

## **Title 11. Criminal Law.**

### **Chapter 05. Punishment.**

Secs. 11.05.010 — 11.05.060. Punishments and sentences. [Repealed, § 21 ch 166 SLA 1978. For current law on attempt, see [AS 11.31](#); for current sentencing provisions, see [AS 12.55](#).]

Secs. 11.05.070 — 11.05.090. [Renumbered as [AS 33.30.310](#), 33.30.320, and 33.30.300.]

Sec. 11.05.100. Computation and execution of jail sentences. [Repealed, § 21 ch 166 SLA 1978. For current sentencing provisions, see [AS 12.55](#).]

Secs. 11.05.110 — 11.05.120. Employment of imprisoned persons. [Repealed, § 6 ch 53 SLA 1982. For current law, see [AS 33.30.191](#).]

Sec. 11.05.130. [Renumbered as [AS 33.30.290](#).]

Secs. 11.05.140 — 11.05.150. Imposition of punishment; punishment for felonies. [Repealed, § 21 ch 166 SLA 1978. For current sentencing provisions, see [AS 12.55](#).]

### **Chapter 10. Parties to Crime.**

[Repealed, § 21 ch 166 SLA 1978. For current law, see [AS 11.16](#) and 11.31.110.]

### **Chapter 15. Offenses Against the Person.**

Secs. 11.15.010 — 11.15.050. Murder and manslaughter. [Repealed, § 21 ch 166 SLA 1978. For current law, see [AS 11.41.100](#) — 11.41.140.]

Sec. 11.15.060. [Renumbered as [AS 18.16.010](#).]

Secs. 11.15.070 — 11.15.340. Homicide, sexual offenses, assaults, robbery, larceny, kidnapping, blackmail, libel and slander. [Repealed, § 21 ch 166 SLA 1978. For current law, see [AS 11.41](#).]

### **Chapter 16. Parties to Crime.**

Sec. 11.16.100. Legal accountability based upon conduct.

A person is guilty of an offense if it is committed by the person's own conduct or by the conduct of another for which the person is legally accountable under [AS 11.16.110](#), or by both.

Sec. 11.16.110. Legal accountability based upon the conduct of another.

A person is legally accountable for the conduct of another constituting an offense if

(1) the person is made legally accountable by a provision of law defining the offense;

(2) with intent to promote or facilitate the commission of the offense, the person

(A) solicits the other to commit the offense; or

(B) aids or abets the other in planning or committing the offense; or

(3) acting with the culpable mental state that is sufficient for the commission of the offense, the person causes an innocent person or a person who lacks criminal responsibility to engage in the proscribed conduct.

Sec. 11.16.120. Exemptions to legal accountability for conduct of another.

(a) In a prosecution for an offense in which legal accountability is based on the conduct of another person,

(1) it is an affirmative defense that the defendant, under circumstances manifesting a voluntary and complete renunciation of criminal intent,

(A) terminated the defendant's complicity before the commission of the offense;

(B) wholly deprived the defendant's complicity of its effectiveness in the commission of the offense; and

(C) gave timely warning to law enforcement authorities or, if timely warning could not be given to law enforcement authorities by reasonable efforts, otherwise made a reasonable effort to prevent the commission of the offense;

(2) it is not a defense that

(A) the other person has not been prosecuted for or convicted of an offense based upon the conduct in question or has been convicted of a different offense or degree of offense;

(B) the offense, as defined, can be committed only by a particular class of persons to which the defendant does not belong, and the defendant is for that reason legally incapable of committing the offense in an individual capacity; or

(C) the other person is not guilty of the offense.

(b) Except as otherwise provided by a provision of law defining an offense, a person is not legally accountable for the conduct of another constituting an offense if

(1) the person is the victim of the offense; or

(2) the offense is so defined that the person's conduct is inevitably incidental to its commission.

Sec. 11.16.130. Legal accountability of organizations.

(a) Except as otherwise expressly provided, an organization is legally accountable for conduct constituting an offense if the conduct

(1) is the conduct of its agent and

(A) within the scope of the agent's employment and in behalf of the organization; or

(B) is solicited, subsequently ratified, or subsequently adopted by the organization; or

(2) consists of an omission to discharge a specific duty of affirmative performance imposed on organizations by law.

(b) In this section "agent" means a director, officer, or employee of an organization or any other person who is authorized to act in behalf of the organization.

**Chapter 20. Offenses Against Property.**

Secs. 11.20.010 — 11.20.070. Arson and Related Crimes. [Repealed, § 21 ch 166 SLA 1978. For current law, see [AS 11.46.400](#) — 11.46.450.]

Secs. 11.20.080 — 11.20.135. Burglary. [Repealed, § 21 ch 166 SLA 1978. For current law, see [AS 11.46.300](#) — 11.46.310.]

Secs. 11.20.140 — 11.20.277. Larceny. [Repealed, § 21 ch 166 SLA 1978. For current provisions on theft, see [AS 11.46.100](#) — 11.46.295.]

Secs. 11.20.280 — 11.20.340. Embezzlement. [Repealed, § 21 ch 166 SLA 1978. For theft by failure to make required disposition of funds received or held, see [AS 11.46.210](#).]

Sec. 11.20.345. Extortion. [Repealed, § 21 ch 166 SLA 1978. For current law, see [AS 11.41.520](#).]

Sec. 11.20.350. Receiving Stolen Goods. [Repealed, § 21 ch 166 SLA 1978. For current law, see [AS 11.46.190](#) and 11.46.210.]

Secs. 11.20.360 — 11.20.510. False Pretenses and Frauds. [Repealed, § 4 ch 184 SLA 1968 and § 21 ch 166 SLA 1978. For theft by deception, see [AS 11.46.180](#); for business and commercial offenses, see [AS 11.46.600](#) — 11.46.740.]

Secs. 11.20.515 — 11.20.650. Malicious Mischief and Trespass. [Repealed, § 3 ch 144 SLA 1975 and § 21 ch 166 SLA 1978. For criminal trespass, see [AS 11.46.320](#) — 11.46.350; for criminal mischief, see [AS 11.46.475](#) — 11.46.486.]

Sec. 11.20.660. [Renumbered as [AS 11.76.120](#).]

Secs. 11.20.670 — 11.20.690. Misuse, Damage, or Destruction. [Repealed, § 21 ch 166 SLA 1978. For criminal mischief, see [AS 11.46.475](#) — 11.46.486.]

**Chapter 22. Alaska Credit Card Crimes Act.**

[Repealed, § 21 ch 166 SLA 1978. For current law, see [AS 11.46.285](#) — 11.46.290.]

**Chapter 25. Forgery and Counterfeiting.**

[Repealed, § 21 ch 166 SLA 1978. For current law, see [AS 11.46.500](#) — 11.46.580.]

**Chapter 30. Offenses Against Public Justice.**

[Repealed, § 21 ch 166 SLA 1978. For current law, see [AS 11.56](#).]

**Chapter 31. Attempt, Solicitation, and Conspiracy.**

Sec. 11.31.100. Attempt.

(a) A person is guilty of an attempt to commit a crime if, with intent to commit a crime, the person engages in conduct which constitutes a substantial step toward the commission of that crime.

(b) In a prosecution under this section, it is not a defense that it was factually or legally impossible to commit the crime which was the object of the attempt if the conduct engaged in by the defendant would be a crime had the circumstances been as the defendant believed them to be.

(c) In a prosecution under this section, it is an affirmative defense that the defendant, under circumstances manifesting a voluntary and complete renunciation of the defendant's criminal intent, prevented the commission of the attempted crime.

(d) An attempt is

- (1) an unclassified felony if the crime attempted is murder in the first degree;
- (2) a class A felony if the crime attempted is an unclassified felony other than murder in the first degree;
- (3) a class B felony if the crime attempted is a class A felony;
- (4) a class C felony if the crime attempted is a class B felony;
- (5) a class A misdemeanor if the crime attempted is a class C felony;
- (6) a class B misdemeanor if the crime attempted is a class A or class B misdemeanor.

(e) If the crime attempted is an unclassified crime described in a state law which is not part of this title and no provision for punishment of an attempt to commit the crime is specified, the punishment for the attempt is imprisonment for a term of not more than half the maximum period prescribed as punishment for the unclassified crime, or a fine of not more than half the amount of the maximum fine prescribed as punishment for the unclassified crime, or both. If the crime attempted is punishable by an indeterminate or life term, the attempt is a class A felony.

Sec. 11.31.110. Solicitation.

(a) A person commits the crime of solicitation if, with intent to cause another to engage in conduct constituting a crime, the person solicits the other to engage in that conduct.

(b) In a prosecution under this section,

- (1) it is not a defense
  - (A) that the defendant belongs to a class of persons who by definition are legally incapable in an individual capacity of committing the crime that is the object of the solicitation; or
  - (B) that a person whom the defendant solicits could not be guilty of the crime that is the object of the solicitation;

(2) it is an affirmative defense that the defendant, under circumstances manifesting a voluntary and complete renunciation of the defendant's criminal intent, after soliciting another person to engage in conduct constituting a crime, prevented the commission of the crime.

(c) Solicitation is

- (1) an unclassified felony if the crime solicited is murder in the first degree;
- (2) a class A felony if the crime solicited is an unclassified felony other than murder in the first degree;
- (3) a class B felony if the crime solicited is a class A felony;
- (4) a class C felony if the crime solicited is a class B felony;
- (5) a class A misdemeanor if the crime solicited is a class C felony;
- (6) a class B misdemeanor if the crime solicited is a class A or class B misdemeanor.

(d) If the crime solicited is an unclassified crime described in a state law which is not part of this title and no provision for punishment of a solicitation to commit the crime is specified, the punishment for the solicitation is imprisonment for a term of not more than half the maximum period prescribed as punishment for the unclassified crime, or a fine of not more than half the maximum fine prescribed as punishment for the unclassified crime, or both. If the crime solicited is punishable by an indeterminate or life term, the solicitation is a class A felony.

Sec. 11.31.120. Conspiracy.

(a) An offender commits the crime of conspiracy if, with the intent to promote or facilitate a serious felony offense, the offender agrees with one or more persons to engage in or cause the performance of that activity and the offender or one of the persons does an overt act in furtherance of the conspiracy.

(b) If an offender commits the crime of conspiracy and knows that a person with whom the offender conspires to commit a serious felony offense has conspired or will conspire with another person or persons to commit the same serious felony offense, the offender is guilty of conspiring with that other person or persons to commit that crime whether or not the offender knows their identities.

(c) In a prosecution under this section, it is a defense that the defendant was merely present at the time that two or more other persons agreed to engage in or cause the performance of a serious felony offense.

(d) In a prosecution under this section, it is not a defense that a person with whom the defendant conspires could not be guilty of the crime that is the object of the conspiracy because of

(1) lack of criminal responsibility or other legal incapacity or exemption;

(2) belonging to a class of persons who by definition are legally incapable in an individual capacity of committing the crime that is the object of the conspiracy;

(3) unawareness of the criminal nature of the conduct in question or of the criminal purpose of the defendant; or

(4) any other factor precluding the culpable mental state required for the commission of the crime.

(e) If the offense that the conspiracy is intended to promote or facilitate is actually committed, a defendant may not be convicted of conspiring to commit that offense with another person for whose conduct the defendant is not legally accountable under [AS 11.16.120\(b\)](#).

(f) In a prosecution under this section, it is an affirmative defense that the defendant, under circumstances manifesting a voluntary and complete renunciation of the defendant's criminal intent, either (1) gave timely warning to law enforcement authorities; or (2) otherwise made proper effort that prevented the commission of the crime that was the object of the conspiracy. Renunciation by one conspirator does not affect the liability of another conspirator who does not join in the renunciation.

(g) Notwithstanding [AS 22.10.030](#), venue in actions in which the crime of conspiracy is alleged to have been committed may not be based solely on the location of overt acts done in furtherance of the conspiracy.

(h) In this section,

(1) “overt act in furtherance of the conspiracy” means an act of such character that it manifests a purpose on the part of the actor that the object of the conspiracy be completed;

(2) “serious felony offense” means an offense

(A) against the person under [AS 11.41](#), punishable as an unclassified or class A felony;

(B) involving controlled substances under [AS 11.71](#), punishable as an unclassified, class A, or class B felony;

(C) that is criminal mischief in the first degree under [AS 11.46.475](#);

(D) that is terroristic threatening in the first degree under [AS 11.56.807](#);

(E) that is human trafficking in the first degree under [AS 11.41.360](#);

(F) that is sex trafficking in the first degree under [AS 11.66.110](#); or

(G) that is arson in the first degree under [AS 11.46.400](#) or arson in the second degree under [AS 11.46.410](#).

(i) Conspiracy is

(1) an unclassified felony if the object of the conspiracy is murder in the first degree;

(2) a class A felony if the object of the conspiracy is a crime punishable as an unclassified felony other than murder in the first degree;

(3) a class B felony if the object of the conspiracy is a crime punishable as a class A felony;

(4) a class C felony if the object of the conspiracy is a crime punishable as a class B felony.

Sec. 11.31.125. Duration of conspiracy for purposes of limitations of actions.

(a) For purposes of applying [AS 12.10](#) governing limitations of actions, in a prosecution under [AS 11.31.120](#), the statute of limitations begins to run

(1) when all the crimes that are serious felony offenses that are its objects are completed;

(2) if all the crimes that are its objects are not completed, when the last overt act in furtherance of the conspiracy is done by the defendant or any of the other coconspirators; or

(3) when the defendant informs law enforcement authorities of the existence of the conspiracy and of the defendant's participation in it.

(b) In this section, “overt act in furtherance of the conspiracy” has the meaning given in [AS 11.31.120](#).

Sec. 11.31.140. Multiple convictions barred.

(a) It is not a defense to a prosecution under [AS 11.31.100](#) — 11.31.120 that the crime the

defendant attempted to commit, solicited to commit, or conspired to commit was actually committed pursuant to the attempt, solicitation, or conspiracy.

(b) A person may not be convicted of more than one crime defined by [AS 11.31.100](#) — 11.31.120 for conduct designed to commit or culminate in commission of the same crime.

(c) A person may not be convicted on the basis of the same course of conduct of both (1) a crime defined by [AS 11.31.100](#) or 11.31.110; and (2) the crime that is the object of the attempt or solicitation.

(d) This section does not bar inclusion of multiple counts in a single indictment or information charging commission of a crime defined by [AS 11.31.100](#) — 11.31.120 and commission of the crime that is the object of the attempt, conspiracy, or solicitation.

Sec. 11.31.150. Substantive crimes involving attempt or solicitation.

Notwithstanding [AS 11.31.140](#)(d),

(1) a person may not be charged under [AS 11.31.100](#) if the crime allegedly attempted by the defendant is defined in such a way that an attempt to engage in the proscribed conduct constitutes commission of the crime itself;

(2) a person may not be charged under [AS 11.31.110](#) if the solicitation in question is defined as a specific crime under other provisions of law.

#### **Chapter 35. Abandonment and Nonsupport.**

[Repealed, § 1 ch 39 SLA 1970 and § 21 ch 166 SLA 1978. For current law on desertion and nonsupport of a minor, see [AS 11.51.100](#) — 11.51.120.]

#### **Chapter 36. Failure to Permit Visitation with Minor Child.**

[Repealed, § 21 ch 166 SLA 1978. For current law, see [AS 11.51.125](#).]

#### **Chapter 40. Crimes Against Morality and Decency.**

[Repealed, §§ 77, 78 ch 127 SLA 1974 and § 21 ch 166 SLA 1978. For current law, see [AS 11.51.130](#), 11.51.140, [AS 11.61.110](#), 11.61.130, 11.61.140 and [AS 11.66.100](#) — 11.66.150.]

#### **Chapter 41. Offenses Against the Person.**

##### **Article 1. Homicide.**

Sec. 11.41.100. Murder in the first degree.

(a) A person commits the crime of murder in the first degree if

(1) with intent to cause the death of another person, the person

(A) causes the death of any person; or

(B) compels or induces any person to commit suicide through duress or deception;

(2) the person knowingly engages in conduct directed toward a child under the age of 16 and the person with criminal negligence inflicts serious physical injury on the child by at least two separate acts, and one of the acts results in the death of the child;

(3) acting alone or with one or more persons, the person commits or attempts to commit a sexual offense against or kidnapping of a child under 16 years of age and, in the course of or in furtherance of the offense or in immediate flight from that offense, any person causes the death of the child; in this paragraph, “sexual offense” means an offense defined in [AS 11.41.410](#) — 11.41.470;

(4) acting alone or with one or more persons, the person commits or attempts to commit criminal mischief in the first degree under [AS 11.46.475](#) and, in the course of or in furtherance of the offense or in immediate flight from that offense, any person causes the death of a person other than one of the participants; or

(5) acting alone or with one or more persons, the person commits terroristic threatening in the first degree under [AS 11.56.807](#) and, in the course of or in furtherance of the offense or in immediate flight from that offense, any person causes the death of a person other than one of the participants.

(b) Murder in the first degree is an unclassified felony and is punishable as provided in [AS 12.55](#).

Sec. 11.41.110. Murder in the second degree.

(a) A person commits the crime of murder in the second degree if

(1) with intent to cause serious physical injury to another person or knowing that the conduct is substantially certain to cause death or serious physical injury to another person, the person causes the death of any person;

(2) the person knowingly engages in conduct that results in the death of another person under circumstances manifesting an extreme indifference to the value of human life;

(3) under circumstances not amounting to murder in the first degree under [AS 11.41.100\(a\)\(3\)](#), while acting either alone or with one or more persons, the person commits or attempts to commit arson in the first degree, kidnapping, sexual assault in the first degree, sexual assault in the second degree, sexual abuse of a minor in the first degree, sexual abuse of a minor in the second degree, burglary in the first degree, escape in the first or second degree, robbery in any degree, or misconduct involving a controlled substance under [AS 11.71.010\(a\)](#), 11.71.021(a), 11.71.030(a) (2) or (9), or 11.71.040(a)(1) or (2) and, in the course of or in furtherance of that crime or in immediate flight from that crime, any person causes the death of a person other than one of the participants;

(4) acting with a criminal street gang, the person commits or attempts to commit a crime that is a felony and, in the course of or in furtherance of that crime or in immediate flight from that crime, any person causes the death of a person other than one of the participants;

(5) the person with criminal negligence causes the death of a child under the age of 16, and the person has been previously convicted of a crime involving a child under the age of 16 that was  
(A) a felony violation of [AS 11.41](#);

(B) in violation of a law or ordinance in another jurisdiction with elements similar to a felony under [AS 11.41](#); or

(C) an attempt, a solicitation, or a conspiracy to commit a crime listed in (A) or (B) of this paragraph; or

(6) the person knowingly manufactures or delivers a controlled substance in violation of [AS 11.71.010](#) or 11.71.021, and another person dies as a direct result of ingestion of the controlled substance; the death is a result that does not require a culpable mental state.

(b) In a prosecution for murder in the second degree under (a)(6) of this section, it is an affirmative defense that reduces the crime to a class A felony that, at the time of the offense,

(1) the defendant sought, in good faith, medical or law enforcement assistance for the other person;

(2) the defendant remained at the scene with the other person until medical or law enforcement assistance arrived;

(3) the defendant cooperated with medical or law enforcement personnel, including by providing identification; and

(4) the offense involved small quantities of a controlled substance that were not delivered for a profit.

(c) Except as provided in (c) of this section, murder in the second degree is an unclassified felony and is punishable as provided in [AS 12.55](#).

#### Sec. 11.41.115. Defenses to murder.

(a) In a prosecution under [AS 11.41.100](#)(a)(1)(A) or 11.41.110(a)(1), it is a defense that the defendant acted in a heat of passion, before there had been a reasonable opportunity for the passion to cool, when the heat of passion resulted from a serious provocation by the intended victim.

(b) In a prosecution under [AS 11.41.110](#)(a)(3), it is an affirmative defense that the defendant  
(1) did not commit the homicidal act or in any way solicit or aid in its commission;

(2) was not armed with a dangerous instrument;

(3) had no reasonable ground to believe that another participant, if any, was armed with a dangerous instrument; and

(4) had no reasonable ground to believe that another participant, if any, intended to engage in conduct likely to result in death or serious physical injury.

(c) A person may not be convicted of murder in the second degree under [AS 11.41.110](#)(a)(3) if the only underlying crime is burglary, the sole purpose of the burglary is a criminal homicide, and the person killed is the intended victim of the defendant. However, if the defendant causes the

death of any other person, the defendant may be convicted of murder in the second degree under [AS 11.41.110\(a\)\(3\)](#). Nothing in this subsection precludes a prosecution for or conviction of murder in the first degree or murder in the second degree under [AS 11.41.110\(a\)\(1\)](#) or (2) or of any other crime, including manslaughter or burglary.

(d) [Repealed, § 44 ch 102 SLA 1980.]

(e) Nothing in (a) or (b) of this section precludes a prosecution for or conviction of manslaughter or any other crime not specifically precluded.

(f) In this section,

(1) “intended victim” means a person whom the defendant was attempting to kill or to whom the defendant was attempting to cause serious physical injury when the defendant caused the death of the person the defendant is charged with killing;

(2) “serious provocation” means conduct which is sufficient to excite an intense passion in a reasonable person in the defendant's situation, other than a person who is intoxicated, under the circumstances as the defendant reasonably believed them to be; insulting words, insulting gestures, or hearsay reports of conduct engaged in by the intended victim do not, alone or in combination with each other, constitute serious provocation.

Sec. 11.41.120. Manslaughter.

(a) A person commits the crime of manslaughter if the person

(1) intentionally, knowingly, or recklessly causes the death of another person under circumstances not amounting to murder in the first or second degree;

(2) intentionally aids another person to commit suicide; or

(3) knowingly manufactures or delivers a controlled substance in violation of [AS 11.71.030](#) or [11.71.040\(a\)\(1\)](#) for schedule IVA controlled substances, and another person dies as a direct result of ingestion of the controlled substance; the death is a result that does not require a culpable mental state.

(b) Manslaughter is a class A felony.

Sec. 11.41.130. Criminally negligent homicide.

(a) A person commits the crime of criminally negligent homicide if, with criminal negligence, the person causes the death of another person.

(b) Criminally negligent homicide is a class B felony.

Sec. 11.41.135. Multiple deaths.

If more than one person dies as a result of a person committing conduct constituting a crime specified in [AS 11.41.100](#) — 11.41.130, each death constitutes a separately punishable offense.

Sec. 11.41.140. Definitions.

In [AS 11.41.100](#) — 11.41.140,

(1) “ingestion” means voluntarily or involuntarily taking a substance into the body in any manner;

(2) “person” means, when referring to the victim of a crime, a human being who has been born and was alive at the time of the criminal act; a person is “alive” if there is spontaneous respiratory or cardiac function or, when respiratory and cardiac functions are maintained by artificial means, there is spontaneous brain function.

Sec. 11.41.150. Murder of an unborn child.

(a) A person commits the crime of murder of an unborn child if the person

(1) with intent to cause the death of an unborn child or of another person, causes the death of an unborn child;

(2) with intent to cause serious physical injury to an unborn child or to another person or knowing that the conduct is substantially certain to cause death or serious physical injury to an unborn child or to another person, causes the death of an unborn child;

(3) while acting alone or with one or more persons, commits or attempts to commit arson in the first degree, kidnapping, sexual assault in the first degree, sexual assault in the second degree, sexual abuse of a minor in the first degree, sexual abuse of a minor in the second degree, burglary in the first degree, escape in the first or second degree, robbery in any degree, or misconduct involving a controlled substance under [AS 11.71.010](#)(a), 11.71.021(a), 11.71.030(a)(2) or (9), or 11.71.040(a)(1) or (2), and, in the course of or in furtherance of that crime or in immediate flight from that crime, any person causes the death of an unborn child;

(4) knowingly engages in conduct that results in the death of an unborn child under circumstances manifesting an extreme indifference to the value of human life; for purposes of this paragraph, a pregnant woman's decision to remain in a relationship in which domestic violence, as defined in [AS 18.66.990](#), has occurred does not constitute conduct manifesting an extreme indifference to the value of human life.

(b) A person may not be convicted under (a)(3) of this section if the only underlying crime is burglary, the sole purpose of the burglary is a criminal homicide, and the unborn child killed is the intended victim of the defendant. However, if the defendant causes the death of another unborn child, the defendant may be convicted under (a)(3) of this section. Nothing in this subsection precludes a prosecution for or conviction of murder in the first degree or murder in the second degree, murder of an unborn child under [AS 11.41.150](#)(a)(1), (2), or (4), or any other crime.

(c) Murder of an unborn child is an unclassified felony.

Sec. 11.41.160. Manslaughter of an unborn child.

(a) A person commits the crime of manslaughter of an unborn child if, under circumstances not amounting to murder of an unborn child, the person intentionally, knowingly, or recklessly causes the death of an unborn child.

(b) Manslaughter of an unborn child is a class A felony.

Sec. 11.41.170. Criminally negligent homicide of an unborn child.

(a) A person commits the crime of criminally negligent homicide of an unborn child if, with criminal negligence, the person causes the death of an unborn child.

(b) Criminally negligent homicide of an unborn child is a class B felony.

Sec. 11.41.180. Applicability of [AS 11.41.150](#) — 11.41.170.

[AS 11.41.150](#) — 11.41.170 do not apply to acts that

(1) cause the death of an unborn child if those acts were committed during a legal abortion to which the pregnant woman consented or a person authorized by law to act on her behalf consented, or for which such consent is implied by law;

(2) are committed under usual and customary standards of medical practice during diagnostic testing, therapeutic treatment, or to assist a pregnancy; or

(3) are committed by a pregnant woman against herself and her own unborn child.

Article 2. Assault and Reckless Endangerment.

Sec. 11.41.200. Assault in the first degree.

(a) A person commits the crime of assault in the first degree if

(1) that person recklessly causes serious physical injury to another by means of a dangerous instrument;

(2) with intent to cause serious physical injury to another, the person causes serious physical injury to any person;

(3) the person knowingly engages in conduct that results in serious physical injury to another under circumstances manifesting extreme indifference to the value of human life;

(4) that person recklessly causes serious physical injury to another by repeated assaults using a dangerous instrument, even if each assault individually does not cause serious physical injury; or

(5) that person knowingly causes another to become unconscious by means of a dangerous instrument; in this paragraph, “dangerous instrument” has the meaning given in [AS 11.81.900\(b\)\(16\)\(B\)](#).

(b) Assault in the first degree is a class A felony.

Sec. 11.41.210. Assault in the second degree.

(a) A person commits the crime of assault in the second degree if

(1) with intent to cause physical injury to another person, that person causes physical injury to another person by means of a dangerous instrument;

(2) that person recklessly causes serious physical injury to another person; or

(3) that person recklessly causes serious physical injury to another by repeated assaults, even if each assault individually does not cause serious physical injury.

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

Sec. 11.41.220. Assault in the third degree.

(a) A person commits the crime of assault in the third degree if that person

(1) recklessly

(A) places another person in fear of imminent serious physical injury by means of a dangerous instrument;

(B) causes physical injury to another person by means of a dangerous instrument; or

(C) while being 18 years of age or older,

(i) causes physical injury to a child under 12 years of age and the injury would cause a reasonable caregiver to seek medical attention from a health care professional in the form of diagnosis or treatment;

(ii) causes physical injury to a child under 12 years of age on more than one occasion;

(2) with intent to place another person in fear of death or serious physical injury to the person or the person's family member, makes repeated threats to cause death or serious physical injury to another person;

(3) while being 18 years of age or older, knowingly causes physical injury to a child under 16 years of age but at least 12 years of age and the injury reasonably requires medical treatment;

(4) with criminal negligence, causes serious physical injury under [AS 11.81.900\(b\)\(60\)\(B\)](#) to another person by means of a dangerous instrument; or

(5) commits a crime that is a violation of [AS 11.41.230\(a\)\(1\)](#) or (2) and, within the preceding 10 years, the person was convicted on two or more separate occasions of crimes under

(A) [AS 11.41.100](#) — 11.41.170;

(B) [AS 11.41.200](#) — 11.41.220, 11.41.230(a)(1) or (2), 11.41.280, or 11.41.282;

(C) [AS 11.41.260](#) or 11.41.270;

(D) [AS 11.41.410](#), 11.41.420, or 11.41.425(a)(1); or

(E) a law or ordinance of this or another jurisdiction with elements similar to those of an offense described in (A) — (D) of this paragraph.

(b) In a prosecution under (a)(3) of this section, it is an affirmative defense that, at the time of the alleged offense, the defendant reasonably believed the victim to be 16 years of age or older, unless the victim was under 13 years of age at the time of the alleged offense.

(c) In (a)(5) of this section, when considering whether a conviction has occurred in the preceding 10 years, the date that sentence is imposed is the date that a previous conviction has occurred.

(d) In this section, “the person's family member” means

(1) a spouse, child, grandchild, parent, grandparent, sibling, uncle, aunt, nephew, or niece, of the person, whether related by blood, marriage, or adoption;

(2) a person who lives or has lived, in a spousal relationship with the person;

(3) a person who lives in the same household as the person; or

(4) a person who is a former spouse of the person or is or has been in a dating, courtship, or engagement relationship with the person.

(e) Assault in the third degree is a class C felony.

Sec. 11.41.230. Assault in the fourth degree.

(a) A person commits the crime of assault in the fourth degree if

(1) that person recklessly causes physical injury to another person;

(2) with criminal negligence that person causes physical injury to another person by means of a dangerous instrument; or

(3) by words or other conduct that person recklessly places another person in fear of imminent physical injury.

(b) Assault in the fourth degree is a class A misdemeanor.

Sec. 11.41.240. Assault in the presence of a child.

(a) A person commits the crime of assault in the presence of a child if the person commits an assault under [AS 11.41.200](#) — 11.41.230 and the assault is a crime involving domestic violence, as defined in [AS 18.66.990](#), or commits a sexual assault under [AS 11.41.410](#) — 11.41.427 with reckless disregard that, at the time of the assault, a child under 16 years of age is present in the dwelling, vehicle, or location where the assault occurs.

(b) In this section,

(1) “dwelling” does not include another unit in multi-unit housing;

(2) “present” means physically present or within hearing of the assault.

(c) Assault in the presence of a child is a class A misdemeanor.

Sec. 11.41.250. Reckless endangerment.

(a) A person commits the crime of reckless endangerment if the person recklessly engages in

conduct which creates a substantial risk of serious physical injury to another person.

(b) Reckless endangerment is a class A misdemeanor.

