


ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 00/2


10993 HOUSE RULES

Looking Back at 1976



**Excerpt from the 1976 Official Election Pamphlet
Statement in Favor of Proposition No. 2
Alaskans Should Strongly Support the Establishment of a
Permanent Fund**

"Just as a wise and prudent family sets aside money in a savings account for the future, so should Alaska's state government set aside a rainy day fund to benefit this and future generations of Alaskans. In a "Permanent Fund" you—the voter—can prevent a major source of income from being doled out for day-to-day needs or desires of state government by placing up to 25% of all revenue generated from non-renewable resources such as mineral leases, rentals, royalties and federal mineral revenue sharing payments and bonuses into such a fund.




In recent years the state legislature has been spending \$2.00 for every \$1.00 taken in. Authorities estimate that if the present rate of spending continues, Alaska will require a budget in excess of one billion dollars by or before 1980. Establishment of this "Permanent Fund" will provide for the use of the principal for the *income-producing investments only* and provide a businesslike approach of permitting the State to meet countless community needs.

Today, as the result of anticipated oil and gas revenues, Alaska stands on the brink of unprecedented propriety. No one, but no one, argues that these non-renewable resources will last but for a few decades. Similarly, no one should fail to recognize that in those years ahead the cost state government will continue to spiral upwards. Now is the time to ask ourselves the question: **"When the oil and gas is depleted, where will the funds to feed our giant government come from?"** The answer is: **"The Permanent Fund"**.

While it is to be hoped that such a fund may contribute to cutting cost or, at least, holding the line on state spending, **its major value would be that it would require our elected officials to pause, reflect and research, any proposal before blindly authorizing expenditure of taxpayers monies.** This would provide needed time for the press and the public to also be aware of the pending project and its merit, instead of being out of public view and hidden in the spending pattern of normal day-to-day operations. Projects invested in with sources from the "Permanent Fund" could help broaden Alaska's narrow based economy and bring more stability to our State.

We would caution the public that while a "Permanent Fund" could provide a tool for accomplishing real needs for community improvements, it will, in the final analysis, not replace our collective responsibility to elect state administrators and legislators who will use the same reason and restraint in spending the public money as they would their own funds.



Establishment of a "Permanent Fund" is an exciting concept and when approved and properly used can serve long and well the best public interest of Alaskans."



Alaska State Chamber of Commerce

Permanent Fund Income Distributable to the State of Alaska
Stated in Thousands

Prepared March 2, 2004 by Representative Dan Ogg's staff ⁽¹⁾

The Legislature appropriated a portion of the Fund's statutory net income for various purposes, including the payment of dividends to qualified residents of the State of Alaska. In addition, the Legislature appropriated a portion of the Fund's realized earnings to fund various other agency activities.

Income distributable to the state as of June 30 each year is summarized as follows:

	2003	2002	2001	2000	1999	1998	1997	1996	Total
Dividends	\$ 657,064	\$ 897,453	\$ 1,082,300	\$ 1,142,148	\$ 1,016,113	\$ 883,982	\$ 717,635	\$ 613,343	\$ 6,990,038
Appropriations to the Department of Corrections ⁽²⁾	\$ 6,895	\$ 4,258	\$ 3,615	\$ 2,929	\$ 2,147	\$ 1,047	\$ 1,047	\$ 803	\$ 22,741
Health and Social Services ⁽²⁾	15,406	13,008	16,147	17,518	18,689	19,101	21,493	21,717	143,079
Revenue ⁽⁴⁾	5,444	5,245	5,098	4,985	4,793	5,677	4,486	5,317	41,046
Public Safety ⁽²⁾	4,209	5,380	5,376	4,871	3,234	2,904	2,119	1,633	29,726
Legislature ⁽⁵⁾	462	462	64						988
Administration ⁽⁶⁾	1,170								1,178
Sub-Total to Departments	\$ 33,594	\$ 28,353	\$ 30,301	\$ 30,303	\$ 28,863	\$ 28,729	\$ 29,145	\$ 29,470	\$ 238,758
Total to dividend fund	\$ 690,658	\$ 925,809	\$ 1,112,601	\$ 1,172,451	\$ 1,044,976	\$ 882,711	\$ 746,780	\$ 642,813	\$ 7,228,796
Other Agencies ⁽⁷⁾		4,547	3,843	2,780	3,015	494	1,748	3,414	19,841
Total	\$ 690,658	\$ 930,353	\$ 1,116,444	\$ 1,175,231	\$ 1,047,991	\$ 893,205	\$ 748,528	\$ 646,227	\$ 7,248,637

Notes:

- (1) Source of data is the Permanent Fund's Annual Reports
- (2) These departments receive and expend the dividends of incarcerated individuals as PF "felon funds" to help offset their cost of incarceration
- (3) The PFD "Hold Harmless" payments replace public assistance program benefits when receiving the PFD causes individuals to lose eligibility or to have benefits reduced
- (4) The PFD Division utilizes a portion of the total amount available for dividends for their operating costs
- (5) "Felon funds" are appropriated to the legislature to support the Office of Victims' Rights
- (6) "Felon funds" are appropriated to the department to support the Violent Crimes Compensation Board
- (7) Amounts paid to other State of Alaska agencies for support of APFC operations, including Dept. of Revenue, Dept. of Natural Resources, and Dept. of Law
 - Beginning in FY03, appropriations for other state agencies using APFC's budget code will be reported with total APFC operating expenses, as a reduction of APF revenues

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
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DOCUMENT(S)
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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.

