finance Committee

Date 6/22/83

II. FISCAL DETAIL

Agency Affected DHSS/ Department of Law

Program Category Affected _____

BRU, Program, Or Subprogram(s) Affected _____

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

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

FUNDING (Thousands of Dollars)

| | FY 83 | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 |
|------------------------|-------|-------|-------|-------|-------|-------|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Source) | | | | | | |
| | | | | | | |

POSITIONS

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

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

The House Finance Committee is not providing any funding for this legislation. The Legislature is appropriating funding for six new attorney positions in other fiscal notes and the amount requested by the Department of Law for this bill can be absorbed by those appropriations. Also, the Legislature is appropriating a substantial amount for new prison construction this year, and the amount requested by the Department of Corrections can be absorbed by that appropriation.

IV. DATE 6/22/83

PREPARED BY Al Adams, Chair *ABA*

AGENCY House Finance Committee

Original: Legislative Finance

PHONE 465-3706

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/82)

Introduced: 1/26/83
Referred: Health, Education and
Social Services and
Judiciary

BY PETTYJOHN, STURGULEWSKI,
HALFORD, FAIKS, P. FISCHER
AND KELLY

1 IN THE SENATE

2 SENATE BILL NO. 74

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 sexual abuse of a minor."

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

8 * Section 1. AS 11.41.440 is amended to read:

9 Sec. 11.41.440. SEXUAL ABUSE OF A MINOR. (a) A person commits
10 the crime of sexual abuse of a minor in the first degree if, being 16
11 years of age or older, that person [HE]

12 (1) [ENGAGES IN SEXUAL PENETRATION WITH A PERSON WHO IS
13 UNDER 16 YEARS OF AGE BUT 13 YEARS OF AGE OR OLDER OR AIDS, INDUCES,
14 CAUSES OR ENCOURAGES A PERSON UNDER 16 YEARS OF AGE BUT 13 YEARS OF
15 AGE OR OLDER TO ENGAGE IN SEXUAL PENETRATION WITH ANOTHER PERSON;]

16 (2) engages in sexual contact with a person who is under 13
17 years of age or aids, induces, causes or encourages a person under 13
18 years of age to engage in sexual contact with another person; or

19 (3) aids, induces, causes or encourages a person who is
20 under 16 years of age to engage in conduct described in AS 11.41.455-
21 (a)(2) - (6).

22 (b) Sexual abuse of a minor in the first degree is a class B [C]
23 felony.

24 * Sec. 2. AS 11.41 is amended by adding a new section to read:

25 Sec. 11.41.442. SEXUAL ABUSE OF A MINOR IN THE SECOND DEGREE.

26 (a) A person commits the crime of sexual abuse of a minor in the
27 second degree if, being 16 years of age or older, that person engages
28 in sexual penetration with a person who is under 16 years of age but
29 13 years of age or older or aids, induces, causes, or encourages a

1 person under 16 years of age but 13 years of age or older to engage in
2 sexual penetration with another person.

3 (b) Sexual abuse of a minor in the second degree is a class C
4 felony.

The following individuals may testify on SB 74:

Senator Fritz Pettyjohn, prime sponsor

A representative of the Division of Corrections, Department of Health and Social Services

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

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* Sec. 8. AS 18.66.900(6) is amended to read:

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

* Sec. 9. AS 11.41.410(a)(3) and (4), AS 11.41.430, AS 11.51.130(a)(4),
and AS 11.61.110(a)(7) are repealed.

1 sexual penetration with a person who is under 13 years of age or aids,
2 induces, causes, or encourages a person who is under 13 years of age
3 to engage in sexual penetration with another person; or

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

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

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

10 (b) Sexual abuse of a minor in the first degree is a class A
11 felony.

12 Sec. 11.41.436. SEXUAL ABUSE OF A MINOR IN THE SECOND DEGREE.

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

15 (1) being 16 years of age or older, the offender engages in
16 sexual penetration with a person who is 13, 14, or 15 years of age and
17 more than three years younger than the offender, or aids, induces,
18 causes or encourages a person who is 13, 14, or 15 years of age and
19 more than three years younger than the offender to engage in sexual
20 penetration with another person;

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

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

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

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

Offered: 5/18/83
Referred: Judiciary

Original sponsors: Pettyjohn, Sturgulewski,
Halford, et al

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 74 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act revising the laws relating to sexual abuse of
7 a minor, sexual assault, and indecent exposure; and
8 extending the time limitation for prosecution of
9 sexual offenses."