Sec. 11.41.255. Definition of serious physical injury for offenses against children under 12 under [AS 11.41.200](#) — 11.41.250.

Notwithstanding the definition of “serious physical injury” in [AS 11.81.900](#)(b), for the purpose of an offense against a child under 12 years of age under [AS 11.41.200](#) — 11.41.250, unless the context requires otherwise, “serious physical injury” means

(1) physical injury caused by an act performed under circumstances that create a substantial risk of death; or

(2) physical injury that terminates a pregnancy or causes  
(A) serious disfigurement;

(B) serious impairment of health by extensive bruising or other injury that would cause a reasonable person to seek medical attention for the child from a health care professional in the form of diagnosis or treatment;

(C) serious impediment of blood circulation or breathing; or

(D) protracted loss or impairment of the function of a body member or organ.

Sec. 11.41.260. Stalking in the first degree.

(a) A person commits the crime of stalking in the first degree if the person violates [AS 11.41.270](#) and

(1) the actions constituting the offense are in violation of an order issued or filed under [AS 18.65.850](#) — 18.65.870 or [AS 18.66.100](#) — 18.66.180 or issued under former [AS 25.35.010](#)(b) or 25.35.020;

(2) the actions constituting the offense are in violation of a condition of probation, release before trial, release after conviction, or parole;

(3) the victim is under 16 years of age;

(4) at any time during the course of conduct constituting the offense, the defendant possessed a deadly weapon;

(5) the defendant has been previously convicted of a crime under this section, [AS 11.41.270](#), or [AS 11.56.740](#), or a law or ordinance of this or another jurisdiction with elements similar to a crime under this section, [AS 11.41.270](#), or [AS 11.56.740](#); or

(6) the defendant has been previously convicted of a crime, or an attempt or solicitation to commit a crime, under (A) [AS 11.41.100](#) — 11.41.250, 11.41.300 — 11.41.460, [AS 11.56.807](#), 11.56.810, [AS 11.61.118](#), 11.61.120, or (B) a law or an ordinance of this or another jurisdiction with elements similar to a crime, or an attempt or solicitation to commit a crime, under [AS 11.41.100](#) — 11.41.250, 11.41.300 — 11.41.460, [AS 11.56.807](#), 11.56.810, [AS 11.61.118](#), or 11.61.120, involving the same victim as the present offense.

(b) In this section, “course of conduct” and “victim” have the meanings given in [AS 11.41.270\(b\)](#).

(c) Stalking in the first degree is a class C felony.

Sec. 11.41.270. Stalking in the second degree.

(a) A person commits the crime of stalking in the second degree if the person knowingly engages in a course of conduct that recklessly places another person in fear of death or physical injury, or in fear of the death or physical injury of a family member.

(b) In this section,

(1) “course of conduct” means repeated acts of nonconsensual contact involving the victim or a family member;

(2) “device” includes software;

(3) “family member” means a

(A) spouse, child, grandchild, parent, grandparent, sibling, uncle, aunt, nephew, or niece, of the victim, whether related by blood, marriage, or adoption;

(B) person who lives, or has previously lived, in a spousal relationship with the victim;

(C) person who lives in the same household as the victim; or

(D) person who is a former spouse of the victim or is or has been in a dating, courtship, or engagement relationship with the victim;

(4) “nonconsensual contact” means any contact with another person that is initiated or continued without that person's consent, that is beyond the scope of the consent provided by that person, or that is in disregard of that person's expressed desire that the contact be avoided or discontinued; “nonconsensual contact” includes

(A) following or appearing within the sight of that person;

(B) approaching or confronting that person in a public place or on private property;

(C) appearing at the workplace or residence of that person;

(D) entering onto or remaining on property owned, leased, or occupied by that person;

(E) contacting that person by telephone;

(F) sending mail or electronic communications to that person;

(G) placing an object on, or delivering an object to, property owned, leased, or occupied by that person;

(H) following or monitoring that person with a global positioning device or similar technological means;

(I) using, installing, or attempting to use or install a device for observing, recording, or

photographing events occurring in the residence, vehicle, or workplace used by that person, or on the personal telephone or computer used by that person;

(5) “victim” means a person who is the target of a course of conduct.

(c) Stalking in the second degree is a class A misdemeanor.

Sec. 11.41.280. Assault of an unborn child in the first degree.

(a) A person commits the crime of assault of an unborn child in the first degree if

(1) that person recklessly causes serious physical injury to an unborn child by means of a dangerous instrument;

(2) with intent to cause serious physical injury to an unborn child or to another person, that person causes serious physical injury to an unborn child;

(3) that person knowingly engages in conduct that results in serious physical injury to an unborn child under circumstances manifesting extreme indifference to the value of human life; for purposes of this paragraph, a pregnant woman's decision to remain in a relationship in which domestic violence, as defined in [AS 18.66.990](#), has occurred does not constitute conduct manifesting an extreme indifference to the value of human life; or

(4) that person recklessly causes serious physical injury to an unborn child by repeated assaults using a dangerous instrument, even if each assault individually does not cause serious physical injury.

(b) Assault of an unborn child in the first degree is a class A felony.

Sec. 11.41.282. Assault of an unborn child in the second degree.

(a) A person commits the crime of assault of an unborn child in the second degree if

(1) with intent to cause physical injury to an unborn child or to another person, that person causes serious physical injury to an unborn child;

(2) that person recklessly causes serious physical injury to an unborn child; or

(3) that person recklessly causes serious physical injury to an unborn child by repeated assaults, even if each assault individually does not cause serious physical injury.

(b) Assault of an unborn child in the second degree is a class B felony.

Sec. 11.41.289. Applicability of [AS 11.41.280](#) and 11.41.282.

[AS 11.41.280](#) and 11.41.282 do not apply to acts that

(1) cause serious physical injury or physical injury to an unborn child if those acts were committed during a legal abortion to which the pregnant woman consented or a person authorized by law to act on her behalf consented, or for which consent is implied by law;

(2) are committed under usual and customary standards of medical practice during diagnostic testing, therapeutic treatment, or to assist a pregnancy; or

(3) are committed by a pregnant woman against herself and her own unborn child.

### Article 3. Kidnapping, Custodial Interference, and Human Trafficking.

#### Sec. 11.41.300. Kidnapping.

(a) A person commits the crime of kidnapping if

(1) the person restrains another with intent to

(A) hold the restrained person for ransom, reward, or other payment;

(B) use the restrained person as a shield or hostage;

(C) inflict physical injury upon or sexually assault the restrained person or place the restrained person or a third person in apprehension that any person will be subjected to serious physical injury or sexual assault;

(D) interfere with the performance of a governmental or political function;

(E) facilitate the commission of a felony or flight after commission of a felony;

(F) commit an offense in violation of [AS 11.41.434](#) — 11.41.438 upon the restrained person or place the restrained person or a third person in apprehension that a person will be subject to an offense in violation of [AS 11.41.434](#) — 11.41.438; or

(2) the person restrains another

(A) by secreting and holding the restrained person in a place where the restrained person is not likely to be found; or

(B) under circumstances which expose the restrained person to a substantial risk of serious physical injury.

(b) In a prosecution under (a)(2)(A) of this section, it is an affirmative defense that

(1) the defendant was a relative of the victim;

(2) the victim was a child under 18 years of age or an incompetent person; and

(3) the primary intent of the defendant was to assume custody of the victim.

(c) Except as provided in (d) of this section, kidnapping is an unclassified felony and is punishable as provided in [AS 12.55](#).

(d) In a prosecution for kidnapping, it is an affirmative defense which reduces the crime to a class A felony that the defendant voluntarily caused the release of the victim alive in a safe place before arrest, or within 24 hours after arrest, without having caused serious physical injury to the victim and without having engaged in conduct described in [AS 11.41.410\(a\)](#), 11.41.420, 11.41.434, or 11.41.436.

Sec. 11.41.320. Custodial interference in the first degree.

(a) A person commits the crime of custodial interference in the first degree if the person violates [AS 11.41.330\(a\)\(1\)](#) and causes the child or incompetent person to be

(1) removed from the state; or

(2) kept outside the state.

(b) Custodial interference in the first degree is a class C felony.

Sec. 11.41.330. Custodial interference in the second degree.

(a) A person commits the crime of custodial interference in the second degree if

(1) being a relative of a child under 18 years of age or a relative of an incompetent person and knowing that the person has no legal right to do so, the person takes, entices, or keeps that child or incompetent person from a lawful custodian with intent to hold the child or incompetent person for a protracted period; or

(2) not being a relative of a child under 18 years of age or a relative of an incompetent person, knowing that the person has no right to do so and with the intent to take or keep the child or incompetent person, the person represents to the lawful custodian that the person has a right to take or keep the child or incompetent person.

(b) The affirmative defense of necessity under [AS 11.81.320](#) does not apply to a prosecution for custodial interference under (a)(1) of this section if the protracted period for which the person held the child or incompetent person exceeded the shorter of the following:

(1) 24 hours; or

(2) the time necessary to report to a peace officer or social service agency that the child or incompetent person has been abused, neglected, or is in imminent physical danger.

(c) Custodial interference in the second degree is a class A misdemeanor.

Sec. 11.41.360. Human trafficking in the first degree.

(a) A person commits the crime of human trafficking in the first degree if the person compels or induces another person to engage in sexual conduct, adult entertainment, or labor in the state by force or threat of force against any person, or by deception.

(b) In this section,

(1) “adult entertainment” means the conduct described in [AS 23.10.350\(f\)\(1\) — \(3\)](#);

(2) “deception” has the meaning given in [AS 11.46.180](#);

(3) “sexual conduct” has the meaning given in [AS 11.66.150](#).

(c) Human trafficking in the first degree is a class A felony.

Sec. 11.41.365. Human trafficking in the second degree.

(a) A person commits the crime of human trafficking in the second degree if, under circumstances not proscribed under [AS 11.66.100](#) — 11.66.150, the person intentionally induces or causes another person to engage in adult entertainment or labor by

(1) exposing or threatening to expose confidential information or a secret, whether true or false, tending to subject a person to hatred, contempt, or ridicule;

(2) destroying, concealing, or threatening to destroy or conceal an actual or purported passport or immigration document or another actual or purported identification document of any person;

(3) threatening to report a person to a government agency for the purpose of arrest or deportation;

(4) threatening to collect a debt;

(5) instilling in a person a fear that lodging, food, clothing, or medication will be withheld from any person;

(6) providing a controlled substance to or withholding a controlled substance from the other person; or

(7) engaging in deception.

(b) Human trafficking in the second degree is a class B felony.

Sec. 11.41.370. Definitions.

In [AS 11.41.300](#) — 11.41.370, unless the context requires otherwise,

(1) “lawful custodian” means a parent, guardian, or other person responsible by authority of law for the care, custody, or control of another;

(2) “relative” means a parent, stepparent, ancestor, descendant, sibling, uncle, or aunt, including a relative of the same degree through marriage or adoption;

(3) “restrain” means to restrict a person's movements unlawfully and without consent, so as to interfere substantially with the person's liberty by moving the person from one place to another or by confining the person either in the place where the restriction commences or in a place to which the person has been moved; a restraint is “without consent” if it is accomplished

(A) by acquiescence of the restrained person, if the restrained person is under 16 years of age or is incompetent and the restrained person's lawful custodian has not acquiesced in the movement or confinement; or

(B) by force, threat, or deception.

Article 4. Sexual Offenses.

Sec. 11.41.410. Sexual assault in the first degree.

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

(1) the offender engages in sexual penetration with another person

(A) without consent of that person by

- (i) the use of force or the express or implied threat of force against any person or property; or
- (ii) causing the person to become incapacitated;
- (B) by impersonating someone known to the person for the purpose of obtaining consent;
- (2) the offender attempts to engage in sexual penetration with another person without consent of that person and causes serious physical injury to that person;
- (3) the offender engages in sexual penetration with another person
  - (A) who the offender knows is mentally incapable; and
  - (B) who is in the offender's care
    - (i) by authority of law; or
    - (ii) in a facility or program that is required by law to be licensed by the state; or
- (4) the offender engages in sexual penetration with a person who the offender knows is unaware that a sexual act is being committed and
  - (A) the offender is a health care worker; and
  - (B) the offense takes place during the course of professional treatment of the victim.
- (b) Sexual assault in the first degree is punishable as provided in [AS 12.55](#) and is
  - (1) an unclassified felony if the offender violates (a)(1)(A), (2), (3), or (4) of this section;
  - (2) a class A felony if the offender violates (a)(1)(B) of this section.

Sec. 11.41.420. Sexual assault in the second degree.

- (a) An offender commits the crime of sexual assault in the second degree if
  - (1) the offender engages in sexual contact with another person
    - (A) without consent of that person by
      - (i) the use of force or the express or implied threat of force against any person or property; or
      - (ii) causing the person to become incapacitated;
    - (B) by impersonating someone known to the person for the purpose of obtaining consent;
  - (2) the offender engages in sexual contact with a person
    - (A) who the offender knows is mentally incapable; and
    - (B) who is in the offender's care
      - (i) by authority of law; or
      - (ii) in a facility or program that is required by law to be licensed by the state;
  - (3) the offender engages in sexual penetration with a person who is
    - (A) mentally incapable;

(B) incapacitated; or

(C) unaware that a sexual act is being committed;

(4) the offender engages in sexual contact with a person who the offender knows is unaware that a sexual act is being committed and

(A) the offender is a health care worker; and

(B) the offense takes place during the course of professional treatment of the victim; or

(5) under circumstances not proscribed under [AS 11.41.410](#), the offender engages in sexual penetration with another person without consent of that person.

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

Sec. 11.41.425. Sexual assault in the third degree.

(a) An offender commits the crime of sexual assault in the third degree if the offender

(1) engages in sexual contact with a person who is

(A) mentally incapable;

(B) incapacitated; or

(C) unaware that a sexual act is being committed;

(2) while employed in a state correctional facility or other placement designated by the commissioner of corrections for the custody and care of prisoners, engages in sexual penetration with a person who the offender knows is committed to the custody of the Department of Corrections to serve a term of imprisonment or period of temporary commitment;

(3) engages in sexual penetration with a person 18 or 19 years of age who the offender knows is committed to the custody of the Department of Family and Community Services under [AS 47.10](#) or [AS 47.12](#) and the offender is the legal guardian of the person;

(4) while employed in the state by a law enforcement agency as a peace officer, or while acting as a peace officer in the state, engages in sexual penetration with a person with reckless disregard that the person is in the custody or the apparent custody of the offender, or is committed to the custody of a law enforcement agency;

(5) while employed by the state or a municipality of the state as a probation officer or parole officer, or while acting as a probation officer or parole officer in the state, engages in sexual penetration with a person with reckless disregard that the person is on probation or parole;

(6) while employed as a juvenile probation officer or as a juvenile facility staff, engages in sexual penetration with a person 18 or 19 years of age with reckless disregard that the person is committed to the custody or probationary supervision of the Department of Family and Community Services; or

(7) under circumstances not proscribed under [AS 11.41.420](#), the offender engages in sexual contact with another person without consent of that person; in this paragraph, "sexual contact" does not include an offender knowingly causing a person to come into contact with semen.

(b) In this section,

(1) “juvenile facility staff” means a person employed in a juvenile detention facility or juvenile treatment facility as those terms are defined in [AS 47.12.990](#);

(2) “juvenile probation officer” has the meaning given in [AS 47.12.990](#);

(3) “parole officer” has the meaning given in [AS 18.65.290](#);

(4) “peace officer” has the meaning given in [AS 01.10.060](#);

(5) “probation officer” includes a

(A) probation officer as defined in [AS 18.65.290](#); or

(B) person who supervises a participant in a specialty court, including a therapeutic or wellness court addressing alcohol or drug use, a court addressing the needs of veterans, an adult or juvenile mental health court, a fetal alcohol spectrum disorder court, or a family care or preservation court.

(c) Sexual assault in the third degree is a class C felony.

Sec. 11.41.427. Sexual assault in the fourth degree.

(a) An offender commits the crime of sexual assault in the fourth degree if

(1) while employed in a state correctional facility or other placement designated by the commissioner of corrections for the custody and care of prisoners, the offender engages in sexual contact with a person who the offender knows is committed to the custody of the Department of Corrections to serve a term of imprisonment or period of temporary commitment;

(2) the offender engages in sexual contact with a person 18 or 19 years of age who the offender knows is committed to the custody of the Department of Family and Community Services under [AS 47.10](#) or [AS 47.12](#) and the offender is the legal guardian of the person;

(3) while employed in the state by a law enforcement agency as a peace officer, or while acting as a peace officer in the state, the offender engages in sexual contact with a person with reckless disregard that the person is in the custody or the apparent custody of the offender, or is committed to the custody of a law enforcement agency;

(4) while employed by the state or a municipality of the state as a probation officer or parole officer, or while acting as a probation officer or parole officer in the state, the offender engages in sexual contact with a person with reckless disregard that the person is on probation or parole; or

(5) while employed as a juvenile probation officer or as a juvenile facility staff, the offender engages in sexual contact with a person 18 or 19 years of age with reckless disregard that the person is committed to the custody or probationary supervision of the Department of Family and Community Services.

(b) In this section,

(1) “juvenile facility staff” has the meaning given in [AS 11.41.425](#);

(2) “juvenile probation officer” has the meaning given in [AS 47.12.990](#);

(3) “parole officer” has the meaning given in [AS 18.65.290](#);

(4) “peace officer” has the meaning given in [AS 01.10.060](#);

(5) “probation officer” has the meaning given in [AS 11.41.425](#).

(c) Sexual assault in the fourth degree is a class A misdemeanor.

Sec. 11.41.430. Sexual assault in the third degree. [Repealed, § 10 ch 78 SLA 1983. For current law, see [AS 11.41.425](#).]

Sec. 11.41.432. Defenses.

(a) It is a defense to a crime charged under [AS 11.41.410](#)(a)(3), 11.41.420(a)(2), 11.41.420(a)(3), 11.41.425, or 11.41.427 that the offender is

(1) mentally incapable.

(2) [Repealed, § 138 ch 4 FSSLA 2019.]

(b) Except as provided in (d) or (e) of this section, in a prosecution under [AS 11.41.410](#) — 11.41.427, it is not a defense that the victim was, at the time of the alleged offense, the legal spouse of the defendant.

(c) It is an affirmative defense to a crime charged under [AS 11.41.425](#)(a)(5) or 11.41.427(a)(4) that

(1) the offender and the person on probation or parole had, before the person was placed on probation or parole, a dating relationship or a sexual relationship that continued until the date of the alleged offense; and

(2) the person on probation or parole consented to the act for which the offender is charged.

(d) It is a defense to a crime charged under [AS 11.41.425](#)(a)(2) — (6) or 11.41.427 that the offender is married to the person, neither party has filed with the court for separation, divorce, or dissolution of the marriage, and the person consented to the act for which the offender was charged.

(e) It is an affirmative defense for a crime charged under [AS 11.41.410](#)(a)(3), 11.41.420(a)(2), 11.41.420(a)(3)(A), or 11.41.425(a)(1)(A) that the offender is married to the person, neither party has filed with the court for separation, divorce, or dissolution of the marriage, and the person consented to the act for which the offender is charged while capable of understanding the nature or consequences of the offender's conduct.

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

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

(3) being 18 years of age or older, the offender engages in sexual penetration with a person who is under 16 years of age, and

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

(B) the offender occupies a position of authority in relation to the victim.

(b) Sexual abuse of a minor in the first degree is an unclassified felony and is punishable as provided in [AS 12.55](#).

Sec. 11.41.436. Sexual abuse of a minor in the second degree.

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

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

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

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

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

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

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

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

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

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

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

Sec. 11.41.438. Sexual abuse of a minor in the third degree.

(a) An offender commits the crime of sexual abuse of a minor in the third degree if being 17 years of age or older, the offender engages in sexual contact with a person who is 13, 14, or 15 years of age and at least four years younger than the offender.

(b) Except as provided in (c) of this section, sexual abuse of a minor in the third degree is a class C felony, punishable as provided in [AS 12.55.125](#)(e).

(c) Sexual abuse of a minor in the third degree is a class C felony, punishable under [AS 12.55.125](#)(i), if, at the time of the offense, the victim was at least six years younger than the offender.

Sec. 11.41.440. Sexual abuse of a minor in the fourth degree.

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

(1) being under 16 years of age, the offender engages in sexual contact with a person who is under 13 years of age and at least three years younger than the offender; or

(2) being 18 years of age or older, the offender engages in sexual contact with a person who is 16 or 17 years of age and at least three years younger than the offender, and the offender occupies a position of authority in relation to the victim.

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

Sec. 11.41.443. Spousal relationship no defense. [Repealed, § 61 ch 50 SLA 1989. For current law, see [AS 11.41.432](#)(b).]

Sec. 11.41.445. General provisions.

(a) In a prosecution under [AS 11.41.434](#) — 11.41.440 it is an affirmative defense that, at the time of the alleged offense, the victim was the legal spouse of the defendant unless the offense was committed without the consent of the victim.

(b) In a prosecution under [AS 11.41.410](#) — 11.41.440, whenever a provision of law defining an offense depends upon a victim's being under a certain age, it is an affirmative defense that, at the time of the alleged offense, the defendant

(1) reasonably believed the victim to be that age or older; and

(2) undertook reasonable measures to verify that the victim was that age or older.

(c) In a prosecution under [AS 11.41.410](#) — 11.41.427, where consent is at issue,

(1) an expression of lack of consent through words or conduct means there is no consent; an expression of lack of consent under this paragraph does not require verbal or physical resistance and may include inaction;

(2) a current or previous dating, social, or sexual relationship between the defendant and the person involved with the defendant in the conduct at issue may not by itself constitute consent;

(3) a person cannot consent if the person is fraudulently made to believe that the sexual act serves a professional purpose; in this paragraph, “professional purpose” means an act the defendant has represented as a necessary part or component of a provided service, part of the routine course of a procedure, or a component of the defendant's profession that would occur if a person sought services from another practitioner in the same field as the defendant.

Sec. 11.41.450. Incest.

(a) A person commits the crime of incest if, being 18 years of age or older, that person engages in sexual penetration with another who is related, either legitimately or illegitimately, as

- (1) an ancestor or descendant of the whole or half blood;
- (2) a brother or sister of the whole or half blood; or
- (3) an uncle, aunt, nephew, or niece by blood.

(b) Incest is a class C felony.

Sec. 11.41.452. Enticement of a minor.

(a) A person commits the crime of enticement of a minor if the person, being 18 years of age or older, knowingly communicates with another person to entice, solicit, or encourage the person to engage in an act described in [AS 11.41.455\(a\)\(1\) — \(7\)](#) and

- (1) the other person is a child under 16 years of age; or
- (2) the person believes that the other person is a child under 16 years of age.

(b) In a prosecution under (a)(2) of this section, it is not a defense that the person enticed, solicited, or encouraged was not actually a child under 16 years of age.

(c) In a prosecution under this section, it is not necessary for the prosecution to show that the act described in [AS 11.41.455\(a\)\(1\) — \(7\)](#) was actually committed.

(d) Except as provided in (e) of this section, enticement of a minor is a class B felony.

(e) Enticement of a minor is a class A felony if the defendant was, at the time of the offense, required to register as a sex offender or child kidnapper under [AS 12.63](#) or a similar law of another jurisdiction.

Sec. 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

(1) a class A felony; or

(2) an unclassified felony if the

(A) person has been previously convicted of unlawful exploitation of a minor in this jurisdiction or a similar crime in this or another jurisdiction; or

(B) minor who is exploited is under 13 years of age at the time the exploitation occurs.

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

Sec. 11.41.458. Indecent exposure in the first degree.

(a) An offender commits the crime of indecent exposure in the first degree if the offender violates [AS 11.41.460\(a\)](#) and

(1) while committing the act constituting the offense, the offender knowingly masturbates; or

(2) the offender has been previously convicted under

(A) this section;

(B) [AS 11.41.460\(a\)](#); or

(C) a law or ordinance of this or another jurisdiction with elements similar to a crime listed under (A) or (B) of this paragraph.

(b) Indecent exposure in the first degree

(1) is a class C felony; or

(2) is a class B felony if the offense occurs within the observation of a person under 16 years of age.

Sec. 11.41.460. Indecent exposure in the second degree.

(a) An offender commits the crime of indecent exposure in the second degree if the offender knowingly exposes the offender's genitals in the presence of another person with reckless disregard for the offensive, insulting, or frightening effect the act may have.

(b) Indecent exposure in the second degree before a person under 16 years of age is a class A misdemeanor. Indecent exposure in the second degree before a person 16 years of age or older is a class B misdemeanor.

Sec. 11.41.468. Forfeiture of property used in sexual offense.

(a) Property used to aid a violation of [AS 11.41.410](#) — 11.41.458 or to aid the solicitation of, attempt to commit, or conspiracy to commit a violation of [AS 11.41.410](#) — 11.41.458 may be forfeited to the state upon the conviction of the offender.

(b) In this section, “property” means computer equipment, telecommunications equipment, photography equipment, video or audio equipment, books, magazines, photographs, videotapes, audiotapes, and any equipment or device, regardless of format or technology employed, that can be used to store, create, modify, receive, transmit, or distribute digital or analog information, including images, motion pictures, and sounds.

Sec. 11.41.470. Definitions.

For purposes of [AS 11.41.410](#) — 11.41.470, unless the context requires otherwise,

(1) “health care worker” includes a person who is or purports to be an acupuncturist, advanced practice registered nurse, anesthesiologist, certified direct-entry midwife, chiropractor, dentist, health aide, hypnotist, massage therapist, mental health counselor, midwife, nurse, occupational therapist, occupational therapy assistant, osteopath, naturopath, physical therapist, physical therapist assistant, physician, physician assistant, psychiatrist, psychological associate, psychologist, radiologist, religious healing practitioner, surgeon, x-ray technician, or a substantially similar position;

(2) “incapacitated” means temporarily incapable of appraising the nature of one's own conduct or physically unable to express unwillingness to act;

(3) “juvenile facility staff” has the meaning given in [AS 11.41.425\(b\)](#);

(4) “legal guardian” means a person who is under a duty to exercise general supervision over a minor or other person committed to the custody of the Department of Family and Community Services under [AS 47.10](#) or [AS 47.12](#) as a result of a court order, statute, or regulation, and includes Department of Family and Community Services employees, foster parents, and staff members and other employees of treatment institutions, group homes, or youth facilities where the minor or other person is placed as a result of a court order or the action of the Department of Family and Community Services, and police officers, juvenile and adult probation officers, and social workers when those persons are exercising custodial control over a minor or other person;

(5) “mentally incapable” means suffering from a mental disease or defect that renders the person incapable of understanding the nature or consequences of the person's conduct, including the potential for harm to that person;

(6) “position of authority” means one of the following, or a person in a substantially similar position: an employer, youth leader, scout leader, coach, teacher, counselor, school administrator, religious leader, doctor, nurse, psychologist, guardian ad litem, babysitter, police officer, correctional employee, juvenile facility staff, staff member of a treatment institution, or juvenile

or adult probation officer other than when the officer or staff member is exercising custodial control over a minor;

(7) “sexual act” means sexual penetration or sexual contact;

(8) “treatment institution” has the meaning given in [AS 47.14.990](#);

(9) “victim” means the person alleged to have been subjected to sexual assault in any degree or sexual abuse of a minor in any degree;

(10) “without consent” means that, under the totality of the circumstances surrounding the offense, there was not a freely given, reversible agreement specific to the conduct at issue; in this paragraph, “freely given” means agreement to cooperate in the act was positively expressed by word or action.

#### Article 5. Robbery, Extortion, and Coercion.

##### Sec. 11.41.500. Robbery in the first degree.

(a) A person commits the crime of robbery in the first degree if the person violates [AS 11.41.510](#) and, in the course of violating that section or in immediate flight thereafter, that person or another participant

(1) is armed with a deadly weapon or represents by words or other conduct that either that person or another participant is so armed;

(2) uses or attempts to use a dangerous instrument or a defensive weapon or represents by words or other conduct that either that person or another participant is armed with a dangerous instrument or a defensive weapon; or

(3) causes or attempts to cause serious physical injury to any person.

(b) Robbery in the first degree is a class A felony.

##### Sec. 11.41.510. Robbery in the second degree.

(a) A person commits the crime of robbery in the second degree if, in the course of taking or attempting to take property from the immediate presence and control of another, the person uses or threatens the immediate use of force upon any person with intent to

(1) prevent or overcome resistance to the taking of the property or the retention of the property after taking; or

(2) compel any person to deliver the property or engage in other conduct which might aid in the taking of the property.

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

##### Sec. 11.41.520. Extortion.

(a) A person commits the crime of extortion if the person obtains the property of another by

threatening or suggesting that either that person or another may

(1) inflict physical injury on anyone, except under circumstances constituting robbery in any degree, or commit any other crime;

(2) accuse anyone of a crime;

(3) expose confidential information or a secret, whether true or false, tending to subject a person to hatred, contempt, or ridicule or to impair the person's credit or business repute;

(4) take or withhold action as a public servant or cause a public servant to take or withhold action;

(5) bring about or continue a strike, boycott, or other collective unofficial action, if the property is not demanded or received for the benefit of the group in whose interest the person making the threat or suggestion purports to act;

(6) testify or provide information or withhold testimony or information with respect to a person's legal claim or defense; or

(7) inflict any other harm which would not benefit the person making the threat or suggestion.

(b) A threat or suggestion to perform any of the acts described in (a) of this section includes an offer to protect another from any harmful act when the offeror has no apparent means to provide the protection or when the price asked for rendering the protection service is grossly disproportionate to its cost to the offeror.

(c) It is a defense to a prosecution based on (a)(2), (3), or (4) of this section that the property obtained by threat of accusation, exposure, lawsuit, or other invocation of official action was honestly claimed as restitution or indemnification for harm done in the circumstances to which the accusation, exposure, lawsuit, or other official action relates, or as compensation for property or lawful services.

(d) In this section, "property of another" means property in which a person has an interest that the defendant is not privileged to infringe, whether or not the defendant also has an interest in the property and whether or not the person from whom the property was obtained or withheld also obtained the property unlawfully. "Property of another" does not include property in the possession of the defendant in which another has only a security interest, even if legal title is in the secured party under a conditional sales contract or other security agreement; in the absence of a specific agreement to the contrary, the holder of a security interest in property is not privileged to infringe the debtor's right of possession without the consent of the debtor.

(e) Extortion is a class B felony.

Sec. 11.41.530. Coercion.