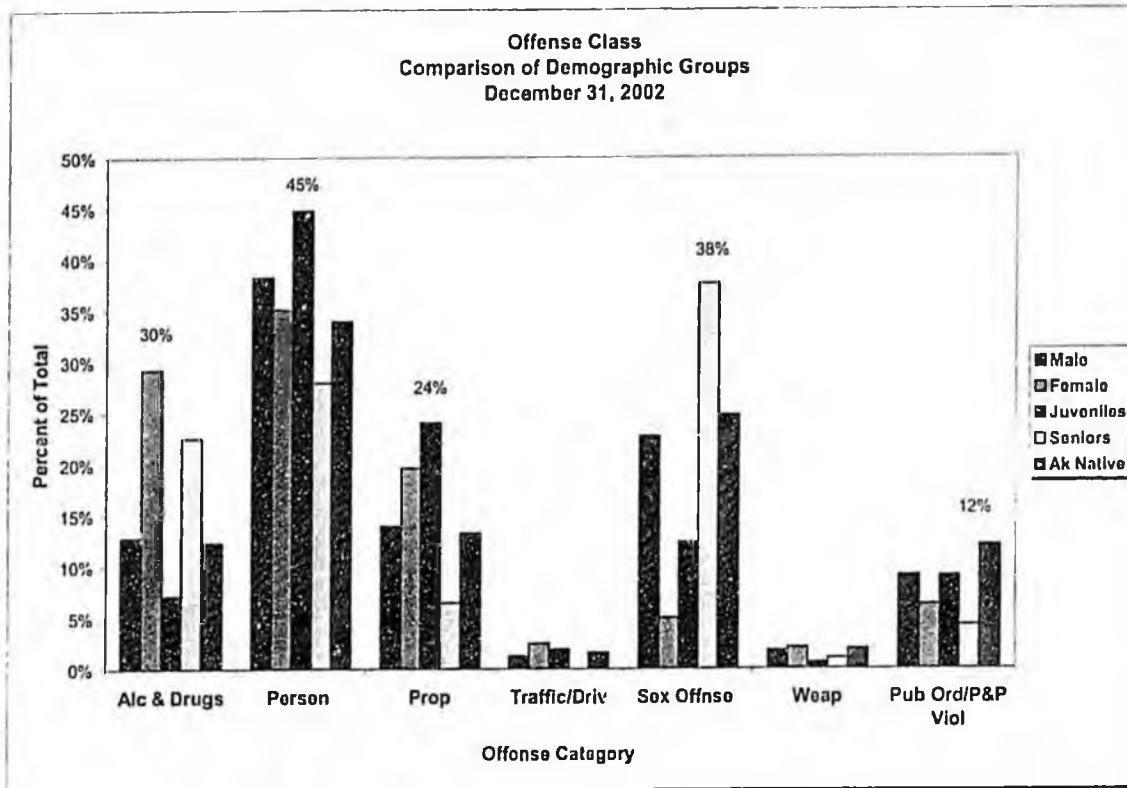
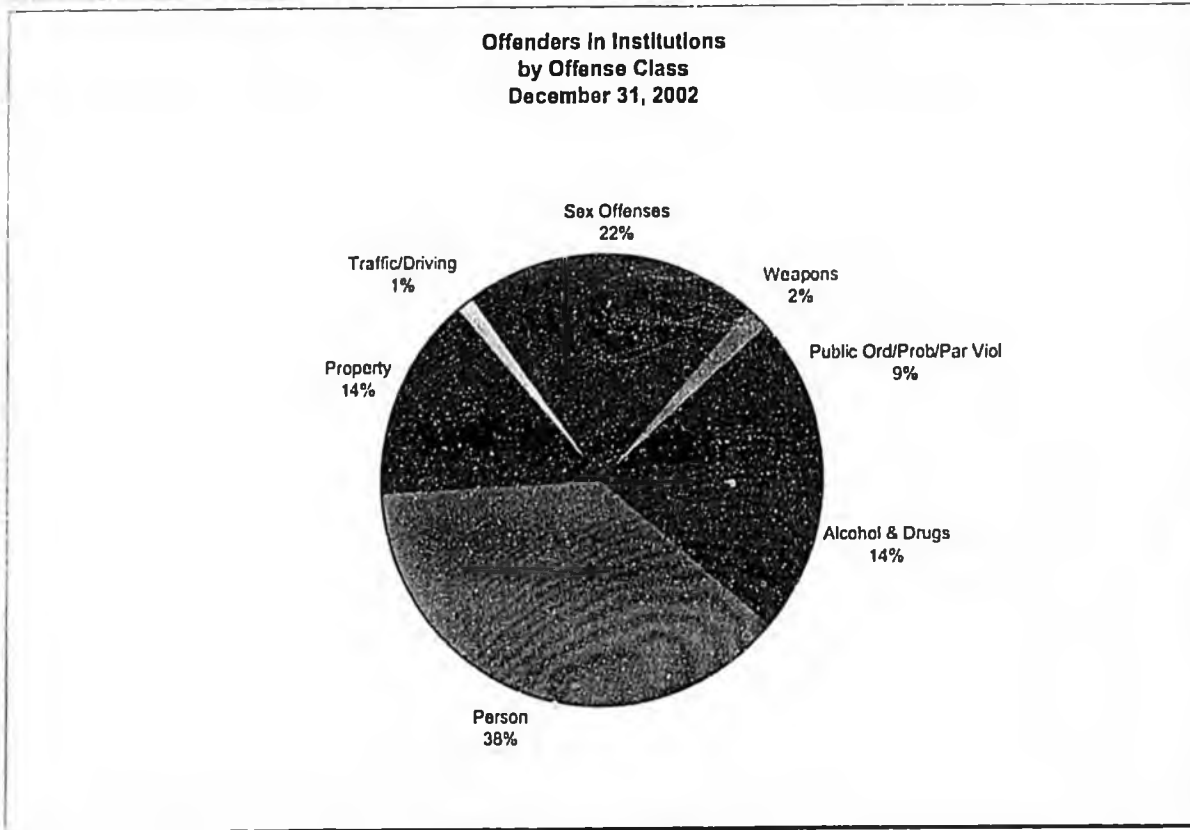
(d) In this section, "audio recording" means a nonbook prerecorded item without a visual component, and includes a record, tape, cassette, and compact disc.

**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

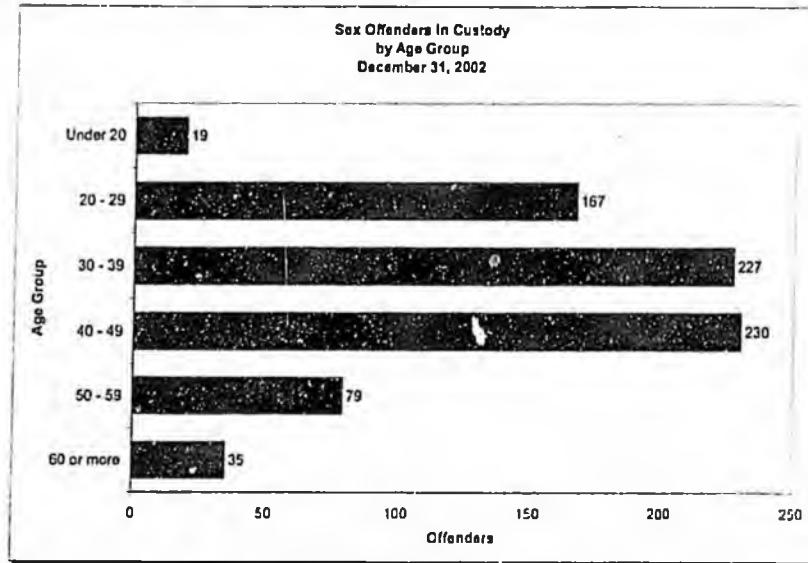
Person (cont'd)	Female	Male	Total
Solicitation Assault 4	0	1	1
Solicitation Murder 1	0	1	1
Solicitation Robbery 1	0	1	1
Stalking 1	0	9	9
Total	84	1,262	1,346
Property			
Arson 1	0	6	6
Arson 2	1	8	9
Attempted Burglary 1	0	2	2
Attempted Scheme to Defraud	0	1	1
Attempted Theft 1	0	1	1
Attempted Theft 2	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-Vic 13, 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%



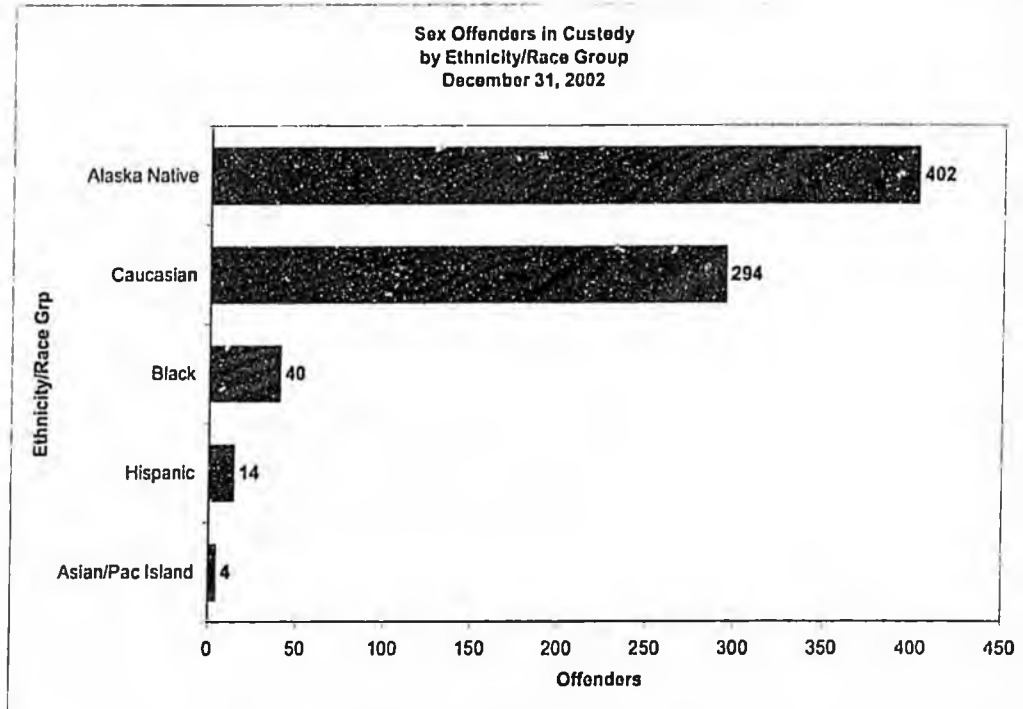
**Demographic Information for Sex Offenders
December 31, 2002**

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.

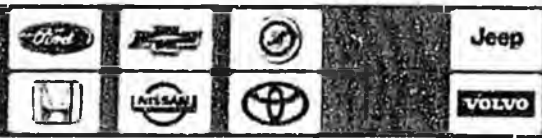
Wigg's trial is set for Aug. 25. If convicted, he faces up to 10 years in prison for the abuse and exploitation charges and up to five years in prison for the pornography charges.

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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

HB

381

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 381(HES)
(H) Publish Date: 4/8/04

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title Child Endangerment Driving Offenses BRU Alaska Court System
Component Trial Courts
Sponsor Representative McGuire
Requester _____ 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)

The court system does not anticipate any fiscal impact from the passage of HB 381.

