

HB

334

23-LS1246Q
Luckhaupt
4/6/04

CS FOR HOUSE BILL NO. 334()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE MEYER

*4/15/04
adopted
moved out*

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to unlawful exploitation of a minor and to distribution of child**
2 **pornography."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1. AS 11.41.455(c) is amended to read:**

5 (c) Unlawful exploitation of a minor is a

6 **(1) class B felony; or**

7 **(2) class A felony if the person has been previously convicted of**
8 **unlawful exploitation of a minor in this jurisdiction or a similar crime in this or**
9 **another jurisdiction.**

10 *** Sec. 2. AS 11.61.125(e) is amended to read:**

11 (e) Distribution of child pornography is a

12 **(1) class B felony; or**

13 **(2) class A felony if the person has been previously convicted of**
14 **distribution of child pornography in this jurisdiction or a similar crime in this or**

1

another jurisdiction.


REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

DATE: April 7, 2004

TO: Representative Norman Rokeberg
Chairman, House Rules Committee

FROM: Representative Kevin Meyer 

RE: CS HB 334(JUD) Unlawful Exploitation of Minors

At your earliest convenience, please schedule CS HB 334 (JUD) Unlawful Exploitation of a Minor for a hearing in the House Rules Committee.

CS HB 334 (JUD) increases the criminal penalty for Unlawful Exploitation of a Minor from a class B felony to a class A felony. Also, the criminal penalty for AS 11.61.125 Distribution of Child Pornography is raised to a class A felony for a person who has been previously convicted of this crime.

CS HB 334(JUD) received one committee of referral: the House Judiciary Committee. I am requesting a House Rules Committee hearing for the purpose of amending CS HB 334(JUD). I feel that this could best be accomplished in the House Rules Committee, prior to the legislation going before the full body for consideration. I have worked diligently with Rep. Gruenberg and his staff to accomplish this task and to be prepared for a committee hearing, at your convenience.

I appreciate your consideration of this matter, and I look forward to working with you on scheduling a hearing for CS HB 334 (JUD).

REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

SPONSOR STATEMENT

CS HB 334 (JUD)

“An Act relating to unlawful exploitation of a minor and to distribution of child pornography.”

A major area of child victimization is the sexual exploitation of children, which includes child pornography. House Bill 334 Unlawful Exploitation of a Minor will increase the criminal penalty for AS 11.41.455 from a class B felony to a class A felony. Also, the criminal penalty for AS 11.61.125 Distribution of Child Pornography is raised to a class A felony for a person who has been previously convicted of this crime.

Photographs, videotapes, films, and magazines of children in sexual poses and sexual acts make up a multimillion-dollar world of child pornography. Child pornographers and pedophiles come from all walks of life. Pedophiles will use the child pornography they have collected to seduce other children into participating in sexual activities with them; proliferating sexually abusive behaviors and attitudes.

The sexual exploitation of a child has multiple victims and the effects can extend through a child's or adolescent's psychological, sociological, and behavioral development into adulthood. Child pornography places the children depicted in harmful situations including the contraction of sexually transmitted diseases, rape, assault, and torture. The production of explicit sexual material depicting children and adolescents warrants a severe criminal penalty. The criminal penalty for a class A felony is a definitive term of imprisonment not to exceed 20 years and fines of no more than \$250,000.


Child pornography has devastating effects on children, both on those who are exploited in the actual pictures and those who view it. The production of explicit sexual material involving children is sexual abuse. It becomes the permanent record of sexual abuse. The criminal penalty for the Unlawful Exploitation of a Minor should be the utmost stringent and severe.

Last Updated: March 22, 2004

REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

DATE: April 7, 2004
TO: Representative Norman Rokeberg
Chairman, House Rules Committee
FROM: Representative Kevin Meyer 
RE: Blank Committee Substitute for HB 334

I would like the House Rules Committee to consider the adoption of the attached blank committee substitute for HB 334, in lieu of the House Judiciary Committee substitute.

The following changes have been encompassed in the blank committee substitute:

Section 1:

Under AS 11.41.455 Unlawful Exploitation of a Minor, the criminal penalty has been increased to a class A felony for a person who has been previously convicted of this crime in this jurisdiction or a similar crime in this or another jurisdiction. The first criminal conviction of this crime remains a class B felony.

Section 3:

Section 3 was deleted from the blank committee substitute. This section contained an exemption for AS 11.41.455 Unlawful Exploitation of a Minor, from the automatic waiver of juveniles into adult court for class A felonies under AS 47.12.030. This section was removed because the crime of Unlawful Exploitation of a Minor would remain at a class B felony. Thus, juveniles would not be waived into adult court. This satisfies the concerns of the Division of Juvenile Justice.

Thank you for your consideration of this matter.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 334(JUD)
 (H) Publish Date: 3/18/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to unlawful exploitation BRU Legal and Advocacy Services
of a minor Component Public Defender Agency
 Sponsor Representative Meyer
 Requester (H) Judiciary Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill should have minimal fiscal impact on the operations of the Public Defender Agency. The Agency does not handle a significant number of these offenses.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)-334-4416
 Division Public Defender Agency Date/Time _____
 Approved by: Mike Miller, Commissioner Date _____
 Agency Administration

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 334(JUD)
(H) Publish Date: 3/18/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
Title Unlawful Exploitation of a Minor RDU Administration & Operations
Component Institution Director's Office
Sponsor Representative Meyer
Requester _____ Component No. 1381

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill may have an impact on the inmate population at some time in the future but will not impact the number of incarcerated felons within the next five years.

Prepared by: Jerry D. Burnett, Director Phone (907) 465-3339
Division Administrative Services Date/Time 1/27/04 2:20 PM
Approved by: Portia C.K. Parker, Deputy Commissioner Date 1/27/2004
Agency Department of Corrections

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: CSHB 334(JUD)
 (H) Publish Date: 3/18/04

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title "An Act relating to unlawful exploitation of RDU Criminal
a minor." Component CDCO
 Sponsor Representative Meyer
 Requester House Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This bill would make unlawful exploitation of a minor a Class A felony, rather than a Class B felony.

 These cases, involving making child pornography are rare and usually plead out. Consequently, passage of this legislation will have no foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn A. Daughhete, Director Phone 465-3673
 Division Administrative Services Date/Time 2/13/04 12:25 PM
 Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 2/13/2004
 Agency Department of Law

Alaska Statutes-Title 11
Unclassified Felonies

Offense Citation	Offense Description	Criminal Classification	Criminal Penalty
AS 11.41.100	Murder in the First Degree	Felony	Unclassified
AS 11.41.100(a)(1)(A)	Murder in the First Degree-Intent to Cause Death	Felony	Unclassified
AS 11.41.100(a)(1)(B)	Murder in the First Degree-Induce Suicide	Felony	Unclassified
AS 11.41.100(a)(2)	Murder in the First Degree-Repeat Physical Injury to a Child	Felony	Unclassified
AS 11.41.100(a)(3)	Murder in the First Degree-w/child sex assault or kidnapping	Felony	Unclassified
AS 11.41.100(a)(4)	Murder in the First Degree-Involving Criminal Mischief in the First Degree	Felony	Unclassified
AS 11.41.100(a)(5)	Murder in the First Degree-Involving Terroristic Threatening in the First Degree	Felony	Unclassified
AS 11.41.100	Attempted Murder in the First Degree	Felony	Unclassified
AS 11.41.100	Conspiracy to Commit Murder in the First Degree	Felony	Unclassified
AS 11.41.100	Solicitation to Commit Murder in the First Degree	Felony	Unclassified
AS 11.41.110	Murder in the Second Degree	Felony	Unclassified
AS 11.41.110(a)(1)	Murder in the Second Degree-Intend Serious Injury	Felony	Unclassified
AS 11.41.110(a)(2)	Murder in the Second Degree-Extreme Indifference	Felony	Unclassified
AS 11.41.110(a)(3)	Murder in the Second Degree-Felony Murder	Felony	Unclassified
AS 11.41.110(a)(4)	Murder in the Second Degree-Gang Related	Felony	Unclassified
AS 11.41.110(a)(5)	Murder in the Second Degree-Repeated Crimes Against a Child	Felony	Unclassified
AS 11.41.300(a)	Kidnapping	Felony	Unclassified
AS 11.41.300(a)(1)(A)	Kidnapping for Ransom	Felony	Unclassified
AS 11.41.300(a)(1)(B)	Kidnapping-Use of Victim as Shield/Hostage	Felony	Unclassified
AS 11.41.300(a)(1)c	Kidnapping-Injury or Sexual Assault	Felony	Unclassified
AS 11.41.300(a)(1)(D)	Kidnapping-Interfering with Government Function	Felony	Unclassified
AS 11.41.300(a)(1)(E)	Kidnapping-To commit Felony or Escape	Felony	Unclassified
AS 11.41.300(a)(1)(F)	Kidnapping-To Sexually Abuse Child	Felony	Unclassified
AS 11.41.300(a)(2)(A)	Kidnapping-Restrain and Hide Victim	Felony	Unclassified
AS 11.41.300(a)(2)(B)	Kidnapping-Risk of Serious Injury	Felony	Unclassified
AS 11.41.410	Sexual Assault in the First Degree	Felony	Unclassified