(a) A person commits the crime of coercion if, under circumstances not proscribed under [AS 11.41.410](#) — 11.41.427, the person compels another to engage in conduct from which there is a legal right to abstain or abstain from conduct in which there is a legal right to engage, by means of instilling in the person who is compelled a fear that, if the demand is not complied with, the person who makes the demand or another may

(1) inflict physical injury on anyone, except under circumstances constituting robbery in any degree, or commit any other crime;

(2) accuse anyone of a crime;

(3) expose confidential information or a secret, whether true or false, tending to subject a person to hatred, contempt, or ridicule or to impair the person's credit or business repute;

(4) take or withhold action as a public servant or cause a public servant to take or withhold action;

(5) bring about or continue a strike, boycott, or other collective unofficial action, if the property is not demanded or received for the benefit of the group in whose interest the person making the threat or suggestion purports to act;

(6) testify or provide information or withhold testimony or information with respect to a person's legal claim or defense.

(b) It is a defense to a prosecution under (a)(2), (3), or (4) of this section that the defendant reasonably believed that the accusation or exposure was true or that the lawsuit or other invocation of official action was justified and that the defendant's sole intent was to compel or induce the victim to take reasonable action to correct the wrong that is the subject of the accusation, exposure, lawsuit, or invocation of official action or to refrain from committing an offense.

(c) Coercion is a class C felony.

#### Chapter 45. Offenses Against the Public Peace.

[Repealed, § 21 ch 166 SLA 1978. For similar law, see [AS 11.61.100](#) — 11.61.150 and [AS 11.66.270](#).]

#### Chapter 46. Offenses Against Property.

##### Article 1. Theft and Related Offenses.

##### Sec. 11.46.100. Theft defined.

A person commits theft if

(1) with intent to deprive another of property or to appropriate property of another to oneself or a third person, the person obtains the property of another;

(2) the person commits theft of lost or mislaid property under [AS 11.46.160](#);

(3) the person commits theft by deception under [AS 11.46.180](#);

(4) the person commits theft by receiving under [AS 11.46.190](#);

(5) the person commits theft of services under [AS 11.46.200](#); or

(6) the person commits theft by failure to make required disposition of funds received or held under [AS 11.46.210](#).

Sec. 11.46.110. Consolidation of theft offenses: Pleading and proof.

(a) Each instance of conduct defined as theft under [AS 11.46.100](#) constitutes theft in the first, second, third, or fourth degree.

(b) An accusation of theft is sufficient if it alleges that the defendant committed theft of property or services of the nature or value required for the commission of the crime charged without designating the particular way or manner in which the theft was committed.

(c) Proof that the defendant engaged in conduct constituting theft as defined in [AS 11.46.100](#) is sufficient to support a conviction based upon any indictment, information, or complaint for theft.

Sec. 11.46.120. Theft in the first degree.

(a) A person commits the crime of theft in the first degree if the person commits theft as defined in [AS 11.46.100](#) and the value of the property or services is \$25,000 or more.

(b) Theft in the first degree is a class B felony.

Sec. 11.46.130. Theft in the second degree.

(a) A person commits the crime of theft in the second degree if the person commits theft as defined in [AS 11.46.100](#) and

(1) the value of the property or services is \$750 or more but less than \$25,000;

(2) the property is a firearm or explosive;

(3) the property is taken from the person of another;

(4) the property is taken from a vessel and is vessel safety or survival equipment;

(5) the property is taken from an aircraft and the property is aircraft safety or survival equipment;

(6) the value of the property is \$250 or more but less than \$750 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of

(A) an offense under [AS 11.46.120](#), or an offense under another law or ordinance with similar elements;

(B) a crime set out in this subsection or an offense under another law or ordinance with similar elements;

(C) an offense under [AS 11.46.140](#)(a)(1), or an offense under another law or ordinance with similar elements; or

(D) an offense under [AS 11.46.220](#)(c)(1) or (c)(2)(A), or an offense under another law or ordinance with similar elements; or

(7) the property is an access device or identification document.

(b) In this section,

(1) “aircraft” means a contrivance used or designed for navigation of flight in air;

(2) “aircraft safety or survival equipment” means equipment required to be carried on an aircraft under [AS 02.35.110](#);

(3) “vessel” means every description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water;

(4) “vessel safety or survival equipment” means personal flotation devices; immersion suits; personal flotation device lights; survival craft; equipment necessary for the proper operation of survival craft; emergency position indicating radio beacons; fire extinguishers and supporting equipment; firefighters' outfits; and self contained breathing apparatuses; in this paragraph, “survival craft” means a device designed to enable a person to survive the loss of a vessel, and includes buoyant apparatuses, inflatable buoyant apparatuses, life floats, inflatable life rafts, and auxiliary craft, including skiffs, usable as survival craft.

(c) Theft in the second degree is a class C felony.

Sec. 11.46.140. Theft in the third degree.

(a) A person commits the crime of theft in the third degree if the person commits theft as defined in [AS 11.46.100](#) and

(1) the value of the property or services is \$250 or more but less than \$750; or

(2) [Repealed, § 5 ch 67 SLA 2005.]

(3) [Repealed, § 179 ch 36 SLA 2016.]

(4) the value of the property is less than \$250 and, within the preceding five years, the person has been convicted and sentenced on three or more separate occasions in this or another jurisdiction of theft or concealment of merchandise, or an offense under another law or ordinance with similar elements.

(b) Theft in the third degree is a class A misdemeanor.

Sec. 11.46.150. Theft in the fourth degree.

(a) A person commits the crime of theft in the fourth degree if the person commits theft as defined in [AS 11.46.100](#) and the value of the property or services is less than \$250.

(b) Theft in the fourth degree is a class B misdemeanor.

Sec. 11.46.160. Theft of lost or mislaid property.

(a) A person commits theft of lost or mislaid property if the person obtains property of another knowing that the property was lost, mislaid, or delivered under a mistake as to the nature or

amount of the property or the identity of the recipient and the person fails to take reasonable measures to restore the property to the owner with intent to deprive the owner of the property.

(b) As used in this section “reasonable measures” includes notifying the identified owner or a peace officer.

Sec. 11.46.180. Theft by deception.

(a) A person commits theft by deception if, with intent to deprive another of property or to appropriate property of another to oneself or a third person, the person obtains the property of another by deception.

(b) In a prosecution based on theft by deception, if the state seeks to prove that the defendant used deception by promising performance which the defendant did not intend to perform or knew would not be performed, that intent or knowledge may not be established solely by or inferred solely from the fact that the promise was not performed.

(c) As used in this section, “deception” has the meaning ascribed to it in [AS 11.81.900](#) but does not include falsity as to matters having no pecuniary significance or “puffing” by statements unlikely to deceive reasonable persons in the group addressed.

Sec. 11.46.190. Theft by receiving.

(a) A person commits theft by receiving if the person buys, receives, retains, conceals, or disposes of stolen property with reckless disregard that the property was stolen.

(b) As used in this section, “receives” includes acquiring possession, control, or title, or lending on the security of the property.

Sec. 11.46.200. Theft of services.

(a) A person commits theft of services if

(1) the person obtains services, known by that person to be available only for compensation, by deception, force, threat, or other means to avoid payment for the services;

(2) having control over the disposition of services of others to which the person is not entitled, the person knowingly diverts those services to the person's own benefit or to the benefit of another not entitled to them; or

(3) the person obtains the use of computer time, a computer system, a computer program, a computer network, or any part of a computer system or network, with reckless disregard that the use by that person is unauthorized.

(b) Absconding without paying for hotel, restaurant, or other services for which compensation is customarily paid immediately upon the receiving of them is prima facie evidence that the services were obtained by deception.

(c) A person may not be prosecuted under this section for theft of cable, microwave,

subscription, or pay television or other telecommunications service if the service was obtained through the use of a device designed and used to intercept electromagnetic signals directly from a satellite, including a device commonly referred to as a home earth station.

Sec. 11.46.210. Theft by failure to make required disposition of funds received or held.

(a) A person commits theft by failure to make required disposition of funds received or held if the person

(1) obtains property from anyone or personal services from an employee upon an agreement or subject to a known legal obligation to make specified payment or other disposition to a third person, whether from that property or its proceeds or from the person's own property to be reserved in equivalent amount; and

(2) exercises control over the property or services as the person's own and fails to make the required payment or disposition.

(b) It is not a defense to a prosecution based on theft by failure to make required disposition of funds received or held that it may be impossible to identify particular property as belonging to the victim at the time of the defendant's failure to make the required payment or disposition.

(c) In a prosecution based on theft by failure to make required disposition of funds received or held, the fact that the defendant was a fiduciary or an officer or employee of a government or a financial institution is prima facie evidence

(1) that the defendant exercised control over property or services as the defendant's own if the defendant failed to pay or account upon lawful demand or if an audit reveals a shortage or falsification of accounts; and

(2) that the defendant knew any legal obligation relevant under (a)(1) of this section.

Sec. 11.46.220. Concealment of merchandise.

(a) A person commits the crime of concealment of merchandise if without authority the person knowingly conceals on or about the person the merchandise of a commercial establishment, not purchased by the person, while still upon the premises of the commercial establishment, with intent to deprive the owner of the merchandise or with intent to appropriate the merchandise.

(b) Merchandise found concealed upon or about the person which has not been purchased by the person is prima facie evidence of a knowing concealment.

(c) Concealment of merchandise is

(1) a class C felony if

(A) the merchandise is a firearm;

(B) the value of the merchandise is \$750 or more; or

(C) the value of the merchandise is \$250 or more but less than \$750 and, within the preceding five years, the person has been convicted and sentenced on two or more separate occasions in this or another jurisdiction of

(i) the offense of concealment of merchandise under this paragraph or (2)(A) of this subsection, or an offense under another law or ordinance with similar elements; or

(ii) an offense under [AS 11.46.120](#), 11.46.130, or 11.46.140(a)(1), or an offense under another law or ordinance with similar elements;

(2) a class A misdemeanor if

(A) the value of the merchandise is \$250 or more but less than \$750; or

(B) [Repealed, § 179 ch 36 SLA 2016.]

(C) the value of the merchandise is less than \$250 and, within the preceding five years, the person has been convicted and sentenced on three or more separate occasions of the offense of concealment of merchandise or theft in any degree, or an offense under another law or ordinance with similar elements;

(3) a class B misdemeanor if the value of the merchandise is less than \$250.

Sec. 11.46.230. Reasonable detention as defense.

(a) In a civil or criminal action upon the complaint of a person who has been detained in or in the immediate vicinity of a commercial establishment for the purpose of investigation or questioning as to the ownership of merchandise, it is a defense that

(1) the person was detained in a reasonable manner and for not more than a reasonable time to permit investigation or questioning by a peace officer or by the owner of the commercial establishment or the owner's agent; and

(2) the peace officer, owner, or owner's agent had probable cause to believe that the person detained was committing or attempting to commit concealment of merchandise or theft from the commercial establishment.

(b) As used in this section, "reasonable time" means the time necessary to permit the person detained to make a statement or refuse to make a statement, and any additional time necessary to examine employees and records of the commercial establishment relative to the ownership of the merchandise.

Sec. 11.46.260. Removal of identification marks.

(a) A person commits the crime of removal of identification marks if, with intent to cause interruption to the ownership of another, the person defaces, erases, or otherwise alters or attempts to deface, erase, or otherwise alter any serial number or identification mark placed or inscribed on a propelled vehicle, bicycle, firearm, movable or immovable construction tool or equipment, appliance, merchandise, or other article or its component parts.

(b) Removal of identification marks is

(1) a class C felony if the value of the property on which the serial number or identification mark appeared is \$750 or more;

(2) a class A misdemeanor if the value of the property on which the serial number or identification mark appeared is \$250 or more but less than \$750;

(3) a class B misdemeanor if the value of the property on which the serial number or identification mark appeared is less than \$250.

Sec. 11.46.270. Unlawful possession.

(a) A person commits the crime of unlawful possession if the person possesses a propelled vehicle, bicycle, firearm, movable or immovable construction tool or equipment, appliance, merchandise or other article or its component parts knowing that the serial number or identification mark placed on it by the manufacturer or owner for the purpose of identification has been defaced, erased, or otherwise altered with the intent of causing interruption to the ownership of another.

(b) Unlawful possession is

(1) a class C felony if the value of the property on which the serial number or identification mark appeared is \$750 or more;

(2) a class A misdemeanor if the value of the property on which the serial number or identification mark appeared is \$250 or more but less than \$750;

(3) a class B misdemeanor if the value of the property on which the serial number or identification mark appeared is less than \$250.

Sec. 11.46.280. Issuing a bad check.

(a) A person commits the crime of issuing a bad check if the person issues a check knowing that it will not be honored by the drawee.

(b) In a prosecution under this section, it is prima facie evidence that the drawer knew the check would not be honored by the drawee if

(1) payment of the check was refused by the drawee for lack of funds upon presentation within 30 days after issue, and the drawer failed to make full satisfaction of the amount due within 15 days after notice of dishonor was deposited as first class mail, addressed to the drawer at the address appearing on the dishonored check or the drawer's last known address; or

(2) the drawer had no account with the drawee at the time the check was issued.

(c) In this section,

(1) "amount due" means the face amount of the dishonored check plus all costs and protest fees assessed by the drawee;

(2) "check" means a draft, check, or similar sight order for the payment of money, but does not include a postdated check or a promissory note;

(3) a person "issues" a check when as a drawer the person delivers it or causes it to be delivered to a person who thereby acquires a right against the drawer with respect to the check; a person who draws a check with the intent that it be so delivered is considered to have issued it if the delivery occurs.

(d) Issuing a bad check is

(1) a class B felony if the face amount of the check is \$25,000 or more;

(2) a class C felony if the face amount of the check is \$750 or more but less than \$25,000;

- (3) a class A misdemeanor if the face amount of the check is \$250 or more but less than \$750;
- (4) a class B misdemeanor if the face amount of the check is less than \$250.

Sec. 11.46.285. Fraudulent use of an access device or identification document.

(a) A person commits the crime of fraudulent use of an access device or identification document if, with intent to defraud, the person uses an access device or identification document to obtain property or services with knowledge that

- (1) the access device or identification document is stolen or forged;
- (2) the access device or identification document is expired or has been revoked or cancelled;  
or
- (3) for any other reason, that person's use of the access device or identification document is unauthorized by either the issuer or the person to whom the access device or identification document is issued.

(b) Fraudulent use of an access device or identification document is

- (1) a class B felony if the value of the property or services obtained is \$25,000 or more;
- (2) a class C felony if the value of the property or services obtained is \$75 or more but less than \$25,000;
- (3) a class A misdemeanor if the value of the property or services obtained is less than \$75.

Sec. 11.46.290. Obtaining an access device or identification document by fraudulent means.

(a) A person commits the crime of obtaining an access device or identification document by fraudulent means if

- (1) the person buys an access device or identification document from a person other than the issuer or, as other than the issuer, the person sells an access device or identification document;
- (2) with intent to defraud, the person obtains an access device or identification document; or
- (3) with intent to defraud, the person makes a false statement in an application for an access device or identification document.

(b) Obtaining an access device or identification document by fraudulent means is a class C felony.

Sec. 11.46.295. Prior convictions.

For purposes of considering prior convictions in prosecuting a crime of theft under [AS 11.46.130\(a\)\(6\)](#) or [11.46.140\(a\)\(4\)](#) or in prosecuting the crime of concealment of merchandise under [AS 11.46.220\(c\)](#),

- (1) a conviction for an offense under another law or ordinance with similar elements is a

conviction of an offense having elements similar to those of an offense defined as such under Alaska law at the time the offense was committed;

(2) a conviction for an offense under Alaska law where the value of the property or services for the offense was lower than the value of property or services for the offense under current Alaska law is a prior conviction for that offense; and

(3) the court shall consider the date of a prior conviction as occurring on the date that sentence is imposed for the prior offense.

## Article 2. Burglary and Criminal Trespass.

### Sec. 11.46.300. Burglary in the first degree.

(a) A person commits the crime of burglary in the first degree if the person violates [AS 11.46.310](#) and

(1) the building is a dwelling; or

(2) in effecting entry or while in the building or immediate flight from the building, the person

(A) is armed with a firearm;

(B) causes or attempts to cause physical injury to a person; or

(C) uses or threatens to use a dangerous instrument.

(b) Burglary in the first degree is a class B felony.

### Sec. 11.46.310. Burglary in the second degree.

(a) A person commits the crime of burglary in the second degree if the person enters or remains unlawfully in a building with intent to commit a crime in the building.

(b) Burglary in the second degree is a class C felony.

### Sec. 11.46.315. Possession of burglary tools.

(a) A person commits the crime of possession of burglary tools if the person possesses a burglary tool with intent to use or permit use of the tool in the commission of

(1) burglary in any degree;

(2) a crime referred to in [AS 11.46.130\(a\)\(3\)](#); or

(3) theft of services.

(b) As used in this section, "burglary tools" means

(1) nitroglycerine, dynamite, or any other tool, instrument, or device adapted or designed for use in committing a crime referred to in (a)(1)-(3) of this section; or

(2) any acetylene torch, electric arc, burning bar, thermal lance, oxygen lance, or other similar

device capable of burning through steel, concrete, or other solid material.

(c) Possession of burglary tools is a class A misdemeanor.

Sec. 11.46.320. Criminal trespass in the first degree.

(a) A person commits the crime of criminal trespass in the first degree if the person enters or remains unlawfully

- (1) on land with intent to commit a crime on the land; or
- (2) in a dwelling.

(b) Criminal trespass in the first degree is a class A misdemeanor.

Sec. 11.46.330. Criminal trespass in the second degree.

(a) A person commits the crime of criminal trespass in the second degree if the person enters or remains unlawfully

- (1) in or upon premises; or
- (2) in a propelled vehicle.

(b) Criminal trespass in the second degree is a class B misdemeanor.

Sec. 11.46.340. Defense: emergency use of premises.

In a prosecution under [AS 11.46.300](#), 11.46.310, 11.46.320, or 11.46.330(a)(1), it is an affirmative defense that

(1) the entry, use, or occupancy of premises or use of personal property on the premises is for an emergency in the case of immediate and dire need; and

(2) as soon as reasonably practical after the entry, use, or occupancy, the person contacts the owner of the premises, the owner's agent or, if the owner is unknown, the nearest state or local police agency, and makes a report of the time of the entry, use, or occupancy and any damage to the premises or personal property, unless notice waiving necessity of the report is posted on the premises by the owner or the owner's agent.

Sec. 11.46.350. Definition; privilege to enter or remain on unimproved land.

(a) As used in [AS 11.46.300](#) — 11.46.350, unless the context requires otherwise, “enter or remain unlawfully” means to

(1) enter or remain in or upon premises or in a propelled vehicle when the premises or propelled vehicle, at the time of the entry or remaining, is not open to the public and when the defendant is not otherwise privileged to do so;

(2) fail to leave premises or a propelled vehicle that is open to the public after being lawfully

directed to do so personally by the person in charge; or

(3) enter or remain upon premises or in a propelled vehicle in violation of a provision in an order issued or filed under [AS 18.66.100](#) — 18.66.180 or issued under former [AS 25.35.010](#)(b) or 25.35.020.

(b) For purposes of this section, a person who, without intent to commit a crime on the land, enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, is privileged to do so unless

(1) notice against trespass is personally communicated to that person by the owner of the land or some other authorized person; or

(2) notice against trespass is given by posting in a reasonably conspicuous manner under the circumstances.

(c) [Repealed, § 1 ch 48 SLA 2014.]

### Article 3. Vehicle Theft.

#### Sec. 11.46.360. Vehicle theft in the first degree.

(a) A person commits the crime of vehicle theft in the first degree if, having no right to do so or any reasonable ground to believe the person has such a right, the person drives, tows away, or takes

(1) the car, truck, motorcycle, motor home, bus, aircraft, or watercraft of another;

(2) the propelled vehicle of another and

(A) the vehicle or any other property of another is damaged in a total amount of \$750 or more;

(B) the owner incurs reasonable expenses as a result of the loss of use of the vehicle, in a total amount of \$750 or more; or

(C) the owner is deprived of the use of the vehicle for seven days or more;

(3) the propelled vehicle of another and the vehicle is marked as a police or emergency vehicle; or

(4) the propelled vehicle of another and, within the preceding seven years, the person was convicted under

(A) this section or [AS 11.46.365](#);

(B) former [AS 11.46.482](#)(a)(4) or (5);

(C) former [AS 11.46.484](#)(a)(2);

(D) [AS 11.46.120](#) — 11.46.140 of an offense involving the theft of a propelled vehicle; or

(E) a law or ordinance of this or another jurisdiction with elements substantially similar to those of an offense described in (A) — (D) of this paragraph.

(b) In this section,

(1) “aircraft” has the meaning given in [AS 02.15.260](#);

(2) “all-terrain vehicle” means a propelled vehicle that has three or more wheels or two or more tracks or treads, is less than 75 inches in width, has a dry weight of 800 pounds or less, is equipped with low pressure tires or rubberized or metal tracks or treads, and is designed primarily for travel over unimproved terrain;

(3) “motorcycle” means a vehicle having a seat or saddle for the use of the rider, designed to travel on not more than three wheels in contact with the ground, and having an engine with more than 50 cubic centimeters of displacement; “motorcycle” does not include a tractor or an “all-terrain vehicle”;

(4) “watercraft” means a propelled vehicle used or capable of being used as a means of transportation, for recreational or commercial purposes, on water; in this paragraph, “watercraft” does not include a shallow draft propelled vehicle not more than 12 feet in length with an inboard motor powering a water jet pump as its primary means of propulsion that is designed to carry not more than two persons who sit, stand, or kneel on the vehicle.

(c) Vehicle theft in the first degree is a class C felony.

Sec. 11.46.365. Vehicle theft in the second degree.

(a) A person commits the crime of vehicle theft in the second degree if, having no right to do so or a reasonable ground to believe the person has such a right,

(1) the person drives, tows away, or takes the propelled vehicle of another, other than a vehicle described in [AS 11.46.360\(a\)\(1\)](#); or

(2) having custody of a propelled vehicle under a written agreement with the owner of the vehicle that includes an agreement to return the vehicle to the owner at a specified time, the person knowingly retains or withholds possession of the vehicle without the consent of the owner for so long a period beyond the time specified as to render the retention or possession of the vehicle an unreasonable deviation from the agreement.

(b) Vehicle theft in the second degree is a class A misdemeanor.

Sec. 11.46.370. Possession of motor vehicle theft tools.

(a) A person commits the crime of possession of motor vehicle theft tools if the person possesses a motor vehicle theft tool with intent to use or permit use of the tool in the commission of theft of a vehicle or contents of a vehicle.

(b) In this section,

(1) “altered or shaved key” means a key altered by cutting, filing, or other means to fit multiple vehicles or vehicles other than vehicles for which the key was originally manufactured;

(2) “motor vehicle theft tool” includes a slim jim, master key, altered or shaved key, trial or jiggle key, lock puller, electronic unlocking device, or similar device adapted or designed for use in committing vehicle theft;

(3) “trial or jiggle key” means a key designed or altered to manipulate a vehicle locking mechanism other than the lock for which the key was originally manufactured.

(c) Possession of motor vehicle theft tools is a class A misdemeanor.

Article 4. Arson, Criminal Mischief, and Related Offenses.

Sec. 11.46.400. Arson in the first degree.

(a) A person commits the crime of arson in the first degree if the person intentionally damages any property by starting a fire or causing an explosion and by that act recklessly places another person in danger of serious physical injury. For purposes of this section, “another person” includes but is not limited to fire and police service personnel or other public employees who respond to emergencies, regardless of rank, functions, or duties being performed.

(b) Arson in the first degree is a class A felony.

Sec. 11.46.410. Arson in the second degree.

(a) A person commits the crime of arson in the second degree if the person knowingly damages a building by starting a fire or causing an explosion.

(b) In a prosecution under this section, it is an affirmative defense

(1) that no person other than the defendant had a possessory, proprietary, or security interest in the building or that all persons having such an interest consented to the defendant's conduct; and

(2) that the sole intent of the defendant was to damage or destroy the building for a lawful purpose.

(c) Arson in the second degree is a class B felony.

Sec. 11.46.420. Arson in the third degree.

(a) A person commits the crime of arson in the third degree if the person intentionally damages a motor vehicle

(1) by starting a fire or causing an explosion while that vehicle is located on public land; or

(2) that is the property of another person by starting a fire or causing an explosion while that vehicle is located on private property.

(b) Arson in the third degree is a class C felony.

Sec. 11.46.427. Criminally negligent burning in the first degree.

(a) A person commits the crime of criminally negligent burning in the first degree if the person

(1) violates [AS 11.46.430](#); and

(2) within the preceding 10 years, has been convicted on two separate occasions of violating  
(A) [AS 11.46.400](#) — 11.46.430;

(B) misdemeanor crimes under [AS 41.15.060](#) — 41.15.120; or

(C) a law or ordinance of this or another jurisdiction with elements similar to the offenses in (A) or (B) of this paragraph.

(b) Criminally negligent burning in the first degree is a class C felony.

Sec. 11.46.430. Criminally negligent burning in the second degree.

(a) A person commits the crime of criminally negligent burning in the second degree if with criminal negligence the person damages property of another by fire or explosion.

(b) Criminally negligent burning in the second degree is a class A misdemeanor.

Sec. 11.46.450. Failure to control or report a dangerous fire.

(a) A person commits the crime of failure to control or report a dangerous fire if the person knows that a fire is endangering life or a substantial amount of property of another and fails to take reasonable measures to put out or control the fire, when the person can do so without substantial personal risk, or to give a prompt fire alarm if

(1) the person knows that the person is under an official, contractual, or other legal duty to prevent or combat the fire; or

(2) the fire was started by the person, with the person's consent, or on property in the person's custody or control.

(b) Failure to control or report a dangerous fire is a class A misdemeanor.

Sec. 11.46.460. Disregard of a highway obstruction.

(a) A person commits the offense of disregard of a highway obstruction if, without the right to do so or a reasonable ground to believe the person has the right, the person

(1) drives a vehicle through, over, or around an obstruction erected on a highway under authority of [AS 19.10.100](#); or

(2) opens an obstruction erected on a highway under authority of [AS 19.10.100](#).

(b) Violation of this section is a violation punishable by a fine of not more than \$1,000.

Sec. 11.46.462. Unlawful possession of official traffic control device.

(a) A person commits the offense of unlawful possession of an official traffic control device if, without the right to do so or a reasonable ground to believe the person has the right, the person possesses an official traffic control device.

(b) Unlawful possession of an official traffic control device is a violation and is punishable by a fine of

- (1) not less than \$100 for the first offense; or
- (2) not less than \$300 for each subsequent offense.

Sec. 11.46.475. Criminal mischief in the first degree.

(a) A person commits the crime of criminal mischief in the first degree if, having no right to do so or any reasonable ground to believe the person has such a right,

- (1) the person intentionally damages an oil or gas pipeline or supporting facility;
- (2) with intent to cause a substantial interruption or impairment of a service rendered to the public by a utility or by an organization that deals with emergencies involving danger to life or property, the person damages or tampers with property of that utility or organization and causes substantial interruption or impairment of service to the public;
- (3) with intent to damage property of another by the use of widely dangerous means, the person damages property of another in an amount exceeding \$100,000 by the use of widely dangerous means.

(b) Criminal mischief in the first degree is a class A felony.

Sec. 11.46.480. Criminal mischief in the second degree.

(a) A person commits the crime of criminal mischief in the second degree if, having no right to do so or any reasonable ground to believe the person has such a right,

- (1) the person tampers with an oil or gas pipeline or supporting facility or an airplane or helicopter, with reckless disregard for the risk of harm to or loss of the property; or
- (2) with intent to cause physical injury to another person, the person
  - (A) tampers with food, air, water, or an item that is a drug or cosmetic, or a container for food, air, water, or the item; or
  - (B) delivers, dispenses, or distributes food, air, water, or an item described in (A) of this paragraph knowing that a person has tampered with the food, air, water, or item or a container for the food, air, water, or item.

(b) In (a)(2) of this section,

- (1) “deliver” means the actual, constructive, or attempted transfer from one person to another of food, air, water, or an item;
- (2) “dispense” means to deliver a drug to an ultimate user or research subject by or under the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the drug for that delivery;
- (3) “distribute” means to deliver food, air, water, or an item, whether or not there is any money or other item of value exchanged; it includes sale, gift, or exchange;
- (4) “drug” has the meaning given in [AS 11.71.900](#);

(5) [Repealed, § 74 ch 35 SLA 2003.]

(c) Criminal mischief in the second degree is a class B felony.

Sec. 11.46.482. Criminal mischief in the third degree.

(a) A person commits the crime of criminal mischief in the third degree if, having no right to do so or any reasonable ground to believe the person has such a right,

(1) with intent to damage property of another, the person damages property of another in an amount of \$750 or more;

(2) the person recklessly creates a risk of damage in an amount exceeding \$100,000 to property of another by the use of widely dangerous means; or

(3) the person knowingly

(A) defaces, damages, or desecrates a cemetery or the contents of a cemetery or a tomb, grave, or memorial regardless of whether the tomb, grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or memorial appears to be abandoned, lost, or neglected;

(B) removes human remains or associated burial artifacts from a cemetery, tomb, grave, or memorial regardless of whether the cemetery, tomb, grave, or memorial appears to be abandoned, lost, or neglected;

(C) defaces or damages real property that

(i) has a place of religious education or worship located on it; and

(ii) if leased or used by a religious organization and is part of a larger property, is the part of the property leased or used by the religious organization, including the access to the entry of that part of the property; or

(D) defaces or damages tangible personal property that has religious significance and is used by a religious organization or displayed for educational purposes.

(b) It is an affirmative defense to a prosecution under (a)(3) of this section that the defendant, at the time of the offense, was

(1) an employee of the cemetery and was engaged in an authorized activity on behalf of the cemetery;

(2) authorized by law or state permit to engage in the conduct; or

(3) an employee of a religious organization or the owner or operator or employee of the owner or operator of real property or tangible personal property under (a)(3)(C) or (D) of this section and was engaged in an authorized activity on behalf of the religious organization or the owner or operator of the real property or tangible personal property.

(c) In this section,

(1) “contents of a cemetery” includes anything that is designed or used for the protection, security, or ornamentation of a cemetery and that is located within a cemetery;

(2) “memorial” means a headstone, marker, gravestone, monument, or other object designed or intended to mark a gravesite or to memorialize the death of a person;

(3) “tomb” means a mausoleum, columbarium, or crypt, whether that mausoleum, columbarium, or crypt is located above or below ground.