Prepared by: Doug Wooliver Administrative Attorney Phone 463-4750
Division Alaska Court System Date/Time 4/2/04 12:22 PM
Approved by: Stephanie Cole Administrative Director by Doug Wooliver Date 4/2/2004
Agency Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 381(HES)
(H) Publish Date: 4/8/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title An Act relating to child endangerment BRU Legal and Advocacy Services
Component Public Defender Agency
Sponsor Rep. McGuire
Requester (H) HESS 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	*	*	*	*	*	*
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

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	*	*	*	*	*	*

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 likely have some fiscal impact on the operations of the Public Defender Agency, because it criminalizes, at the felony level, conduct that does not currently qualify for the crime of child endangerment under the current statutes. Making it a C felony for a driver to have a child in a car while the driver is "under the influence of an intoxicant" will certainly increase the caseload of the Agency. It will also increase the workload because felony offenses require more work from Agency attorneys. Adding the additional offense for transporting a child in a vehicle without proper seating restraint and making the offense either a B felony, C felony or A misdemeanor depending on the resulting injury to the child will have a similar fiscal impact on the Agency as the previous provision. The Agency does not currently handle a significant number of child endangerment offenses, but would expect to handle many more if this bill were enacted. Since it is impossible to predict the impact with any accuracy, an indeterminate fiscal note is submitted.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)-334-4416
Division Public Defender Agency Date/Time 4/5/04 12:00 AM
Approved by: Kevin Jardell, Assistant Commissioner Date 4/5/2004
Agency Administration

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSHB 381(HES)
(H) Publish Date: 4/8/04

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
Title "An Act relating to child endangerment." RDU CRIMINAL
Component CDCO
Sponsor Representative McGuire
Requester House Health, Education and Social Services 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	*****	*****	*****	*****	*****	*****

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

FUND SOURCE	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*****	*****	*****	*****	*****	*****

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	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 11.51.100 by adding two additional felony charges to the crime of endangering the welfare of a child in the first degree. The first adds a separate felony charge to a misdemeanor of driving of under the influence, if there were children in the vehicle at the time; the second felony charge would arise if a person failed to require a child to use seatbelts, and a vehicle accident ensued resulting in injury or death to the child.

The number of new felonies that would result from passage of this legislation is difficult to quantify. We anticipate a fiscal impact, but it is indeterminate at this point in time.

Prepared by: Kathryn A. Daughhete, Director Phone 465-3673
Division Administrative Services Date/Time 4/5/04 9:14 AM
Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 4/5/2004
Agency Department of Law

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 4
 Bill Version: CSHB 381(RLS)
 (H) Publish Date: 4/30/2004

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title An Act relating to child endangerment BRU Criminal
 Component CDCO
 Sponsor Representative McGuire
 Requester House Rules Committee 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)*

Prepared by: Janet S. Seitz, Staff Phone 465-3764
 Division House Rules Committee Date/Time 4/29/04 8:56 PM
 Approved by: Representative Norman Rokeberg Date 4/29/2004
 Agency Chairman, House Rules Committee

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 5
Bill Version: CSHB 381(RLS)
(H) Publish Date: 4/30/2004

Revision Date/Time (Note if correction): _____ Dept. Affected: Adm
Title An Act relating to child endangerment BRU Legal & Advocacy Services
Public Defender Agency
Sponsor Representative McGuire
Requester House Rules Committee 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						
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						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

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)*

Prepared by: Janet S. Seitz, Staff Phone 465-3764
Division House Rules Committee Date/Time 4/29/04 9.00 PM
Approved by: Representative Norman Rokeberg Date 4/29/2004
Agency Chairman, House Rules Committee

Alaska State Legislature

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Representative Lesil McGuire
Chair, Judiciary Committee

FLOOR AMENDMENT

CSHB 381 (JUD)

DELETE (Page 2, Lines 14-15)

(3) knowingly transports a child in a motor vehicle in violation of AS 28.05.095(b) and the child suffers physical injury or dies.

DELETE Sec. 4 (Page 2, Line 27 – Page 3, Line 1)

Endangering the welfare of a child in the first degree under (a)(3) of this section is a

- (1) class C felony if the child dies;
- (2) class A misdemeanor if the child suffers serious physical injury; or
- (3) class B misdemeanor if the child suffers physical injury.

Preceding sections are appropriately renumbered

Note: This amendment will have the effect of removing all reference to the "failure to restrain" offense and all resulting criminal penalties.

ADOPTED IN
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Alaska State Legislature

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Representative Lesil McGuire

Chair, Judiciary Committee

SECTIONAL ANALYSIS

HB 381

"An Act relating to child endangerment"

Section 1 – Amends AS 11.51.100(a) by adding two subsections to include transporting a child in a motor vehicle while under the influence of an intoxicant; and failure to use proper seat restraints while transporting a child in a motor vehicle and the failure to restrain leads to the injury of death of the child.

Section 2 – Amends AS 11.51.100(c) by making the crime of child endangerment by transporting a child while under the influence a class C felony.

Section 3 – Amends AS 11.51.100(d) by making the crime of child endangerment by failing to use proper seat restraints and that failure to restrain results in the death of a child a class B felony.

Section 4 – Specifies that "intoxicant" has the meaning given in AS 47.10.990.

Alaska State Legislature

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Representative Lesil McGuire
Chair, Judiciary Committee

SPONSOR STATEMENT

HB 381

"An Act relating to child endangerment"

HB 381 addresses loopholes in Alaska Statute regarding vehicular related child endangerment. This bill includes specific provisions to our existing child endangerment statutes pertaining to transporting a child in a motor vehicle while intoxicated or transporting a child in a motor vehicle and failing to use proper restraints.

Currently, 27 states or territories have similar laws in effect. This bill will demonstrate Alaska's commitment to protecting our children, and our commitment to making adults responsible for their actions while transporting children.

HB 381 amends AS 11.51.100 (a) by adding two specific elements to the crime of child endangerment. First it specifies that a person commits the crime of child endangerment if they transport a child in a motor vehicle while under the influence of an intoxicant. Second, it adds that a person commits the crime of child endangerment if they fail to properly restrain a child, while transporting a child in a motor vehicle, and their failure to restrain leads to the injury or death of a child.

HB 381 will further help protect children from vehicular related injury or death, and because of this I encourage your support for this bill.

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DESERVES
A DESIGNATED
DRIVER

Child
Endangerment
Report



Mothers
Against
Drunk
Driving

ON THE COVER

There are very real cases in which a child's life is placed in danger by a parent or other caregiver's choice to drink and drive. Yet, as dangerous as it is, driving impaired with children in the vehicle is not a commonly acknowledged form of child endangerment or child abuse.

Carlie McDonald, 5 years old, was killed on January 1, 1998 by her intoxicated mother who was driving with a blood alcohol content (BAC) of .22 percent, over twice the illegal limit. Carlie had been placed in the front seat of the car; her unused booster seat was found in the back. Carlie's mother had been specifically court-ordered not to consume alcohol in Carlie's presence. This was not enough to save Carlie's life.

Carlie's father, Lieutenant Carl McDonald of the Wyoming Highway Patrol, had primary custody of his daughter. He was helpless to protect and ensure that Carlie would be safe when visiting her mother. His life has been forever changed.

Carlie loved playing with her dog, Sadie, and reading bedtime stories. Her favorite movie was *The Lion King*. Because her mother made the choice to drive while impaired with Carlie in the car, Carlie will never be able to live her life and attain her dreams. Her father must learn to live without her and continue his journey of grief.

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CHILD ENDANGERMENT AND CHILD ABUSE

Child abuse or neglect is defined in Black's Law Dictionary as:

"When a child's parent or custodian, by reason of cruelty, mental capacity, immorality or depravity, is unfit to properly care for him or her, neglects or refuses to provide necessary physical, affectional, medical, surgical or institutional care for him or her or is under such improper care or control as to endanger his or her morals or health."

Child endangerment as it pertains to impaired driving falls into the above legal definition of child abuse when a parent or caregiver knowingly puts a child in the car after drinking alcohol with the intention to drive. This choice falls under the "improper care...so as to endanger his or her morals or health." However, driving while impaired with a child in the vehicle is rarely, if ever, charged as child abuse.

CHILD ENDANGERMENT LAWS

Child endangerment is a term used to collectively identify laws that create a separate offense or enhance an existing penalty for an offender who endangers a minor. Endangerment is any action that might place a minor in jeopardy of physical, moral or mental well being.

While most states now have some kind of endangerment statute, 35 states currently have statutes that create special sanctions for cases of driving under the influence / driving while intoxicated (DUI/DWI) while the offender is transporting a child at the time of the offense. (See Appendix A.)

