

**SB**

**157**



**SENATOR FRED DYSON**

**MEMORANDUM**

April 23, 2007

To: Senator Hollis French, Chair  
Senate Judiciary Committee

From: Senator Fred Dyson 

RE: Hearing Request, SB 157 Human Trafficking

I respectfully request the scheduling of SB <sup>157</sup> ~~43~~, "~~An Act Related to Liability for~~  
~~Vandalism~~" at your earliest convenience. *des*  
Thank You.

Attachments: Sponsor Statement; Version of Bill requested for hearing; and, Sectional Analysis.



**SENATOR FRED DYSON**

**SPONSOR STATEMENT**  
**SB 157—*An Act relating to Prostitution.***

The "Trafficking in Persons Task Force" has asked me for changes in Alaska Statutes to help in prosecuting those who are victimizing women and children in our State. They estimate 20-50 women or children are being forced or enticed into prostituting themselves every day in Alaska's cities.

Updated 4/11/07



## SENATOR FRED DYSON

### Sectional Analysis SB 157 , Prostitution

updated 5-2-07

**Section 1: Amends 11.66.100(a):**

- Expands the definition of the crime of prostitution to include the buyer.

**Section 2 and 3: Amends 11.66.110(a)&(b):**

- Changes the law against promotion of prostitution (pimping) in the first degree to include prostitution of persons between 16 and 18 years of age (from 16).

**Section 4: Amends AS 11.66.110(c):**

- Raises penalty for promotion of prostitution in the First Degree from a Class B felony to a Class A felony.

**Section 5: Amends AS 11.66.110(d):**

- Makes the penalty for promotion of prostitution of a child an Unclassified crime

**Section 6: Amends AS 11.66.120(b):**

- Raises promotion of prostitution in the second degree from a Class C felony to a Class B felony.

**Section 7 Amends AS 11.66.130:**

- Includes prostitution of persons between 16 and 18 years of age (from 16).
- Raises penalty for promotion of prostitution in the third degree from a Class A Misdemeanor to a Class C Felony.

**Section 8: Adds a new crime, AS 11.66.135, Promoting Prostitution in the Fourth Degree and makes it a Class A Misdemeanor:**

**Section 9: Adds a new section, AS 11.66.145 that requires forfeiture of property used for promotion of prostitution.**

**Section 10, 11 and 12: Adds the new Unclassified Crime of promoting prostitution of a child defined in Section 5 to lists of unclassified crimes in laws addressing sentencing guidelines.**

**Section 13: Specifies that this Act applies to crimes committed after this bill becomes law.**

25-LS0759L

Luckhaupt

5/1/07

**CS FOR SENATE BILL NO. 157( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FIFTH LEGISLATURE - FIRST SESSION**

**BY****Offered:****Referred:****Sponsor(s): SENATORS DYSON, French, McGuire, Ellis, Bunde, Wagoner, Therriault, Elton, Wilken, Davis****A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to prostitution."

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

3 \* **Section 1.** AS 11.66.100(a) is amended to read:

4 (a) A person commits the crime of prostitution if the person

5 (1) engages in or agrees or offers to engage in sexual conduct in return

6 for a fee; or

7 (2) offers a fee in return for sexual conduct.

8 \* **Sec. 2.** AS 11.66.110(a) is amended to read:

9 (a) A person commits the crime of promoting prostitution in the first degree if  
10 the person

11 (1) induces or causes a person to engage in prostitution through the use  
12 of force;

13 (2) as other than a patron of a prostitute, induces or causes a person  
14 under 18 [16] years of age to engage in prostitution; or

15 (3) induces or causes a person in that person's legal custody to engage

1 in prostitution.

2 \* **Sec. 3.** AS 11.66.110(b) is amended to read:

3 (b) In a prosecution under (a)(2) of this section, it is not a defense that the  
4 defendant reasonably believed that the person induced or caused to engage in  
5 prostitution was 18 [16] years of age or older.

6 \* **Sec. 4.** AS 11.66.110(c) is amended to read:

7 (c) Except as provided in (d) of this section, promoting prostitution in the first  
8 degree is a class A [B] felony.

9 \* **Sec. 5.** AS 11.66.110(d) is amended to read:

10 (d) A person convicted under (a)(2) of this section is guilty of an unclassified  
11 [A CLASS A] felony.

12 \* **Sec. 6.** AS 11.66.120(b) is amended to read:

13 (b) Promoting prostitution in the second degree is a class B [C] felony.