(d) Criminal mischief in the third degree is a class C felony.

Sec. 11.46.484. Criminal mischief in the fourth degree.

(a) A person commits the crime of criminal mischief in the fourth degree if, having no right to do so or any reasonable ground to believe the person has such a right,

(1) with intent to damage property of another, the person damages property of another in an amount of \$250 or more but less than \$750;

(2) the person tampers with a fire protection device in a building that is a public place;

(3) the person knowingly accesses a computer, computer system, computer program, computer network, or part of a computer system or network;

(4) the person uses a device to descramble an electronic signal that has been scrambled to prevent unauthorized receipt or viewing of the signal unless the device is used only to descramble signals received directly from a satellite or unless the person owned the device before September 18, 1984; or

(5) the person knowingly removes, relocates, defaces, alters, obscures, shoots at, destroys, or otherwise tampers with an official traffic control device or damages the work on a highway under construction.

(b) Criminal mischief in the fourth degree is a class A misdemeanor.

(c) [Repealed, § 11 ch 71 SLA 1996.]

Sec. 11.46.486. Criminal mischief in the fifth degree.

(a) A person commits the crime of criminal mischief in the fifth degree if, having no right to do so or any reasonable ground to believe the person has such a right,

(1) with reckless disregard for the risk of harm to or loss of the property or with intent to cause substantial inconvenience to another, the person tampers with property of another;

(2) with intent to damage property of another, the person damages property of another in an amount less than \$250; or

(3) the person rides in a propelled vehicle and, with criminal negligence, disregards the fact that it has been stolen or that it is being used in violation of [AS 11.46.360](#) or 11.46.365(a)(1).

(b) Criminal mischief in the fifth degree is a class B misdemeanor.

Sec. 11.46.487. Forfeiture of property upon conviction.

Firearms and other personal property, except a motor vehicle, used in aid of a violation of [AS](#)

[11.46.460](#), 11.46.462, or 11.46.484(a)(5) may be forfeited to the state upon conviction of the offender for the crime.

Sec. 11.46.488. Littering. [Repealed, § 3 ch 149 SLA 1980. For current law, see [AS 46.06.080](#).]

Sec. 11.46.489. Community work upon conviction.

A person convicted under [AS 11.46.475](#) — 11.46.486 of an offense involving damage to public or private property shall be required to perform at least 25 hours of community work under [AS 12.55.055](#).

Sec. 11.46.490. Definitions. [Renumbered as [AS 11.46.495](#).]

Sec. 11.46.495. Definitions.

In [AS 11.46.400](#) — 11.46.495, unless the context requires otherwise,

(1) “highway” has the meaning given in [AS 19.59.001](#);

(2) “motor vehicle” has the meaning given in [AS 28.90.990](#);

(3) “official traffic control device” means a traffic control device that has been placed on a highway by authority of a state or municipal agency, a utility, or a contractor employed by a state or municipal agency or a utility;

(4) “oil or gas pipeline or supporting facility ” means real property or tangible personal property used in the exploration for, production or refining of, or pipeline transportation of oil, gas, or gas liquids, except for property used solely in the retail distribution of oil or gas;

(5) “tamper” means to interfere with something improperly, meddle with it, or make unwarranted alterations to its existing condition;

(6) “traffic control device” includes a sign, signal, road marker, barricade, flare, warning light, reflector, railroad sign or signal, shield, insignia, milepost, or similar device intended to warn, inform, or control the flow of pedestrian, equestrian, bicycle, or motor vehicle traffic;

(7) “utility” means an enterprise, whether publicly or privately owned or operated, which provides gas, electric, steam, water, sewer, or communications service, and any common carrier;

(8) “widely dangerous means” means any difficult-to-confine substance, force, or other means capable of causing widespread damage, including fire, explosion, avalanche, poison, radioactive material, bacteria, collapse of a building, or flood.

## Article 5. Forgery and Related Offenses.

Sec. 11.46.500. Forgery in the first degree.

(a) A person commits the crime of forgery in the first degree if the person violates [AS 11.46.510](#) and the written instrument is or purports to be

(1) part of an issue of money, securities, postage, revenue stamps, or other valuable instruments issued by a government or governmental agency; or

(2) part of an issue of stock, bonds, or other instruments representing interests in or claims against an organization or its property.

(b) Forgery in the first degree is a class B felony.

Sec. 11.46.505. Forgery in the second degree.

(a) A person commits the crime of forgery in the second degree if the person violates [AS 11.46.510](#) and the instrument is or purports to be

(1) a deed, will, codicil, contract, assignment, negotiable or other commercial instrument, or other document which does or may evidence, create, transfer, alter, terminate, or otherwise affect a legal right, interest, obligation, or status; or

(2) a public record.

(b) Forgery in the second degree is a class C felony.

Sec. 11.46.510. Forgery in the third degree.

(a) A person commits the crime of forgery in the third degree if, with intent to defraud, the person

(1) falsely makes, completes, or alters a written instrument;

(2) knowingly possesses a forged instrument; or

(3) knowingly utters a forged instrument.

(b) Forgery in the third degree is a class A misdemeanor.

Sec. 11.46.520. Criminal possession of a forgery device.

(a) A person commits the crime of criminal possession of a forgery device if, with intent to use it or aid another to use it for purposes of forgery, the person makes or possesses

(1) a plate, die, or other device, apparatus, equipment, or article specifically designed for use in forging written instruments; or

(2) a device, apparatus, equipment, or article capable of or adaptable for purposes of forgery.

(b) Criminal possession of a forgery device is a class C felony.

Sec. 11.46.530. Criminal simulation.

(a) A person commits the crime of criminal simulation if,

(1) with intent to defraud, the person makes or alters any object in such a manner that it appears to have a rarity, age, source, or authorship that it does not in fact possess; or

(2) with knowledge of its true character and with intent to defraud, the person possesses or utters an object so simulated.

(b) Criminal simulation is

(1) a class C felony if the value of what the object purports to represent is \$750 or more;

(2) a class A misdemeanor if the value of what the object purports to represent is \$250 or more but less than \$750;

(3) a class B misdemeanor if the value of what the object purports to represent is less than \$250.

Sec. 11.46.540. Obtaining a signature by deception.

(a) A person commits the crime of obtaining a signature by deception if, with intent to defraud, the person causes another to sign or execute a written instrument by deception.

(b) Obtaining a signature by deception is a class A misdemeanor.

Sec. 11.46.550. Offering a false instrument for recording in the first degree.

(a) A person commits the crime of offering a false instrument for recording in the first degree if, knowing that a written instrument relating to or affecting property or directly affecting a contractual relationship contains a false statement or false information, and with intent to defraud, the person presents or offers it to a public office or a public servant intending that it be registered, filed, or recorded or become a part of the records of that public office or public servant.

(b) Offering a false instrument for recording in the first degree is a class C felony.

Sec. 11.46.560. Offering a false instrument for recording in the second degree.

(a) A person commits the crime of offering a false instrument for recording in the second degree if

(1) under [AS 40.17](#), the person presents a lien to the recorder for registration, filing, or recording with reckless disregard that the lien is not

(A) provided for by a specific state or federal statute or municipal ordinance; or

(B) a lien imposed or authorized by a court recognized under state or federal law;

(2) under a law authorizing the receipt and filing of a document, the person presents a lien to a department or person having responsibility to accept a lien for filing with reckless disregard that the lien is not

(A) provided for by a specific state or federal statute or municipal ordinance; or

(B) a lien imposed or authorized by a court recognized under state or federal law; or

(3) the person presents to the recorder a notice of the pendency of an action affecting title to real property or the right to possession of real property with reckless disregard of the fact that the action specified does not concern the title to or right to possession of the real property referred to in the notice, or with reckless disregard of the fact that there is no pending action concerning the title to or right to possession of the real property referred to in the notice.

(b) In a prosecution under (a) of this section, it is an affirmative defense that the owner of the property affected has consented in writing to the lien or the filing of the notice.

(c) In this section,

(1) “lien” means an encumbrance on property as security for the payment of a debt;

(2) “recorder” means the commissioner of the Department of Natural Resources or the person designated by the commissioner of natural resources to perform the duties set out in [AS 40.17](#).

(d) Offering a false instrument for recording in the second degree is a class A misdemeanor.

Sec. 11.46.565. Criminal impersonation in the first degree.

(a) A person commits the crime of criminal impersonation in the first degree if the person

(1) possesses an access device or identification document of another person;

(2) without authorization of the other person, uses the access device or identification document of another person to obtain a false identification document, open an account at a financial institution, obtain an access device, or obtain property or services; and

(3) recklessly damages the financial reputation of the other person.

(b) Criminal impersonation in the first degree is a class B felony.

Sec. 11.46.570. Criminal impersonation in the second degree.

(a) A person commits the crime of criminal impersonation in the second degree if the person

(1) assumes a false identity and does an act in the assumed character with intent to defraud, commit a crime, or obtain a benefit to which the person is not entitled; or

(2) pretends to be a representative of some person or organization and does an act in the pretended capacity with intent to defraud, commit a crime, or obtain a benefit to which the person is not entitled.

(b) Criminal impersonation in the second degree is a class A misdemeanor.

Sec. 11.46.580. Definitions.

(a) In [AS 11.46.500](#) — 11.46.580, unless the context requires otherwise,

(1) to “falsely alter” a written instrument means to change, without authorization by anyone entitled to grant it, a written instrument, whether complete or incomplete, by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or any other manner, so that the instrument so altered falsely appears or purports to be in all respects an authentic creation of its ostensible maker or authorized by the ostensible maker;

(2) to “falsely complete” a written instrument means to transform, by adding, inserting, or changing matter, an incomplete written instrument into a complete one without the authority of anyone entitled to grant it, so that the complete written instrument falsely appears or purports to

be in all respects an authentic creation of its ostensible maker or authorized by the ostensible maker;

(3) to “falsely make” a written instrument means to make or draw a complete or incomplete written instrument which purports to be an authentic creation of its ostensible maker, but which is not, either because the ostensible maker is fictitious or because, if real, the ostensible maker did not authorize the making or drawing of the instrument.

(b) In [AS 11.46.500](#) — 11.46.580,

(1) “forged instrument” means a written instrument which has been falsely made, completed, or altered;

(2) “utter” means to issue, deliver, publish, circulate, disseminate, transfer, or tender a written instrument or other object to another;

(3) “written instrument” means a paper, document, instrument, electronic recording, or article containing written or printed matter or the equivalent, whether complete or incomplete, used for the purpose of reciting, embodying, conveying, or recording information or constituting a symbol or evidence of value, right, privilege, or identification, which is capable of being used to the advantage or disadvantage of some person.

#### Article 6. Business and Commercial Offenses.

##### Sec. 11.46.600. Scheme to defraud.

(a) A person commits the crime of scheme to defraud if the person engages in conduct constituting a scheme

(1) to defraud five or more persons or to obtain property or services from five or more persons by false or fraudulent pretense, representation, or promise and obtains property or services in accordance with the scheme; or

(2) to defraud one or more persons of \$10,000 or to obtain \$10,000 or more from one or more persons by false or fraudulent pretense, representation, or promise and obtains property or services in accordance with the scheme.

(b) Scheme to defraud is a class B felony.

##### Sec. 11.46.620. Misapplication of property.

(a) A person commits the crime of misapplication of property if the person knowingly misapplies property that has been entrusted to that person as a fiduciary or that is property of the government or a financial institution.

(b) It is not a defense to a prosecution under this section that it may be impossible to identify particular property as belonging to the victim at the time of the defendant's misapplication.

(c) For purposes of this section, “misapply” means to deal with or dispose of property contrary to

(1) law;

(2) a judicial rule or order; or

(3) the obligations of a fiduciary relationship.

(d) Misapplication of property is

(1) a class C felony if the value of the property misapplied is \$750 or more;

(2) a class A misdemeanor if the value of the property misapplied is less than \$750.

Sec. 11.46.630. Falsifying business records.

(a) A person commits the crime of falsifying business records if, with intent to defraud, the person

(1) makes or causes a false entry in the business records of an enterprise;

(2) alters, erases, obliterates, deletes, removes, or destroys a true entry in the business records of an enterprise;

(3) omits to make a true entry in the business records of an enterprise in violation of a duty to do so which the person knows to be imposed upon that person by law or by the nature of that person's position; or

(4) prevents the making of a true entry or causes the omission of a true entry in the business records of an enterprise.

(b) For purposes of this section,

(1) "business record" means a writing, recording, or article kept or maintained by an enterprise for the purpose of evidencing or reflecting its condition or activity;

(2) "enterprise" means a private entity of one or more persons, corporate or otherwise, engaged in business, commercial, professional, charitable, political, industrial, or social activity.

(c) Falsifying business records is a class C felony.

Sec. 11.46.660. Commercial bribe receiving.

(a) A person commits the crime of commercial bribe receiving if the person solicits, accepts, or agrees to accept a benefit with intent to violate a duty to which that person is subject as

(1) an agent or employee of another;

(2) a trustee, guardian, or other fiduciary;

(3) a lawyer, physician, accountant, appraiser, or other professional adviser;

(4) an officer, director, partner, manager, or other participant in the direction of the affairs of an organization; or

(5) an arbitrator or other purportedly disinterested adjudicator or referee.

(b) Commercial bribe receiving is a class C felony.

Sec. 11.46.670. Commercial bribery.

(a) A person commits the crime of commercial bribery if, knowing that another is subject to a duty described in [AS 11.46.660\(a\)](#) and with intent to influence the other to violate that duty, the person confers, offers to confer, or agrees to confer a benefit on the other.

(b) Commercial bribery is a class C felony.

Sec. 11.46.710. Deceptive business practices.

(a) A person commits the crime of deceptive business practices if, in the course of engaging in a business, occupation, or profession, the person

(1) makes a false statement in an advertisement or communication addressed to the public or to a substantial number of persons in connection with the promotion of the sale of property or services or to increase the consumption of property or services;

(2) uses or possesses for use a false weight or measure or any other device for falsely determining or recording any quality or quantity;

(3) sells, offers for sale, exposes for sale, or delivers less than the represented quantity of a commodity or service;

(4) sells, offers for sale, or exposes for sale adulterated commodities; or

(5) sells, offers for sale, or exposes for sale mislabeled commodities.

(b) As used in this section,

(1) “adulterated” means varying from the standard of composition or quality prescribed by law or, if none, as set by established commercial usage;

(2) “false statement” means an offer to sell or provide property or services made with intent not to sell or provide the advertised property or services

(A) at the price or of the quality advertised;

(B) in a quantity sufficient to meet the reasonably expected public demand unless quantity is specifically stated in the advertisement; or

(C) at all;

(3) “mislabeled” means

(A) varying from the standard of truth or disclosure in labeling prescribed by law or, if none, as set by established commercial usage; or

(B) represented as being another person's product, though otherwise labeled accurately as to quality and quantity.

(c) Except as provided in (d) of this section, deceptive business practices is a class A misdemeanor.

(d) Deceptive business practices is a class C felony if the person uses the Internet or a computer network to commit the offense. In this subsection, “Internet” means the combination of computer

systems or networks that make up the international network for interactive communications services, including remote logins, file transfer, electronic mail, and newsgroups.

Sec. 11.46.720. Misrepresentation of use of a propelled vehicle.

(a) A person commits the crime of misrepresentation of use of a propelled vehicle if, with intent to deceive any person, the person sells, leases, or offers or exposes for sale or lease a propelled vehicle knowing that a usage registering device on the vehicle has been disconnected, adjusted, or replaced so as to misrepresent the distance traveled by the vehicle or the hours of engine use.

(b) As used in this section, "usage registering device" means any odometer, speedometer, recording tachometer, hobbsmeter, or other instrument that registers the distance traveled by the vehicle or the hours of engine use.

(c) Misrepresentation of use of a propelled vehicle is a class A misdemeanor.

Sec. 11.46.730. Defrauding creditors.

(a) A person commits the crime of defrauding creditors if

(1) knowing that property is subject to a security interest, the person

(A) with intent to defraud, fails to disclose that security interest to a buyer of that property;  
or

(B) destroys, removes, conceals, encumbers, transfers, or otherwise deals with that property with intent to hinder enforcement of that security interest;

(2) the person destroys, removes, conceals, encumbers, transfers, or otherwise deals with the person's property with intent to defraud an existing judgment creditor; or

(3) knowing that proceedings have been or are about to be instituted for the appointment of an administrator or that a composition agreement or other arrangement for the benefit of creditors has been made or is about to be made, the person, with intent to defraud any creditor,

(A) destroys, removes, conceals, encumbers, transfers, or otherwise disposes of any part of or interest in the debtor's estate;

(B) obtains a substantial part of or interest in the debtor's estate;

(C) presents to any creditor or to the administrator a writing or record relating to the debtor's estate knowing that it contains a false statement; or

(D) misrepresents or fails to disclose to the administrator the existence, amount, or location of any part of or interest in the debtor's estate or any information which that person is legally required to furnish to the administrator.

(b) As used in this section, "administrator" means an assignee or trustee for the benefit of creditors, a liquidator, a receiver, or any other person entitled to administer property for the benefit of creditors.

(c) Defrauding creditors is a class A misdemeanor unless that secured party, judgment creditor, or creditor incurs a pecuniary loss of \$750 or more as a result of the defendant's conduct, in which

case defrauding secured creditors is

(1) a class B felony if the loss is \$25,000 or more;

(2) a class C felony if the loss is \$750 or more but less than \$25,000.

Sec. 11.46.740. Criminal use of computer.

(a) A person commits the offense of criminal use of a computer if, having no right to do so or any reasonable ground to believe the person has such a right, the person knowingly

(1) accesses, causes to be accessed, or exceeds the person's authorized access to a computer, computer system, computer program, computer network, or any part of a computer system or network, and, as a result of or in the course of that access,

(A) obtains information concerning a person;

(B) introduces false information into a computer, computer system, computer program, or computer network with the intent to damage or enhance the data record or the financial reputation of a person;

(C) introduces false information into a computer, computer system, computer program, or computer network and, with criminal negligence, damages or enhances the data record or the financial reputation of a person;

(D) obtains proprietary information of another person;

(E) obtains information that is only available to the public for a fee;

(F) introduces instructions, a computer program, or other information that tampers with, disrupts, disables, or destroys a computer, computer system, computer program, computer network, or any part of a computer system or network; or

(G) encrypts or decrypts data;

(2) installs, enables, or uses a keystroke logger or other device or program that has the ability to record another person's keystrokes or entries on a computer; or

(3) uses a keystroke logger or other device or program to intercept or record another person's keystrokes or entries on a computer when those entries are transmitted wirelessly or by other non-wired means.

(b) In this section, "proprietary information" means scientific, technical, or commercial information, including a design, process, procedure, customer list, supplier list, or customer records that the holder of the information has not made available to the public.

(c) Criminal use of a computer is a class C felony.

Article 7. General Provisions.

Sec. 11.46.980. Determination of value; aggregation of amounts.

(a) In this chapter, whenever it is necessary to determine the value of property, that value is the market value of the property at the time and place of the crime unless otherwise specified or, if

the market value cannot reasonably be ascertained, the cost of replacement of the property within a reasonable time after the crime.

(b) The value of written instruments, exclusive of public and corporate bonds and securities and other instruments having a readily ascertainable market value, shall be determined in the following manner:

(1) the value of an instrument constituting an evidence of debt, including a check, draft, or promissory note, is the amount due or collected on the instrument;

(2) the value of any other instrument that affects a valuable legal right, privilege, or obligation shall be considered the greatest amount of economic loss that the owner of the instrument might reasonably incur because of the loss of the instrument.

(c) In determining the degree or classification of a crime under this chapter, amounts involved in criminal acts committed under one course of conduct, whether from the same person or several persons, shall be aggregated.

(d) [Repealed, § 138 ch 4 FSSLA 2019.]

(e) In determining the degree or classification of a crime under this chapter, if the combined value of the property or services taken from one or more persons or commercial establishments within a period of 180 days is \$750 or more but less than \$25,000, the value may be aggregated.

Sec. 11.46.982. Adjustment for inflation increasing the value of property or services as an element of an offense.

Sec. 11.46.985. Deceiving a machine.

In a prosecution under this chapter for an offense that requires “deception” as an element, it is not a defense that the defendant deceived or attempted to deceive a machine. For purposes of this section, “machine” includes a vending machine, computer, turnstile, or automated teller machine.

Sec. 11.46.990. Definitions.

In this chapter, unless the context requires otherwise,

(1) “access” means to instruct, communicate with, store data in, retrieve data from, or otherwise obtain the ability to use the resources of a computer, computer system, computer network, or any part of a computer system or network;

(2) “appropriate” or “appropriate property of another to oneself or a third person” means to  
(A) exercise control over property of another, or to aid a third person to exercise control over property of another, permanently or for so extended a period or under such circumstances as to acquire the major portion of the economic value or benefit of the property; or

(B) dispose of the property of another for the benefit of oneself or a third person;

(3) “computer” means an electronic device that performs logical, arithmetic, and memory functions by the manipulation of electronic, optical, or magnetic impulses, and includes all input, output, processing, storage, computer software, and communication facilities that are connected or related to a computer;

(4) “computer network” means an interconnection, including by microwave or other means of electronic or optical communication, of two or more computer systems, or between computers

and remote terminals;

(5) “computer program” means an ordered set of instructions or statements, and related information that, when automatically executed in actual or modified form in a computer system, causes it to perform specified functions;

(6) “computer system” means a set of related computer equipment, devices, and software;

(7) “data” includes a representation of information, knowledge, facts, concepts, or instructions, that is being prepared or has been prepared in a formalized manner and is used or intended for use in a computer, computer system, or computer network;

(8) “deprive” or “deprive another of property” means to

(A) withhold property of another or cause property of another to be withheld from that person permanently or for so extended a period or under such circumstances that the major portion of its economic value or benefit is lost to that person;

(B) dispose of the property in such a manner or under such circumstances as to make it unlikely that the owner will recover the property;

(C) retain the property of another with intent to restore it to that person only if that person pays a reward or other compensation for its return;

(D) sell, give, pledge, or otherwise transfer any interest in the property of another; or

(E) subject the property of another to the claim of a person other than the owner;

(9) “financial institution” means a bank, insurance company, credit union, building and loan association, investment trust, or other organization held out to the public as a place of deposit of funds or medium of savings or collective investment;

(10) “financial reputation” means a person's

(A) ability to obtain a loan from a financial institution, open an account with a financial institution, obtain property or services on credit, or obtain an access device; or

(B) creditworthiness in a credit report;

(11) “intent to defraud”, when necessary to constitute an offense, is sufficiently established if an intent appears to defraud any person; “intent to defraud” means

(A) an intent to injure someone's interest which has value or an intent to use deception; or

(B) knowledge that the defendant is facilitating a fraud or injury to be perpetrated or inflicted by someone else;

(12) “obtain” means

(A) in relation to property, to bring about a transfer or a purported transfer of a legal interest in the property whether to the obtainer or another or to exert control over property of another; or

(B) in relation to a service, to secure performance of the service;

(13) “property of another” means property in which a person has an interest which the defendant is not privileged to infringe, whether or not the defendant also has an interest in the property and whether or not the person from whom the property was obtained or withheld also

obtained the property unlawfully; “property of another” does not include property in the possession of the defendant in which another has only a security interest, even if legal title is in the secured party under a conditional sales contract or other security agreement; in the absence of a specific agreement to the contrary, the holder of a security interest in property is not privileged to infringe the debtor's right of possession without the consent of the debtor;

(14) “stolen property” means property of another that was obtained unlawfully.

#### Chapter 50. Syndicalism.

[Repealed, § 21 ch 166 SLA 1978. For law on terroristic threatening, see [AS 11.56.810](#).]

#### Chapter 51. Offenses Against the Family and Vulnerable Adults.

##### Article 1. Offenses Against the Family.

Sec. 11.51.100. Endangering the welfare of a child in the first degree.

(a) A person commits the crime of endangering the welfare of a child in the first degree if, being a parent, guardian, or other person legally charged with the care of a child under 16 years of age, the person

(1) intentionally deserts the child in a place under circumstances creating a substantial risk of physical injury to the child;

(2) leaves the child with another person who is not a parent, guardian, or lawful custodian of the child knowing that the person is

(A) registered or required to register as a sex offender or child kidnapper under [AS 12.63](#) or a law or ordinance in another jurisdiction with similar requirements;

(B) charged by complaint, information, or indictment with a violation of [AS 11.41.410](#) — 11.41.455 or a law or ordinance in another jurisdiction with similar elements; or

(C) charged by complaint, information, or indictment with an attempt, solicitation, or conspiracy to commit a crime described in (B) of this paragraph;

(3) leaves the child with another person knowing that the person has previously physically mistreated or had sexual contact with any child, and the other person causes physical injury to or engages in sexual contact with the child; or

(4) recklessly fails to provide an adequate quantity of food or liquids to a child, causing protracted impairment of the child's health.

(b) A person commits the crime of endangering the welfare of a minor in the first degree if the person transports a child in a motor vehicle, aircraft, or watercraft while in violation of [AS 28.35.030](#).

(c) In this section, “physically mistreated” means

(1) having committed an act punishable under [AS 11.41.100](#) — 11.41.250; or

(2) having applied force to a child that, under the circumstances in which it was applied, or

considering the age or physical condition of the child, constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation because of the substantial and unjustifiable risk of

(A) death;

(B) serious or protracted disfigurement;

(C) protracted impairment of health;

(D) loss or impairment of the function of a body member or organ;

(E) substantial skin bruising, burning, or other skin injury;

(F) internal bleeding or subdural hematoma;

(G) bone fracture; or

(H) prolonged or extreme pain, swelling, or injury to soft tissue.

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

(1) class B felony if the child dies;

(2) class C felony if the child suffers sexual contact, sexual penetration, or serious physical injury; or

(3) class A misdemeanor if the child suffers physical injury.

(e) Endangering the welfare of a child under (b) of this subsection is a class A misdemeanor.

(f) Endangering the welfare of a child in the first degree under (a)(1), (2), or (4) of this section is a class C felony.

Sec. 11.51.110. Endangering the welfare of a child in the second degree.

(a) A person commits the offense of endangering the welfare of a child in the second degree if the person, while caring for a child under 10 years of age,

(1) causes or allows the child to enter or remain in a dwelling or vehicle in which a controlled substance is stored in violation of [AS 11.71](#); or

(2) is impaired by an intoxicant, whether or not prescribed for the person under [AS 17.30](#), and there is no third person who is at least 12 years of age and not impaired by an intoxicant present to care for the child.

(b) In this section,

(1) “impaired” means that a person is unconscious or a person is physically or mentally affected so that the person does not have the ability to care for the basic safety or personal needs of a child with the caution characteristic of a sober person of ordinary prudence;

(2) “intoxicant” has the meaning given in [AS 47.10.990](#).

(c) Endangering the welfare of a child in the second degree is a violation.

Sec. 11.51.120. Criminal nonsupport.

(a) A person commits the crime of criminal nonsupport if, being a person legally charged with the support of a child the person knowingly fails, without lawful excuse, to provide support for the child.

(b) As used in this section “support” includes necessary food, care, clothing, shelter, medical attention, and education. There is no failure to provide medical attention to a child if the child is provided treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner of the church or denomination.

(c) Except as provided in (d) of this section, criminal nonsupport is a class A misdemeanor.

(d) Criminal nonsupport is a class C felony if the support the person failed to provide is monetary support required by a court or administrative order from this or another jurisdiction and, at the time the person knowingly failed, without lawful excuse, to provide the support,

(1) the aggregate amount of accrued monetary child support arrearage is \$20,000 or more;

(2) no child support payment has been made for a period of 24 consecutive months or more; or

(3) the person had been previously convicted under this section or a similar provision in another jurisdiction and

(A) the aggregate amount of accrued monetary child support arrearage is \$5,000 or more; or

(B) no child support payment has been made for a period of six months or more.

(e) In addition to the provisions of (c) and (d) of this section, criminal nonsupport is punishable by loss or restriction of a recreational license as provided in [AS 12.55.139](#).

(f) In this section,

(1) “child” means a person

(A) under 18 years of age; or

(B) 18 years of age or older for whom a person is ordered to pay support under a valid court or administrative order;

(2) “child support” means support for a child;

(3) “without lawful excuse” means having the financial ability to provide support or having the capacity to acquire that ability through the exercise of reasonable efforts.

Sec. 11.51.121. Aiding the nonpayment of child support in the first degree.

(a) A person commits the crime of aiding the nonpayment of child support in the first degree if the person violates [AS 11.51.122](#) and the person knows the obligor

(1) has an aggregate amount of accrued monetary child support arrearage of \$20,000 or more;

(2) has not made a child support payment for a period of 24 consecutive months or more; or

(3) had been previously convicted under [AS 11.51.120](#) or a similar provision in another jurisdiction and

(A) has an aggregate amount of accrued monetary child support arrearage of \$5,000 or more; or

(B) has not made a child support payment for a period of 24 consecutive months or more.

(b) Aiding the nonpayment of child support in the first degree is a class C felony.

(c) In addition to the penalties under (b) of this section, aiding the nonpayment of child support in the first degree is punishable by loss or restriction of a recreational license as provided in [AS 12.55.139](#).

Sec. 11.51.122. Aiding the nonpayment of child support in the second degree.

(a) A person commits the crime of aiding the nonpayment of child support in the second degree if the person knows that an obligor has a duty under an administrative or judicial order for periodic payment of child support, for cash medical support, or for the provision of health care coverage for a child under a medical support order or a cash medical support order, or both, and

(1) being a person with a statutory duty to disclose information to a child support enforcement agency, intentionally withholds the information when it is requested by a child support enforcement agency;

(2) being an employer of the obligor, intentionally withholds information about the residence or employment of the obligor, the eligibility of the obligor's children for coverage under the employer's health insurance plan, or the cost of the coverage of the children under the plan, when that information is requested by a child support enforcement agency or when the employer is required by state or federal law to report the information without a request by a child support enforcement agency; or

(3) intentionally participates in a commercial, business, employment, or other arrangement with the obligor, knowing at the time that the arrangement is made that it will allow the obligor to avoid paying all or some of the support when it is due or to avoid having a lien placed on assets for the payment of delinquent support; receipt of a substantial asset for less than fair market value from an obligor after the obligor's support order has been established constitutes a rebuttable presumption that the person receiving the asset knew that the transfer would allow the obligor to avoid paying all or some of the support or to avoid having a lien placed on the asset.