Child endangerment statutes fall into the following categories:

- **Enhanced penalties:** Penalties that are added to the penalties for a DUI/DWI law violation.
- **Separate offenses:** An offense for DUI/DWI with a minor in the vehicle that is separate from the DUI/DWI laws.
- **Aggravating circumstances:** Laws that allow the fact that a child was in the vehicle to be used by the judge/jury in sentencing as an aggravating factor, but not necessarily mandating a specific enhanced penalty.

Driving impaired is not an "accident" or a mistake. It is a choice, just as blatant physical child abuse is a choice. Rather than a fist, the weapon is a motor vehicle.

MADD is concerned about the increasing number of calls MADD victim advocates receive from distraught parents and other loved ones regarding allegations of an adult driving impaired with a child in the vehicle. In polling MADD chapters during the last year, MADD victim advocates across the nation received approximately 17,000 child endangerment calls. Many of these calls indicate that reports filed as child endangerment to state agencies are slipping through the cracks of the system, putting children at a greater risk of victimization.

These calls are not from victims of drunk driving crashes, but from potential victims of drunk driving. Often victim advocates feel helpless and frustrated with these calls for help. There seems to be no relief for the problem due in part to the lack of public awareness of the extent of the DUI/DWI child endangerment problem and the reluctance to accept that to drive impaired with a child in the vehicle is a form of child abuse.

Victim advocates on the panel identified common problems that victims report in calls of frustration and desperation. The following issues and concerns were raised:

- Cases are not being properly charged, resulting in lack of prosecution.
- Cases that are charged are often plea bargained down or dismissed.
- Reports made to child protective agencies are not being documented or investigated.
- A general lack of awareness of the seriousness of the problem.
- Divorced parents who are confronted with the problem of an ex-spouse who drives while impaired face legal challenges and the financial risk of subjecting themselves to civil contempt actions if they refuse visitation privileges to protect their children.
- Many victims do not have the financial resources to seek relief in the civil court system.

WHY IS THERE A NEED FOR A CHILD ENDANGERMENT STATUTE?

Within each state, it is the legislature that determines the structure of child endangerment laws. Statutes of this nature are important because motor vehicle crashes outrank all other injuries and diseases as the major cause of death for children ages 1 and above. In 2002, alcohol-related vehicle crashes accounted for 22 percent of motor vehicle crash deaths of children.

States with child endangerment laws widely vary in provisions and enforcement. Additionally, public awareness is often so low many people do not know such statutes exist. Individually, the situation is even more complicated because families with child endangerment issues are often already coping with the legal ramifications of separation, divorce, and visitation/custody issues. After a court has accepted custody arrangements, concerned parents and adults have very few options for protecting a child from a parent who drives impaired. Even worse, if a parent attempts to prevent the child from riding with their impaired parent, breach of the custody agreement could be enforced leading to further victimization.

The law enforcement officers, judge, civil attorney and prosecutor on the panel identified difficulties in enforcing the child endangerment statutes. The following issues were identified:

- There is difficulty in interpreting the existing DUI/DWI child endangerment laws; many of the laws are too complex.
- There is a lack of education on all aspects of the laws and the problem of child endangerment in general.
- There is difficulty in not being able to enforce civil remedies absent a restraining order or request of participation from child protective services.
- Laws are not being uniformly enforced.
- Violation of terms of the divorce decree as it relates to impaired driving with minor children in the car should be clearly tied to change in custody or visitation.
- There is a critical need for judicial education programs addressing all the issues surrounding child endangerment.
- DUI/DWI offenders' parental status should be a consideration at sentencing in terms of probation restrictions against driving after drinking with children in the vehicle.

RESEARCH AND STATISTICS

A 1999 national telephone survey, sponsored by the National Highway Traffic Safety Administration (NHTSA), estimates that between 46 and 102 million drinking-driving trips are made each year with children under the age of 15 in the vehicle.

In May 2000, the Journal of the American Medical Association (JAMA) published "Characteristics of Child Passenger Deaths and Injuries Involving Drinking Drivers." The study found that from 1985 to 1996, there were 5,555 child passenger deaths involving a drinking driver. Of these deaths, 3,556 (64 percent) occurred while the child was riding with a drinking driver; 67 percent of these drinking drivers were old enough to be the parent or caregiver of the child. *1 footnote

Of all drivers transporting a child who died, drinking drivers were more than twice as likely as non-drinking drivers to have had a previous license suspension (17.1 percent vs. 7.1 percent) and more than six times as likely to have a conviction for driving while intoxicated (7.9 percent vs. 1.2 percent). These findings underscore the serious risk that persons arrested for alcohol-impaired driving pose to others and to themselves.

Drivers who have been arrested for driving while impaired are known to be at substantially increased risk of future death in alcohol-related motor vehicle crashes compared with drivers who have not been arrested for this offense. *2 footnote

In addition, studies have shown that 70 percent of the drivers arrested for driving while impaired have alcohol abuse problems and between 10 and 50 percent are alcohol dependent. *3 footnote

Taken together, these findings emphasize the importance of aggressive intervention with persons convicted of DUI/DWI, including evaluation and treatment for alcohol problems, to prevent future deaths in alcohol-related crashes.

From 1988 through 1996, an estimated 149,000 child passengers were non fatally injured in crashes involving a drinking driver. Of these, 58,000 (38.9 percent) were riding with a drinking driver when injured in the crash. *4 footnote

*1 footnote Royal, D. National Survey of Drinking and Driving Attitudes and Behavior: 1999, Volume 1: Findings. Washington, DC: US Dept of Transportation, National Highway Traffic Safety Administration; 2000. DOT Report HS 809 190

*2 footnote Brewer RD, Morris PD, Cole TB, Watkins S, Patetta MJ, Popkin C. The risk of dying in alcohol-related automobile crashes among habitual drunk drivers. *The New England Journal of Medicine*. 1994; 331:513-517.

*3 footnote Wiczorek W, Miller B., Nochajski T. Multiple and Single Location Drinking Among DWI Offenders Referred for Alcoholism Evaluation. *American Journal of Drug and Alcohol Abuse* 1992; 18, no. 1: 103-116.

*4 footnote Quinlan KP, Brewer RD, Sleet DA, Dellinger AM. Characteristics of Child Passenger Deaths and Injuries Involving Drinking Drivers. *Journal of the American Medical Association* 2000; 283: 2249-2252.

During the five-year period of 1997-2001, 1,985 child passengers died and an estimated 87,226 were injured in alcohol-related crashes. Sixty-eight (60) percent of the deaths and 38 percent of the injuries occurred among children who were riding in the same vehicle with the drinking driver.

Of the children who died while riding in the same vehicle with the drinking driver, only 29 percent were known to have been restrained (restraint use was unknown for another 9 percent of child passenger deaths). As the BAC of the child's driver increased, child restraint use decreased.

Although restraint use in this group of children remains unacceptably low, restraint use has increased in recent years. The May 2000 JAMA study found that only 18 percent of children who were riding with the drinking driver at the time of the crash were known to have been restrained. The increase in restraint use seen among child passenger deaths is consistent with the increase in child restraint use over time in the general population. Strong enforcement of child safety seat laws and passage of primary enforcement seat belt laws in all states could further reduce child passenger deaths. The safety benefits of stricter enforcement of restraint laws may be even greater for children who are transported by drinking drivers because these drivers are known to have higher rates of serious crashes.

During the five-year period of 1997-2001, 58 percent of the alcohol-related crashes in which a child passenger died while riding with the drinking driver occurred during daytime or evening hours (6AM to 9PM). This finding adds further support for the need to increase high visibility enforcement of child safety seat, primary seat belt, and DUI/DWI laws, especially during daytime hours.

The MADD child endangerment panel of experts agreed that there is not any empirical research that has been done to determine scientifically if child endangerment laws that have been enacted have reduced alcohol-related deaths and injuries among child passengers. Funding for research needs to be acquired to evaluate the effectiveness of current child endangerment laws.

WHAT CAN BE DONE TO HELP PROTECT CHILDREN?

As these startling statistics sadly point out, much more aggressive tactics need to be taken with impaired drivers when children are riding in the vehicle. Possible solutions may be found in public education, research, legislation, enforcement, prosecution and judicial arenas. Specific solutions to address appropriate measures to reduce incidences of child endangerment need to be developed on local and state levels.

In developing specific solutions, MADD reviewed existing state laws that relate to DUI/DWI child endangerment. Analysis of this data revealed the following:

- Current state laws are complex and vary greatly from state to state.
- A variance in the age of children when these laws apply and therefore there is a need for a uniform age.
- The need for a simplification in the DUI/DWI child endangerment laws to make enforcement and prosecution easier.
- There is no clear consensus on whether separate child endangerment statutes or enhanced penalties under existing DUI/DWI law is better.
- A need for minimum mandatory penalties for violations of child endangerment laws.