Alaska Statutes-Title 11
Unclassified Felonies

AS 11.41.410(a)(1)	Sexual Assault in the First Degree- Penetration Without Consent	Felony	Unclassified
AS 11.41.410(a)(2)	Sexual Assault in the First Degree-Attempted Penetration and Injury	Felony	Unclassified
AS 11.41.410(a)(3)	Sexual Assault in the First Degree-Penetration of Mentally Incapable Person Under Care	Felony	Unclassified
AS 11.41.410(a)(4)	Sexual Assault in the First Degree-Penetration by a Health Professional	Felony	Unclassified
AS 11.41.434	Sexual Abuse of a Minor in the First Degree	Felony	Unclassified
AS 11.41.434(a)(1)	Sexual Abuse of a Minor in the First Degree- Penetration of a Victim Under 13 Years of Age	Felony	Unclassified
AS 11.41.434(a)(2)	Sexual Abuse of a Minor in the First Degree Penetration of Own Child Under 18 Years of Age	Felony	Unclassified
AS 11.41.434(a)(3)(A)	Sexual Abuse of a Minor in the First Degree- Penetration of a Child Under 16 Years of Age in the Same Household	Felony	Unclassified
AS 11.41.434(a)(3)(B)	Sexual Abuse of a Minor in the First Degree- Authority Figure Penetrating a Child Under 16	Felony	Unclassified
AS 11.71.010	Misconduct Involving a Controlled Substance in the First Degree	Felony	Unclassified
AS 11.71.010(a)(1)	Misconduct Involving a Controlled Substance in the First Degree- Delivery of 1A Drugs to a Minor	Felony	Unclassified
AS 11.71.010(a)(2)	Misconduct Involving a Controlled Substance in the First Degree-Delivery of Class II/IIIA Drugs to a Minor	Felony	Unclassified
AS 11.71.010(a)(3)	Misconduct Involving a Controlled Substance in the First Degree-Criminal Enterprise	Felony	Unclassified

THE
FOLLOWING
DOCUMENT(S)
ARE
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ORIGINAL
COPIES

Alaska Statutes-Title 11
Class A Felonies

Offense Citation	Offense Description	Criminal Classification	Criminal Penalty
AS 11.41.120	Manslaughter	Felony	Class A
AS 11.41.120(a)(1)	Manslaughter-Death that is not Murder in the First Degree or Second Degree	Felony	Class A
AS 11.41.120(a)(2)	Manslaughter-Aid in Suicide	Felony	Class A
AS 11.41.200	Assault in the First Degree	Felony	Class A
AS 11.41.200(a)(1)	Assault in the First Degree-Serious Injury Involving a Weapon	Felony	Class A
AS 11.41.200(a)(2)	Assault in the First Degree-Serious Injury Involving a Weapon-With the Intent to Cause Physical Injury	Felony	Class A
AS 11.41.200(a)(3)	Assault in the First Degree-Serious Injury with Extreme Indifference	Felony	Class A
AS 11.41.200(a)(4)	Assault in the First Degree-Serious Injury by Repeated Assaults Using a Weapon	Felony	Class A
AS 11.41.300(d)	Kidnapping-Releasing a Victim Unharmed	Felony	Class A
AS 11.41.500	Robbery in the First Degree	Felony	Class A
AS 11.41.500(a)(1)	Robbery in the First Degree-Armed with a Deadly Weapon	Felony	Class A
AS 11.41.500(a)(2)	Robbery in the First Degree-Using a Weapon	Felony	Class A
AS 11.41.500(a)(3)	Robbery in the First Degree-Causes or Attempts to Cause Physical Injury	Felony	Class A
AS 11.46.400	Arson in the First Degree-Danger of Serious Injury	Felony	Class A
AS 11.46.475	Criminal Mischief in the First Degree	Felony	Class A
AS 11.46.475(a)(1)	Criminal Mischief in the First Degree-Damage to the Pipeline	Felony	Class A
AS 11.46.475(a)(2)	Criminal Mischief in the First Degree-Damage to a Public Service Utility	Felony	Class A
AS 11.46.475(a)(3)	Criminal Mischief in the First Degree-Damage to Property by Dangerous Means that Exceeds \$100,000	Felony	Class A
AS 11.56.300	Escape in the First Degree	Felony	Class A
AS 11.61.190	Misconduct Involving a Weapon in the First Degree	Felony	Class A
AS 11.61.190(a)(1)	Misconduct Involving a Weapon in the First Degree-Involved in a Drug Crime	Felony	Class A
AS 11.61.190(a)(2)	Misconduct Involving a Weapon in the First Degree-From a Vehicle	Felony	Class A

Alaska Statutes-Title 11
Class A Felonies

AS 11.61.240(b)(1)	Possession of Explosives-With the Intent to Murder or Kidnap	Felony	Class A
AS 11.66.110(a)(2)	Promotion of Prostitution in the First Degree-Inducing a Person Under 16 Years of Age	Felony	Class A
AS 11.71.020	Misconduct Involving a Controlled Substance in the Second Degree	Felony	Class A
AS 11.71.020(a)(1)	Misconduct Involving a Controlled Substance in the Second Degree-Manufacture and Delivery of Class IA Drugs	Felony	Class A
AS 11.71.020(a)(2)	Misconduct Involving a Controlled Substance in the Second Degree-Manufacturing Methamphetamines	Felony	Class A
AS 11.71.020(a)(2)(A)	Misconduct Involving a Controlled Substance in the Second Degree-Manufacturing Methamphetamines	Felony	Class A
AS 11.71.020(a)(2)(B)	Misconduct Involving a Controlled Substance in the Second Degree-Manufacturing Methamphetamine Precursors	Felony	Class A
AS 11.71.020(a)(3)	Misconduct Involving a Controlled Substance in the Second Degree-Possessing Methamphetamine Precursors	Felony	Class A
AS 11.71.020(a)(4)	Misconduct Involving a Controlled Substance in the Second Degree-Possessing Methamphetamine Chemicals	Felony	Class A
AS 11.71.020(a)(4)(A)	Misconduct Involving a Controlled Substance in the Second Degree-Possessing Methamphetamine Chemicals	Felony	Class A
AS 11.71.020(a)(4)(B)	Misconduct Involving a Controlled Substance in the Second Degree-Possessing Methamphetamine Chemicals	Felony	Class A