(b) In a prosecution under (a)(2) and (3) of this section, it is a defense that the

(1) defendant did not intend to assist the obligor in the nonpayment of child support or in the avoidance of a duty to provide health care coverage of a child; or

(2) obligor did not intend to avoid paying child support or to avoid providing health care coverage of a child.

(c) This section does not prohibit an arrangement entered into with an attorney for the purpose of paying the attorney who represents the child support obligor in proceedings to contest or modify a child support order.

(d) In this section, "child" and "child support" have the meanings given in [AS 11.51.120](#).

(e) Aiding the nonpayment of child support in the second degree is a class A misdemeanor.

(f) In addition to the penalties under (e) of this section, aiding the nonpayment of child support in the second degree is punishable by loss or restriction of a recreational license as provided in [AS 12.55.139](#).

Sec. 11.51.125. Failure to permit visitation with a minor.

(a) A custodian commits the offense of failure to permit visitation with a minor if the custodian intentionally, and without just excuse, fails to permit visitation with a child under 18 years of age in the custodian's custody in substantial conformance with a court order that is specific as to when the custodian must permit another to have visitation with that child.

(b) The custodian may not be charged under this section with more than one offense in respect to what is, under the court order, a single continuous period of visitation.

(c) In a prosecution under this section, existing provisions of law prohibiting the disclosure of confidential communications between husband and wife do not apply, and both husband and wife are competent to testify for or against each other as to all relevant matters, if a court order has awarded custody to one spouse and visitation to the other.

(d) As used in this section,

(1) "court order" means a decree, judgment, or order issued by a court of competent jurisdiction;

(2) "custodian" means a natural person who has been awarded custody, either temporary or permanent, of a child under 18 years of age;

(3) "just excuse" includes illness of the child which makes it dangerous to the health of the child for visitation to take place in conformance with the court order; "just excuse" does not include the wish of the child not to have visitation with the person entitled to it.

(e) Failure to permit visitation with a minor is a violation.

Sec. 11.51.130. Contributing to the delinquency of a minor.

(a) A person commits the crime of contributing to the delinquency of a minor if, being 19 years of age or older or being under 19 years of age and having the disabilities of minority removed for general purposes under [AS 09.55.590](#), the person aids, induces, causes, or encourages a child

(1) under 18 years of age to do any act prohibited by state law unless the child's disabilities of minority have been removed for general purposes under [AS 09.55.590](#);

(2) under 18 years of age or allows a child under 18 years of age to enter or remain in the immediate physical presence of the unlawful manufacture, use, display, or delivery of a controlled substance knowing that the manufacture, use, display, or delivery is occurring, unless the child's disabilities of minority have been removed for general purposes under [AS 09.55.590](#);

(3) under 16 years of age to be repeatedly absent from school, without just cause; or

(4) under 18 years of age to be absent from the custody of a parent, guardian, or custodian

without the permission of the parent, guardian, or custodian or without the knowledge of the parent, guardian, or custodian, unless the child's disabilities of minority have been removed for general purposes under [AS 09.55.590](#) or the person has immunity under [AS 47.10.350](#) or 47.10.398(a); it is an affirmative defense to a prosecution under this paragraph that, at the time of the alleged offense, the defendant

(A) reasonably believed that the child was in danger of physical injury or in need of temporary shelter; and

(B) within 12 hours after taking the actions comprising the alleged offense, notified a peace officer, a law enforcement agency, or the Department of Family and Community Services of the name of the child and the child's location.

(b) Contributing to the delinquency of a minor is a class A misdemeanor.

Sec. 11.51.140. Unlawful marrying.

(a) A person commits the crime of unlawful marrying if the person knowingly marries or purports to marry

(1) another when that person or the other is lawfully married to a third person;

(2) more than one person simultaneously; or

(3) a person who simultaneously is marrying another person.

(b) Unlawful marrying is a class A misdemeanor.

Article 2. Vulnerable Adults.

Sec. 11.51.200. Endangering the welfare of a vulnerable adult in the first degree.

(a) A person commits the crime of endangering the welfare of a vulnerable adult in the first degree if the person

(1) intentionally abandons a vulnerable adult in any place under circumstances creating a substantial risk of physical injury to the vulnerable adult and the vulnerable adult is in the person's care

(A) by contract or authority of law; or

(B) in a facility or program that is required by law to be licensed by the state; or

(2) violates [AS 11.51.210](#) and, as a result of the violation, the vulnerable adult suffers serious physical injury.

(b) Endangering the welfare of a vulnerable adult in the first degree is a class C felony.

Sec. 11.51.210. Endangering the welfare of a vulnerable adult in the second degree.

(a) A person commits the crime of endangering the welfare of a vulnerable adult in the second degree if the person fails without lawful excuse to provide support for the vulnerable adult and the vulnerable adult is in the person's care

(1) by contract or authority of law; or

(2) in a facility or program that is required by law to be licensed by the state.

(b) As used in this section, “support” includes necessary food, care, clothing, shelter, and medical attention. There is no failure to provide medical attention to a vulnerable adult if the vulnerable adult is provided treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination of which the vulnerable adult is a member or adherent, provided the vulnerable adult consents to the treatment through spiritual means only, and the treatment is administered by an accredited practitioner of the church or denomination.

(c) Endangering the welfare of a vulnerable adult in the second degree is a class A misdemeanor.

Sec. 11.51.220. Definition of vulnerable adult.

In [AS 11.51.200](#) — 11.51.210, “vulnerable adult” has the meaning given in [AS 47.24.900](#).

#### Chapter 55. Weapons.

[Repealed, § 21 ch 166 SLA 1978. For current law, see [AS 11.61.190](#) — 11.61.250.]

#### Chapter 56. Offenses Against Public Administration.

##### Article 1. Bribery and Related Offenses.

##### Sec. 11.56.100. Bribery.

(a) A person commits the crime of bribery if the person confers, offers to confer, or agrees to confer a benefit upon a public servant with the intent to influence the public servant's vote, opinion, judgment, action, decision, or exercise of official discretion.

(b) In a prosecution under this section, it is not a defense that the person sought to be influenced was not qualified to act in the desired way, whether because that person had not assumed office, lacked jurisdiction, or for any other reason.

(c) Bribery is a class B felony.

##### Sec. 11.56.110. Receiving a bribe.

(a) A public servant commits the crime of receiving a bribe if the public servant

(1) solicits a benefit with the intent that the public servant's vote, opinion, judgment, action, decision, or exercise of discretion as a public servant will be influenced; or

(2) accepts or agrees to accept a benefit upon an agreement or understanding that the public servant's vote, opinion, judgment, action, decision, or exercise of discretion as a public servant will be influenced.

(b) Receiving a bribe is a class B felony.

Sec. 11.56.120. Receiving unlawful gratuities.

(a) A public servant commits the crime of receiving unlawful gratuities if, for having engaged in an official act which was required or authorized and for which the public servant was not entitled to any special or additional compensation, the public servant

(1) solicits a benefit, regardless of value; or

(2) accepts or agrees to accept a benefit having a value of \$50 or more.

(b) Receiving unlawful gratuities is a class A misdemeanor.

Sec. 11.56.124. Failure to report bribery or receiving a bribe.

(a) A public servant commits the crime of failure to report bribery or receiving a bribe if the public servant

(1) witnesses what the public servant knows or reasonably should know is

(A) bribery of a public servant by another person; or

(B) receiving a bribe by another public servant; and

(2) does not as soon as reasonably practicable report that crime to a peace officer or a law enforcement agency.

(b) Failure to report bribery or receiving a bribe is a class A misdemeanor.

Sec. 11.56.130. Definition.

In [AS 11.56.100](#) — 11.56.130, “benefit” has the meaning ascribed to it in [AS 11.81.900](#) but does not include

(1) political campaign contributions reported in accordance with [AS 15.13](#) unless the contribution is made or received in exchange for an agreement to alter an elected official's or candidate's vote or position on a matter the elected official has, or the candidate on election would have, the authority to take official action on; in this paragraph, “official action” means advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction;

(2) concurrence in official action in the cause of legitimate compromise between public servants; or

(3) support, including a vote, solicited by a public servant or offered by any person in an election.

Article 2. Perjury and Related Offenses.

Sec. 11.56.200. Perjury.

(a) A person commits the crime of perjury if the person makes a false sworn statement which the person does not believe to be true.

(b) In a prosecution under this section, it is not a defense that

(1) the statement was inadmissible under the rules of evidence; or

(2) the oath or affirmation was taken or administered in an irregular manner.

(c) Perjury is a class B felony.

Sec. 11.56.205. Unsworn falsification in the first degree.

(a) A person commits the crime of unsworn falsification in the first degree if the person violates [AS 11.56.210\(a\)\(1\)](#) and the application is an application for a permanent fund dividend.

(b) In this section,

(1) “application for a permanent fund dividend” includes a written or electronic application and any other documentation submitted to support an application for a permanent fund dividend;

(2) “permanent fund dividend” has the meaning given in [AS 43.23.295](#).

(c) Unsworn falsification in the first degree is a class C felony.

Sec. 11.56.210. Unsworn falsification in the second degree.

(a) A person commits the crime of unsworn falsification in the second degree if, with the intent to mislead a public servant in the performance of a duty, the person submits a false written or recorded statement that the person does not believe to be true

(1) in an application for a benefit; or

(2) on a form bearing notice, authorized by law, that false statements made in it are punishable.

(b) Unsworn falsification in the second degree is a class A misdemeanor.

Sec. 11.56.220. Proof of guilt.

In a prosecution for perjury or unsworn falsification in the first or second degree, it is not necessary that proof be made by a particular number of witnesses or by documentary or other type of evidence.

Sec. 11.56.230. Perjury by inconsistent statements.

(a) A person commits the crime of perjury by inconsistent statements if

(1) in the course of one or more official proceedings the person makes two or more sworn statements which are irreconcilably inconsistent to the degree that one of them is necessarily false;

(2) the person does not believe one of the statements to be true at the time the statement is made; and

(3) each statement is made within the jurisdiction of this state and within the period of the statute of limitations for the crime charged.

(b) In a prosecution under this section, it is not necessary for the state to prove which statement was false but only that one or the other was false and not believed by the defendant to be true at the time the defendant made the statement. Proof of the irreconcilable inconsistency of the statements is prima facie evidence that one or the other of the statements was false.

(c) Perjury by inconsistent statements is a class C felony.

#### Sec. 11.56.235. Retraction as a defense.

(a) In a prosecution under [AS 11.56.200](#) or 11.56.230, if the false statement was made in an official proceeding, it is an affirmative defense that the defendant expressly retracted the false statement

(1) during the course of the same official proceeding;

(2) before discovery of the falsification became known to the defendant;

(3) before reliance upon the false statement by the person for whom it was intended; and

(4) if the official proceeding involved a trier of fact, before the subject matter of the official proceeding was submitted to the ultimate trier of fact.

(b) In a prosecution under [AS 11.56.200](#), if the false statement was not made in an official proceeding, it is an affirmative defense that the defendant expressly retracted the false statement

(1) before discovery of the falsification became known to the defendant; and

(2) before reliance upon the false statement by the person for whom it was intended.

(c) In a prosecution under [AS 11.56.210](#), it is an affirmative defense that the defendant expressly retracted the false statement before reliance upon the false statement by the person for whom it was intended.

(d) As used in this section, “during the course of the same official proceeding” includes separate hearings at separate stages of the same official proceeding.

#### Sec. 11.56.240. Definitions.

In [AS 11.56.200](#) — 11.56.240, unless the context requires otherwise,

(1) “statement” means a representation of fact and includes a representation of opinion, belief, or other state of mind when the representation clearly relates to state of mind apart from or in addition to any facts that are the subject of the representation;

(2) “sworn statement” means

(A) a statement knowingly given under oath or affirmation attesting to the truth of what is

stated, including a notarized statement; or

(B) a statement knowingly given under penalty of perjury under [AS 09.63.020](#).

### Article 3. Escape and Related Offenses.

#### Sec. 11.56.300. Escape in the first degree.

(a) One commits the crime of escape in the first degree if, without lawful authority, one removes oneself from official detention by means of a deadly weapon or a defensive weapon.

(b) Escape in the first degree is a class A felony.

#### Sec. 11.56.310. Escape in the second degree.

(a) One commits the crime of escape in the second degree if, without lawful authority, one

(1) removes oneself from

(A) a secure correctional facility while under official detention for a misdemeanor;

(B) official detention for a felony or for extradition; or

(C) official detention and, during the escape or at any time before being restored to official detention, one possesses on or about oneself a firearm;

(2) violates [AS 11.56.335](#) or 11.56.340 and, during the time of the unlawful evasion or at any time before being restored to official detention, one possesses on or about oneself a firearm; or

(3) while under official detention for a felony,

(A) removes, tampers with, or disables the electronic monitoring equipment; or

(B) without prior authorization, leaves one's residence or other place designated by the commissioner of corrections or the commissioner of family and community services for service by electronic monitoring.

(b) In this section, "secure correctional facility" means a correctional facility that

(1) has construction fixtures or security features that are designed to restrict the ability of a person under official detention from leaving the facility without lawful authority; or

(2) has correctional officers or other persons authorized by the commissioner of corrections to prevent a person under official detention from leaving without lawful authority.

(c) Escape in the second degree is a class B felony.

#### Sec. 11.56.320. Escape in the third degree.

(a) One commits the crime of escape in the third degree if one

(1) removes oneself from official detention during any lawful movement or activity incident to confinement within a correctional facility for a misdemeanor;

(2) violates [AS 11.56.335](#) or 11.56.340 and leaves or attempts to leave the state;

(3) while under official detention for a misdemeanor,

(A) removes, tampers with, or disables the electronic monitoring equipment; or

(B) without prior authorization, leaves one's residence or other place designated by the commissioner of corrections or the commissioner of family and community services for service by electronic monitoring; or

(4) while on release under [AS 12.30](#),

(A) removes, tampers with, or disables the electronic monitoring equipment; or

(B) without prior authorization, leaves one's residence or other place designated by a judicial officer as a condition of release.

(b) Escape in the third degree is a class C felony.

Sec. 11.56.330. Escape in the fourth degree.

(a) One commits the crime of escape in the fourth degree if, without lawful authority, one

(1) removes oneself from official detention for a misdemeanor;

(2) having been placed under actual restraint by a peace officer before arrest, removes oneself from the restraint.

(3) [Repealed, § 138 ch 4 FSSLA 2019.]

(b) Escape in the fourth degree is a class A misdemeanor.

Sec. 11.56.335. Unlawful evasion in the first degree.

(a) A person commits the crime of unlawful evasion in the first degree if, while charged with or convicted of a felony,

(1) the person fails to return to official detention within the time authorized following temporary leave granted for a specific purpose or limited period, including leave granted under [AS 33.30.181](#); or

(2) while on furlough under [AS 33.30.101](#) — 33.30.131, the person fails to return to the place of confinement or residence within the time authorized by those having direct supervision.

(b) Unlawful evasion in the first degree is a class C felony.

Sec. 11.56.340. Unlawful evasion in the second degree.

(a) A person commits the crime of unlawful evasion in the second degree if, while charged with or convicted of a misdemeanor,

(1) the person fails to return to official detention within the time authorized following temporary leave granted for a specific purpose or limited period, including leave granted under [AS 33.30.181](#); or

(2) while on furlough under [AS 33.30.101](#) — 33.30.131, the person fails to return to the place of confinement or residence within the time authorized by those having direct supervision.

(b) Unlawful evasion in the second degree is a class A misdemeanor.

Sec. 11.56.350. Unlawful evasion in the second degree. [Repealed, § 6 ch 51 SLA 1995.]

Sec. 11.56.370. Permitting an escape.

(a) A public servant who is required by law to have charge of a person arrested for, charged with, or convicted of a crime commits the crime of permitting an escape if with criminal negligence the public servant permits a person under official detention to escape.

(b) Permitting an escape is a class C felony.

Sec. 11.56.375. Promoting contraband in the first degree.

(a) A person commits the crime of promoting contraband in the first degree if the person violates [AS 11.56.380](#) and the contraband is

(1) a deadly weapon or a defensive weapon;

(2) an article that is intended by the defendant to be used as a means of facilitating an escape;  
or

(3) a controlled substance.

(b) Promoting contraband in the first degree is a class C felony.

Sec. 11.56.380. Promoting contraband in the second degree.

(a) A person commits the crime of promoting contraband in the second degree if the person

(1) introduces, takes, conveys, or attempts to introduce, take, or convey contraband into a correctional facility; or

(2) makes, obtains, possesses, or attempts to make, obtain, or possess anything that person knows to be contraband while under official detention within a correctional facility.

(b) Promoting contraband in the second degree is a class A misdemeanor.

Sec. 11.56.390. Definition.

In [AS 11.56.300](#) — 11.56.390, “contraband” means any article or thing which persons confined in a correctional facility are prohibited by law from obtaining, making, or possessing in that correctional facility.

Article 4. Offenses Relating to Judicial and Other Proceedings.

Sec. 11.56.510. Interference with official proceedings.

(a) A person commits the crime of interference with official proceedings if the person

(1) uses force on anyone, damages the property of anyone, or threatens anyone with intent to

(A) improperly influence a witness or otherwise influence the testimony of a witness;

(B) influence a juror's vote, opinion, decision, or other action as a juror;

(C) retaliate against a witness or juror because of participation by the witness or juror in an official proceeding; or

(D) otherwise affect the outcome of an official proceeding; or

(2) confers, offers to confer, or agrees to confer a benefit

(A) upon a witness with intent to improperly influence that witness; or

(B) upon a juror with intent to influence the juror's vote, opinion, decision, or other action as a juror or otherwise affect the outcome of an official proceeding.

(b) Interference with official proceedings is a class B felony.

Sec. 11.56.520. Receiving a bribe by a witness or juror.

(a) A person commits the crime of receiving a bribe by a witness or juror if the person solicits a benefit with the intent that, or accepts or agrees to accept a benefit upon an agreement or understanding that,

(1) the person will be improperly influenced as a witness; or

(2) the person's vote, decision, opinion, or other action as a juror will be influenced.

(b) Receiving a bribe by a witness or juror is a class B felony.

Sec. 11.56.540. Tampering with a witness in the first degree.

(a) A person commits the crime of tampering with a witness in the first degree if the person knowingly induces or attempts to induce a witness to

(1) testify falsely, offer misleading testimony, or unlawfully withhold testimony in an official proceeding; or

(2) be absent from a judicial proceeding to which the witness has been summoned.

(b) Tampering with a witness in the first degree is a class C felony.

Sec. 11.56.545. Tampering with a witness in the second degree.

(a) A person commits the crime of tampering with a witness in the second degree if the person knowingly induces or attempts to induce a witness to be absent from an official proceeding, other than a judicial proceeding, to which the witness has been summoned.

(b) Tampering with a witness in the second degree is a class A misdemeanor.

Sec. 11.56.590. Jury tampering.

(a) A person commits the crime of jury tampering if the person directly or indirectly communicates with a juror other than as permitted by the rules governing the official proceeding with intent to

- (1) influence the juror's vote, opinion, decision, or other action as a juror; or
- (2) otherwise affect the outcome of the official proceeding.

(b) Jury tampering is a class C felony.

Sec. 11.56.600. Misconduct by a juror.

(a) A person commits the crime of misconduct by a juror if, being a juror, the person promises or agrees, before the submission of any part of an official proceeding to a jury for deliberation, to vote for or agree to a verdict for or against a party in the official proceeding, or otherwise to affect the outcome of the official proceeding.

(b) Misconduct by a juror is a class C felony.

Sec. 11.56.610. Tampering with physical evidence.

(a) A person commits the crime of tampering with physical evidence if the person

(1) destroys, mutilates, alters, suppresses, conceals, or removes physical evidence with intent to impair its verity or availability in an official proceeding or a criminal investigation;

(2) makes, presents, or uses physical evidence, knowing it to be false, with intent to mislead a juror who is engaged in an official proceeding or a public servant who is engaged in an official proceeding or a criminal investigation;

(3) prevents the production of physical evidence in an official proceeding or a criminal investigation by the use of force, threat, or deception against anyone; or

(4) does any act described by (1), (2), or (3) of this subsection with intent to prevent the institution of an official proceeding.

(b) Tampering with physical evidence is a class C felony.

Sec. 11.56.620. Simulating legal process.

(a) A person commits the crime of simulating legal process if, with intent to cause the recipient to take an action on it, the person issues, sends, or delivers

- (1) a request for payment of money on behalf of any creditor that in form and substance

simulates any legal process issued by a court of this state; or

(2) any purported summons, subpoena, or other legal process knowing that the process was not issued or authorized by a court or other official body authorized by law to do so.

(b) Simulating legal process is a class A misdemeanor.

#### Article 5. Obstruction of Public Administration.

##### Sec. 11.56.700. Resisting or interfering with arrest.

(a) A person commits the crime of resisting or interfering with arrest if, knowing that a peace officer is making an arrest, with the intent of preventing the officer from making the arrest, the person resists personal arrest or interferes with the arrest of another by

(1) force;

(2) committing any degree of criminal mischief; or

(3) any means that creates a substantial risk of physical injury to any person.

(b) Resisting or interfering with arrest is a class A misdemeanor.

##### Sec. 11.56.705. Harming a police dog in the first degree.

(a) A person commits the crime of harming a police dog in the first degree if the person intentionally kills or causes serious physical injury to a police dog, knowing the dog to be a police dog.

(b) Harming a police dog in the first degree is a class C felony.

##### Sec. 11.56.710. Harming a police dog in the second degree.

(a) A person commits the crime of harming a police dog in the second degree if the person intentionally causes physical injury to or, without causing physical injury to, torments, kicks, strikes, stones, or tampers with a police dog, knowing the dog to be a police dog.

(b) Harming a police dog in the second degree is a class A misdemeanor.

##### Sec. 11.56.715. Defense to harming a police dog.

It is a defense to a prosecution under [AS 11.56.705](#) or 11.56.710 that the conduct of the defendant

(1) conformed to accepted veterinary practice; or

(2) was in response to a direct attack on the defendant by a police dog not acting under the control of a peace officer.

Sec. 11.56.720. Refusing to assist a peace officer or judicial officer.

(a) A person commits the offense of refusing to assist a peace officer or judicial officer if, upon a request, command, or order by someone the person knows to be a peace officer or judicial officer, that person unreasonably fails to make a good faith effort to physically assist the officer in the exercise of official duties.

(b) A person who, without expecting compensation, assists a person in accordance with this section is not liable for civil damages as a result of an act or omission in rendering that assistance. This subsection does not preclude liability for civil damages as a result of reckless, wilful, wanton, or intentional misconduct.

(c) Refusing to assist a peace officer or judicial officer is a violation.

Sec. 11.56.730. Failure to appear.

(a) A person commits the crime of failure to appear if the person

(1) is released under the provisions of [AS 12.30](#);

(2) knows that the person is required to appear before a court or judicial officer at the time and place of a scheduled hearing; and

(3) with criminal negligence does not appear before the court or judicial officer at the time and place of the scheduled hearing.

(b) In a prosecution for failure to appear under (a) of this section, it is an affirmative defense that unforeseeable circumstances, outside the person's control, prevented the person from appearing before the court or judicial officer at the time and place of the scheduled hearing, and the person contacted the court orally and in writing immediately upon being able to make the contact.

(c) A person who commits failure to appear incurs a forfeiture of any security for any appearance of the person that was given or pledged to the court for the person's release.

(d) Failure to appear is a

(1) class C felony if the person was released in connection with a charge of a felony or while awaiting sentence or appeal after conviction of a felony;

(2) class A misdemeanor if the person was released in connection with a

(A) charge of a misdemeanor, while awaiting sentence or appeal after conviction of a misdemeanor; or

(B) requirement to appear as a material witness in a criminal proceeding.

(e) In a prosecution for failure to appear under (a) of this section, it is not a defense that the defendant did not receive a reminder notification from a court or judicial officer under Rule 38(e), Alaska Rules of Criminal Procedure.

Sec. 11.56.740. Violating a protective order.

(a) A person commits the crime of violating a protective order if the person is subject to a protective order

(1) issued, filed, or recognized under [AS 18.66](#) and containing a provision listed in [AS 18.66.100\(c\)\(1\) — \(7\)](#) and knowingly commits or attempts to commit an act with reckless disregard that the act violates or would violate a provision of the protective order;

(2) issued or recognized under [AS 18.65.850](#), 18.65.855, 18.65.860, or 18.65.867 and knowingly commits or attempts to commit an act that violates or would violate a provision listed in [AS 18.65.850\(c\)\(1\) — \(3\)](#); or

(3) issued under [AS 13.26.450](#) — 13.26.460 and knowingly commits or attempts to commit an act with reckless disregard that the act violates or would violate a provision of the protective order.

(b) Violation of this section is a class A misdemeanor.

(c) In this section, “protective order” means an order issued, filed, or recognized under [AS 13.26.450](#) — 13.26.460, [AS 18.65.850](#) — 18.65.870, or [AS 18.66.100](#) — 18.66.180.

Sec. 11.56.745. Interfering with a report of a crime involving domestic violence.

(a) A person, other than the victim, commits the crime of interfering with a report of a crime involving domestic violence if the person knowingly interferes with another person who is reporting or attempting to report a crime involving domestic violence to a law enforcement agency.

(b) [Repealed, § 19 ch 86 SLA 1998.]

(c) Violation of this section is a class A misdemeanor.

Sec. 11.56.750. Unlawful contact in the first degree.

(a) A person commits the crime of unlawful contact in the first degree if the person

(1) has been ordered

(A) by the court not to contact a victim or witness of the offense

(i) as part of a sentence imposed under [AS 12.55.015](#);

(ii) as a condition of release under [AS 12.30](#) or probation under [AS 12.55.101](#); or

(iii) while under official detention; or

(B) as a condition of parole not to contact a victim or witness of the offense under [AS 33.16.150](#); and

(2) either directly or indirectly, knowingly contacts or attempts to contact the victim or witness in violation of the order.

(b) Unlawful contact in the first degree is a class A misdemeanor.

Sec. 11.56.755. Unlawful contact in the second degree.

(a) A person commits the crime or offense, as applicable, of unlawful contact in the second degree if

(1) the person is arrested for a crime against a person under [AS 11.41](#) or a crime involving domestic violence; and

(2) before the person's initial appearance before a judge or magistrate or before dismissal of the charge for which the person was arrested, whichever occurs first, the person initiates communication or attempts to initiate communication with the alleged victim of the crime that was the basis for the person's arrest.

(b) Unlawful contact in the second degree is

(1) a class B misdemeanor if the person was arrested for an offense that is a class A misdemeanor or a felony offense;

(2) a violation if the person was arrested for an offense that is a class B misdemeanor.

Sec. 11.56.756. Definitions.

In [AS 11.56.750](#) and 11.56.755,

(1) "victim" has the meaning given in [AS 12.55.185](#); and

(2) "witness" has the meaning given in [AS 12.61.900](#).

Sec. 11.56.757. Violation of condition of release.

(a) A person commits the crime of violation of condition of release if the person

(1) has been charged with a crime or convicted of a crime;

(2) has been released under [AS 12.30](#); and

(3) violates a condition of release imposed by a judicial officer under [AS 12.30](#), other than the requirement to appear as ordered by a judicial officer.

(b) Violation of condition of release is a

(1) class A misdemeanor if the person is released from a charge or conviction of a felony;

(2) class B misdemeanor if the person is released from a charge or conviction of a misdemeanor.

(c) In this section, "conviction" means that an adult, or a juvenile charged as an adult under [AS 47.12](#), has entered a plea of guilty, guilty but mentally ill, or nolo contendere, or has been found guilty or guilty but mentally ill by a court or jury.

Sec. 11.56.758. Violation of custodian's duty.

(a) A person commits the crime of violation of custodian's duty if the person knowingly fails,

when acting as a custodian appointed by the court for a released person under [AS 12.30](#), to report immediately as directed by the court that the person released has violated a condition of release.

(b) Violation of custodian's duty is

(1) a class A misdemeanor if the released person is charged with a felony;

(2) a class B misdemeanor if the released person is charged with a misdemeanor.

Sec. 11.56.759. Violation by sex offender of condition of probation.

(a) A person commits the crime of violation by sex offender of condition of probation if the person

(1) is on probation for conviction of a sex offense;

(2) has served the entire term of incarceration imposed for conviction of the sex offense; and

(3) violates a condition of probation imposed under [AS 12.55.100\(a\)\(2\)\(E\)](#), [\(a\)\(2\)\(F\)](#), or [\(e\)](#), [12.55.101\(a\)\(1\)](#), or any other condition imposed by the court that the court finds to be specifically related to the defendant's offense.

(b) In this section, "sex offense" has the meaning given in [AS 12.63.100](#).

(c) Violation by sex offender of condition of probation is a class A misdemeanor.

Sec. 11.56.760. Violating an order to submit to DNA testing.

(a) A person commits the crime of violating an order to submit to DNA testing if, when requested by a health care professional acting on behalf of the state to provide a blood sample, oral sample, or both, or when requested by a juvenile or adult correctional, probation, or parole officer or a peace officer to provide an oral sample, the person refuses to provide the sample or samples and the person

(1) has been ordered to submit to DNA testing as part of a sentence imposed under [AS 12.55.015](#);

(2) has been convicted of an offense that requires DNA testing under the provisions of [AS 44.41.035](#); or

(3) is required to register as a sex offender or child kidnapper under [AS 12.63](#).

(b) In this section, "DNA testing" means the collection of a blood sample, oral sample, or both, for the deoxyribonucleic acid identification registration system under [AS 44.41.035](#).

(c) Violating an order to submit to DNA testing is a class C felony.

Sec. 11.56.762. Unlawful use of DNA samples.

(a) A person commits the crime of unlawful use of DNA samples if the person knowingly, without authorization under [AS 44.41.035](#), possesses or allows another person access to

(1) a blood, oral, or tissue sample collected for inclusion in the deoxyribonucleic acid identification registration system under [AS 44.41.035](#); or

(2) identification data or records derived from those samples.

(b) Unlawful use of DNA samples is a class C felony.

Sec. 11.56.765. Failure to report a violent crime committed against a child.

(a) A person, other than the victim, commits the crime of failure to report a violent crime committed against a child if the person

(1) witnesses what the person knows or reasonably should know is

(A) the murder or attempted murder of a child by another;

(B) the kidnapping or attempted kidnapping of a child by another;

(C) the sexual penetration or attempted sexual penetration by another

(i) of a child without consent of the child;

(ii) of a child that is mentally incapable;

(iii) of a child that is incapacitated; or

(iv) of a child that is unaware that a sexual act is being committed; or

(D) the assault of a child by another causing serious physical injury to the child;

(2) knows or reasonably should know that the child is under 16 years of age; and

(3) does not in a timely manner report that crime to a peace officer or law enforcement agency.