The panel discussed in great detail the need for the criminal, civil, and family courts to gain an understanding of the severity of this crime and the need to impose significant sanctions on the offender who drives impaired with children in the vehicle, thus reducing the number of children who are injured and killed as passengers.

MADD RECOMMENDATIONS

The input and suggestions of the child endangerment panel were crucial in bringing possible solutions into focus. After extensive examination and consideration of all the complex issues regarding child endangerment, MADD makes the following recommendations in Criminal Cases for Statutes, Criminal Penalties, Civil Cases, and Administrative Sanctions in DUI/DWI Child Endangerment Cases.

Uniform Age Requirement

A "child" for purposes of applying a child endangerment DUI/DWI statute should be minimally defined as a child under the age of 16 years. States that currently have a definition of over 16 years of age are encouraged to keep their existing definition.

Child Restraint Laws

State child passenger safety laws should be thorough in their coverage and must provide for primary enforcement. Law enforcement agencies are encouraged to give high priority to enforcement of these laws. Consideration should be given to adding driver license points for violations of child passenger restraint laws. Further consideration should be given to administrative revocation/suspension for drivers who commit a second or subsequent offense of any child passenger safety occupant protection laws.

Child Endangerment DUI/DWI Statutes

The penalties for violation of child endangerment provisions should be substantially higher than the penalties imposed in DUI/DWI cases where children are not involved and should include the following:

- In addition to criminal penalties imposed upon conviction, state law should provide for the administrative license revocation/suspension of licenses for alcohol-related child endangerment offenses and for those who refuse to take the state administered test of their breath, blood, urine or other bodily substance with children in the vehicle.
- Mandatory alcohol/drug assessment and treatment as indicated by the assessment.
- A required installation of an alcohol ignition interlock device on any vehicle that may be used by the defendant to transport children under the age of 16 years.
- License reinstatement or issuance of a limited driving permit following license suspension/revocation should be contingent upon installation of an alcohol ignition interlock device and, if treatment is required as a result of the court ordered alcohol/drug assessment, completion of the treatment program should be required for full license reinstatement.
- A second offense for violation of the child endangerment DUI/DWI statute should be a felony.
- An offender charged with violation of the child endangerment statute should not be eligible for pre-trial diversion, deferred adjudication, probation before judgment (PBJ) or similar programs and a conviction should remain on the offenders driving record permanently and would not "age off" or be expunged.

FISCAL NOTE

DRAFT

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 381 RIs version
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Adm
 Title An Act relating to child endangerment BRU Legal & Advocacy Services
 Component Public Defender Agency
 Sponsor Representative McGuire
 Requester House Rules Committee 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						
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)

Prepared by: Janet S. Seitz, Staff Phone 465-3764
 Division House Rules Committee Date/Time 4/27/04 12:01 PM
 Approved by: Representative Norman Rokeberg Date 4/27/2004
 Agency Chairman, House Rules Committee

HB

404

*Adopted
5/4/04 11:45pm*

23-GH2003VU
Cook
5/4/04

CS FOR HOUSE BILL NO. 404()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION**

BY

**Offered:
Referred:**

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Alaska Commission on Postsecondary Education; relating to the**
2 **Alaska Student Loan Corporation; relating to bonds of the corporation; relating to loan**
3 **and grant programs of the commission; relating to an exemption from the State**
4 **Procurement Code regarding certain contracts of the commission or corporation;**
5 **making conforming changes; and providing for an effective date."**

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

7 *** Section 1.** AS 14.42.030(e) is amended to read:

8 (e) The commission may

9 (1) adopt regulations under AS 44.62 (Administrative Procedure Act)

10 to

11 (A) carry out the purposes of

12 (i) AS 14.43.091 - 14.43.750, 14.43.990, AS 14.44, and

13 AS 14.48; and

1 (ii) AS 14.43.910 and 14.43.920 as they relate to the
2 purposes of AS 14.43.091 - 14.43.750, 14.43.990, AS 14.44, and
3 AS 14.48; [AND]

4 (B) ensure compliance with the requirements imposed by state
5 and federal statutes and regulations governing the guaranty, insurance,
6 purchase, or other dealings in eligible loans by federal agencies,
7 instrumentalities, or corporations; and

8 **(C) establish standards for the**

9 **(i) administration of hearings conducted under**
10 **AS 14.43.153; and**

11 **(ii) administrative enforcement of collection orders**
12 **under AS 14.43.151 - 14.43.155;**

13 (2) delegate to the executive director of the commission or a
14 subcommittee of the commission any duty imposed on or power granted to the
15 commission by this chapter, AS 14.43, AS 14.44, or AS 14.48, except its power to
16 adopt regulations and its duty to consider appeals under AS 14.43.100(b) and
17 AS 14.48.120;

18 (3) establish task forces, committees, or subcommittees, not
19 necessarily consisting of commission members, to advise and assist the commission in
20 carrying out its functions;

21 (4) contract with or use existing institutions of postsecondary
22 education or other individuals or organizations to make studies, conduct surveys,
23 submit recommendations, or otherwise contribute to the work of the commission;

24 (5) establish fees for the review of an out-of-state institution that

25 (A) requests approval for participation in the programs under
26 AS 14.43.091 - 14.43.750, 14.43.990, and AS 14.44; and

27 (B) is not accredited by a national or regional accreditation
28 association recognized by the Council for Higher Education Accreditation; and

29 (6) collect all fees and costs incurred in collection of the amount owed
30 on a loan or repayment obligation if the loan or repayment obligation becomes
31 delinquent or in default: in this paragraph, fees and costs include attorney fees, court

1 costs, and collection fees charged by a collection agency.

2 * Sec. 2. AS 14.42.210(a) is amended to read:

3 (a) The education loan fund is established in the corporation. The education
4 loan fund is a trust fund to be used to carry out the purposes of AS 14.42.100 -
5 14.42.990, AS 14.43.091 - 14.43.175, 14.43.400 - 14.43.420, 14.43.600 - 14.43.700,
6 14.43.710 - 14.43.750, 14.43.990, and AS 14.44.025. The fund consists of money or
7 assets appropriated or transferred to the corporation for the fund and money or assets
8 deposited in it by the corporation. The corporation may establish separate accounts in
9 the fund.

10 * Sec. 3. AS 14.42.210(b) is amended to read:

11 (b) Money and other assets of the education loan fund may be used to

12 (1) secure bonds of the corporation;

13 (2) pay the costs of administration of the fund;

14 (3) invest in education loans and investments under AS 37.10.071;

15 (4) finance programs approved under AS 14.43.091 - 14.43.175,
16 14.43.400 - 14.43.420, 14.43.600 - 14.43.700, 14.43.710 - 14.43.750, or
17 AS 14.44.040; and

18 (5) pay the costs of administering and collecting the loans and
19 repayment obligations under the financial aid programs listed in (4) of this subsection.

20 * Sec. 4. AS 14.42.220(a) is amended to read:

21 (a) The [SUBJECT TO (f) OF THIS SECTION, THE] corporation may
22 borrow money and may issue bonds, on which the principal and interest are payable
23 from its income and receipts or other assets or a designated part or parts of them. The
24 corporation may use the proceeds of its bonds for any purposes that the
25 corporation considers appropriate, including providing money to

26 (1) make or purchase education loans;

27 (2) finance programs identified in AS 14.42.210;

28 (3) finance projects of the state as those projects may be identified
29 by law; and

30 (4) pay for any other purpose or program of the corporation that
31 is authorized in AS 14.42.100 - 14.42.310.

1 * **Sec. 5.** AS 14.42.220 is amended by adding a new subsection to read:

2 (g) The corporation may not issue bonds to finance projects under (a)(3) of
3 this section in an aggregate amount that exceeds \$200,000,000. The corporation may
4 issue the bonds in a single issuance or in several issuances, without limitation as to the
5 number of issuances or timing, except that bonds may not be issued to finance projects
6 under (a)(3) of this section before January 1, 2005, or after December 31, 2008.

7 * **Sec. 6.** AS 14.43.120(u) is amended to read:

8 (u) The corporation [COMMISSION] by regulation shall set a loan
9 origination fee, not to exceed five percent of the total education loan amount, to be
10 assessed upon an education loan that is funded from the education loan fund of the
11 corporation [ALASKA STUDENT LOAN CORPORATION]. The loan origination
12 fee shall be deducted by the commission at the time the loan is disbursed. The
13 [SUBJECT TO APPROPRIATION, THE] loan origination fees shall be deposited into
14 an origination fee account within the education loan fund of the corporation
15 [ALASKA STUDENT LOAN CORPORATION], and subsequently used by the
16 corporation to offset losses incurred as a result of death, disability, default, or
17 bankruptcy of the borrower.