Alaska Statutes-Title 11
Class B Felonies

Offense Citation	Offense Description	Criminal Classification	Criminal Penalty
AS 11.41.130	Criminally Negligent Homicide	Felony	Class B
AS 11.41.210	Assault in the Second Degree	Felony	Class B
AS 11.41.420	Sexual Assault in the Second Degree	Felony	Class B
AS 11.41.436	Sexual Abuse of a Minor in the Second Degree	Felony	Class B
AS 11.41.455	Unlawful Exploitation of a Minor	Felony	Class B
AS 11.41.510	Robbery in the Second Degree	Felony	Class B
AS 11.41.520	Extortion	Felony	Class B
AS 11.41.530	Coercion	Felony	Class B
AS 11.46.120	Theft in the First Degree	Felony	Class B
AS 11.46.280(d)(1)	Issuing a Bad Check-value of \$25,000	Felony	Class B
AS 11.46.285(b)(1)	Fraud: Use of an Access Device-value of \$25,000	Felony	Class B
AS 11.46.300	Burglary in the First Degree	Felony	Class B
AS 11.46.410	Arson in the Second Degree	Felony	Class B
AS 11.46.480	Criminal Mischief in the Second Degree	Felony	Class B
AS 11.46.500	Forgery in the First Degree	Felony	Class B
AS 11.46.565	Criminal Impersonation in the First Degree	Felony	Class B
AS 11.46.600	Scheme to Defraud	Felony	Class B
AS 11.46.730 c(1)	Defraud Creditors-value of \$25,000	Felony	Class B
AS 11.56.100	Bribery-A Public Servant	Felony	Class B
AS 11.56.110	Receiving a Bribery As a Public Servant	Felony	Class B
AS 11.56.200	Perjury	Felony	Class B
AS 11.56.310	Escape in the Second Degree	Felony	Class B
AS 11.56.510	Interference with Official Proceedings	Felony	Class B
AS 11.56.520	Receiving a Bribe: Witness or Jury	Felony	Class B
AS 11.56.807	Terroristic Threatening in the First Degree	Felony	Class B
AS 11.61.125	Distribution of Child Pornography	Felony	Class B
AS 11.61.195	Misconduct Involving Weapons in the Second Degree	Felony	Class B
AS 11.61.240(b)(2)	Possession of Explosives with the Intent to commit a Class A felony	Felony	Class B
AS 11.66.110(a)(1)	Promotion of Prostitution in the First Degree-Using Force	Felony	Class B
AS 11.71.030	Misconduct Involving a Controlled Substance in the Third Degree	Felony	Class B
AS 11.73.030	Delivering Imitation Controlled Substances to a Minor	Felony	Class B

FEDERAL LEGISLATION

1977 Sexual Exploitation of Children Act: 18 U.S.C. 2251-2253

The law prohibits the use of a minor in the making of pornography, the transport of a child across state lines, the taking of a pornographic picture of a minor, and the production and circulation of materials advertising child pornography.

1984 Child Protection Act: 18 U.S.C. 2251-2255

Defines anyone younger than the age of 18 as a child. Therefore, a sexually explicit photograph of anyone 17 years of age or younger is child pornography.

1986 Child Sexual Abuse and Pornography Act: 18 U.S.C. 2251-2256

Banned the production and use of advertisements for child pornography and included a provision for civil remedies of personal injuries suffered by a minor who is a victim. It also raised the minimum sentences for repeat offenders from imprisonment of not less than two years to imprisonment of not less than five years.

1988 Child Protection and Obscenity Enforcement Act: 18 U.S.C. 2251-2256

Unlawful to use a computer to transmit advertisements for or visual depictions of child pornography and it prohibited the buying, selling, or otherwise obtaining temporary custody or control of children for the purpose of producing child pornography.

1990: 18 U.S.C. 2252

Created a federal crime to possess three or more depictions of child pornography that were mailed or shipped in interstate or foreign commerce or that was produced using materials that were mailed or shipped by any means, including by computer.

1996 Telecommunications Act: 18 U.S.C. 2422

A federal crime for anyone using the mail, interstate or foreign commerce, to persuade, induce, or entice any individual younger than the age of 18 to engage in any sexual act for which the person may be criminally prosecuted.

1996 Child Pornography Prevention Act: 18 U.S.C.

Amended the definition of child pornography to include that which actually depicts the sexual conduct of minor children and that which appears to be a depiction of a minor engaging in sexual conduct. People who alter pornographic images to look like children can now be prosecuted under the law.

Sexual Exploitation of Children

Title 18 U.S.C. 2251 sets forth three offenses. Section (a) proscribes the employment or enticement of a minor to engage in sexually explicit activity for the purpose of producing any visual depiction of such conduct. Either the visual depiction must be actually transported in interstate or foreign commerce, or mailed, or the person must know or have reason to know that it will be so transported, or the visual depiction must be produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer.

Subsection (b) prohibits any parent, legal guardian, or person having custody or control over a minor to permit such minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct.

Subsection (c) penalizes anyone who makes, prints, or publishes any notice or advertisement seeking or offering: (1) to receive, exchange, buy, produce, display, distribute or reproduce a visual depiction of a minor engaging in sexually explicit conduct, or (2) to participate in any act of sexually explicit conduct by or with a minor. Such person should know or have reason to know that such notice or advertisement will be transported in interstate or foreign commerce by any means, including by computer or mail.

Section 2251 imposes a mandatory minimum of 10 years' imprisonment and/or a fine to a twenty year maximum for the first offense and a minimum of 15 years' to a maximum thirty years' imprisonment together with a fine for the second offense if the offender has one prior conviction under Chapter 10, Chapter 109A, or Chapter 117, or under the laws of any state relating to the sexual exploitation of children. An offender with two or more such prior convictions faces a mandatory minimum of thirty years with a maximum sentence of life in prison.

Selling or Buying of Children (Section 2251 A)

Title 18 U.S.C. section 2251 A (a) punishes any parent, legal guardian, or other person with rights of custody or control over a minor who sells or otherwise transfers control of such minor with knowledge that the minor will be used to depict sexually explicit conduct or with the intent of promoting the minor in sexually explicit conduct.

The penalties for subsections (a) and (b) are imprisonment for 20 years to life and a fine if during the course of conduct the minor traveled in or was transported in interstate or foreign commerce; or offers to transport were made in interstate or foreign commerce, including by computer, or the conduct occurred in any territory or possessions of the United States.

**Certain Activities Relating to Material Involving the Sexual Exploitation of Minors
(Section 2252 and 2252 A)**

Title 18 U.S.C. section 2252 sets forth four offenses. Subsection (a)(1) prohibits anyone from knowingly transporting in interstate or foreign commerce or mailing any visual depiction involving the use of a minor engaging in sexually explicit conduct.

Subsection (a)(2) prohibits anyone from knowingly receiving or distributing any visual depiction of a minor engaging in sexually explicit conduct that has been mailed or transported in interstate or foreign commerce or from knowingly reproducing any such visual depiction for distribution in interstate or foreign commerce or through the mail.

Subsection (a)(3)(A) prohibits anyone in the special maritime and territorial jurisdiction of the United States, or on any government land, or in any government facility, from selling or possessing with the intent to sell any visual depiction of a minor engaged in sexually explicit conduct that has been shipped in interstate or foreign commerce or was made with materials sent in interstate or foreign commerce. Subsection (a)(3)(B) penalizes the knowing sale or possession with the intent to sell of any visual depiction of a minor engaged in sexually explicit conduct shipped in interstate or foreign commerce, or produced using materials mailed or shipped by any means, including by computer where the production involved the use of a minor engaged in sexually explicit conduct and the visual depiction of such conduct.

Subsection (a)(4) prohibits the possession of one or more books, magazines, periodicals, films, video tapes, or other matter containing any visual depiction of a minor engaging in sexually explicit conduct, which was shipped or transported or made with materials shipped or transported in interstate or foreign commerce, including by computer.