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

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

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

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

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

23 (B) is incapacitated.

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

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

26 Sec. AS 11.41.434. SEXUAL ABUSE OF A MINOR IN THE FIRST DEGREE.

27 (a) A person commits the crime of sexual abuse of a minor in the
28 first degree if

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

1 crime of indecent exposure if the offender intentionally exposes the
2 offender's genitals, buttock, anus, or female breast to another person
3 with reckless disregard for the offensive, insulting, or frightening
4 effect the act may have on that person.

5 (b) Indecent exposure before a person under 16 years of age is a
6 class A misdemeanor. Indecent exposure before a person 16 years of
7 age or older is a class B misdemeanor.

8 * Sec. 6. AS 11.41.470 is amended to read:

9 Sec. 11.41.470. DEFINITIONS. For purposes of AS 11.41.410 -
10 11.41.470, unless the context requires otherwise,

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

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

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

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

21 (B) is incapacitated as a result of an act of the
22 defendant.

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

24 (c) Even if the general time limitation has expired, a prosecu-
25 tion under AS 11.41.410 - 11.41.455 for an offense committed against a
26 person under the age of 16 may be commenced within one year after the
27 crime is reported to a peace officer or the person reaches the age of
28 16, whichever occurs first. This provision does not extend the period
29 of limitation by more than five years.

1 illegitimate or adopted child, or a stepchild; or

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

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

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

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

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

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

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

16 (a) A person commits sexual abuse of a minor in the fourth degree if,
17 being under 16 years of age, the offender engages in sexual penetra-
18 tion or sexual contact with a person who is under 13 years of age and
19 more than three years younger than the offender.

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

22 * Sec. 4. AS 11.41.445(a) is amended to read:

23 (a) In a prosecution under AS 11.41.410 - 11.41.440, it is
24 not a [AN AFFIRMATIVE] defense that, at the time of the alleged
25 offense, the victim was the legal spouse of the defendant [UNLESS

26 (1) THE SPOUSES WERE LIVING APART; OR

27 (2) THE DEFENDANT CAUSED PHYSICAL INJURY TO THE VICTIM].

28 * Sec. 5. AS 11.41 is amended by adding a new section to read:

29 Sec. 11.41.460. INDECENT EXPOSURE. (a) A person commits the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Offered: 6/6/83
Referred: Rules

Original sponsors: Pettyjohn, Sturgulewski,
Halford, et al

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 CS FOR SENATE BILL NO. 74 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL
6 For an Act entitled: "An Act revising the laws relating to sexual abuse of
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16 that person; or

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

23 (B) is incapacitated.

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

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

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

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

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

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

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

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

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

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

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

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

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

21 Sec. 11.41.470. DEFINITIONS. For purposes of AS 11.41.410 -
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24 incapable of appraising the nature of one's own [HIS] conduct and [IS]
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26 (2) "victim" means the person alleged to have been sub-
27 jected to sexual assault in any degree or sexual abuse of a minor in
28 any degree;

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

1 third degree if

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (6) "sexual assault" means a crime specified in AS 11.41.-
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8 * Sec. 10. AS 11.41.410(a)(3) and (4), AS 11.41.430, and AS 11.51.130(a)
9 (4) are repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Offered: 6/6/83
Referred: Rules

Original sponsors: Pettyjohn, Sturgulewski,
Halford, et al

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 CS FOR SENATE BILL NO. 74 (Judiciary) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act revising the laws relating to sexual abuse of
7 a minor, sexual assault, and indecent exposure; and
8 extending the time limitation for prosecution of
9 sexual offenses."

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

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

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

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

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

23 (B) is incapacitated.

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

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

26 Sec. AS 11.41.432. SEXUAL ABUSE OF A MINOR IN THE FIRST DEGREE.

27 (a) A person commits the crime of sexual abuse of a minor in the
28 first degree if

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 third degree if

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (c) Even if the general time limitation has expired, a prosecu-
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27 years;

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