18 * **Sec. 7.** AS 14.43.122(a) is amended to read:

19 (a) The commission may offer

20 (1) a borrower who has received more than one education loan
21 [UNDER AS 14.43.091 - 14.43.160] the option of consolidating the multiple loans
22 into a single loan; or

23 (2) to consolidate education loans made [UNDER AS 14.43.091 -
24 14.43.160] to married borrowers if the married borrowers agree to be jointly and
25 severally liable for repayment of the consolidated loan, regardless of the borrowers'
26 future marital status or the death of one of the borrowers.

27 * **Sec. 8.** AS 14.43.145(a) is amended to read:

28 (a) For the purposes of this chapter, a loan is in default after a loan payment
29 has become 180 or more days past due or, for a loan under AS 14.43.161 - 14.43.168
30 or 14.43.170 - 14.43.175, the default requirements established by the commission have
31 been met. Upon default,

- 1 (1) repayment of the remaining balance is accelerated and due;
- 2 (2) the commission may take the borrower's permanent fund dividend
- 3 under AS 43.23.067;
- 4 (3) the commission may issue an order to withhold and deliver under
- 5 AS 14.43.147;
- 6 (4) the commission may provide notice of the default to a licensing
- 7 entity for nonrenewal of the license under AS 14.43.148; [AND]
- 8 (5) the commission may record the lien created under AS 14.43.149;
- 9 **and**
- 10 **(6) the commission may establish an administrative collection**
- 11 **order under AS 14.43.151 - 14.43.155.**

12 * Sec. 9. AS 14.43 is amended by adding new sections to read:

13 **Sec. 14.43.151. Authority and procedure to administratively establish and**
14 **enforce a collection order.** If a judgment in favor of the commission has not been
15 entered by the court regarding a defaulted loan awarded under this chapter, the
16 commission may establish a duty to repay the defaulted loan through a collection order
17 using the procedures prescribed in AS 14.43.152 - 14.43.155 and may enforce the
18 collection order. Action under this section may be undertaken at the commission's
19 discretion if the borrower is in default under AS 14.43.145.

20 **Sec. 14.43.152. Initiation of administrative action to establish a collection**
21 **order; required notice.** (a) An action to establish a collection order authorized under
22 AS 14.43.151 is initiated by the commission's serving on the borrower a notice of
23 establishment of collection order. The notice shall be served by mailing the notice to
24 the borrower at

25 (1) the borrower's most recent address provided to the commission by
26 the borrower; or

27 (2) another address known to the commission.

28 (b) The notice served under (a) of this section must state

29 (1) the amount of the liability for default under AS 14.43.145 for
30 which the borrower is found to be responsible; the amount stated under this paragraph
31 shall include all principal, interest, and collection fees;

1 (2) that a lien may be recorded against the borrower's property as
2 authorized under AS 14.43.145(a)(5);

3 (3) that the borrower may appear at a hearing held by the commission
4 and show cause that a collection order should not be entered because, at the time of the
5 notice,

6 (A) no loan payment was more than 180 days past due or, for a
7 loan under AS 14.43.161 - 14.43.168 or 14.43.170 - 14.43.175, the default
8 requirements established by the commission had not yet been met; or

9 (B) the borrower had entered into, or was in compliance with,
10 an agreement to forbear default with the commission; and

11 (4) that, if the borrower served with the notice does not request a
12 hearing within 30 days after the date of mailing of the notice, a collection order will be
13 entered and the property of the borrower will be subject to a lien under AS 14.43.149
14 in the amount stated in the collection order without further notice or hearing.

15 **Sec. 14.43.153. Hearings in administrative action to establish a collection**
16 **order; burden of proof.** (a) A borrower served with a notice of establishment of
17 collection order under AS 14.43.152 is entitled to a hearing before the commission if
18 the request for a hearing is served on the commission by registered mail, return receipt
19 requested, within 30 days after the date the notice is mailed to the borrower.

20 (b) If a request for a hearing in accordance with (a) of this section is made, the
21 issuance of a collection order is automatically stayed pending the decision of the
22 hearing officer for the commission. If a request for a hearing is not made, the
23 collection order is final at the expiration of the 30-day period specified in (a) of this
24 section.

25 (c) A borrower claiming that the notice is incorrect has the burden at hearing
26 to document the existence of one of the conditions described in AS 14.43.152(b)(3)(A)
27 and (B).

28 (d) Within 60 days after the date of the hearing, the hearing officer shall enter
29 a decision determining whether default has occurred and, if default has occurred,
30 specifying the amount of the collection order and declaring that the property of the
31 borrower is subject to a lien under AS 14.43.149 in the amount of the collection order.

1 (e) If the borrower who requested the hearing fails to appear at the hearing, the
2 hearing officer shall enter a decision

3 (1) confirming that a default has occurred;

4 (2) confirming the amount of the collection order;

5 (3) declaring that the property of the borrower is subject to a lien under
6 AS 14.43.149 in the amount stated under (2) of this subsection.

7 (f) The decision of the hearing officer is a final decision that may be appealed
8 to the superior court under the Alaska Rules of Appellate Procedure.

9 **Sec. 14.43.154. Collection orders as judgments.** A collection order is
10 equivalent to a judgment and becomes vested

11 (1) at the expiration of the 30-day period described in AS 14.43.153(b)
12 if a hearing is not requested; or

13 (2) on the date the hearing officer enters a decision in favor of the
14 commission if a hearing was requested by the borrower.

15 **Sec. 14.43.155. Nature of remedies.** AS 14.43.154 provides a remedy in
16 addition to and not as a substitute for any other remedies available to the commission.

17 * **Sec. 10.** AS 14.43.161 is amended to read:

18 **Sec. 14.43.161. Purpose; creation.** There is established the AlaskAdvantage
19 [ALASKA ADVANTAGE] loan program to provide postsecondary educational
20 financial assistance through the federal guaranteed student loan program. The
21 AlaskAdvantage [ALASKA ADVANTAGE] loan program is the primary source for
22 financial aid to eligible borrowers under this chapter.

23 * **Sec. 11.** AS 14.43.166 is amended to read:

24 **Sec. 14.43.166. Repayment of loans.** A borrower's obligation to commence
25 repayment of the principal and interest on a loan under AS 14.43.161 - 14.43.166 and
26 14.43.168 [AS 14.43.161 - 14.43.168] begins six months after the borrower's
27 completion or other termination of the postsecondary education program. The
28 commission may accelerate the repayment of any loan made in error or in reliance
29 upon a false statement made by the borrower. The commission shall determine the
30 period over which loans are repaid; however, the maximum period of repayment of
31 loans may not exceed the maximum period permitted under applicable provisions of

1 the federal guaranteed student loan program.

2 * Sec. 12. AS 14.43.168(b) is amended to read:

3 (b) The provisions of AS 14.43.145 - 14.43.155 [AS 14.43.145 - 14.43.150]
4 apply to loans under AS 14.43.161 - 14.43.168 that are in default.

5 * Sec. 13. AS 14.43.170 is amended to read:

6 **Sec. 14.43.170. Creation; purpose.** There is created the Alaska supplemental
7 education loan program to provide postsecondary educational supplemental financial
8 assistance. Supplemental financial assistance is available only if the financial aid
9 available through the AlaskAdvantage [ALASKA ADVANTAGE] loan program is
10 insufficient to cover the costs of attendance at a postsecondary institution or if the
11 borrower does not qualify for financial aid under the federal guaranteed student loan
12 program. The commission shall make the public aware of the Alaska supplemental
13 education loan program to facilitate providing loans to as many eligible borrowers as
14 possible.

15 * Sec. 14. AS 14.43.171 is amended to read:

16 **Sec. 14.43.171. Applicability of other laws.** The provisions of
17 AS 14.43.120(d)(4), 14.43.122, 14.43.135, 14.43.140, 14.43.145 - 14.43.160,
18 14.43.164, 14.43.166, and 14.43.168 [AND 14.43.166 - 14.43.168] apply to the loans
19 made under AS 14.43.170 - 14.43.175 as if the loans were made under those
20 applicable provisions.