Section 2252 imposes, for the first three offenses, a maximum 15 years' imprisonment and/or a fine for the first offense and a minimum five years' imprisonment to a maximum 30 years' imprisonment and/or a fine for a subsequent conviction under this Section, under Chapter 109 A, under Chapter 117, or under the laws of any state relating to aggravated sexual abuse, or abusive sexual conduct involving a minor or ward, or the trafficking in child pornography. The penalty for violation of Subsection (a)(4) is a maximum sentence of five years and/or a fine for the first offense, and a two year mandatory minimum with a ten year statutory maximum if the offender has a prior conviction as set forth above.

**Certain Activities Relating to Material Involving the Sexual Exploitation of Minors
(2252 A)**

Title 18 U.S.C. Section 2252 A is identical to 18 U.S.C. Section 2252, with two exceptions. First, section 2252 A expands the definition of the prohibited material by using the more inclusive term "child pornography" instead of the words "visual depiction of a minor engaging in sexually explicit conduct" that is utilized in Section 2252. A second difference is

found in the possessory offense set forth in Section 2252 A (a)(5)(B), which makes it illegal to possess an image of child pornography.

Section 2252 A imposes, for the first four offenses, a maximum 15 years' imprisonment and/or a fine for the first offense and a minimum five years' imprisonment to a maximum 30 years' imprisonment and/or a fine for a subsequent conviction under this Section, under Chapter 109 A, or under the laws of any state relating to aggravated sexual abuse, or abusive sexual conduct involving a minor or ward, or the trafficking in child pornography. The penalty for violation of Subsection (a)(5) is a maximum sentence of five years and/or a fine for the first offense, and a two year mandatory minimum with a ten year statutory maximum if the offender has a prior conviction as set forth above.

Definitions for 18 U.S.C. Sections 2251, 2251 A, 2252, and 2252 A

"Minor" refers to any person under the age of eighteen years.

"Sexually explicit conduct" means actual or simulated: sexual intercourse, bestiality, masturbation, sadistic or masochistic abuse, or lascivious exhibition of the genitals or pubic area.

"Child pornography" is defined to include the following:

- (1) Visual depictions where minors are depicted engaging in sexually explicit conduct;
- (2) Visual depictions which are, or appear to be, or a minor engaging in sexually explicit conduct;
- (3) Visual depictions which have been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct; or
- (4) Visual depictions which are advertised, promoted, presented, described or distributed in such a manner that conveys the impression that the material is or contains a visual depiction of a minor engaging in sexually explicit conduct.

"Identifiable minor" is defined as a person who was a minor at the time the visual depiction was created, adapted, or modified; or whose image as a minor was used in creating, adapting, or modifying the visual depiction; and who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature.

HB 334 Unlawful Exploitation of a Minor
Comparison of Sentences of Imprisonment

Sexual Exploitation of Children (Title 18 U.S.C. 2251)

Description of Offense:

Proscribes the employment or enticement of a minor to engage in sexually explicit activity for the purpose of producing any visual depiction of such conduct. Prohibits any parent, legal guardian, or person having custody or control over a minor to permit the minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct. Penalizes anyone who makes, prints, or publishes any notice or advertisement seeking or offering to (1) to receive, exchange, buy, produce, distribute, or reproduce or reproduce a visual depiction of a minor engaging in sexually explicit conduct; or (2) to participate in any act of sexually explicit conduct by or with a minor.

Sentences:

First Offense: Mandatory minimum of 10 years imprisonment and/or a fine
Maximum 20 years imprisonment and/or a fine.

Second Offense: Minimum of 15 years imprisonment with a fine
Maximum 30 years imprisonment with a fine

Subsequent Convictions: An offender with 2 or more such prior convictions faces a mandatory minimum of 30 years with a maximum sentence of life in prison.

Activities Relating to Material Involving the Sexual Exploitation of a Minor (Title 18 U.S.C. 2252)

Description of Offense:

Prohibits anyone from knowingly transporting in interstate or foreign commerce or mailing any visual depiction involving the use of a minor engaging in sexually explicit conduct. Prohibits anyone from knowingly receiving or distributing any visual depiction of a minor engaging in sexually explicit conduct that has been mailed or transported in interstate or foreign commerce or from knowingly reproducing such material for distribution. Prohibits anyone selling or possessing with the intent to sell any visual depiction of a minor engaged in sexually explicit conduct. Prohibits the possession of one or more books, magazines, periodicals, films, video tapes, or other matter containing any visual depiction of a minor engaging in sexually explicit conduct.

Sentences:

First Offense: Maximum 15 years imprisonment and/or a fine

Subsequent Convictions: Minimum 5 years imprisonment
Maximum 30 years imprisonment

Sentences for Possession of Material:

First Offense: Maximum 5 years imprisonment and/or a fine

Subsequent Convictions: Minimum of 2 years imprisonment
Maximum 10 years imprisonment

STATE LEGISLATION

1978 House Bill 661

Created the crime of Unlawful Exploitation of a Minor (AS 11.41.455).

Provided that a person commits the crime if, with the intent of producing for any commercial purpose a live performance, film, photograph, negative, slide, book, newspaper, or magazine, that depicts such conduct, a person knowingly induces or employs a child under the age of 16 to engage in, or photographs, films or televises a child under 16 years of age engaged in:

1. Sexual penetration;
2. The obscene touching of another person's genitals, anus, or female breast;
3. The obscene touching by another person of a child's genitals, anus, or female breast;
4. Masturbation;
5. Bestiality; or
6. The obscene exhibition of the child's genitals.

HB 661 created the criminal penalty for Unlawful Exploitation of a Minor as a class B felony.

1983 House Bill 270

This legislation repealed and reenacted AS 11.41.455.

Provided that a person commits the crime if in the state and with the intent of producing a live performance, film, photograph, negative, slide, book, newspaper, magazine, or other printed material that visually depicts the conduct listed in (1)-(6) of this subsection, the person knowingly induces or employs a child under 18 years of age in, or photographs, films, or televises a child under the age of 18 engaged in the following actual or simulated conduct:

1. Sexual penetration;
2. The lewd touching of another person's genitals, anus, or female breast;
3. The lewd touching by another person of a child's genitals, anus, or female breast;
4. Masturbation
5. Bestiality
6. The lewd exhibition of the child's genitals

Created a new subsection that prohibits a parent, legal guardian, or person having custody or control of a child under 18 years of age from permitting the child to engage in conduct described in the previous subsection, knowing that the conduct is intended to be used in producing a live performance, film, photograph, negative, slide, book, newspaper, magazine or other printed material that depicts the actual or simulated conduct.

The criminal penalty for AS 11.41.455 remained a class B felony.

Historical Perspective: Laws and Legislation
Exploitation of Minors

1990 Senate Bill 513

This legislation amended AS 11.41.455

Provided that a person commits the crime of unlawful exploitation of a minor by producing an audio recording of a minor participating, or simulated participation in certain acts. Also, a new subsection was added to AS 11.41.455 that defined "audio recording".

The criminal penalty for AS 11.41.455 remained a class B felony.

1992 House Bill 396

This legislation amended AS 11.41.455

Added "sexual masochism or sadism" to the list of behaviors prohibited.

The criminal penalty for AS 11.41.455 remained a class B felony.

2000 Senate Bill 259

Provided that a person commits the crime of unlawful exploitation of a minor by producing video, electronic, or electromagnetic recordings of a minor participating, or simulated participation in certain acts.

The criminal penalty for AS 11.41.455 remained a class B felony.