(b) In a prosecution under this section, it is an affirmative defense that the defendant

(1) did not report in a timely manner because the defendant reasonably believed that doing so would have exposed the defendant or others to a substantial risk of physical injury; or

(2) acted to stop the commission of the crime and stopped

(A) the commission of the crime; or

(B) the completion of the crime being attempted.

(c) In this section,

(1) “incapacitated” has the meaning given in [AS 11.41.470](#);

(2) “mentally incapable” has the meaning given in [AS 11.41.470](#);

(3) “sexual act” has the meaning given in [AS 11.41.470](#);

(4) “without consent” has the meaning given in [AS 11.41.470](#).

(d) Failure to report a violent crime committed against a child is a class A misdemeanor.

Sec. 11.56.767. Failure to report a violent crime committed against an adult.

(a) A person, other than the victim, commits the offense of failure to report a violent crime committed against an adult if the person, under circumstances not requiring the person to report as required by [AS 11.56.765](#),

(1) witnesses what the person knows or reasonably should know is

(A) the murder or attempted murder of a person by another;

(B) the kidnapping or attempted kidnapping of a person by another; or

(C) the sexual penetration or attempted sexual penetration by another

(i) of a person without consent of the person;

(ii) of a person who is mentally incapable;

(iii) of a person who is incapacitated; or

(iv) of a person who is unaware that a sexual act is being committed; and

(2) does not, as soon as reasonably practicable, report that crime to a peace officer or law enforcement agency.

(b) In a prosecution under this section, it is an affirmative defense that the defendant

(1) did not report as soon as reasonably practicable because the defendant reasonably believed that

(A) doing so would have exposed the defendant or others to a substantial risk of physical injury; or

(B) effective assistance was already being provided by another person; or

(2) acted to stop the commission of the crime and stopped

(A) the commission of the crime; or

(B) the completion of the crime being attempted.

(c) In this section,

(1) “incapacitated” has the meaning given in [AS 11.41.470](#);

(2) “mentally incapable” has the meaning given in [AS 11.41.470](#);

(3) “sexual act” has the meaning given in [AS 11.41.470](#);

(4) “without consent” has the meaning given in [AS 11.41.470](#).

(d) Failure to report a violent crime committed against an adult is a violation.

Sec. 11.56.770. Hindering prosecution in the first degree.

(a) A person commits the crime of hindering prosecution in the first degree if the person renders assistance to a person who has committed a crime punishable as a felony with intent to

(1) hinder the apprehension, prosecution, conviction, or punishment of that person; or

- (2) assist that person in profiting or benefiting from the commission of the crime.
- (b) For purposes of this section, a person “renders assistance” to another if the person
  - (1) harbors or conceals the other person;
  - (2) warns the other person of impending discovery or apprehension;
  - (3) provides or aids in providing the other person with money, transportation, a dangerous instrument, a disguise, or other means of avoiding discovery or apprehension;
  - (4) prevents or obstructs, by means of force, threat, or deception, anyone from performing an act which might aid in the discovery or apprehension of the other person;
  - (5) suppresses by an act of concealment, alteration, or destruction physical evidence which might aid in the discovery or apprehension of the other person; or
  - (6) aids the other person in securing or protecting the proceeds of the crime.
- (c) Hindering prosecution in the first degree is a class C felony.

Sec. 11.56.780. Hindering prosecution in the second degree.

- (a) A person commits the crime of hindering prosecution in the second degree if the person renders assistance to another who has committed a crime punishable as a misdemeanor, with intent to
  - (1) hinder the apprehension, prosecution, conviction, or punishment of the other person; or
  - (2) assist the other person in profiting or benefiting from the commission of the crime.
- (b) For purposes of this section, a person “renders assistance” to another if the person does any act described in [AS 11.56.770\(b\)](#).
- (c) Hindering prosecution in the second degree is a class B misdemeanor.

Sec. 11.56.785. Interference with emergency communications.

- (a) A person commits the crime of interference with emergency communications if the person knowingly
  - (1) makes repeated emergency communications to report a previously reported incident with no change in circumstance with the intent to cause an emergency police, fire, or medical service response, after an emergency communications worker instructs the person to stop initiating contact for the previously reported incident;
  - (2) makes repeated emergency communications knowing that there is not a police, fire, or medical emergency; or
  - (3) threatens an emergency communications worker during an emergency communication.
- (b) In this section,

(1) “emergency communication” means a communication made to or from an emergency communications center or between police, fire, or medical service personnel in response to an emergency;

(2) “emergency communications center” means a facility that is designed to receive requests for emergency assistance and staffed to perform one or more of the following tasks:

(A) determine the location at which an emergency response is being requested;

(B) interrogate callers to identify, assess, prioritize, and classify requests for emergency assistance and other information;

(C) determine the appropriate emergency response required;

(D) assess the available emergency response resources that are or will be available in the time required;

(E) dispatch appropriate police, fire, or medical personnel;

(F) transfer or exchange requests for emergency assistance and other information with other emergency communications centers and emergency response providers;

(G) analyze and respond to communications received from emergency response providers and coordinate appropriate actions; and

(H) support incident command functions;

(3) “emergency communications worker” means a person handling emergency communications at an emergency communications center.

(c) Interference with emergency communications is a class B misdemeanor.

Sec. 11.56.790. Compounding.

(a) A person commits the crime of compounding if, unless authorized by [AS 12.45.120](#) or 12.45.130, the person

(1) confers, offers to confer, or agrees to confer a benefit on another in consideration of that other person's concealing an offense, refraining from initiating or aiding in the prosecution of an offense, or withholding evidence of an offense; or

(2) accepts or agrees to accept a benefit in consideration of concealing an offense, refraining from initiating or aiding in the prosecution of an offense, or withholding evidence of an offense.

(b) Compounding is a class A misdemeanor.

Sec. 11.56.800. False information or report.

(a) A person commits the crime of false information or report if the person knowingly

(1) gives false information to a peace officer

(A) with the intent of implicating another in an offense; or

(B) concerning the person's identity while the person is  
(i) under arrest, detention, or investigation for a crime; or

(ii) being served with an arrest warrant or being issued a citation;

(2) makes a false report to a peace officer that a crime has occurred or is about to occur;

(3) makes a false report or gives a false alarm, under circumstances not amounting to terroristic threatening in the second degree under [AS 11.56.810](#), that a fire or other incident dangerous to life or property calling for an emergency response has occurred or is about to occur;

(4) makes a false report to the Department of Natural Resources under [AS 46.17](#) concerning the condition of a dam or reservoir; or

(5) gives false information to a public employee relating to a person's eligibility for a permanent fund dividend under [AS 43.23](#) and the false information does not also violate [AS 11.56.205](#).

(b) False information or report is a class A misdemeanor.

Sec. 11.56.805. False accusation.

(a) A person commits the crime of false accusation if the person knowingly or intentionally initiates a false complaint with the Select Committee on Legislative Ethics established in [AS 24.60](#).

(b) False accusation is a class A misdemeanor.

Sec. 11.56.807. Terroristic threatening in the first degree.

(a) A person commits the crime of terroristic threatening in the first degree if the person knowingly sends or delivers a bacteriological, biological, chemical, or radiological substance or an imitation bacteriological, biological, chemical, or radiological substance and, as a result,

(1) places a person in reasonable fear of physical injury to any person;

(2) causes evacuation of a building, public place or area, business premises, or mode of public transportation; or

(3) causes serious public inconvenience.

(b) In this section,

(1) "bacteriological, biological, chemical, or radiological substance" means a material that is capable of causing serious physical injury;

(2) "imitation bacteriological, biological, chemical, or radiological substance" means a material that by its appearance would lead a reasonable person to believe that it is capable of causing serious physical injury.

(c) Terroristic threatening in the first degree is a class B felony.

Sec. 11.56.810. Terroristic threatening in the second degree.

(a) A person commits the crime of terroristic threatening in the second degree if the person makes a threat that a circumstance

(1) dangerous to human life or property exists or is about to exist with reckless disregard that the threat may

(A) place a person in reasonable fear of serious physical injury to any person by means of a dangerous instrument;

(B) cause evacuation of or initiation of an emergency protocol for a building, public place or area, business premises, or mode of public transportation;

(C) cause serious public inconvenience; or

(D) cause the public or a substantial group of people to fear serious physical injury; or

(2) exists or is about to exist that is dangerous to the proper or safe functioning of an oil or gas pipeline or supporting facility, utility, or transportation or cargo facility; in this paragraph, “oil or gas pipeline or supporting facility” and “utility” have the meanings given in [AS 11.46.495](#).

(b) Terrorist threatening in the second degree is a class C felony.

Sec. 11.56.815. Tampering with public records in the first degree.

(a) A person commits the crime of tampering with public records in the first degree if the person violates

(1) [AS 11.56.820](#)(a)(3) with intent to obtain a benefit for that person or any person or to injure or deprive another person of a benefit; or

(2) [AS 11.56.820](#)(a)(1) or (2) with the intent to conceal a fact material to an investigation or the provision of services under [AS 47.10](#), [AS 47.12](#), [AS 47.17](#), [AS 47.20](#), or [AS 47.24](#).

(b) Tampering with public records in the first degree is a class C felony.

Sec. 11.56.820. Tampering with public records in the second degree.

(a) A person commits the crime of tampering with public records in the second degree if the person

(1) knowingly makes a false entry in or falsely alters a public record;

(2) knowingly destroys, mutilates, suppresses, conceals, removes, or otherwise impairs the verity, legibility, or availability of a public record, knowing that the person lacks the authority to do so; or

(3) certifies a public record setting out a claim against a government agency, or the property of a government agency, with reckless disregard of whether the claim is lawful, or that payment of the claim is not authorized in the budget of the government agency.

(b) In this section,

(1) “certifies” means attesting to the existence, truth, or accuracy of facts, or that one holds an opinion, stated in a public record; the term includes the responsibilities for state officials set out in [AS 37.10.030](#);

(2) “falsely alters” has the meaning ascribed to it in [AS 11.46.580](#); and

(3) “makes a false entry” means to change or create a public record, whether complete or incomplete, by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or by any other means, so that the record so changed or created states or implies a fact that the maker knows is not true, or states or implies an opinion that the maker does not hold.

(c) Tampering with public records in the second degree is a class A misdemeanor.

Sec. 11.56.825. Unlawful possession or use of traffic preemption device.

(a) A person commits the crime of unlawful possession or use of a traffic preemption device if the person possesses or uses a traffic preemption device and that person is not, at the time of the possession or use, operating an emergency vehicle.

(b) This section does not apply to

(1) an employee of the state or a municipality who, at the time of the possession or use of a traffic preemption device, is authorized to install, repair, or maintain traffic preemption devices and only uses a device in the process of installing, repairing, and maintaining the devices; or

(2) a person operating a motor vehicle involved in highway maintenance or public transit that has been authorized by the Department of Transportation and Public Facilities or by the municipal assembly or council, as appropriate, to possess or use a traffic preemption device.

(c) In this section,

(1) “emergency vehicle” means a police, fire, or emergency medical service vehicle that only uses a traffic preemption device when responding to a fire or other emergency or when transporting a patient to a hospital or clinic or for transfer to another emergency vehicle;

(2) “traffic preemption device” means a system that uses infrared light or other technology on a motor vehicle to transmit a signal to a receiver connected to a traffic light or other traffic control device for the purpose of giving the vehicle transmitting the signal the right-of-way by changing the traffic light or control device.

(d) Unlawful possession or use of a traffic preemption device is a class A misdemeanor.

Sec. 11.56.827. Impersonating a public servant in the first degree.

(a) A person commits the crime of impersonating a public servant in the first degree if the person violates [AS 11.56.830](#) by pretending to be a peace officer and purports to exercise the authority of a peace officer in relation to another person.

(b) Impersonating a public servant in the first degree is a class C felony.

Sec. 11.56.830. Impersonating a public servant in the second degree.

(a) A person commits the crime of impersonating a public servant in the second degree if the person pretends to be a public servant and purports to exercise the authority of a public servant in relation to another person.

(b) It is not a defense to a prosecution under this section that

(1) the office the defendant pretended to hold did not in fact exist; or

(2) the defendant was in fact a public servant different than the one the defendant pretended to be.

(c) This section does not apply to a peace officer acting within the scope and authority of the officer's employment.

(d) Impersonating a public servant in the second degree is a class B misdemeanor.

Sec. 11.56.835. Failure to register as a sex offender or child kidnapper in the first degree.

(a) A person commits the crime of failure to register as a sex offender or child kidnapper in the first degree if the person violates [AS 11.56.840](#)

(1) and the person has been previously convicted of a crime under this section or [AS 11.56.840](#) or a law or ordinance of this or another jurisdiction with elements similar to a crime under this section or [AS 11.56.840](#); or

(2) with intent to escape detection or identification and, by escaping detection or identification, to facilitate the person's commission of a sex offense or child kidnapping.

(b) In a prosecution under (a)(2) of this section, the fact that the defendant, for a period of at least one year, failed to register as a sex offender or child kidnapper, failed to file the annual or quarterly written verification, or changed the sex offender's or child kidnapper's address and did not file the required notice of change of address, is prima facie evidence that the defendant intended to escape detection or identification and, by escaping detection or identification, to facilitate the person's commission of a sex offense or child kidnapping.

(c) In this section, "child kidnapping" and "sex offense" have the meanings given in [AS 12.63.100](#).

(d) Failure to register as a sex offender or child kidnapper in the first degree is a class C felony.

Sec. 11.56.840. Failure to register as a sex offender or child kidnapper in the second degree.

(a) A person commits the crime of failure to register as a sex offender or child kidnapper in the second degree if the person

(1) is required to register under [AS 12.63.010](#);

(2) knows that the person is required to register under [AS 12.63.010](#); and

(3) fails to

- (A) register;
- (B) file written notice of
  - (i) change of residence;
  - (ii) change of mailing address;
  - (iii) establishment of an electronic or messaging address or any change to an electronic or messaging address;
  - (iv) establishment of an Internet communication identifier or any change to an Internet communication identifier; or
  - (v) change of name;
- (C) file the annual or quarterly written verification; or
- (D) supply accurate and complete information required to be submitted under this paragraph.

(b) In a prosecution for failure to register as a sex offender or child kidnapper in the second degree under (a) of this section, it is an affirmative defense that

(1) unforeseeable circumstances, outside the control of the person, prevented the person from registering under (a)(3)(A) of this section or filing or supplying the written notices, verification, and other information required under (a)(3)(B) — (D) of this section; and

(2) the person contacted the Department of Public Safety orally and in writing immediately upon being able to perform the requirements described in this section.

(c) Failure to register as a sex offender or child kidnapper in the second degree is a class A misdemeanor.

#### Sec. 11.56.845. Hindering the Legislative Budget and Audit Committee.

(a) A person commits hindering the Legislative Budget and Audit Committee if the person intentionally (1) fails to give, or (2) directs, orders, threatens, restrains, coerces, forces, or prevents another person from giving, full cooperation to the legislative auditor or the legislative fiscal analyst in assembling or furnishing requested information to the committee or its staff, and the person did not reasonably believe that the action or failure to act was legally justified.

(b) Hindering the Legislative Budget and Audit Committee is a violation, punishable by a fine of not more than \$5,000.

#### Article 6. Abuse of Public Office.

##### Sec. 11.56.850. Official misconduct.

(a) A public servant commits the crime of official misconduct if, with intent to obtain a benefit or to injure or deprive another person of a benefit, the public servant

(1) performs an act relating to the public servant's office but constituting an unauthorized exercise of the public servant's official functions, knowing that that act is unauthorized; or

(2) knowingly refrains from performing a duty which is imposed upon the public servant by law or is clearly inherent in the nature of the public servant's office.

(b) Official misconduct is a class A misdemeanor.

Sec. 11.56.860. Misuse of confidential information.

(a) A person who is or has been a public servant commits the crime of misuse of confidential information if the person

(1) learns confidential information through employment as a public servant; and

(2) while in office or after leaving office, uses the confidential information for personal gain or in a manner not connected with the performance of official duties other than by giving sworn testimony or evidence in a legal proceeding in conformity with a court order.

(b) As used in this section, “confidential information” means information which has been classified confidential by law.

(c) Misuse of confidential information is a class A misdemeanor.

Sec. 11.56.870. Renumbered as [AS 11.56.845](#).

Article 7. General Provisions.

Sec. 11.56.900. Definitions.

In this chapter, unless the context requires otherwise,

(1) “improperly influence a witness” means to cause or induce a witness to

(A) testify falsely, offer misleading testimony, or unlawfully withhold testimony in an official proceeding;

(B) avoid or attempt to avoid legal process summoning the witness to testify in an official proceeding, regardless of whether legal process has issued;

(C) be absent from an official proceeding to which the witness has been summoned; or

(D) engage in conduct described in [AS 11.56.610](#);

(2) “judicial officer” means a supreme court justice, including the chief justice, a judge of the court of appeals, a judge of the superior court, a district court judge, or a magistrate;

(3) “juror” means a person who is a member of an impanelled jury or a person who has been drawn or summoned to attend as a prospective juror;

(4) “physical evidence” means an article, object, document, record, or other thing of physical substance;

(5) “testimony” means oral or written statements, documents, or other material that may be offered by a witness in an official proceeding;

(6) “witness” means

(A) a witness summoned or appearing in an official proceeding; or

(B) a person who the defendant believes may be called as a witness in an official proceeding, present or future.

#### Chapter 60. Offenses Against Public Policy.

Secs. 11.60.010 — 11.60.220. Lotteries; minors; opium dens; gambling; dangerous animals at large; vagrancy. [Repealed, § 21 ch 166 SLA 1978. For present law on gambling offenses, see [AS 11.66.200](#) — 11.66.280; for present law on selling or giving of tobacco to minor, see [AS 11.76.100](#).]

Sec. 11.60.225. [Renumbered as [AS 44.09.015](#).]

Secs. 11.60.230 — 11.60.240. Full and equal accommodations, facilities, privileges. [Repealed, § 8 ch 117 SLA 1965.]

Secs. 11.60.250 — 11.60.270. [Renumbered as [AS 29.43.100](#) — 29.43.110.]

Secs. 11.60.280 — 11.60.320. [Renumbered as [AS 42.20.300](#) — 42.20.340.]

Secs. 11.60.340 — 11.60.350. Conspiracy against rights; deprivation of rights under color of law. [Repealed, § 21 ch 166 SLA 1978. For law on interference with constitutional rights, see [AS 11.76.110](#).]

#### Chapter 61. Offenses Against Public Order.

Article 1. Offenses Related to Riot, Disorderly Conduct, Child Sexual Abuse Material, Indecency, Gangs, Corpses, or Animals.

Sec. 11.61.100. Riot.

(a) A person commits the crime of riot if, while participating with five or more others, the person engages in tumultuous and violent conduct in a public place and thereby causes, or creates a substantial risk of causing, damage to property or physical injury to a person.

(b) Riot is a class C felony.

Sec. 11.61.110. Disorderly conduct.

(a) A person commits the crime of disorderly conduct if,

(1) with intent to disturb the peace and privacy of another not physically on the same premises or with reckless disregard that the conduct is having that effect after being informed that it is having that effect, the person makes unreasonably loud noise;

(2) in a public place or in a private place of another without consent, and with intent to disturb the peace and privacy of another or with reckless disregard that the conduct is having that effect after being informed that it is having that effect, the person makes unreasonably loud noise;

(3) in a public place, when a crime has occurred, the person refuses to comply with a lawful order of a peace officer to disperse;

(4) in a private place, the person refuses to comply with an order of a peace officer to leave premises in which the person has neither a right of possession nor the express invitation to remain

of a person having a right of possession;

(5) in a public or private place, the person challenges another to fight or engages in fighting other than in self-defense;

(6) the person recklessly creates a hazardous condition for others by an act which has no legal justification or excuse; or

(7) the offender intentionally exposes the offender's buttock or anus to another with reckless disregard for the offensive or insulting effect the act may have on that person.

(b) As used in this section, “noise” is “unreasonably loud” if, considering the nature and purpose of the defendant's conduct and the circumstances known to the defendant, including the nature of the location and the time of day or night, the conduct involves a gross deviation from the standard of conduct that a reasonable person would follow in the same situation. “Noise” does not include speech that is constitutionally protected.

(c) Disorderly conduct is a class B misdemeanor and is punishable as authorized in [AS 12.55](#) except that a sentence of imprisonment, if imposed, shall be for a definite term of not more than

(1) 72 hours if the offense is a first conviction;

(2) 10 days if the offense is a second or subsequent conviction.

Sec. 11.61.116. Sending an explicit image of a minor.

(a) A person commits the offense of sending an explicit image of a minor if the person, with intent to annoy or humiliate another person, distributes an electronic photograph or video that depicts the genitals, anus, or female breast of that other person taken when that person was a minor under 16 years of age.

(b) In this section,

(1) “computer” has the meaning given in [AS 11.46.990](#);

(2) “distributes” means to deliver the image to another person by sending the image to the other person's computer or telephone;

(3) “Internet” has the meaning given in [AS 11.46.710\(d\)](#).

(c) Sending an explicit image of a minor is

(1) a class B misdemeanor if the person distributes the image to another person;

(2) a class A misdemeanor if the person distributes the image to an Internet website that is accessible to the public.

Sec. 11.61.118. Harassment in the first degree.

(a) A person commits the crime of harassment in the first degree if, under circumstances not proscribed under [AS 11.41.410](#) — 11.41.427 or 11.41.434 — 11.41.440, the person violates [AS 11.61.120\(a\)\(5\)](#) and the offensive physical contact is contact

(1) with human or animal blood, mucus, saliva, semen, urine, vomitus, or feces; or

(2) by the person touching through clothing another person's genitals, buttocks, or female breast.

(b) Harassment in the first degree is a class A misdemeanor.

Sec. 11.61.120. Harassment in the second degree.

(a) A person commits the crime of harassment in the second degree if, with intent to harass or annoy another person, that person

(1) insults, taunts, or challenges another person in a manner likely to provoke an immediate violent response;

(2) telephones another and fails to terminate the connection with intent to impair the ability of that person to place or receive telephone calls;

(3) makes repeated telephone calls at extremely inconvenient hours;

(4) makes an anonymous or obscene telephone call, an obscene electronic communication, or a telephone call or electronic communication that threatens physical injury or sexual contact;

(5) subjects another person to offensive physical contact;

(6) except as provided in [AS 11.61.116](#), publishes or distributes electronic or printed photographs, pictures, or films that show the genitals, anus, or female breast of the other person or show that person engaged in a sexual act;

(7) repeatedly sends or publishes an electronic communication that insults, taunts, challenges, or intimidates a person under 18 years of age in a manner that places the person in reasonable fear of physical injury; or

(8) under circumstances not proscribed under [AS 11.41.455](#), [AS 11.61.125](#), or 11.61.128, repeatedly sends to another person, publishes, or distributes electronic or printed photographs, pictures, or films that show the genitals of any person.

(b) Harassment in the second degree is a class B misdemeanor.

Sec. 11.61.123. Indecent viewing or production of a picture.

(a) A person commits the crime of indecent viewing or production of a picture if the person knowingly

(1) views, or views a picture of, the private exposure of the genitals, anus, or female breast of another person; or

(2) produces a picture of the private exposure of the genitals, anus, or female breast of another person.

(b) Each viewing of a person, and each production of a picture of a person, whose genitals, anus, or female breast are viewed or are shown in a picture constitutes a separate violation of this section.

(c) This section does not apply to the viewing or production of a picture conducted by a law enforcement agency for a law enforcement purpose.

(d) In a prosecution under this section, it is an affirmative defense that the viewing or production of a picture was conducted as a security surveillance system, notice of the viewing or production was posted, and any viewing or use of pictures produced is done only in the interest of crime prevention or prosecution.

(e) In this section,

(1) “picture” means a film, photograph, negative, slide, book, newspaper, or magazine, whether in print, electronic, magnetic, or digital format; and

(2) “private exposure” means that a person has exposed the person's body or part of the body in a place, and under circumstances, that the person reasonably believed would not result in the person's body or body parts being viewed by the defendant or produced in a picture; “private exposure” does not include the exposure of a person's body or body parts in a law enforcement facility, correctional facility, treatment institution, designated treatment facility, juvenile treatment facility, or juvenile detention facility; in this paragraph,

(A) “correctional facility” has the meaning given in [AS 33.30.901](#);

(B) “designated treatment facility” has the meaning given in [AS 47.30.915](#);

(C) “juvenile detention facility” and “juvenile treatment facility” have the meanings given in [AS 47.12.990](#);

(D) “treatment institution” has the meaning given in [AS 47.14.990](#).

(f) The provisions of this section do not apply to acts

(1) that may reasonably be construed to be normal caretaker responsibilities for a child, interactions with a child, or affection for a child; or

(2) performed for the purpose of administering a recognized and lawful form of treatment that is reasonably adapted to promoting the physical or mental health of the person being treated.

(g) Indecent viewing or production of a picture is a

(1) class B felony if the person violates (a)(2) of this section and the person shown in the picture was, at the time of the production of the picture, a minor;

(2) class C felony if the person

(A) violates (a)(1) of this section and the person viewed

(i) was, at the time of the viewing, a minor; or

(ii) in the picture was, at the time of the production of the picture, a minor; or

(B) violates (a)(2) of this section and the person shown in the picture was, at the time of the production of the picture, an adult;

(3) class A misdemeanor if the person violates (a)(1) of this section and the person viewed

(A) was, at the time of the viewing, an adult; or

(B) in the picture was, at the time of the production of the picture, an adult.

Sec. 11.61.124. Solicitation or production of an indecent picture of a minor.

(a) An offender commits the crime of solicitation or production of an indecent picture of a minor if, under circumstances not proscribed under [AS 11.41.455](#) or [AS 11.61.123](#), the offender being 18 years of age or older

(1) solicits a picture of the genitals, anus, or female breast of another person and the

(A) person solicited is under 16 years of age and at least four years younger than the offender; or

(B) offender believes that the other person is under 16 years of age and at least four years younger than the offender; or

(2) produces a picture of the genitals, anus, or female breast of another person and the

(A) person shown in the picture is under 16 years of age and at least four years younger than the offender; or

(B) offender believes that the other person is under 16 years of age and at least four years younger than the offender.

(b) In a prosecution under (a) of this section, it is not a defense that the person solicited or shown in the picture was not actually a person under 16 years of age and at least four years younger than the offender.

(c) In a prosecution under (a)(1) of this section, it is not necessary for the prosecution to show that a picture was actually produced.

(d) The provisions of this section do not apply to acts

(1) that may reasonably be construed to be normal caretaker responsibilities for a child, interactions with a child, or affection for a child; or

(2) performed for the purpose of administering a recognized and lawful form of treatment that is reasonably adapted to promoting the physical or mental health of the person being treated.

(e) In this section, “picture” has the meaning given in [AS 11.61.123\(e\)](#).

(f) Solicitation or production of an indecent picture of a minor is a

(1) class C felony if an offender

(A) violates (a)(1) of this section and the person solicited is under 13 years of age; or

(B) violates (a)(2) of this section;

(2) class A misdemeanor if an offender violates (a)(1) of this section and the person solicited is 13 years of age or older.

Sec. 11.61.125. Distribution of child sexual abuse material.

(a) A person commits the crime of distribution of child sexual abuse material if the person distributes in this state or advertises, promotes, solicits, or offers to distribute in this state any material that is proscribed under [AS 11.61.127](#).

(b) This section does not apply to acts that are an integral part of the exhibition or performance

of a motion picture if the acts are performed within the scope of employment by a motion picture operator or projectionist employed by the owner or manager of a theater or other place for the showing of motion pictures, unless the motion picture operator or projectionist

(1) has a financial interest in the theater or place in which employed; or

(2) causes the performance or motion picture to be performed or exhibited without the consent of the manager or owner of the theater or other place of showing.

(c) The possession of 100 or more films, audio, video, electronic, or electromagnetic recordings, photographs, negatives, slides, books, newspapers, magazines, or other materials, including a combination of these items totaling 100 or more, is prima facie evidence of distribution and intent to distribute under (a) of this section.

(d) In this section, “distribution” includes the following, whether or not for monetary or other consideration: delivering, selling, renting, leasing, lending, giving, circulating, exhibiting, presenting, providing, exchanging, placing on a computer network or computer system, and providing billing collection, or other ancillary services for or otherwise supporting these activities.

(e) Distribution of child sexual abuse material is a

(1) class B felony; or

(2) class A felony if the person has been previously convicted of distribution of child sexual abuse material in this jurisdiction or a similar crime in this or another jurisdiction.

Sec. 11.61.127. Possession of child sexual abuse material.

(a) A person commits the crime of possession of child sexual abuse material if the person knowingly possesses or knowingly accesses on a computer with intent to view any material that visually depicts conduct described in [AS 11.41.455\(a\)](#) knowing that the production of the material involved the use of a child under 18 years of age who engaged in the conduct or a depiction of a part of an actual child under 18 years of age who, by manipulation, creation, or modification, appears to be engaged in the conduct.

(b) This section does not apply to persons providing plethysmograph assessments in the course of a sex offender treatment program that meets the minimum standards under [AS 33.30.011\(a\)\(5\)](#).

(c) Each film, audio, video, electronic, or electromagnetic recording, photograph, negative, slide, book, newspaper, magazine, or other material that visually or aurally depicts conduct described in [AS 11.41.455\(a\)](#) that is possessed or accessed in violation of (a) of this section is a separate violation of this section.

(d) In a prosecution under (a) of this section, it is an affirmative defense that the person

(1) possessed or accessed fewer than three depictions described in (a) of this section; and

(2) without allowing any person other than a law enforcement agency to view the depictions, either took reasonable steps to destroy the depictions, or reported the matter to a law enforcement agency and allowed the agency access to the depictions.

(e) In a prosecution under (a) of this section, the prosecution is not required to prove the identity of a minor depicted or that the defendant knew the identity of a minor depicted.

(f) In this section, “computer” has the meaning given in [AS 11.46.990](#).

(g) Possession of child sexual abuse material is a class C felony.

Sec. 11.61.128. Distribution of indecent material to minors.