21 * Sec. 15. AS 14.43.172(c) is amended to read:

22 (c) In addition to the provisions of (a) of this section, a borrower is eligible for
23 a loan under AS 14.43.170 - 14.43.175 if the borrower

24 (1) is not delinquent in payment [ON AND HAS NEVER BEEN IN
25 DEFAULT] on a loan previously awarded by the commission;

26 (2) at the time of application or loan disbursement, does not have a
27 past due child support obligation established by court order or by the child support
28 enforcement division under AS 25.27.160 - 25.27.220;

29 (3) has not, within the previous five years, had a loan discharged or
30 written off by the commission for any reason;

31 (4) does not have a status, at the time of application for a loan or

1 disbursement of loan money, that would prevent the borrower from repaying the loan
2 as it becomes due;

3 (5) has not, within the previous five years, defaulted on another loan
4 made to the borrower by a lending entity unless the borrower can show good faith
5 efforts to repay the loan and extraordinary circumstances that led to the default;
6 [AND]

7 (6) does not have a credit history, at the time of application for a loan,
8 that demonstrates chronic inability or unwillingness to pay an extension of credit or
9 loan as it becomes due; and [.]

10 (7) has [AS] complied with the military selective service registration
11 requirements imposed under 50 U.S.C. App. 453 (Military Selective Service Act), if
12 those requirements were applicable to the person.

13 * Sec. 16. AS 14.43.172(d) is amended to read:

14 (d) The commission may not make a loan to a borrower who has been in
15 default on a loan previously awarded by the commission unless [IF

16 (1)] the previously awarded loan has been paid in full [; AND

17 (2) ANOTHER INDIVIDUAL WHO SATISFIES THE
18 REQUIREMENTS OF (c) OF THIS SECTION COSIGNS THE LOAN].

19 * Sec. 17. AS 14.43.300(a) is amended to read:

20 (a) An education loan to a recipient under AS 14.43.250(b)(1) - (4) or (6) may
21 not exceed \$2,500 a school year for an undergraduate student or \$5,000 a school year
22 for a graduate student [, EXCLUSIVE OF LOAN GUARANTEE FEES UNDER (g)
23 OF THIS SECTION,] and may not be made to a student for more than six years. An
24 education loan to a recipient under AS 14.43.250(b)(5) may not exceed the cost of
25 tuition and required fees, [LOAN GUARANTEE FEES UNDER (g) OF THIS
26 SECTION,] books and educational supplies, room and board, and transportation for
27 two round trips between the recipient's home and school each year. A loan under
28 AS 14.43.250(b)(5) may not be made for more than five years of undergraduate study,
29 five years of graduate study, or a combined maximum of eight years of study.

30 * Sec. 18. AS 14.43.400 is amended to read:

31 **Sec. 14.43.400. Purpose; creation.** There is created [ESTABLISHED] the

1 AlaskAdvantage education [ALASKA STATE EDUCATIONAL INCENTIVE]
2 grant program to provide financial assistance to eligible students to enable them to
3 attend, or continue their attendance at, postsecondary educational institutions. Funds
4 designated by the corporation or appropriated for this program may [SHALL] be
5 used as matching funds for the state's participation in the federal [STATE STUDENT
6 INCENTIVE] grant program under 20 U.S.C. 1070c - 1070c-4 [(P.L. 92-318; 20
7 U.S.C. 1070c - 1070c-3)].

8 * **Sec. 19.** AS 14.43.405(a) is repealed and reenacted to read:

9 (a) The AlaskAdvantage education grant program created under AS 14.43.400
10 - 14.43.420 shall be administered by the executive director of the commission.

11 * **Sec. 20.** AS 14.43 is amended by adding a new section to read:

12 **Sec. 14.43.406. Applicability of other laws.** (a) To the extent they are not in
13 conflict with the provisions of AS 14.43.400 - 14.43.420, the provisions of
14 AS 14.43.162(b), 14.43.910, and 14.43.920 apply to a grant made under AS 14.43.400
15 - 14.43.420.

16 (b) In determining a student's eligibility for a grant under AS 14.43.400 -
17 14.43.420, the executive director of the commission shall apply the standards
18 contained in the definitions of "full-time student," "half-time student," and "school
19 year" in AS 14.43.160 as if those provisions were applicable to application for the
20 grant.

21 * **Sec. 21.** AS 14.43.410 is amended to read:

22 **Sec. 14.43.410. Distribution of funds.** The funds [APPROPRIATED] for the
23 AlaskAdvantage education [EDUCATIONAL INCENTIVE] grant program may
24 [SHALL] be allocated to eligible students in accordance with the provisions of the
25 federal [STATE STUDENT INCENTIVE] grant program under 20 U.S.C. 1070c -
26 1070c-4 and regulations adopted under AS 14.43.105 and 14.43.405.

27 * **Sec. 22.** AS 14.43.410 is amended by adding a new subsection to read:

28 (b) The commission may set aside a portion of grant awards for otherwise
29 eligible applicants whose employment prevents them from attending school on a full-
30 time basis. The commission shall adopt regulations to carry out the purposes of this
31 subsection.

1 * **Sec. 23.** AS 14.43.415 is repealed and reenacted to read:

2 **Sec. 14.43.415. Eligibility; priority.** (a) For an applicant to be eligible for a
3 grant under AS 14.43.400 - 14.43.420, the applicant must be

4 (1) a resident of this state;

5 (2) enrolled or about to be enrolled

6 (A) at an institution approved to participate in federal financial
7 aid programs under 20 U.S.C. 1070 - 1099c-2, as amended, located in this
8 state; and

9 (B) on at least a half-time basis; and

10 (3) able to demonstrate financial need in accordance with standards for
11 determining financial need established by the commission under 20 U.S.C. 1070c-2, as
12 amended.

13 (b) The commission shall give an applicant eligible under (a) of this section
14 priority for a grant award if that applicant is, or is about to be, enrolled in a program of
15 study that is preparatory for employment in an occupation or profession for which the
16 Department of Labor and Workforce Development, or another workforce data source
17 selected as reliable by the commission, indicates there is a severe shortage of trained
18 individuals in this state. Additionally, the commission may give an applicant priority
19 for a grant award if that applicant has participated in a secondary education program
20 of study that can be demonstrated to the commission to be a predictor for success at
21 the postsecondary education level for a program of study described in this subsection.
22 For purposes of this subsection,

23 (1) "occupation or profession" means a job for which specific
24 postsecondary certification is a prerequisite for entry-level placement;

25 (2) "severe shortage" means a current or recurring job vacancy rate of
26 15 percent or greater, as determined by the Department of Labor and Workforce
27 Development or by another workforce data source determined reliable by the
28 commission.

29 (c) The commission shall adopt regulations to establish a prioritization process
30 for awarding grants under AS 14.43.400 - 14.43.420.

31 * **Sec. 24.** AS 14.43.420(a) is amended to read:

1 (a) A grant made under AS 14.43.400 - 14.43.420 [AS 14.43.400 - 14.43.500]
2 may not be in an amount less than \$500 [\$100] nor more than \$2,000 [\$1,500] for
3 each school [ACADEMIC] year.

4 * Sec. 25. AS 14.43.420 is amended by adding a new subsection to read:

5 (c) A student may receive not more than a total of \$8,000 in grants awarded
6 under AS 14.43.400 - 14.43.420.

7 * Sec. 26. AS 14.43.740(a) is amended to read:

8 (a) The provisions of AS 14.43.100, 14.43.120(a) - (c), (m), and (r) - (u),
9 14.43.122 [14.43.110, 14.43.120(a) - (d), (m), AND (r) - (u)], 14.43.135, 14.43.145 -
10 14.43.155 [14.43.145 - 14.43.150], and 14.43.910 - 14.43.990 apply to a loan made
11 under AS 14.43.710 - 14.43.750.

12 * Sec. 27. AS 14.43.740 is amended by adding a new subsection to read:

13 (g) The commission may, by regulation, set loan limits for loans made under
14 AS 14.43.710 - 14.43.750.

15 * Sec. 28. AS 14.43.990 is amended by adding new paragraphs to read:

16 (5) "AlaskAdvantage" means the service mark registered by the
17 commission under 15 U.S.C. 1051 (Trademark Act) that is used to describe financial
18 aid and higher education outreach programs and services provided by the commission;

19 (6) "education loan" means a loan made to finance the cost of
20 attendance in a postsecondary education program that is made by the commission or is
21 a loan received through the federal guaranteed student loan program.

22 * Sec. 29. AS 14.44.040(c) is amended to read:

23 (c) If a program participant defaults on the repayment obligation, the
24 provisions of AS 14.43.145 - 14.43.155 [AS 14.43.145 - 14.43.150] apply to collect
25 on the obligation as if it were a defaulted loan under AS 14.43.