HB 334 Unlawful Exploitation of a Minor
Comparison of Sentences of Imprisonment

Class A Felonies: Sentences of Imprisonment (AS 12.55.125)

Definite Term: Not more than 20 years

Presumptive Term: **First Felony Conviction**
5 Years, other than for manslaughter
Second Felony Conviction
10 Years
Third Felony Conviction
15 Years

Class B Felonies: Sentences of Imprisonment (AS 12.55.125)

Definite Term: Not more than 10 years

Presumptive Term: **First Felony Conviction**
1-4 years
Second Felony Conviction
4 Years
Third Felony Conviction
6 Years

Class C Felonies: Sentences of Imprisonment (AS 12.55.125)

Definite Term: Not more than 5 years

Presumptive Term: **First Felony Conviction**
1-2 Years
Second Felony Conviction
2 Years
Third Felony Conviction
3 Years

AS 11.41.455 Unlawful exploitation of a minor

(a) A person commits the crime of unlawful exploitation of a minor if, in the state and with the intent of producing a live performance, film, audio, video, electronic, or electromagnetic recording, photograph, negative, slide, book, newspaper, magazine, or other material that visually or aurally depicts the conduct listed in (1) - (7) of this subsection, the person knowingly induces or employs a child under 18 years of age to engage in, or photographs, films, records, or televises a child under 18 years of age engaged in, the following actual or simulated conduct:

- (1) sexual penetration;
- (2) the lewd touching of another person's genitals, anus, or breast;
- (3) the lewd touching by another person of the child's genitals, anus, or breast;
- (4) masturbation;
- (5) bestiality;
- (6) the lewd exhibition of the child's genitals; or
- (7) sexual masochism or sadism.

(b) A parent, legal guardian, or person having custody or control of a child under 18 years of age commits the crime of unlawful exploitation of a minor if, in the state, the person permits the child to engage in conduct described in (a) of this section knowing that the conduct is intended to be used in producing a live performance, film, audio, video, electronic, or electromagnetic recording, photograph, negative, slide, book, newspaper, magazine, or other material that visually or aurally depicts the conduct.

(c) Unlawful exploitation of a minor is a class B felony.

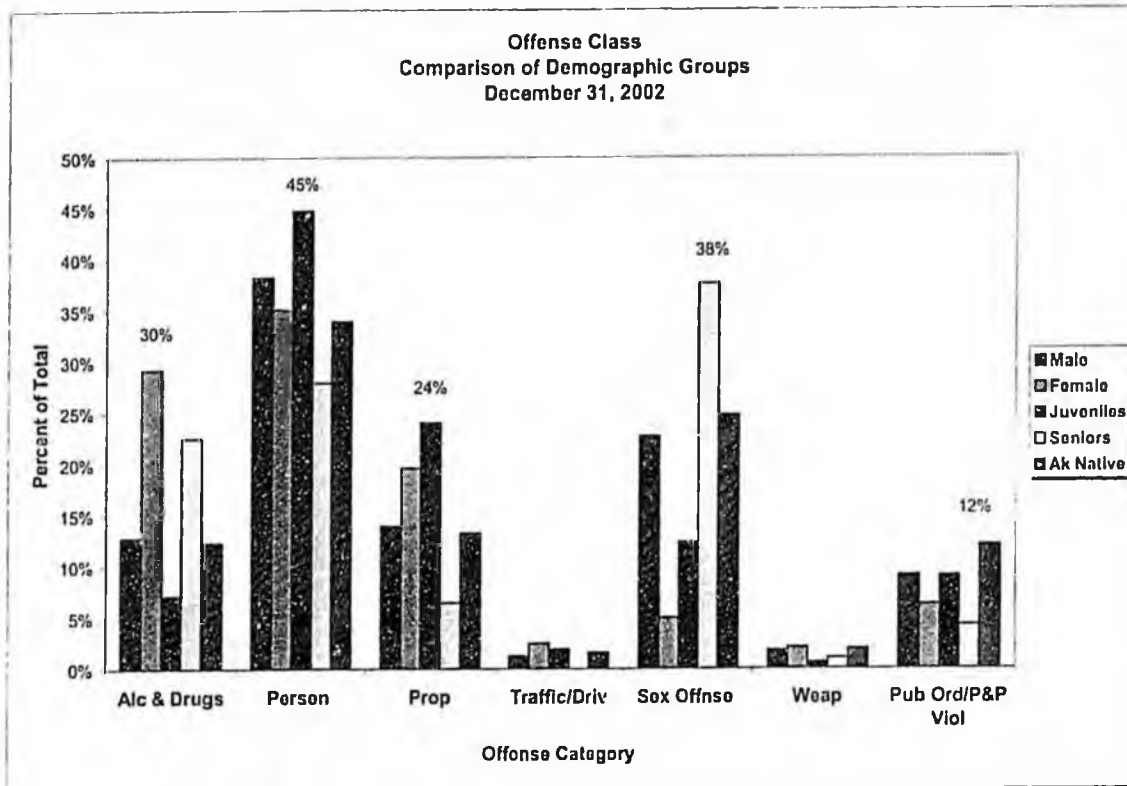
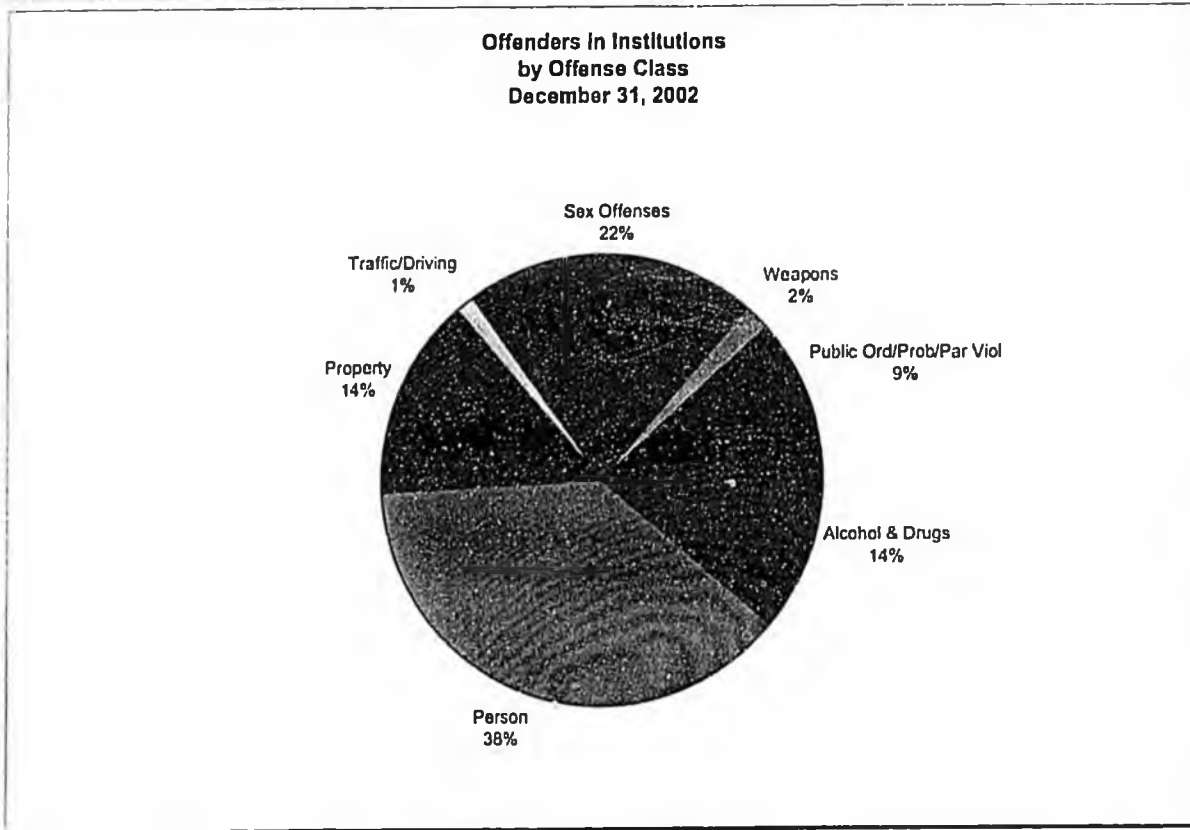
(d) In this section, "audio recording" means a nonbook prerecorded item without a visual component, and includes a record, tape, cassette, and compact disc.

