



LAWS OF ALASKA

1983

Source

HCS CSSB 74(Fin)

Chapter No.

78

AN ACT

Revising the laws relating to sexual abuse of a minor, sexual assault, and indecent exposure; and extending the time limitation for prosecution of sexual offenses.

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

THE ACT FOLLOWS ON PAGE 1, LINE 11

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: July 19, 1983
Actual Effective Date: October 17, 1983

AN ACT

Revising the laws relating to sexual abuse of a minor, sexual assault, and indecent exposure; and extending the time limitation for prosecution of sexual offenses.

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 AS 11.41.420 is repealed and reenacted to read:

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

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

(2) sexual penetration with a person who the offender knows

(A) is suffering from a mental disorder or defect which renders the person incapable of appraising the nature of the conduct under circumstances in which a person who is capable of appraising the nature of the conduct would not engage in sexual penetration; or

(B) is incapacitated.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 illegitimate or adopted child, or a stepchild; or

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

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

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

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

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

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

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

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

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

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

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

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

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1 age or older is a class B misdemeanor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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