(a) A person commits the crime of distribution of indecent material to minors if

(1) the person, being 18 years of age or older, intentionally distributes or possesses with intent to distribute any material described in (2) and (3) of this subsection to either

(A) a child that the person knows is under 16 years of age; or

(B) another person that the person believes is a child under 16 years of age;

(2) the person knows that the material depicts the following actual or simulated conduct:

(A) sexual penetration;

(B) the lewd touching of a person's genitals, anus, or female breast;

(C) masturbation;

(D) bestiality;

(E) the lewd exhibition of a person's genitals, anus, or female breast; or

(F) sexual masochism or sadism; and

(3) the material is harmful to minors.

(b) In this section, it is not a defense that the victim was not actually under 16 years of age.

(c) In this section, “harmful to minors” means

(1) the average individual, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest in sex for persons under 16 years of age;

(2) a reasonable person would find that the material, taken as a whole, lacks serious literary, artistic, educational, political, or scientific value for persons under 16 years of age; and

(3) the material depicts actual or simulated conduct in a way that is patently offensive to the prevailing standards in the adult community as a whole with respect to what is suitable for persons under 16 years of age.

(d) Except as provided in (e) of this section, distribution of indecent material to minors is a class C felony.

(e) Distribution of indecent material to minors is a class B felony if the defendant was, at the time of the offense, required to register as a sex offender or child kidnapper under [AS 12.63](#) or a similar law of another jurisdiction.

Sec. 11.61.129. Forfeiture of property used in indecent viewing or production of a picture or child sexual abuse material.

(a) Property used to aid a violation of [AS 11.61.123](#) — 11.61.128 or to aid the solicitation of, attempt to commit, or conspiracy to commit a violation of [AS 11.61.123](#) — 11.61.128 may be forfeited to the state upon the conviction of the offender.

(b) In this section, “property” has the meaning given in [AS 11.41.468](#).

Sec. 11.61.130. Misconduct involving a corpse.

(a) A person commits the crime of misconduct involving a corpse if

(1) except as authorized by law or in an emergency, the person intentionally disinters, removes, conceals, or mutilates a corpse;

(2) the person engages in sexual penetration of a corpse; or

(3) the person detains a corpse for a debt or demand or upon a lien or charge.

(b) Misconduct involving a corpse is a class A misdemeanor.

Sec. 11.61.140. Cruelty to animals.

(a) A person commits cruelty to animals if the person

(1) knowingly inflicts severe or prolonged physical pain or suffering on an animal;

(2) has a legal duty to care for the animal and, with criminal negligence, fails to care for an animal and, as a result, causes the death of the animal or causes severe physical pain or prolonged suffering to the animal;

(3) kills or injures an animal by the use of a decompression chamber;

(4) intentionally kills or injures a pet or livestock by the use of poison;

(5) knowingly kills or injures an animal, other than as provided in (1) or (3) of this subsection, with the intent to intimidate, threaten, or terrorize another person;

(6) knowingly

(A) engages in sexual conduct with an animal; or

(B) under circumstances not proscribed under [AS 11.41.455](#),

(i) photographs or films, for purposes of sexual gratification, a person engaged in sexual conduct with an animal; or

(ii) causes, induces, aids, or encourages another person to engage in sexual conduct with an animal; or

(7) intentionally permits sexual conduct with an animal to be conducted on any premises under the person's control.

(b) Each animal that is subject to cruelty to animals under (a) of this section shall constitute a

separate offense.

(c) It is a defense to a prosecution under this section that the conduct of the defendant

- (1) was part of scientific research governed by accepted standards;

- (2) constituted the humane destruction of an animal;

- (3) conformed to accepted veterinary or animal husbandry practices;

- (4) was necessarily incidental to lawful fishing, hunting or trapping activities;

- (5) conformed to professionally accepted training and discipline standards.

(d) In (a)(2) of this section, failure to provide the minimum standards of care for an animal under [AS 03.55.100](#) is prima facie evidence of failure to care for an animal.

(e) This section does not apply to generally accepted dog mushing or pulling contests or practices or rodeos or stock contests.

(f) In this section, “sexual conduct” means any

- (1) touching or fondling by a person, either directly or through clothing, of the genitals or anus of an animal or any transfer or transmission of semen by the person on any part of the animal for the purpose of sexual gratification or arousal of the person;

- (2) contact, however slight, between the mouth, genitals, or anus of a person and the sex organ or anus of an animal, or any intrusion, however slight, of any part of the body of the person into the sex organ or anus of an animal, or any intrusion of the genitals or anus of the person into the mouth of the animal for the purpose of sexual gratification of the person.

(g) Except as provided in (h) of this section, cruelty to animals under (a)(2), (5), (6), or (7) of this section is a class A misdemeanor. The court may also

- (1) require forfeiture of any animal affected to the state or to a custodian that supplies shelter, care, or medical treatment for the animal;

- (2) require the defendant to reimburse the state or a custodian for all reasonable costs incurred in providing necessary shelter, care, veterinary attention, or medical treatment for any animal affected;

- (3) prohibit or limit the defendant's ownership, possession, or custody of animals for up to 10 years.

(h) Cruelty to animals under (a)(1), (3), or (4) of this section is a class C felony. Cruelty to animals is also a class C felony if the person is convicted under (a)(2), (5), (6), or (7) of this section and the person has been previously convicted on one or more separate occasions within 10 years of the date of the present offense of a crime under this section, [AS 11.61.145](#)(a)(1) or (2), or a law or ordinance of another jurisdiction having elements similar to those offenses. For a conviction under this subsection, the court may also

- (1) require forfeiture of any animal affected to the state or to a custodian that supplies shelter, care, or medical treatment for the animal;

- (2) require the defendant to reimburse the state or a custodian for all reasonable costs incurred in providing necessary shelter, care, veterinary attention, or medical treatment for any animal affected;

(3) prohibit or limit the defendant's ownership, possession, or custody of animals for up to 10 years.

Sec. 11.61.145. Promoting an exhibition of fighting animals.

(a) A person commits the crime or offense, as applicable, of promoting an exhibition of fighting animals if the person

(1) owns, possesses, keeps, or trains an animal with intent that it be engaged in an exhibition of fighting animals;

(2) instigates, promotes, or has a pecuniary interest in an exhibition of fighting animals; or

(3) attends an exhibition of fighting animals.

(b) The animals, equipment, vehicles, money, and other personal property used by a person in a violation of (a)(1) or (2) of this section shall be forfeited to the state if the person is convicted of an offense under this section.

(c) [Repealed, § 103 ch 13 SLA 2019.]

(d) Promoting an exhibition of fighting animals

(1) under (a)(1) or (2) of this section is a class C felony;

(2) under (a)(3) of this section is

(A) a violation

(i) for the first offense;

(ii) punishable by a fine of not more than \$1,000 for the second offense; and

(B) a class A misdemeanor for the third and each subsequent offense.

Sec. 11.61.150. Obstruction of highways.

(a) A person commits the offense of obstruction of highways if the person knowingly

(1) places, drops, or permits to drop on a highway any substance that creates a substantial risk of physical injury to others using the highway; or

(2) renders a highway impassable or passable only with unreasonable inconvenience or hazard.

(b) It is an affirmative defense to a prosecution under (a)(1) of this section that

(1) the defendant took reasonable steps to remove the substance from the highway; and

(2) no person suffered physical injury as a result of the presence of the substance on the highway.

(c) Obstruction of highways is a violation punishable by a fine of not more than \$1,000.

Sec. 11.61.160. Recruiting a gang member in the first degree.

(a) A person commits the crime of recruiting a gang member in the first degree if the person uses or threatens the use of force against a person or property to induce a person to participate in a criminal street gang or to commit a crime on behalf of a criminal street gang.

(b) Recruiting a gang member in the first degree is a class C felony.

Sec. 11.61.165. Recruiting a gang member in the second degree.

(a) A person commits the crime of recruiting a gang member in the second degree if the person is 18 years of age or older and, without force or the threat of force, encourages or recruits a person who is under 18 years of age and at least three years younger than the offender to participate in a criminal street gang.

(b) Recruiting a gang member in the second degree is a class A misdemeanor.

Article 2. Weapons and Explosives.

Sec. 11.61.190. Misconduct involving weapons in the first degree.

(a) A person commits the crime of misconduct involving weapons in the first degree if the person

- (1) uses or attempts to use a firearm during the commission of an offense under [AS 11.71.010](#) — 11.71.040; or

- (2) discharges a firearm from a propelled vehicle while the vehicle is being operated and under circumstances manifesting substantial and unjustifiable risk of physical injury to a person or damage to property.

(b) Misconduct involving weapons in the first degree is a class A felony.

Sec. 11.61.195. Misconduct involving weapons in the second degree.

(a) A person commits the crime of misconduct involving weapons in the second degree if the person knowingly

- (1) possesses a firearm during the commission of an offense under [AS 11.71.010](#) — 11.71.040;

- (2) violates [AS 11.61.200\(a\)\(1\)](#) and is within the grounds of or on a parking lot immediately adjacent to

- (A) a public or private preschool, elementary, junior high, or secondary school without the permission of the chief administrative officer of the school or district or the designee of the chief administrative officer; or

- (B) an entity, other than a private residence, licensed as a child care facility under [AS 47.32](#) or recognized by the federal government for the care of children; or

- (3) discharges a firearm at or in the direction of

- (A) a building with reckless disregard for a risk of physical injury to a person; or

(B) a dwelling.

(b) Misconduct involving weapons in the second degree is a class B felony.

Sec. 11.61.200. Misconduct involving weapons in the third degree.

(a) A person commits the crime of misconduct involving weapons in the third degree if the person

(1) knowingly possesses a firearm capable of being concealed on one's person after having been convicted of a felony or adjudicated a delinquent minor for conduct that would constitute a felony if committed by an adult by a court of this state, a court of the United States, or a court of another state or territory;

(2) knowingly sells or transfers a firearm capable of being concealed on one's person to a person who has been convicted of a felony by a court of this state, a court of the United States, or a court of another state or territory;

(3) manufactures, possesses, transports, sells, or transfers a prohibited weapon;

(4) knowingly sells or transfers a firearm to another whose physical or mental condition is substantially impaired as a result of the introduction of an intoxicating liquor or controlled substance into that other person's body;

(5) removes, covers, alters, or destroys the manufacturer's serial number on a firearm with intent to render the firearm untraceable;

(6) possesses a firearm on which the manufacturer's serial number has been removed, covered, altered, or destroyed, knowing that the serial number has been removed, covered, altered, or destroyed with the intent of rendering the firearm untraceable;

(7) violates [AS 11.46.320](#) and, during the violation, possesses on the person a firearm when the person's physical or mental condition is impaired as a result of the introduction of an intoxicating liquor or controlled substance into the person's body;

(8) violates [AS 11.46.320](#) or 11.46.330 by entering or remaining unlawfully on premises or in a propelled vehicle in violation of a provision of an order issued or filed under [AS 18.66.100](#) — 18.66.180 or issued under former [AS 25.35.010](#)(b) or 25.35.020 and, during the violation, possesses on the person a defensive weapon or a deadly weapon, other than an ordinary pocketknife;

(9) communicates in person with another in violation of [AS 11.56.740](#) and, during the communication, possesses on the person a defensive weapon or a deadly weapon, other than an ordinary pocketknife;

(10) resides in a dwelling knowing that there is a firearm capable of being concealed on one's person or a prohibited weapon in the dwelling if the person has been convicted of a felony by a court of this state, a court of the United States, or a court of another state or territory, unless the person has written authorization to live in a dwelling in which there is a concealable weapon described in this paragraph from a court of competent jurisdiction or from the head of the law enforcement agency of the community in which the dwelling is located; or

(11) discharges a firearm from a propelled vehicle while the vehicle is being operated in

circumstances other than described in [AS 11.61.190\(a\)\(2\)](#).

(12) [Repealed, § 2 ch 100 SLA 2010.]

(b) The provisions of

(1) (a)(1) of this section do not apply to a person if

(A) the person convicted of the prior offense on which the action is based received a pardon for that conviction;

(B) the underlying conviction upon which the action is based has been set aside under [AS 12.55.085](#) or as a result of post-conviction proceedings; or

(C) a period of 10 years or more has elapsed between the date of the person's unconditional discharge on the prior offense or adjudication of juvenile delinquency and the date of the violation of (a)(1) of this section, and the prior conviction or adjudication of juvenile delinquency did not result from a violation of [AS 11.41](#) or of a similar law of the United States or of another state or territory;

(2) (a)(2) or (10) of this section do not apply to a person if

(A) the person convicted of the prior offense on which the action is based received a pardon for that conviction;

(B) the underlying conviction upon which the action is based has been set aside under [AS 12.55.085](#) or as a result of post-conviction proceedings; or

(C) a period of 10 years or more has elapsed between the date of the person's unconditional discharge on the prior offense and the date of the violation of (a)(2) or (10) of this section, and the prior conviction did not result from a violation of [AS 11.41](#) or of a similar law of the United States or of another state or territory.

(c) It is an affirmative defense to a prosecution under (a)(3) of this section that the manufacture, possession, transportation, sale, or transfer of the prohibited weapon was in accordance with registration under 26 U.S.C. 5801-5872 (National Firearms Act).

(d) It is an affirmative defense to a prosecution under (a)(11) of this section that the person was using a firearm while hunting, trapping, or fishing in a manner not prohibited by statute or regulation.

(e) The provisions of (a)(3) and (11) of this section do not apply to a peace officer acting within the scope and authority of the officer's employment.

(f) [Repealed, § 2 ch 100 SLA 2010.]

(g) [Repealed, § 2 ch 100 SLA 2010.]

(h) As used in this section,

(1) "prohibited weapon" means any

(A) explosive, incendiary, or noxious gas

(i) mine or device that is designed, made, or adapted for the purpose of inflicting serious physical injury or death;

(ii) rocket, other than an emergency flare, having a propellant charge of more than four ounces;

(iii) bomb; or

(iv) grenade;

(B) device designed, made, or adapted to muffle the report of a firearm;

(C) firearm that is capable of shooting more than one shot automatically, without manual reloading, by a single function of the trigger; or

(D) rifle with a barrel length of less than 16 inches, shotgun with a barrel length of less than 18 inches, or firearm made from a rifle or shotgun which, as modified, has an overall length of less than 26 inches;

(2) “unconditional discharge” has the meaning ascribed to it in [AS 12.55.185](#).

(i) Misconduct involving weapons in the third degree is a class C felony.

Sec. 11.61.210. Misconduct involving weapons in the fourth degree.

(a) A person commits the crime of misconduct involving weapons in the fourth degree if the person

(1) possesses on the person, or in the interior of a vehicle in which the person is present, a firearm when the person's physical or mental condition is impaired as a result of the introduction of an intoxicating liquor or a controlled substance into the person's body in circumstances other than described in [AS 11.61.200\(a\)\(7\)](#);

(2) discharges a firearm from, on, or across a highway;

(3) discharges a firearm with reckless disregard for a risk of damage to property or a risk of physical injury to a person under circumstances other than those described in [AS 11.61.195\(a\)\(3\)\(A\)](#);

(4) manufactures, possesses, transports, sells, or transfers metal knuckles;

(5) sells or transfers a switchblade or a gravity knife to a person under 18 years of age without the prior written consent of the person's parent or guardian;

(6) knowingly sells a firearm or a defensive weapon to a person under 18 years of age;

(7) other than a preschool, elementary, junior high, or secondary school student, knowingly possesses a deadly weapon or a defensive weapon, without the permission of the chief administrative officer of the school or district or the designee of the chief administrative officer, within the buildings of, on the grounds of, or on the school parking lot of a public or private preschool, elementary, junior high, or secondary school, on a school bus while being transported to or from school or a school-sponsored event, or while participating in a school-sponsored event, except that a person 21 years of age or older may possess

(A) a deadly weapon, other than a loaded firearm, in the trunk of a motor vehicle or encased in a closed container in a motor vehicle;

(B) a defensive weapon;

(C) an unloaded firearm if the person is traversing school premises in a rural area for the purpose of entering public or private land that is open to hunting and the school board with jurisdiction over the school premises has elected to have this exemption apply to the school premises; in this subparagraph, “rural” means a community with a population of 5,500 or less that

is not connected by road or rail to Anchorage or Fairbanks or with a population of 1,500 or less that is connected by road or rail to Anchorage or Fairbanks; or

(8) being a preschool, elementary, junior high, or secondary school student, knowingly possesses a deadly weapon or a defensive weapon, within the buildings of, on the grounds of, or on the school parking lot of a public or private preschool, elementary, junior high, or secondary school, on a school bus while being transported to or from school or a school-sponsored event, or while participating in a school-sponsored event, except that a student may possess a deadly weapon, other than a firearm as defined under 18 U.S.C. 921, or a defensive weapon if the student has obtained the prior permission of the chief administrative officer of the school or district or the designee of the chief administrative officer for the possession.

(b) [Repealed, § 4 ch 63 SLA 1990.]

(c) The provisions of (a)(7) of this section do not apply to a peace officer acting within the scope and authority of the officer's employment.

(d) Misconduct involving weapons in the fourth degree is a class A misdemeanor.

Sec. 11.61.215. Intoxication as applicable to possession of a firearm. [Repealed, § 11 ch 59 SLA 1991.]

Sec. 11.61.220. Misconduct involving weapons in the fifth degree.

(a) A person commits the crime of misconduct involving weapons in the fifth degree if the person

(1) is 21 years of age or older and knowingly possesses a deadly weapon, other than an ordinary pocket knife or a defensive weapon,

(A) that is concealed on the person, and, when contacted by a peace officer, the person fails to

(i) immediately inform the peace officer of that possession; or

(ii) allow the peace officer to secure the deadly weapon, or fails to secure the weapon at the direction of the peace officer, during the duration of the contact;

(B) that is concealed on the person within the residence of another person unless the person has first obtained the express permission of an adult residing there to bring a concealed deadly weapon within the residence;

(2) knowingly possesses a loaded firearm on the person in any place where intoxicating liquor is sold for consumption on the premises;

(3) being an unemancipated minor under 16 years of age, possesses a firearm, switchblade, or gravity knife without the consent of a parent or guardian of the minor;

(4) knowingly possesses a firearm

(A) within the grounds of or on a parking lot immediately adjacent to an entity, other than a private residence, licensed as a child care facility under [AS 47.32](#) or recognized by the federal government for the care of children, except that a person 21 years of age or older may possess an unloaded firearm in the trunk of a motor vehicle or encased in a closed container of a motor vehicle;

(B) within a

(i) courtroom or office of the Alaska Court System; or

(ii) courthouse that is occupied only by the Alaska Court System and other justice-related agencies; or

(C) within a domestic violence or sexual assault shelter that receives funding from the state;

(5) [Repealed, § 7 ch 54 SLA 2013.]

(6) is less than 21 years of age and knowingly possesses a deadly weapon, other than an ordinary pocket knife or a defensive weapon, that is concealed on the person.

(b) In a prosecution under (a)(6) of this section, it is an affirmative defense that the defendant, at the time of possession, was

(1) in the defendant's dwelling or on land owned or leased by the defendant appurtenant to the dwelling; or

(2) actually engaged in lawful hunting, fishing, trapping, or other lawful outdoor activity that necessarily involves the carrying of a weapon for personal protection.

(c) The provisions of (a)(2) and (4) of this section do not apply to a peace officer acting within the scope and authority of the officer's employment.

(d) In a prosecution under (a)(2) of this section, it is

(1) an affirmative defense that

(A) [Repealed, § 7 ch 62 SLA 2003.]

(B) the loaded firearm was a concealed handgun as defined in [AS 18.65.790](#); and

(C) the possession occurred at a place covered by a restaurant or eating place license under [AS 04.09.210](#), seasonal restaurant or eating place tourism license under [AS 04.09.360](#), or restaurant endorsement under [AS 04.09.450](#) and the defendant did not consume intoxicating liquor at the place;

(2) a defense that the defendant, at the time of possession, was on business premises

(A) owned by or leased by the defendant; or

(B) in the course of the defendant's employment for the owner or lessee of those premises.

(e) For purposes of this section, a deadly weapon on a person is concealed if it is covered or enclosed in any manner so that an observer cannot determine that it is a weapon without removing it from that which covers or encloses it or without opening, lifting, or removing that which covers or encloses it; a deadly weapon on a person is not concealed if it is an unloaded firearm encased in a closed container designed for transporting firearms.

(f) For purposes of (a)(2) and (e) of this section, a firearm is loaded if the

(1) firing chamber, magazine, clip, or cylinder of the firearm contains a cartridge; and

(2) chamber, magazine, clip, or cylinder is installed in or on the firearm.

(g) The provisions of (a)(1) and (6) of this section do not apply to a

(1) peace officer of this state or a municipality of this state acting within the scope and authority of the officer's employment;

(2) peace officer employed by another state or a political subdivision of another state who, at the time of the possession, is

(A) certified as a peace officer by the other state; and

(B) acting within the scope and authority of the officer's employment; or

(3) police officer of this state or a police officer or chief administrative officer of a municipality of this state; in this paragraph, “police officer” and “chief administrative officer” have the meanings given in [AS 18.65.290](#).

(h) In a prosecution

(1) under (a)(4)(B) of this section, it is a defense that the defendant, at the time of possession, was authorized to possess the firearm under a rule of court;

(2) under (a)(4)(C) of this section, it is a defense that the defendant, at the time of possession, was authorized in writing by the administrator of the shelter to possess the firearm.

(i) In (a)(1) of this section, “contacted by a peace officer” means stopped, detained, questioned, or addressed in person by the peace officer for an official purpose.

(j) Misconduct involving weapons in the fifth degree is a class B misdemeanor.

Sec. 11.61.230. [Renumbered as [AS 11.46.315](#).]

Sec. 11.61.240. Criminal possession of explosives.

(a) A person commits the crime of criminal possession of explosives if the person possesses or manufactures an explosive substance or device and intends to use that substance or device to commit a crime.

(b) Criminal possession of explosives is a

(1) class A felony if the crime intended is murder in any degree or kidnapping;

(2) class B felony if the crime intended is a class A felony;

(3) class C felony if the crime intended is a class B felony;

(4) class A misdemeanor if the crime intended is a class C felony;

(5) class B misdemeanor if the crime intended is a class A or class B misdemeanor.

Sec. 11.61.250. Unlawful furnishing of explosives.

(a) A person commits the crime of unlawful furnishing of explosives if the person furnishes an explosive substance or device to another knowing that the other intends to use the substance or device to commit a crime.

(b) Unlawful furnishing of explosives is a class C felony.

**Chapter 65. Offenses Against Public Convenience.**

Secs. 11.65.010 — 11.65.020. [Renumbered as [AS 30.50.020](#) and 30.50.010.]

Sec. 11.65.030. Tampering with posted notices. [Repealed, § 21 ch 166 SLA 1978.]

**Chapter 66. Offenses Against Public Health and Decency.**

**Article 1. Prostitution and Sex Trafficking.**

**Sec. 11.66.100. Prostitution.**

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

(1) engages in or agrees or offers to engage in sexual conduct in return for a fee; or

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

(b) [Repealed, § 62 ch 11 SLA 2024.]

(c) A person may not be prosecuted under (a)(1) of this section if the

(1) person witnessed or was a victim of, and reported to law enforcement in good faith, one or more of the following crimes:

(A) murder in the first degree under [AS 11.41.100](#);

(B) murder in the second degree under [AS 11.41.110](#);

(C) manslaughter under [AS 11.41.120](#);

(D) criminally negligent homicide under [AS 11.41.130](#);

(E) assault in the first degree under [AS 11.41.200](#);

(F) assault in the second degree under [AS 11.41.210](#);

(G) assault in the third degree under [AS 11.41.220](#);

(H) assault in the fourth degree under [AS 11.41.230](#);

(I) sexual assault in the first degree under [AS 11.41.410](#);

(J) sexual assault in the second degree under [AS 11.41.420](#);

(K) sexual assault in the third degree under [AS 11.41.425](#);

(L) sexual assault in the fourth degree under [AS 11.41.427](#);

(M) sexual abuse of a minor in the first degree under [AS 11.41.434](#);

(N) sexual abuse of a minor in the second degree under [AS 11.41.436](#);

(O) sexual abuse of a minor in the third degree under [AS 11.41.438](#);

(P) sexual abuse of a minor in the fourth degree under [AS 11.41.440](#);

(Q) robbery in the first degree under [AS 11.41.500](#);

(R) robbery in the second degree under [AS 11.41.510](#);

- (S) extortion under [AS 11.41.520](#);
- (T) coercion under [AS 11.41.530](#);
- (U) distribution of child sexual abuse material under [AS 11.61.125](#);
- (V) possession of child sexual abuse material under [AS 11.61.127](#);
- (W) sex trafficking in the first degree under [AS 11.66.110](#);
- (X) sex trafficking in the second degree under [AS 11.66.120](#);
- (Y) sex trafficking in the third degree under [AS 11.66.130](#); or
- (Z) sex trafficking in the fourth degree under [AS 11.66.135](#);

(2) evidence supporting the prosecution under (a)(1) of this section was obtained or discovered as a result of the person reporting the crime to law enforcement; and

(3) person cooperated with law enforcement personnel.

(d) Prostitution is a class B misdemeanor.

(e) [Repealed, § 62 ch 11 SLA 2024.]

Sec. 11.66.110. Sex trafficking in the first degree.

(a) A person commits the crime of sex trafficking in the first degree if the person

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

(2) as other than a patron of a prostitute, induces or causes another person who is under 20 years of age to engage in prostitution; or

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

(b) In a prosecution under (a)(2) of this section, it is not a defense that the defendant reasonably believed that the person induced or caused to engage in prostitution was 20 years of age or older.

(c) Except as provided in (d) of this section, sex trafficking in the first degree is a class A felony.

(d) A person convicted under (a)(2) of this section is guilty of an unclassified felony.

Sec. 11.66.120. Sex trafficking in the second degree.

(a) A person commits the crime of sex trafficking in the second degree if the person

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

(2) procures or solicits a patron for a prostitute;

(3) offers, sells, advertises, promotes, or facilitates travel that includes a commercial sexual act as enticement for the travel; or

(4) under circumstances not proscribed under [AS 11.66.110](#), induces or causes another person to engage in a commercial sexual act.

(b) For purposes of this section, inducing or causing another person to engage in a commercial sexual act includes the following:

(1) exposing or threatening to expose confidential information or a secret, whether true or false, that would subject a person to hatred, contempt, or ridicule;

(2) destroying, concealing, or threatening to destroy or conceal an actual or purported passport or immigration document or another actual or purported identification document of any person;

(3) threatening to report a person to a government agency for the purpose of arrest or deportation;

(4) threatening to collect a debt;

(5) instilling in a person a fear that lodging, food, clothing, or medication will be withheld from any person;

(6) providing a controlled substance to or withholding a controlled substance from the other person; or

(7) engaging in deception.

(c) Sex trafficking in the second degree is a class B felony.

Sec. 11.66.130. Sex trafficking in the third degree.

(a) A person commits the crime of sex trafficking in the third degree if the person

(1) receives compensation for prostitution services rendered by another; and

(2) with the intent to promote prostitution,

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

(B) as other than a patron of a prostitute, induces or causes another person who is 20 years of age or older to engage in prostitution;

(C) receives or agrees to receive money or other property under an agreement or understanding that the money or other property is derived from prostitution; or

(D) engages in conduct that institutes, aids, or facilitates a prostitution enterprise.

(b) [Repealed, § 72, ch 1 4SSLA 2017.]

(c) Sex trafficking in the third degree is a class C felony.

Sec. 11.66.135. Sex trafficking in the fourth degree.

(a) A person commits the crime of sex trafficking in the fourth degree if the person  
(1) receives compensation for prostitution services rendered by another; and

(2) engages in conduct that institutes, aids, or facilitates prostitution under circumstances not proscribed under [AS 11.66.130\(a\)\(2\)\(D\)](#).

(b) [Repealed, § 72 ch 1 4SSLA 2017.]

(c) Sex trafficking in the fourth degree is a class A misdemeanor.

Sec. 11.66.137. Patron of a victim of sex trafficking.

(a) A person commits the crime of patron of a victim of sex trafficking if the person solicits a commercial sexual act

(1) with reckless disregard that the person engaging in the sexual act is a victim of sex trafficking; or

(2) from a person who is under 18 years of age.

(b) In a prosecution under (a)(2) of this section, it is an affirmative defense that, at the time of the alleged offense, the defendant

(1) reasonably believed the person to be 18 years of age or older; and

(2) undertook reasonable measures to verify that the person was 18 years of age or older.

(c) Patron of a victim of sex trafficking is a

(1) class B felony if the person violates (a)(2) of this section;

(2) class C felony if the person violates (a)(1) of this section.

Sec. 11.66.140. Corroboration of certain testimony not required.

In a prosecution under [AS 11.66.110](#) — 11.66.135, it is not necessary that the testimony of the person whose prostitution is alleged to have been compelled or promoted be corroborated by the testimony of any other witness or by documentary or other types of evidence.

Sec. 11.66.145. Forfeiture.

Property used to institute, aid, or facilitate, or received or derived from, a violation of [AS 11.66.110](#) — 11.66.137 may be forfeited at sentencing.

Sec. 11.66.150. Definitions.

In [AS 11.66.100](#) — 11.66.150, unless the context requires otherwise,

(1) “compensation” does not include any payment for reasonably apportioned shared expenses;

(2) “place of prostitution” means any place where a person engages in sexual conduct in return for a fee;

(3) “prostitution enterprise” means an arrangement in which two or more persons are organized to render sexual conduct in return for a fee;

(4) “sexual conduct” means genital or anal intercourse, cunnilingus, fellatio, or masturbation of one person by another person.

## Article 2. Gambling Offenses.

### Sec. 11.66.200. Gambling.

(a) A person commits the offense of gambling if the person engages in unlawful gambling.

(b) It is an affirmative defense to a prosecution under this section that the defendant was a player in a social game.

(c) Gambling is a violation

(1) for the first offense;

(2) punishable by a fine of not more than \$1,000 for the second and each subsequent offense.

### Sec. 11.66.210. Promoting gambling in the first degree.

(a) A person commits the crime of promoting gambling in the first degree if the person promotes or profits from an unlawful gambling enterprise.

(b) Promoting gambling in the first degree is a class C felony.

### Sec. 11.66.220. Promoting gambling in the second degree.

(a) A person commits the crime of promoting gambling in the second degree if the person promotes or profits from unlawful gambling.

(b) Promoting gambling in the second degree is a class A misdemeanor.

### Sec. 11.66.230. Possession of gambling records in the first degree.

(a) A person commits the crime of possession of gambling records in the first degree if, with knowledge of its contents or character, the person possesses a gambling record used or intended to be used in the operation or promotion of an unlawful gambling enterprise.