**Crime Classifications of Offenders in Institutions
December 31, 2002**

	Female	Male	Total
Alcohol			
Driving While Intoxicated	10	70	80
Drunk Person on Lic Premises	0	9	9
Felony DWI - 2+ Priors w/in 5 Yrs	18	126	144
Felony Refusal of Chem Test- 2+ Priors	0	5	5
Furnish Alcohol to Minor - Felony	0	2	2
Furnish Alcohol to a Minor	2	4	6
License or Permit Required	0	5	5
Manuf/Sell Alcohol w/o lic - in Dry Area	1	8	9
Minor Consuming/Possessing Alcohol	0	2	2
Refuse to Submit to Chem Test	1	2	3
Trans Alcohol by Carrier to Dry Area	1	5	6
Total	33	238	271
Drugs			
Attempted Drugs 2	0	2	2
Attempted Drugs 3	0	3	3
Attempted Drugs 4	0	1	1
Dangerous Drugs - Other	0	1	1
Misconduct - Controlled Substance 1	0	5	5
Misconduct - Controlled Substance 2	8	25	33
Misconduct - Controlled Substance 3	9	58	67
Misconduct - Controlled Substance 4	19	88	107
Misconduct - Controlled Substance 5	0	1	1
Misconduct - Controlled Substance 6	1	0	1
Total	37	179	216
Person			
Assault 1	4	78	82
Assault 2	1	78	79
Assault 3	19	239	258
Assault 4	16	125	141
Attempted Assault 1	0	1	1
Attempted Assault 2	0	1	1
Attempted Kidnapping	0	2	2
Attempted Murder 1	5	28	33
Attempted Robbery 2	0	1	1
Child Abuse	0	2	2
Custodial Interference 1	1	1	2
Coercion	0	8	8
Conspiracy Murder 1	0	1	1
Criminally Negligent Homicide	0	11	11
DV Assault	1	11	12
Endanger Vulnerable Adult 1	0	1	1
Endanger Welfare Minor 1	0	1	1
Kidnapping	1	55	56
Manslaughter	4	42	46
Murder 1	13	208	221
Murder 2	7	157	164
Reckless Endangerment	0	3	3
Robbery 1	7	137	144
Robbery 2	3	61	64

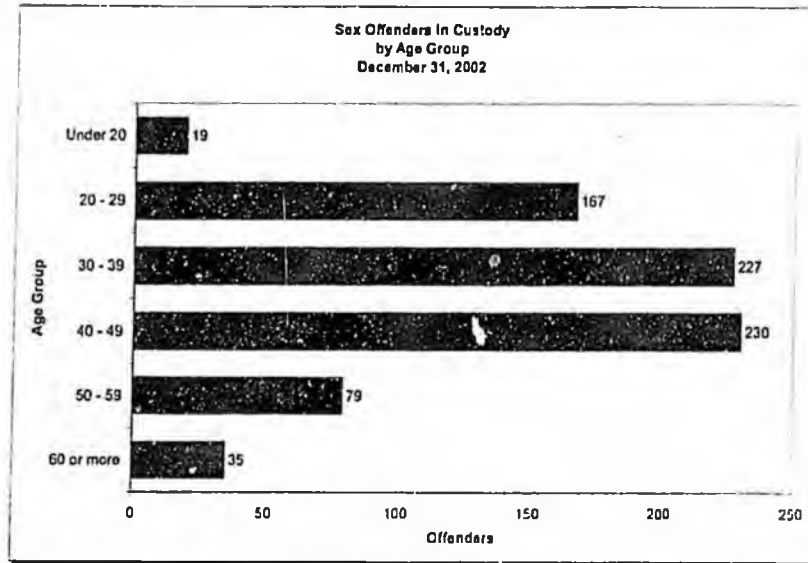
Person (cont'd)	Female	Male	Total
Solicitation Assault 4	0	1	1
Solicitation Murder 1	0	1	1
Solicitation Robbery 1	0	1	1
Stalking 1	0	9	9
Total	84	1,262	1,346
Property			
Arson 1	0	6	6
Arson 2	1	8	9
Attempted Burglary 1	0	2	2
Attempted Scheme to Defraud	0	1	1
Attempted Theft 1	0	1	1
Attempted Theft 2	0	1	1
Burglary 1	4	38	42
Burglary 2	0	58	58
Conceal Merch - Value \$500+	0	1	1
Conceal Merch - Value < \$500	1	15	16
Criminal Mischief 2	2	21	23
Criminal Mischief 3	1	1	2
Criminal Trespass 1	0	5	5
Criminal Trespass 2	3	9	12
Criminally Negligent Burning	0	1	1
Forgery 1	0	1	1
Forgery 2	8	16	24
Fraud Use Credit Card - Value \$500+	0	1	1
Issuing Bad Check - Value \$500-\$24,999	0	2	2
Issuing Bad Check - Value <\$50	0	1	1
Theft 1	0	2	2
Theft 2	18	167	185
Theft 3	1	11	12
Theft 4- Value <\$50	0	1	1
Theft by Deception	0	1	1
Theft by Receiving	0	3	3
Theft of Services	0	1	1
Unauthorized Entry	0	2	2
Vehicle Tampering	0	1	1
Vehicle Theft 1	4	86	90
Total	47	460	507
Public Order/Administration			
Contempt of Court	1	7	8
Escape 2	0	5	5
Failure to Appear	1	8	9
Failure to Comply	1	3	4
Failure to Reg as Sex Offender 1	0	4	4
False Information	2	5	7
Fugitive from Justice	3	7	10
Interfere w/ Report of DV Crime	0	1	1
Interference w/ Official Proceedings	1	3	4
Leaving Scene of Accident	1	4	5
Perjury	0	2	2
Promote Contraband 1	0	3	3
Resist/Interfere Arrest	0	4	4
14 Tamper Phys Evid	1	8	9

	Female	Male	Total
Public Order/Administration			
Tamper Witness 1	0	3	3
Terroristic Threat	0	1	1
Unlawful Evasion	0	1	1
Violate Conditions of Release	0	10	10
Violate DV Restraining Order	1	8	9
Total	12	87	99
Parole/Probation Violations			
Parole Violation	0	77	77
Probation Violation	3	136	139
Total	3	213	216
Non-Registerable Sex Offenses			
Family Violence	1	6	7
Indecent Exposure 2-Victim 16+	0	2	2
Indecent Exposure 2-Victim <16	0	1	1
Practicing Prostitution	1	0	1
Promoting Prostitution	0	1	1
Sex Abuse Minor 4-Vic13, Ofndr <16	0	2	2
Total	3	11	14
Registerable Sex Offenses			
Attempted Sex Abuse Minor 1	0	22	22
Attempted Sex Abuse Minor 2	0	14	14
Attempted Sex Abuse Minor 3	0	3	3
Attempted Sex Assault 1	0	16	16
Attempted Sex Assault 2	0	12	12
Attempted Sex Assault 3	0	2	2
Conspiracy Sex Abuse 1	1	0	1
Incest	0	3	3
Indecent Exposure 1	0	2	2
Indecent View/Photo w/o Consent of Minor	0	1	1
Possess Child Pornography	0	1	1
Sex Abuse Minor 1	1	150	151
Sex Abuse Minor 2	1	171	172
Sex Abuse Minor 3	1	28	29
Sex Assault 1	1	168	169
Sex Assault 2	3	104	107
Sex Assault 3	1	39	40
Solicitation Sex Abuse 1	2	2	4
Total	9	716	725
Traffic/Driving			
Driving w/ Lic Rev/Sus	5	21	26
Eluding	0	1	1
Fail to Stop at Direction of Officer 1	1	20	21
Reckless Driving	0	1	1
Total	6	43	49



