



LAWS OF ALASKA

2006

Source

SCS CSHB 258(JUD)

Chapter No.

AN ACT

Relating to sexual abuse of a minor in the second degree and to aggravating factors at sentencing for sexual assault and sexual abuse.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to sexual abuse of a minor in the second degree and to aggravating factors at
2 sentencing for sexual assault and sexual abuse.

3 _____

4 * **Section 1.** AS 11.41.436(a), as amended by sec. 1, HCS CSSB 218(FIN), Twenty-Fourth
5 Alaska State Legislature, is amended to read:

6 (a) An offender commits the crime of sexual abuse of a minor in the second
7 degree if,

8 (1) being 17 years of age or older, the offender engages in sexual
9 penetration with a person who is 13, 14, or 15 years of age and at least four years
10 younger than the offender, or aids, induces, causes, or encourages a person who is 13,
11 14, or 15 years of age and at least four years younger than the offender to engage in
12 sexual penetration with another person;

13 (2) being 16 years of age or older, the offender engages in sexual
14 contact with a person who is under 13 years of age or aids, induces, causes, or

1 encourages a person under 13 years of age to engage in sexual contact with another
2 person;

3 (3) being 18 years of age or older, the offender engages in sexual
4 contact with a person who is under 18 years of age, and the offender is the victim's
5 natural parent, stepparent, adopted parent, or legal guardian;

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

9 (5) being 18 years of age or older, the offender engages in sexual
10 contact with a person who is under 16 years of age, and

11 (A) the victim at the time of the offense is residing in the same
12 household as the offender and the offender has authority over the victim; or

13 (B) the offender occupies a position of authority in relation to
14 the victim;

15 (6) being 18 [20] years of age or older, the offender engages in sexual
16 penetration with a person who is 16 or 17 years of age and at least three [FOUR]
17 years younger than the offender, and the offender occupies a position of authority in
18 relation to the victim; or

19 (7) being under 16 years of age, the offender engages in sexual
20 penetration with a person who is under 13 years of age and at least three years younger
21 than the offender.

22 * **Sec. 2.** AS 12.55.155(c) is amended by adding a new paragraph to read:

23 (33) the offense was a felony specified in AS 11.41.410 - 11.41.455,
24 the defendant had been previously diagnosed as having or having tested positive for
25 HIV or AIDS, and the offense either (A) involved penetration, or (B) exposed the
26 victim to a risk or a fear that the offense could result in the transmission of HIV or
27 AIDS; in this paragraph, "HIV" and "AIDS" have the meanings given in
28 AS 18.15.310.

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

31 **APPLICABILITY.** This Act applies to offenses occurring on or after the effective date

1 of this Act.