14 \* **Sec. 7.** AS 11.66.130 is amended to read:

15 **Sec. 11.66.130. Promoting prostitution in the third degree.** (a) A person  
16 commits the crime of promoting prostitution in the third degree if, with intent to  
17 promote prostitution, the person

18 (1) manages, supervises, controls, or owns, either alone or in  
19 association with others, a place of prostitution;

20 (2) as other than a patron of a prostitute, induces or causes a person 18  
21 [16] years of age or older to engage in prostitution;

22 (3) as other than a prostitute receiving compensation for personally  
23 rendered prostitution services, receives or agrees to receive money or other property  
24 pursuant to an agreement or understanding that the money or other property is derived  
25 from prostitution; or

26 (4) engages in conduct that institutes, aids, or facilitates a prostitution  
27 enterprise.

28 (b) Promoting prostitution in the third degree is a class C felony [A  
29 MISDEMEANOR].

30 \* **Sec. 8.** AS 11.66 is amended by adding a new section to read:

31 **Sec. 11.66.135. Promoting prostitution in the fourth degree.** (a) A person

1 commits the crime of promoting prostitution in the fourth degree if the person engages  
2 in conduct that institutes, aids, or facilitates prostitution under circumstances not  
3 proscribed under AS 11.66.130(a)(4).

4 (b) Promoting prostitution in the fourth degree is a class A misdemeanor.

5 \* Sec. 9. AS 11.66 is amended by adding a new section to read:

6 **Sec. 11.66.145. Forfeiture.** Property used to institute, aid, or facilitate, or  
7 received or derived from, a violation of AS 11.66.110 - 11.66.135 shall be forfeited.

8 \* Sec. 10. AS 11.81.250(a) is amended to read:

9 (a) For purposes of sentencing under AS 12.55, all offenses defined in this  
10 title, except murder in the first and second degree, attempted murder in the first  
11 degree, solicitation to commit murder in the first degree, conspiracy to commit murder  
12 in the first degree, murder of an unborn child, sexual assault in the first degree, sexual  
13 abuse of a minor in the first degree, misconduct involving a controlled substance in the  
14 first degree, promoting prostitution in the first degree under AS 11.66.110(a)(2),  
15 and kidnapping, are classified on the basis of their seriousness, according to the type  
16 of injury characteristically caused or risked by commission of the offense and the  
17 culpability of the offender. Except for murder in the first and second degree, attempted  
18 murder in the first degree, solicitation to commit murder in the first degree, conspiracy  
19 to commit murder in the first degree, murder of an unborn child, sexual assault in the  
20 first degree, sexual abuse of a minor in the first degree, misconduct involving a  
21 controlled substance in the first degree, promoting prostitution in the first degree  
22 under AS 11.66.110(a)(2), and kidnapping, the offenses in this title are classified into  
23 the following categories:

24 (1) class A felonies, which characteristically involve conduct resulting  
25 in serious physical injury or a substantial risk of serious physical injury to a person;

26 (2) class B felonies, which characteristically involve conduct resulting  
27 in less severe violence against a person than class A felonies, aggravated offenses  
28 against property interests, or aggravated offenses against public administration or  
29 order;

30 (3) class C felonies, which characteristically involve conduct serious  
31 enough to deserve felony classification but not serious enough to be classified as A or

1 B felonies;

2 (4) class A misdemeanors, which characteristically involve less severe  
3 violence against a person, less serious offenses against property interests, less serious  
4 offenses against public administration or order, or less serious offenses against public  
5 health and decency than felonies;

6 (5) class B misdemeanors, which characteristically involve a minor  
7 risk of physical injury to a person, minor offenses against property interests, minor  
8 offenses against public administration or order, or minor offenses against public health  
9 and decency;

10 (6) violations, which characteristically involve conduct inappropriate  
11 to an orderly society but which do not denote criminality in their commission.

12 \* Sec. 11. AS 12.55.035(b) is amended to read:

13 (b) Except as provided in AS 12.55.036, upon conviction of an offense, a  
14 defendant who is not an organization may be sentenced to pay, unless otherwise  
15 specified in the provision of law defining the offense, a fine of no more than

16 (1) \$500,000 for murder in the first or second degree, attempted  
17 murder in the first degree, murder of an unborn child, sexual assault in the first degree,  
18 sexual abuse of a minor in the first degree, kidnapping, promoting prostitution in the  
19 first degree under AS 11.66.110(a)(2), or misconduct involving a controlled  
20 substance in the first degree;

21 (2) \$250,000 for a class A felony;

22 (3) \$100,000 for a class B felony;

23 (4) \$50,000 for a class C felony;

24 (5) \$10,000 for a class A misdemeanor;

25 (6) \$2,000 for a class B misdemeanor;

26 (7) \$500 for a violation.