**Distribution of Sex Offenders
December 31, 2002**

In-State Institutions	Count	Percent
Anchorage Jail	43	5.7%
Anvil Mt Correctional Center	15	2.0%
Cook Inlet Pretrial Facility	63	8.3%
Fairbanks Correctional Center	16	2.1%
Hiland Mt. Correctional Center	76	10.0%
Ketchikan Correctional Center	6	0.8%
Lemon Creek Correctional Center	46	6.1%
Mat-Su Pretrial Facility	7	0.9%
Palmer Minimum Correctional Center	59	7.8%
Palmer Medium Correctional Center	35	4.6%
Spring Creek Correctional Center	99	13.1%
Wildwood Correctional Center	57	7.5%
Wildwood Pretrial Facility	6	0.8%
Yukon-Kuskokwim Correctional Center	22	2.9%
<i>Total</i>	<i>550</i>	<i>72.7%</i>
Out-of-State Institutions		
Central Arizona Detention Center	196	25.9%
<i>Total</i>	<i>196</i>	<i>25.9%</i>
CRC's		
Cordova Center	7	0.9%
Glacier Manor	1	0.1%
Glennwood Center	2	0.3%
North Star Center	1	0.1%
<i>Total</i>	<i>11</i>	<i>1.5%</i>
Special Offsite Programs		
<i>Total</i>	<i>0</i>	<i>0.0%</i>
Grand Total	757	100.0%



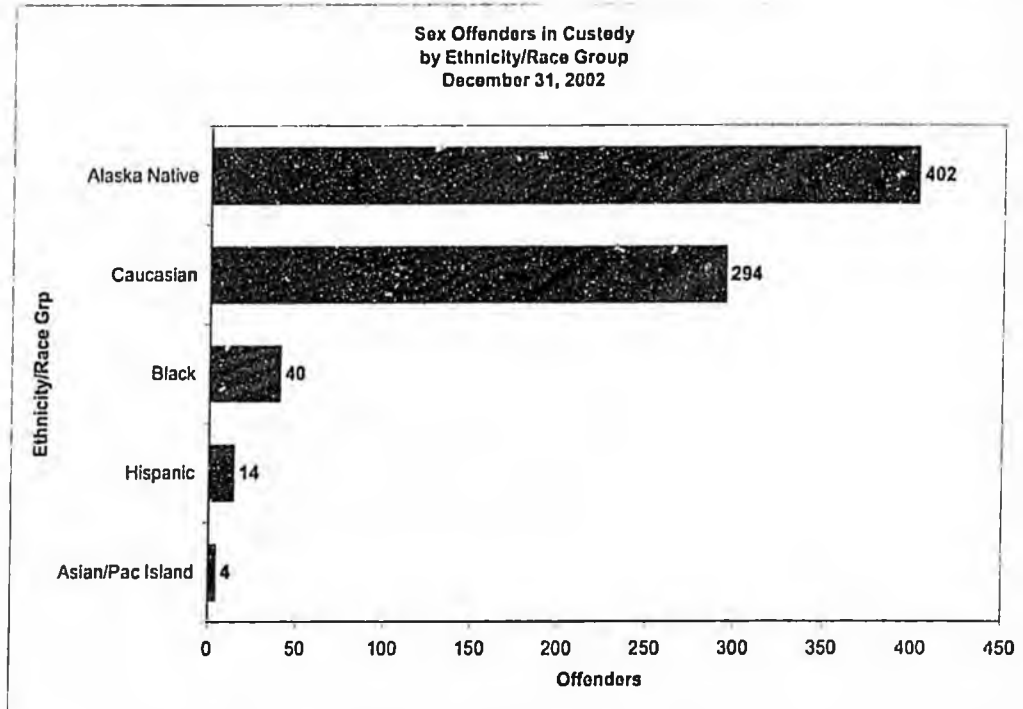
**Demographic Information for Sex Offenders
December 31, 2002**

Sex	Count	Percent
Females	9	1.2%
Males	748	98.8%
Total	757	100.0%

Ethnicity	Count	Percent
Asian/Pacific Island	4	0.5%
Black	40	5.3%
Caucasian	294	38.8%
Hispanic	14	1.8%
Alaska Native	402	53.1%
Unknown	3	0.4%
Total	757	100.0%

Age Group (Years)	Count	Percent
19 and Under	19	2.5%
20 - 24	89	11.8%
25 - 29	78	10.3%
30 - 34	100	13.2%
35 - 39	127	16.8%
40 - 44	130	17.2%
45 - 49	100	13.2%
50 - 54	48	6.3%
55 - 59	31	4.1%
60 - 64	17	2.2%
65 and over	18	2.4%
Total	757	100.0%

Mean Age 38.79
Median Age 38.76



**Offense Classifications of Sex Offenders
December 31, 2002**

Offense Level		
Felony	752	99.3%
Misdemeanor	5	0.7%
Total	757	100.0%

Registerable Sex Offenses		
Attempted Sex Abuse Minor 1	22	2.9%
Attempted Sex Abuse Minor 2	14	1.8%
Attempted Sex Abuse Minor 3	3	0.4%
Attempted Sex Assault 1	16	2.1%
Attempted Sex Assault 2	12	1.6%
Attempted Sex Assault 3	2	0.3%
Conspiracy Sex Abuse 1	1	0.1%
Incest	3	0.4%
Indecent Exposure 1	2	0.3%
Possess Child Pornography	1	0.1%
Sex Abuse Minor 1	158	20.9%
Sex Abuse Minor 2	175	23.1%
Sex Abuse Minor 3	29	3.8%
Sex Assault 1	169	22.3%
Sex Assault 2	108	14.3%
Sex Assault 3	40	5.3%
Solicitation Sex Abuse 1	2	0.3%
Total	757	100.0%

Division of Juvenile Justice/ DHSS
Information RE: HB 334- February 20, 2004

Fiscal Year	Total # Youth Charged	Age	Race	Other Charges Present ?	Case Outcome
FY '94	1	12	Multirace	No	Dismissed
FY '95	0				
FY '96	1	12	Caucasian	No	Dismissed
FY '97	0				
FY '98	0				
FY '99	4	16	Caucasian	No	Dismissed
		16	Caucasian	No	Dismissed
		16	Unknown	No	Dismissed
		15	Unknown	No	Dismissed
FY '00	0				
FY '01	2	14	Caucasian	Yes	Adjudicated
		16	Caucasian	Yes	Adjudicated
FY '02	5	13	Unknown	Yes	Adjudicated
		15	Caucasian	No	Dismissed
		16	Caucasian	Yes	Adjudicated
		16	Caucasian	No	Dismissed
		16	Caucasian	Yes	Adjudicated
FY '03	1	13	AK Native	Yes	Adjudicated/Sex Offender Treatment
FY '04	1	18*	Caucasian	Yes	Waived to Adult Court

* Although the youth was 18 at the time the charges surfaced, the offenses had occurred a few years prior to the juvenile turning 18.

Summary Points:

- ❖ Fifteen (15) juveniles were charged with Unlawful Exploitation of a Minor in 10 years.
- ❖ Several of these incidents involved youths committing the behavior as a group, or stated differently, the 15 youths were involved in 8 separate incidents.
- ❖ Those cases referred with other charges (40% of the total referrals listed above) ultimately resulted in adjudication 100 % of the time. In some of these instances, the adjudication was at a later time for a subsequently referred charge.
- ❖ Seven (7) juveniles out of the total fifteen referred to the Division on this charge (47% of the total referrals for this offense in the past ten years) would have been waived to adult court under this proposed bill based on having been at least 16 at the time of the offense.



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November 28, 2003

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Channel 2 News - Oct. 23, 2003

Chase gets 5-year sentence for child pornography



Anchorage, Alaska, Oct. 23, 2003 - Randy Chase has a long infatuation with children, according to police, Thursday, he faced a judge to find out how much time he'll spend in prison on charges of possessing child pornography.