26 * Sec. 30. AS 36.30.850(b) is amended by adding a new paragraph to read:

27 (44) contracts of the Alaska Commission on Postsecondary Education
28 or the Alaska Student Loan Corporation for the guarantee and disbursing of financial
29 aid money to institutions of postsecondary education under the financial aid programs
30 under AS 14.43.091 - 14.43.750 and AS 14.44.025.

31 * Sec. 31. AS 14.42.110, 14.42.220(f); AS 14.43.122(b), 14.43.300(g), 14.43.405(b),

1 14.43.420(b), and 14.43.500 are repealed.

2 * **Sec. 32.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 TRANSITION: REGULATIONS. The Alaska Student Loan Corporation may
5 proceed to adopt regulations to implement the changes made by sec. 6 of this Act. The
6 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
7 effective date of sec. 6 of this Act.

8 * **Sec. 33.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 REVISOR OF STATUTES INSTRUCTIONS. (a) The revisor of statutes is
11 instructed to change the heading of Article 5 of AS 14.43 from "Article 5. Alaska Advantage
12 Loan Program." to "Article 5. AlaskAdvantage Loan Program."

13 (b) The revisor of statutes is instructed to change the heading of Article 8 of AS 14.43
14 from "Article 8. Educational Incentive Grant Program." to "Article 8. AlaskAdvantage
15 Education Grant Program."

16 * **Sec. 34.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 REGULATIONS ATTORNEY INSTRUCTIONS. Wherever in the Alaska
19 Administrative Code the term "Alaska advantage" is used, it shall be read as
20 "AlaskAdvantage" when to do so would be consistent with the changes in this Act. Under
21 AS 44.62.125(b)(6), the regulations attorney is instructed to make changes in the Alaska
22 Administrative Code consistent with this section.

23 * **Sec. 35.** The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

25 LEGISLATIVE IDENTIFICATION OF PROJECTS FOR FINANCING. (a) The
26 amount of \$7,000,000 may be appropriated from the proceeds of bonds issued under
27 AS 14.42.220(a)(3) to the Department of Community and Economic Development to be
28 awarded as a grant of \$5,000,000 under AS 37.05.315 to the Municipality of Anchorage for
29 renovation of the Anchorage Museum of History and Art and as a grant of \$2,000,000 under
30 AS 37.05.315 to the City of Ketchikan for library design, site acquisition, and construction.

31 (b) The amount of \$82,504,694 may be appropriated from the proceeds of bonds

1 issued under AS 14.42.220(a)(3) to the Department of Education and Early Development to
 2 be awarded as grants for design, construction, and major maintenance for public schools,
 3 subject to reallocation between projects in accordance with AS 37.07.080(e), for the following
 4 projects:

5		MUNICIPALITY OR	
6	PROJECT	REAA LOCATION	AMOUNT
7	(1) Blackwell School new well, Anvik	Iditarod Area	\$ 92,019
8	(2) Glennallen Elementary School	Copper River	2,095,501
9	exterior upgrade		
10	(3) Nulato structural roof repair	Yukon-Koyukuk	829,439
11	(4) Nenana boiler replacement/heating	Nenana City	393,407
12	system upgrade		
13	(5) Tetlin School site civil	Alaska Gateway	222,239
14	improvements		
15	(6) Allakaket renovate water/sewer	Yukon-Koyukuk	303,924
16	facility		
17	(7) Elicavicuar Elementary exterior	Saint Mary's	459,757
18	upgrades		
19	(8) Kake Elementary ventilation	Kake City	394,029
20	system upgrade		
21	(9) Tetlin School building	Alaska Gateway	873,306
22	improvements		
23	(10) David Louis Memorial School	Iditarod Area	180,128
24	emergency repairs and boiler		
25	relocation, Grayling		
26	(11) Top of the Kuskokwim School	Iditarod Area	173,500
27	boiler replacement, Nikolai		
28	(12) Innoko River School tank farm	Iditarod Area	247,032
29	pipeline and remediation,		
30	Shageluk		
31	(13) Holy Cross School vocational	Iditarod Area	177,760

1	education shop upgrade		
2	(14) Allakaket restroom renovation	Yukon-Koyukuk	311,862
3	(15) Andreafski High School code	Saint Mary's	179,906
4	upgrades		
5	(16) Annette Island schools	Annette Island	1,090,863
6	security/safety and major		
7	maintenance upgrades		
8	(17) Dot Lake School mechanical	Alaska Gateway	782,034
9	upgrade		
10	(18) Minto restroom renovation	Yukon-Koyukuk	179,150
11	(19) Thorne Bay House access ramp	Southeast Island	139,045
12	(20) Kaltag exterior siding	Yukon-Koyukuk	351,245
13	replacement		
14	(21) Iditarod fire alarm upgrades	Iditarod Area	192,994
15	(22) Kilbuck Elementary School	Lower Kuskokwim	5,401,968
16	deferred maintenance, Bethel		
17	(23) Mikelnguut Elitnaurviat	Lower Kuskokwim	2,331,937
18	Elementary School deferred		
19	maintenance, Bethel		
20	(24) W. Miller Memorial K-12	Lower Kuskokwim	2,598,517
21	deferred maintenance, Napaskiak		
22	(25) Eek K-12 deferred maintenance	Lower Kuskokwim	1,094,677
23	(26) Nuniwaarmiut K-12 deferred	Lower Kuskokwim	1,110,915
24	maintenance, Mekoryuk		
25	(27) Rocky Mountain K-12 deferred	Lower Kuskokwim	1,376,841
26	maintenance, Goodnews Bay		
27	(28) Nunam Iqua K - 12	Lower Yukon	10,667,574
28	new school construction,		
29	Sheldon Point		
30	(29) Howard Valentine K - 12	Southeast Island	3,748,143
31	new school construction,		

1	Coffman Cove		
2	(30) Dillingham High School heating	Dillingham	218,000
3	controls		
4	(31) Yakutat Grade School	Yakutat	1,000,000
5	renovation		
6	(32) Mt. Eccles construction	Cordova	350,000
7	reimbursement		
8	(33) Noatak School construction	Noatak	3,100,000
9	match		
10	(34) College Gate lighting	Anchorage	50,000
11	multi-purpose room		
12	(35) College Gate ceiling tile	Anchorage	30,000
13	replacement		
14	(36) District-wide radio repeater	Anchorage	2,100,000
15	system		
16	(37) District-wide security system	Anchorage	900,000
17	replacement		
18	(38) District-wide fire alarm system	Anchorage	1,200,000
19	replacement		
20	(39) District-wide intercom/	Anchorage	333,000
21	clock system replacement		
22	(40) Rabbit Creek install heat	Anchorage	140,000
23	tape and roof drains		
24	(41) Turnagain replace site lighting	Anchorage	100,000
25	(42) Operations Building electrical	Anchorage	60,000
26	service upgrade		
27	(43) Service High School bleacher	Anchorage	100,000
28	repair/upgrade		
29	(44) Mears bleacher repair/upgrade	Anchorage	80,000
30	(45) West High School bleacher	Anchorage	150,000
31	repair/upgrade		

1	(46) Romig kitchen electrical panels	Anchorage	30,000
2	upgrade		
3	(47) Turnagain sewer heat tape	Anchorage	30,000
4	(48) Central kitchen lights	Anchorage	20,000
5	replacement		
6	(49) Romig lights locker	Anchorage	60,000
7	room replacement		
8	(50) Lake Otis electrical	Anchorage	30,000
9	distribution upgrade		
10	(51) West High School library	Anchorage	900,000
11	reroof		
12	(52) Mount Iliamna reroof building	Anchorage	735,000
13	(53) Willow Crest replace	Anchorage	150,000
14	classroom carpet		
15	(54) Tudor replace vinyl asbestos	Anchorage	630,000
16	tile		
17	(55) Ocean View reroof section H	Anchorage	40,000
18	(56) Ptarmigan reroof section C	Anchorage	210,000
19	(57) Rabbit Creek reroof	Anchorage	40,000
20	sections C and I		
21	(58) Wonder Park reroof section I	Anchorage	75,000
22	(59) Susitna reroof section C	Anchorage	15,000
23	(60) Hanshew ADA entry	Anchorage	50,000
24	door upgrade		
25	(61) Susitna replace classroom	Anchorage	150,000
26	and office carpet		
27	((2) Willow Crest replace domestic	Anchorage	450,000
28	water piping		
29	(63) Inlet View heating/ventilation/	Anchorage	800,000
30	air conditioning/direct digital		
31	control upgrade		