27 \* Sec. 12. AS 12.55.125(i) is amended to read:

28 (i) A defendant convicted of

29 (1) sexual assault in the first degree, [OR] sexual abuse of a minor in  
30 the first degree, or promoting prostitution in the first degree under  
31 AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more

1 than 99 years and shall be sentenced to a definite term within the following  
2 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

3 (A) if the offense is a first felony conviction, the offense does  
4 not involve circumstances described in (B) of this paragraph, and the victim  
5 was

6 (i) less than 13 years of age, 25 to 35 years;

7 (ii) 13 years of age or older, 20 to 30 years;

8 (B) if the offense is a first felony conviction and the defendant  
9 possessed a firearm, used a dangerous instrument, or caused serious physical  
10 injury during the commission of the offense, 25 to 35 years;

11 (C) if the offense is a second felony conviction and does not  
12 involve circumstances described in (D) of this paragraph, 30 to 40 years;

13 (D) if the offense is a second felony conviction and the  
14 defendant has a prior conviction for a sexual felony, 35 to 45 years;

15 (E) if the offense is a third felony conviction and the defendant  
16 is not subject to sentencing under (F) of this paragraph or (I) of this section, 40  
17 to 60 years;

18 (F) if the offense is a third felony conviction, the defendant is  
19 not subject to sentencing under (I) of this section, and the defendant has two  
20 prior convictions for sexual felonies, 99 years;

21 (2) attempt, conspiracy, or solicitation to commit sexual assault in the  
22 first degree, [OR] sexual abuse of a minor in the first degree, or promoting  
23 prostitution in the first degree under AS 11.66.110(a)(2) may be sentenced to a  
24 definite term of imprisonment of not more than 99 years and shall be sentenced to a  
25 definite term within the following presumptive ranges, subject to adjustment as  
26 provided in AS 12.55.155 - 12.55.175:

27 (A) if the offense is a first felony conviction, the offense does  
28 not involve circumstances described in (B) of this paragraph, and the victim  
29 was

30 (i) under 13 years of age, 20 to 30 years;

31 (ii) 13 years of age or older, 15 to 30 years;

1 (B) if the offense is a first felony conviction and the defendant  
2 possessed a firearm, used a dangerous instrument, or caused serious physical  
3 injury during the commission of the offense, 25 to 35 years;

4 (C) if the offense is a second felony conviction and does not  
5 involve circumstances described in (D) of this paragraph, 25 to 35 years;

6 (D) if the offense is a second felony conviction and the  
7 defendant has a prior conviction for a sexual felony, 30 to 40 years;

8 (E) if the offense is a third felony conviction, the offense does  
9 not involve circumstances described in (F) of this paragraph, and the defendant  
10 is not subject to sentencing under (I) of this section, 35 to 50 years;

11 (F) if the offense is a third felony conviction, the defendant is  
12 not subject to sentencing under (I) of this section, and the defendant has two  
13 prior convictions for sexual felonies, 99 years;

14 (3) sexual assault in the second degree, sexual abuse of a minor in the  
15 second degree, unlawful exploitation of a minor or distribution of child pornography  
16 may be sentenced to a definite term of imprisonment of not more than 99 years and  
17 shall be sentenced to a definite term within the following presumptive ranges, subject  
18 to adjustment as provided in AS 12.55.155 - 12.55.175:

19 (A) if the offense is a first felony conviction, five to 15 years;

20 (B) if the offense is a second felony conviction and does not  
21 involve circumstances described in (C) of this paragraph, 10 to 25 years;

22 (C) if the offense is a second felony conviction and the  
23 defendant has a prior conviction for a sexual felony, 15 to 30 years;

24 (D) if the offense is a third felony conviction and does not  
25 involve circumstances described in (E) of this paragraph, 20 to 35 years;

26 (E) if the offense is a third felony conviction and the defendant  
27 has two prior convictions for sexual felonies, 99 years;

28 (4) sexual assault in the third degree, incest, indecent exposure in the  
29 first degree, possession of child pornography, or attempt, conspiracy, or solicitation to  
30 commit sexual assault in the second degree, sexual abuse of a minor in the second  
31 degree, unlawful exploitation of a minor, or distribution of child pornography, may be

1 sentenced to a definite term of imprisonment of not more than 99 years and shall be  
2 sentenced to a definite term within the following presumptive ranges, subject to  
3 adjustment as provided in AS 12.55.155 - 12.55.175:

- 4 (A) if the offense is a first felony conviction, two to 12 years;
- 5 (B) if the offense is a second felony conviction and does not  
6 involve circumstances described in (C) of this paragraph, eight to 15 years;
- 7 (C) if the offense is a second felony conviction and the  
8 defendant has a prior conviction for a sexual felony, 12 to 20 years;
- 9 (D) if the offense is a third felony conviction and does not  
10 involve circumstances described in (E) of this paragraph, 15 to 25 years;
- 11 (E) if offense is a third felony conviction and the defendant  
12 has two prior convictions for sexual felonies, 99 years.

13 \* Sec. 13. The uncodified law of the State of Alaska is amended by adding a new section to  
14 read:

15 **APPLICABILITY.** This Act applies to offenses committed on or after the effective  
16 date of this Act.