Chase, 38, was arrested in January at Stevens Anchorage International Airport as he returned from a trip, after his teenage foster son reported finding a videotape in their home of Chase having sex with a young boy.

After his arrest, police found 91 computer discs in Chase's home with more than 15,000 pictures of young boys dating back to March 2000.

Chase pleaded "no contest" to two counts of possessing child pornography.

The courtroom was full Thursday as a standing-room-only crowd gathered to hear Superior Court Judge Larry Carr deliver the sentence.

"Based on my findings and based on the criteria as I've ordered them, I'm going to impose five years on Count 1," he said. Another five years on Count 2 were suspended.

"This is a 38-year-old pedophile, and he's a sadistic pedophile," Assistant District Attorney Taylor Winston told the court. "And the state can say that, your honor, because (of) the pictures."

Chase also faces an indictment for the actual rape of the 8-year-old boy from the videotape, which was taken in Arizona. If convicted on that charge, Chase will face life in prison.

by Warren Williamson

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17-year-old seeks abuse charges against ex

48-year-old man also faces child-porn charges after relationship sours

Tuesday, June 10, 2003

By MELANIE PLEND
JUNEAU EMPIRE © 2003

A middle-aged Juneau man is facing 17 felony charges alleging he carried out a clandestine and illegal sexual relationship with a girl who was 14 when the affair started.

The girl, now 17, told the Empire on Monday that she pursued charges against the man earlier this month because he ended their three-year relationship.

Frederick L. Wigg, 48, a motor route carrier for the Juneau Empire, was arraigned Monday in Juneau Superior Court on three counts of second-degree sexual abuse of a minor, seven counts of unlawful exploitation of a minor and seven counts of possession of child pornography, all felonies.

According to court records, the charges stem from incidents between January 2000 and June 2003. He is accused of having sex with the girl, whose name wasn't released, from age 14 until she was 17, the record said. He also is accused of photographing her while she performed sexual acts with him and keeping the photos.

Wigg is not represented by an attorney yet, and was unavailable for comment following his Monday arraignment. Superior Court Judge Patricia Collins entered an innocent plea on his behalf at his arraignment.

"He was my first love and all that, and he was actually there for me through some stuff I've been through," the girl told the Empire Monday. "It started with e-mails when I was 14, and he said some stuff that made me uncomfortable at the time. I was going to tell someone, but I didn't. I didn't really know what to do. Then I fell in love with him.

"I think what he did was wrong, because I was pretty young and didn't really know what I was doing. I decided to press charges because we broke up and he started dating someone else."

According to court records, the couple's sexual relationship began while the girl was baby-sitting at the Wigg home. Over the next two and a half years, Wigg would pick the girl up from school and the two would have sex in his truck or in the woods while on camping trips, court records said.

The girl said few people knew about her relationship with Wigg. In October 2002, he suggested they end the relationship until she turned 18, because keeping their relationship a secret was too stressful, the girl said. The girl agreed and they ended the affair. She said she later found out Wigg had been seeing another woman for months before he ended the relationship.

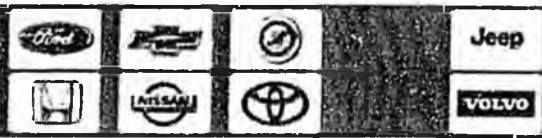
Wigg's trial is set for Aug. 25. If convicted, he faces up to 10 years in prison for the abuse and exploitation charges and up to five years in prison for the pornography charges.

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Anchorage man sentenced for raping, abusing 10-year-old girl

Gene Andersen, 42, was convicted on 16 counts of sexual abuse of a minor, which began in 2002. (Photo by Barry Johnson/KTUU)

By Warren Williamson
KTUU-TV
Updated: 3:07 a.m. ET Feb. 11, 2004

Feb. 10 - A judge sent a powerful message Tuesday, sentencing an Anchorage man to 25 years in prison for raping and abusing a 10-year-old girl hundreds of times over a 30-month period.

Gene Andersen, 42, was convicted on 16 counts of sexual abuse of a minor, which began in 2002.

According to police, Andersen forced the young girl to have sex with him -- sometimes on a daily basis over a two-and-a-half-year period.

Court documents say Andersen used the young girl as his personal sex slave and posed her in Playboy-like photographs and also videotaped some of their sexual encounters.

Andersen will be eligible for parole in about 10 years.

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Child porn charges disclosed

ANDREW THOMAS WEED: Indictment adds new details about Web site manager.

By NICOLE TSONG
Anchorage Daily News

(Published: January 27, 2004)

A new federal indictment against child pornography suspect Andrew Thomas Weed has revealed more details about the government's charges against him.

As manager of three pornographic Web sites, Weed required new users to post child pornography and banned those who didn't, according to the indictment. He also posted pictures of children ages 1 to 5 in February and March 2003, prosecutors said.

Weed, who once served as a soccer coach for the Boys and Girls Club of Southcentral Alaska for 8- and 9-year-old girls, was initially charged in November with one charge each of transportation and possession of child pornography. The indictment returned last week adds multiple counts of transporting the images through a computer, possessing images and two counts of advertising child pornography on the Internet.

The investigation began when Microsoft Corp. notified the National Center for Missing and Exploited Children that the corporation had shut down Internet groups that had child pornography, prosecutors said. The FBI traced four of the groups to Weed.

According to the indictment, Weed, 35, managed three Internet groups using the nicknames "slapdash," "sara" and "jack."

Managers of child pornography Web sites regularly require members to post pictures within a time frame, often 24 hours, to prove the member has access to such pornography, and to try to keep out law enforcement officers, the indictment says.

On Feb. 13, 2003, for example, Weed posted the message "some of you that joined on the 9th and still have not posted are now banned. same deal tommarow [sic] for the ones who joined on the 10th and have not posted," the indictment says.

During the same period, he uploaded pornographic pictures to the groups he managed and to a fourth Web site he belonged to, according to the indictment.

His attorney, Mary Geddes, said she had not seen the new indictment and had no comment.

Weed, who has been in custody since his arrest in November, faces a mandatory minimum penalty of 10 years in prison and a maximum of 20 years if convicted on the advertising charges, a maximum of 15 years for the transportation counts and a maximum of five years for the possession charges, prosecutors said. All the charges carry a maximum fine of \$250,000.

Reporter Nicole Tsong can be reached at ntsong@adn.com or 257-4450.

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February 9, 2004

Representative Kevin Meyer
House of Representatives
State Capitol
Juneau AK 99801-1182

Dear Representative Meyer,

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing HB 334, an act relating to unlawful exploitation of a minor.

This proposed legislation will raise the classification of the offense from a class B to a class A felony. This legislation should be of great benefit to the citizens and law enforcement in Alaska. We thank you for addressing this issue.

Please contact the APOA office in Anchorage at 277-0515 if there is anything our organization can do to assist in the passage of this bill.

Sincerely,

Leo J. Brandlen
State President

FEB 16 2004

Subject: Support for HB334

Date: Tue, 16 Mar 2004 00:08:41 -0800

From: Lauree Hugonin <lauree@ptialaska.net>

Organization: ANDVSA

To: Representative_Kevin_Meyer@legis.state.ak.us

CC: Anna Fairclough <STAR@ak.net>

Dear Rep. Meyer:

Please accept this email as one of support for HB334 from the Alaska Network on Domestic Violence and Sexual Assault. The Network supports increasing the penalty for unlawful exploitation of a minor from a class B to a class A felony.

People who choose to induce/entice children to participate in the sexual behavior listed in AS 11.41.455 should face more jail time. Increasing the penalty may also cause some people to choose not to commit the crime, but whether or not there is a deterrent effect, the penalty should be increased.

Thank you for your continuing efforts to protect children from sexual abuse/exploitation.

Sincerely,
Lauree Hugonin
Executive Director