(b) Possession of gambling records in the first degree is a class C felony.

### Sec. 11.66.240. Possession of gambling records in the second degree.

(a) A person commits the crime of possession of gambling records in the second degree if, with

knowledge of its contents or character, the person possesses a gambling record.

(b) Possession of gambling records in the second degree is a class A misdemeanor.

Sec. 11.66.250. Affirmative defenses.

(a) It is an affirmative defense in a prosecution under [AS 11.66.230](#) that the gambling record was possessed by the defendant solely as a player.

(b) It is an affirmative defense in a prosecution under [AS 11.66.230](#) or 11.66.240 that the gambling record

(1) was not used or intended to be used by the defendant in the operation or promotion of unlawful gambling;

(2) was used or intended to be used by the defendant in a social game.

Sec. 11.66.260. Possession of a gambling device.

(a) A person commits the offense of possession of a gambling device if, with knowledge of the character of the device, the person manufactures, sells, transports, places, or possesses, or conducts or negotiates a transaction affecting or designed to affect ownership, custody, or use of, a gambling device knowing that the device is used or is to be used in unlawful gambling.

(b) It is an affirmative defense in a prosecution under this section that the gambling device possessed by the defendant was used or intended to be used only in a social game.

(c) Possession of a gambling device is a class A misdemeanor.

Sec. 11.66.270. Forfeiture.

If used in violation of [AS 11.66.200](#) — 11.66.280, the following property shall be forfeited:

(1) a gambling device or gambling record;

(2) money, not found on the person, used as a bet or stake;

(3) money used as a bet or stake which is found on the person of one who conducts, finances, manages, supervises, directs, or owns all or part of an unlawful gambling enterprise.

Sec. 11.66.280. Definitions.

In [AS 11.66.200](#) — 11.66.280, unless the context requires otherwise,

(1) "amusement device" includes arcade-style games, pinball machines, countertop machines, novelty arcade games, sports-themed games, shuffleboard tables, claw machines, pool tables, shooting galleries, bowling, and a similar machine, device, or apparatus that provides amusement, diversion, or entertainment; "amusement device" does not include casino-style games, draw games, slot machines, roulette wheels, craps, video poker, or any other game that is a contest of

chance.

(2) “contest of chance” means a contest, game, gaming scheme, or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that the skill of the contestants may also be a factor;

(3) “gambling” means that a person stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under the person's control or influence, upon an agreement or understanding that that person or someone else will receive something of value in the event of a certain outcome; “gambling” does not include

(A) bona fide business transactions valid under the law of contracts for the purchase or sale at a future date of securities or commodities and agreements to compensate for loss caused by the happening of chance, including contracts of indemnity or guaranty and life, health, or accident insurance;

(B) playing an amusement device that

(i) confers only an immediate right of replay not exchangeable for something of value other than the privilege of immediate replay and does not contain a method or device by which the privilege of immediate replay may be cancelled or revoked;

(ii) confers only tickets, credits, allowances, tokens, or anything of value that can be redeemed for toys, candy, or electronic novelties offered at the same facility where the amusement device is located; or

(iii) allows a player to manipulate a claw machine or similar device within an enclosure and enables a person to receive merchandise directly from the machine;

(C) an activity authorized by the Department of Revenue under [AS 05.15](#); or

(D) the permanent fund dividend raffle authorized under [AS 43.23.230](#);

(4) “gambling device” means any device, machine, paraphernalia, or equipment that is used or usable in the playing phases of unlawful gambling, whether it consists of gambling between persons or gambling by a person involving the playing of a machine; “gambling device” does not include

(A) lottery tickets, policy slips, or other items used in the playing phases of lottery or policy schemes; or

(B) an amusement device;

(5) “gambling enterprise” means a gambling business that

(A) includes five or more persons who conduct, finance, manage, supervise, direct, or own all or part of the business;

(B) has been or remains in substantially continuous operation for a period in excess of 30 days or has a gross income of \$2,000 or more in any single day; and

(C) is not a municipality or a qualified organization under [AS 05.15.690](#), except that, for purposes of this paragraph, no application for a license under [AS 05.15](#) is required to be considered a qualified organization;

(6) “gambling record” means any writing or paper of a kind commonly used in the operation or promotion of unlawful gambling and includes lottery tickets, policy slips, or other writings or papers used in the playing phases of lottery or policy schemes;

(7) “player” means a person who engages in gambling solely as a contestant or bettor, believing that the risk of losing and the chances of winning are the same for all participants except for the advantages of skill and luck, without receiving or becoming entitled to receive any profit from gambling other than personal gambling winnings and without otherwise rendering any material assistance to the establishment, conduct, or operation of the particular gambling activity, except that, for purposes of this paragraph, a person who gambles at a social game on equal terms with the other participants does not “otherwise render material assistance” to the establishment, conduct, or operation by performing, without fee or remuneration, acts directed towards the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises for the game, or supplying cards or other equipment used in the game;

(8) “profits from gambling” means that a person, acting other than as a player, accepts or receives money or other property under an agreement or understanding with another person by which the person participates or is to participate in the proceeds of gambling;

(9) “promoting gambling” means that a person, acting other than as a player, engages in conduct that materially aids any form of gambling; conduct of this nature includes

(A) conduct directed toward the

(i) creation or establishment of the particular gambling activity or acquisition or maintenance of premises, paraphernalia, equipment, or apparatus used in the gambling;

(ii) conduct of the playing phases of gambling; or

(iii) arrangement of the financial or recording phase of gambling or toward any other phase of its operation; or

(B) having control or right of control over premises that are used with the defendant's knowledge for purposes of gambling and permitting the gambling to occur or continue without making an effort to prevent its occurrence or continuation;

(10) “social game” means gambling in a home where no house player, house bank, or house odds exist and where there is no house income from the operation of the game;

(11) “something of value” means any money or property; any token, object, or article exchangeable for money or property; and any form of credit or promise directly or indirectly contemplating transfer of money or property or of an interest in money or property or involving extension of a service, entertainment, or privilege of playing at a game or scheme without charge;

(12) “unlawful” means not specifically authorized by law.

### Article 3. Adult Entertainment Business.

Sec. 11.66.300. Prohibiting minors from being present at an adult entertainment business.

(a) The owner or an agent or employee of the owner of a business that offers adult entertainment may not with criminal negligence allow a person under the age of 18 years to enter and remain within premises where adult entertainment is offered.

(b) In this section, “business that offers adult entertainment” has the meaning given in [AS 23.10.350\(f\)](#).

(c) A person who violates this section is guilty of a class A misdemeanor. Each violation is a

separate offense.

#### Chapter 67. Reports and Records.

[Repealed, § 6 ch 100 SLA 1971. For law on child protection, see [AS 47.17.](#)]

#### Chapter 70. Miscellaneous Provisions.

Secs. 11.70.010 — 11.70.030. Intent to defraud; use of evidence by person on charge of perjury; intoxication as defense. [Repealed, § 21 ch 166 SLA 1978. For current law, see [AS 11.46.990](#)(11), [AS 11.81.630.](#)]

Sec. 11.70.040. Blind persons with guide dogs in public places. [Repealed, § 1 ch 19 SLA 1972.]

Sec. 11.70.050. [Renumbered as [AS 05.12.010.](#)]

#### Chapter 71. Controlled Substances.

##### Article 1. Offenses Relating to Controlled Substances.

Sec. 11.71.010. Misconduct involving a controlled substance in the first degree.

(a) Except as authorized in [AS 17.30](#), a person commits the crime of misconduct involving a controlled substance in the first degree if the person

(1) delivers any amount of a schedule IA controlled substance to a person under 19 years of age who is at least three years younger than the person delivering the substance;

(2) delivers any amount of a schedule IIA or IIIA controlled substance to a person under 19 years of age who is at least three years younger than the person delivering the substance;

(3) engages in a continuing criminal enterprise; or

(4) delivers any amount of a schedule IA, IIA, IIIA, or IVA controlled substance to a person who is

(A) mentally incapable;

(B) incapacitated; or

(C) unaware that a controlled substance is being delivered.

(b) For purposes of this section,

(1) a person is engaged in a “continuing criminal enterprise” if

(A) the person commits a violation of this chapter which is punishable as a felony; and

(B) that violation is a part of a continuing series of five or more violations of this chapter  
(i) which the person undertakes in concert with at least five other persons organized, supervised, or otherwise managed by the person; and

(ii) from which the person obtains substantial income or resources;

(2) “incapacitated” has the meaning given in [AS 11.41.470](#);

(3) “mentally incapable” has the meaning given in [AS 11.41.470](#).

(c) Misconduct involving a controlled substance in the first degree is an unclassified felony and is punishable as provided in [AS 12.55](#).

Sec. 11.71.020. Misconduct involving a controlled substance in the second degree.

Sec. 11.71.021. Misconduct involving a controlled substance in the second degree.

(a) Except as authorized in [AS 17.30](#), a person commits the crime of misconduct involving a controlled substance in the second degree if the person

(1) manufactures or delivers any amount of a schedule IA controlled substance or possesses any amount of a schedule IA controlled substance with intent to manufacture or deliver;

(2) manufactures or delivers any material, compound, mixture, or preparation that contains  
(A) methamphetamine, or its salts, isomers, or salts of isomers; or

(B) an immediate precursor of methamphetamine, or its salts, isomers, or salts of isomers;

(3) possesses an immediate precursor of methamphetamine, or the salts, isomers, or salts of isomers of the immediate precursor of methamphetamine, with the intent to manufacture any material, compound, mixture, or preparation that contains methamphetamine, or its salts, isomers, or salts of isomers;

(4) possesses a listed chemical with intent to manufacture any material, compound, mixture, or preparation that contains

(A) methamphetamine, or its salts, isomers, or salts of isomers; or

(B) an immediate precursor of methamphetamine, or its salts, isomers, or salts of isomers;

(5) possesses methamphetamine in an organic solution with intent to extract from it methamphetamine, or its salts, isomers, or salts of isomers; or

(6) under circumstances not proscribed under [AS 11.71.010\(a\)\(2\)](#), delivers

(A) an immediate precursor of methamphetamine, or the salts, isomers, or salts of isomers of the immediate precursor of methamphetamine, to another person with reckless disregard that the precursor will be used to manufacture any material, compound, mixture, or preparation that contains methamphetamine, or its salts, isomers, or salts of isomers; or

(B) a listed chemical to another person with reckless disregard that the listed chemical will be used to manufacture any material, compound, mixture, or preparation that contains

(i) methamphetamine, or its salts, isomers, or salts of isomers;

(ii) an immediate precursor of methamphetamine, or its salts, isomers, or salts of isomers; or

(iii) methamphetamine, or its salts, isomers, or salts of isomers in an organic solution.

(b) In a prosecution under (a) of this section, possession of more than nine grams of the listed chemicals ephedrine, pseudoephedrine, phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals is prima facie evidence that the person intended to use the listed chemicals to manufacture, to aid or abet another person to manufacture, or to deliver to another

person who intends to manufacture methamphetamine, its immediate precursors, or the salts, isomers, or salts of isomers of methamphetamine or its immediate precursors. The prima facie evidence described in this subsection does not apply to a person who possesses

(1) the listed chemicals ephedrine, pseudoephedrine, phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals

(A) and the listed chemical was dispensed to the person under a valid prescription; or

(B) in the ordinary course of a legitimate business, or an employee of a legitimate business, as a

(i) retailer or as a wholesaler;

(ii) wholesale drug distributor licensed by the Board of Pharmacy;

(iii) manufacturer of drug products licensed by the Board of Pharmacy;

(iv) pharmacist licensed by the Board of Pharmacy; or

(v) health care professional licensed by the state; or

(2) less than 24 grams of ephedrine, pseudoephedrine, phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals, kept in a locked storage area on the premises of a legitimate business or nonprofit organization operating a camp, lodge, school, day care center, treatment center, or other organized group activity, and the location or nature of the activity, or the age of the participants, makes it impractical for the participants in the activity to obtain medicinal products.

(c) In this section, “listed chemical” means a chemical described under [AS 11.71.200](#).

(d) Misconduct involving a controlled substance in the second degree is a class A felony.

Sec. 11.71.030. Misconduct involving a controlled substance in the third degree.

(a) Except as authorized in [AS 17.30](#), a person commits the crime of misconduct involving a controlled substance in the third degree if the person

(1) [Repealed, § 138 ch 4 FSSLA 2019.]

(2) delivers any amount of a schedule IVA, VA, or VIA controlled substance to a person under 19 years of age who is at least three years younger than the person delivering the substance;

(3) possesses any amount of a schedule IA or IIA controlled substance

(A) with reckless disregard that the possession occurs

(i) on or within 500 feet of school grounds; or

(ii) at or within 500 feet of a recreation or youth center; or

(B) on a school bus;

(4) [Repealed, § 138 ch 4 FSSLA 2019.]

(5) [Repealed, § 138 ch 4 FSSLA 2019.]

(6) [Repealed, § 138 ch 4 FSSLA 2019.]

(7) [Repealed, § 138 ch 4 FSSLA 2019.]

(8) [Repealed, § 138 ch 4 FSSLA 2019.]

(9) under circumstances not proscribed under [AS 11.71.021\(a\)\(2\)](#) — (6), manufactures or

delivers any amount of a schedule IIA or IIIA controlled substance or possesses any amount of a schedule IIA or IIIA controlled substance with intent to manufacture or deliver.

(b) It is an affirmative defense to a prosecution under (a)(3)(A) of this section that the prohibited conduct took place entirely within a private residence located within 500 feet of the school grounds or recreation or youth center, and that the prohibited conduct did not involve distributing, dispensing, or possessing with the intent to distribute or dispense a controlled substance for profit. Nothing in this subsection precludes a prosecution under any other provision of this section or any other section of this chapter.

(c) [Repealed, § 138 ch 4 FSSLA 2019.]

(d) Misconduct involving a controlled substance in the third degree is a class B felony.

(e) [Repealed, § 138 ch 4 FSSLA 2019.]

Sec. 11.71.040. Misconduct involving a controlled substance in the fourth degree.

(a) Except as authorized in [AS 17.30](#) and [AS 17.38](#), a person commits the crime of misconduct involving a controlled substance in the fourth degree if the person

(1) manufactures or delivers any amount of a schedule IVA or VA controlled substance or possesses any amount of a schedule IVA or VA controlled substance with intent to manufacture or deliver;

(2) manufactures or delivers, or possesses with the intent to manufacture or deliver, one or more preparations, compounds, mixtures, or substances of an aggregate weight of one ounce or more containing a schedule VIA controlled substance;

(3) possesses any amount of a schedule IA controlled substance listed in [AS 11.71.140\(e\)](#);

(4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance

(A) with reckless disregard that the possession occurs

(i) on or within 500 feet of school grounds; or

(ii) at or within 500 feet of a recreation or youth center; or

(B) on a school bus;

(5) knowingly keeps or maintains any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place that is used for keeping or distributing controlled substances in violation of a felony offense under this chapter or [AS 17.30](#);

(6) makes, delivers, or possesses a punch, die, plate, stone, or other thing that prints, imprints, or reproduces a trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of these on a drug, drug container, or labeling so as to render the drug a counterfeit substance;

(7) knowingly uses in the course of the manufacture or distribution of a controlled substance a registration number that is fictitious, revoked, suspended, or issued to another person;

(8) knowingly furnishes false or fraudulent information in or omits material information from any application, report, record, or other document required to be kept or filed under [AS 17.30](#);

(9) obtains possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge;

(10) affixes a false or forged label to a package or other container containing any controlled substance;

(11) [Repealed, § 138 ch 4 FSSLA 2019.]

(12) violates [AS 11.71.050](#)(a)(4) and, within the preceding 10 years, has been previously convicted of a crime under [AS 11.71.050](#)(a)(4), or a law or ordinance in this or another jurisdiction with elements similar to [AS 11.71.050](#)(a)(4).

(b) It is an affirmative defense to a prosecution under (a)(4)(A) of this section that the prohibited conduct took place entirely within a private residence located within 500 feet of the school grounds or recreation or youth center. Nothing in this subsection precludes a prosecution under any other provision of this section or any other section of this chapter.

(c) Nothing in (a)(5) or (6) of this section precludes a prosecution or civil proceeding brought under any other provision of this section or any other section of this chapter or under [AS 17](#).

(d) Misconduct involving a controlled substance in the fourth degree is a class C felony.

Sec. 11.71.050. Misconduct involving a controlled substance in the fifth degree.

(a) Except as authorized in [AS 17.30](#) and [AS 17.38](#), a person commits the crime of misconduct involving a controlled substance in the fifth degree if the person

(1) manufactures or delivers, or possesses with the intent to manufacture or deliver, one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than one ounce containing a schedule VIA controlled substance;

(2) [Repealed, § 179 ch 36 SLA 2016.]

(3) fails to make, keep, or furnish any record, notification, order form, statement, invoice, or information required under [AS 17.30](#);

(4) under circumstances not proscribed under [AS 11.71.030](#)(a)(3), 11.71.040(a)(3), or 11.71.040(a)(4) possesses any amount of a schedule IA, IIA, IIIA, IVA, or VA controlled substance; or

(5) under circumstances not proscribed under [AS 11.71.040](#)(a)(4), possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of one ounce or more containing a schedule VIA controlled substance.

(b) Misconduct involving a controlled substance in the fifth degree is a class A misdemeanor.

Sec. 11.71.060. Misconduct involving a controlled substance in the sixth degree.

(a) Except as authorized in [AS 17.30](#) or [AS 17.38](#), a person commits the crime of misconduct involving a controlled substance in the sixth degree if the person

(1) uses or displays any amount of a schedule VIA controlled substance;

(2) possesses one or more preparations, compounds, mixtures, or substances of an aggregate

weight of

(A) less than one ounce containing a schedule VIA controlled substance;

(B) [Repealed, § 138 ch 4 FSSLA 2019.]

(3) refuses entry into a premise for an inspection authorized under [AS 17.30](#).

(b) Misconduct involving a controlled substance in the sixth degree is a class B misdemeanor.

Sec. 11.71.070. Misconduct involving a controlled substance in the seventh degree. [Repealed effective March 3, 1991, 1990 Initiative Proposal No. 2, § 2.]

Sec. 11.71.080. Aggregate weight of live marijuana plants.

For purposes of calculating the aggregate weight of a live marijuana plant, the aggregate weight shall be one-sixth of the measured weight of the marijuana plant after the roots of the marijuana plant have been removed.

Sec. 11.71.090. Affirmative defense to a prosecution under [AS 11.71.030](#) — 11.71.060; medical use of marijuana.

(a) In a prosecution under [AS 11.71.030](#) — 11.71.060 charging the manufacture, delivery, possession, possession with intent to manufacture or deliver, use, or display of a schedule VIA controlled substance, it is an affirmative defense that the defendant is a patient, or the primary caregiver or alternate caregiver for a patient, and

(1) at the time of the manufacture, delivery, possession, possession with intent to manufacture or deliver, use, or display, the patient was registered under [AS 17.37](#);

(2) the manufacture, delivery, possession, possession with intent to manufacture, deliver, use, or display complied with the requirements of [AS 17.37](#); and

(3) if the defendant is the

(A) primary caregiver of the patient, the defendant was in physical possession of the caregiver registry identification card at the time of the manufacture, delivery, possession, possession with intent to manufacture or deliver, use, or display; or

(B) alternate caregiver of the patient, the defendant was in physical possession of the caregiver registry identification card at the time of the manufacture, delivery, possession, possession with intent to manufacture or deliver, use, or display.

(b) In this section,

(1) “alternate caregiver” has the meaning given in [AS 17.37.070](#);

(2) “patient” has the meaning given in [AS 17.37.070](#);

(3) “primary caregiver” has the meaning given in [AS 17.37.070](#).

Article 2. Standards and Schedules.

Sec. 11.71.100. Controlled Substances Advisory Committee.

(a) The Controlled Substances Advisory Committee is established in the Department of Law. The committee consists of

- (1) the attorney general or the attorney general's designee;
  - (2) the commissioner of family and community services or the commissioner's designee;
  - (3) the commissioner of public safety or the commissioner's designee;
  - (4) the president of the Board of Pharmacy or the designee of the president who shall also be a member of the Board of Pharmacy;
  - (5) a peace officer appointed by the governor after consultation with the Alaska Association of Chiefs of Police;
  - (6) a physician appointed by the governor;
  - (7) a psychiatrist appointed by the governor; and
  - (8) two individuals appointed by the governor.
- (b) Members of the committee appointed under (a)(5) — (a)(8) of this section serve terms of four years. A member of the committee receives no salary but is entitled to per diem and travel expenses authorized by law for boards and commissions under [AS 39.20.180](#).
- (c) The president of the Board of Pharmacy or the president's designee is the chair of the committee.
- (d) The committee meets at the call of the chair of the committee.
- (e) The committee shall meet at least twice a year.
- (f) Five members of the committee constitute a quorum, except that a smaller number may adjourn a meeting in the absence of a quorum. A quorum being present, a majority vote of the total membership is required to take official action.

Sec. 11.71.110. Duties of committee.

The committee shall

- (1) advise the governor of the need to add, delete, or reschedule substances in the schedules in [AS 11.71.140](#) — 11.71.190;
- (2) recommend regulations for adoption by the Board of Pharmacy to prevent excessive prescription of controlled substances and the diversion of prescription drugs into illicit channels;
- (3) evaluate the effectiveness of programs in the state providing treatment and counseling for persons who abuse controlled substances;
- (4) recommend programs to the Alaska Court System to be instituted as alternatives to the prosecution or imprisonment of offenders who have no prior criminal record involving controlled substance offenses and who are charged with crimes involving controlled substances;
- (5) review and evaluate enforcement policies and practices of the Department of Public Safety and the Department of Law with regard to crimes involving controlled substances, and recommend modifications of those policies and practices consistent with the committee's

assessment of the probable danger of particular controlled substances;

(6) review budget requests and recommend amounts for appropriations to the governor and the legislature for departments and agencies responsible for

(A) enforcing criminal laws pertaining to controlled substances;

(B) providing treatment and counseling of persons who abuse controlled substances; and

(C) regulating the legitimate handling of controlled substances; and

(7) advise the attorney general of the need to schedule substances by emergency regulation.

Sec. 11.71.120. Authority to schedule controlled substances.

(a) If, after considering the factors set out in (c) of this section, the committee decides to recommend that a substance should be added to, deleted from, or rescheduled in a schedule of controlled substances under [AS 11.71.140](#) — 11.71.190, the governor shall introduce legislation in accordance with the recommendation of the committee.

(b) If a substance is added as a controlled substance under federal law, the governor shall introduce legislation in accordance with the federal law.

(c) In advising the governor of the need to add, delete, or reschedule a substance under [AS 11.71.110](#)(1), the committee shall assess the danger or probable danger of the substance after considering the following:

(1) the actual or probable abuse of the substance including

(A) the history and current pattern of abuse both in this state and in other states;

(B) the scope, duration, and significance of abuse;

(C) the degree of actual or probable detriment which may result from abuse of the substance;

(D) the probable physical and social impact of widespread abuse of the substance;

(2) the biomedical hazard of the substance including

(A) its pharmacology, in the effects and modifiers of the effects of the substance;

(B) its toxicology, the acute and chronic toxicity, interaction with other substances, whether controlled or not, and the degree to which it may cause psychological or physiological dependence;

(C) the risk to public health and the particular susceptibility of segments of the population;

(3) whether the substance is an immediate precursor of a substance already controlled under this chapter;

(4) the current state of scientific knowledge regarding the substance, including whether there is any acceptable means to safely use the substance under medical supervision;

(5) the relationship between the use of the substance and other criminal activity, including

(A) whether persons engaged in illicit trafficking of the substance are also engaged in other

criminal activity;

(B) whether the nature and relative profitability of manufacturing or delivering the substance encourages illicit trafficking in the substance;

(C) whether the commission of other crimes is one of the effects of abuse of the substance;

(D) whether addiction to the substance relates to the commission of crimes to support the continued use of the substance.

(d) [Repealed, § 40 ch 6 SLA 1984.]

(e) The committee has no authority over tobacco or alcoholic beverages as defined in [AS 04.21.080](#).

Sec. 11.71.125. Emergency substance scheduling.

(a) The attorney general may, by regulation, schedule a substance under this chapter regardless of whether the substance is substantially similar to a controlled substance listed in [AS 11.71.140](#) — 11.71.180, if the attorney general finds that scheduling the substance on an emergency basis is necessary to avoid an immediate hazard to public safety.

(b) In determining whether to schedule a substance on an emergency basis, or repeal an emergency regulation that scheduled a substance, the attorney general shall

(1) assess the degree of danger or probable danger of the substance by considering the

(A) actual or probable abuse of the substance including the

(i) history and current pattern of abuse;

(ii) scope, duration, and significance of abuse of the substance; and

(iii) degree of actual or possible detriment that may result from abuse of the substance;

and

(B) risk to public health;

(2) consider whether the substance has been scheduled on a temporary basis under federal law and may consider clandestine importation, manufacture, or distribution of the substance;

(3) consult with the Controlled Substances Advisory Committee established under [AS 11.71.100](#); and

(4) consult with the chief medical officer in the Department of Health.

(c) The attorney general may schedule a substance by emergency regulation under this section only if the substance is currently listed on a federal controlled substance schedule.

(d) The attorney general shall clearly indicate in an emergency regulation that schedules a substance the appropriate schedule under this chapter that applies to the substance.

(e) The attorney general shall post a notice on the Alaska Online Public Notice System ([AS 44.62.175](#)) 60 days before the effective date of an emergency regulation that schedules a substance. The notice must include

(1) a summary of the attorney general's findings under (b) of this section; and

(2) the finding required for an emergency regulation under [AS 44.62.250\(b\)](#).

(f) The attorney general may not adopt an emergency regulation under this section that schedules an alcoholic beverage as defined in [AS 04.21.080](#), marijuana as defined in [AS 17.38.900](#), or tobacco.

(g) An emergency regulation adopted under this section is subject to the requirements in [AS 44.62.260\(c\)](#).

Sec. 11.71.140. Schedule IA.

(a) A substance shall be placed in schedule IA if it is found under [AS 11.71.120\(c\)](#) to have the highest degree of danger or probable danger to a person or the public.

(b) Schedule IA includes, unless specifically excepted or listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, nalmefene, naloxone, and naltrexone, and their respective salts, but including the following:

- (A) raw opium;
- (B) opium extracts;
- (C) opium fluid extracts;
- (D) powdered opium;
- (E) granulated opium;
- (F) tincture of opium;
- (G) codeine;
- (H) ethylmorphine;
- (I) etorphine hydrochloride;
- (J) hydrocodone;
- (K) hydromorphone;
- (L) metopon;
- (M) morphine;
- (N) oxycodone;
- (O) oxymorphone;

(P) thebaine;

(2) any salt, compound, derivative, or preparation of a substance included in (b)(1) of this section which is chemically equivalent or identical to any of the substances referred to in (b)(1) of this section; however, these substances do not include the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) concentrate of poppy straw which is the crude extract of poppy straw in either liquid, solid, or powder form which contains the phennanthrine alkaloids of the opium poppy.

(5) [Repealed, § 4 ch 57 SLA 2012.]

(c) Schedule IA includes, unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrophan excepted:

(1) acetylmethadol;

(2) allylprodine;

(3) alphacetylmethadol;

(4) alphameprodine;

(5) alphamethadol;

(6) alphaprodine;

(7) anileridine;

(8) benzethidine;

(9) betacetylmethadol;

(10) betameprodine;

(11) betamethadol;

(12) betaprodine;

(13) bezitramide;

(14) clonitazene;

(15) dextromoramide;

(16) diampromide;

(17) diethylthiambutene;

(18) difenoxin;

(19) dihydrocodeine;

- (20) dimenoxadol;
- (21) dimepheptanol;
- (22) dimethylthiambutene;
- (23) dioxaphetyl butyrate;
- (24) diphenoxylate;
- (25) dipipanone;
- (26) ethylmethythiamutene;
- (27) etonitazene;
- (28) etoxeridine;
- (29) fentanyl;
- (30) furethidine;
- (31) hydroxypethidine;
- (32) isomethadone;
- (33) ketobemidone;
- (34) levomethorphan;
- (35) levomoramide;
- (36) levorphanol;
- (37) levophenacylmorphan;
- (38) meperidine, also known as pethidine;
- (39) metazocine;
- (40) methadone;
- (41) methadone-intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
- (42) moramide-intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;
- (43) morpheridine;
- (44) noracymethadol;
- (45) norlevorphanol;
- (46) normethadone;

- (47) norpipanone;
- (48) pethidine, also known as meperidine;
- (49) pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- (50) pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-carbox-ylate;
- (51) pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- (52) phenadoxone;
- (53) phenampromide;
- (54) phenazocine;
- (55) phenomorphan;
- (56) phenoperidine;
- (57) piminodine;
- (58) piritramide;
- (59) propheptazine;
- (60) properidine;
- (61) propiram;
- (62) racemethorphan;
- (63) racemoramide;
- (64) racemorphan;
- (65) trimeperidine;
- (66) alfentanil;
- (67) alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)-ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4(N-propanilido) piperidine);
- (68) bulk dextropropoxyphene (non-dosage form);
- (69) carfentanil;
- (70) sufentanil;
- (71) tilidine;
- (72) para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] propanamide);
- (73) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);

(74) acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenetnyl)-4-piperidiny]-N-phenylacetamide);

(75) alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl) ethyl-4-piperidiny]-N-phenylpropanamide);

(76) beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidiny]-N-phenylpropanamide);

(77) beta-hydroxy-3-methylfentanyl (N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidiny]-N-phenylpropanamide);

(78) 3-methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidiny]-N-phenylpropanamide);

(79) thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidiny]-propanamide);

(80) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);

(81) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine) ;

(82) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide, also known as U-47700.

(d) Schedule IA includes, unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, their salts, isomers, and salts of isomers whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) acetorphine;

(2) acetyldihydrocodeine;

(3) benzylmorphine;

(4) codeine methylbromide;

(5) codeine-n-oxide;

(6) cyprenorphine;

(7) desomorphine;

(8) dihydromorphine;

(9) drotebanol;

(10) etorphine, except hydrochloride salt;

(11) heroin;

(12) hydromorphenol;

(13) methyldesorphine;

- (14) methyldihydromorphine;
- (15) morphine methylbromide;
- (16) morphine methylsulfonate;
- (17) morphine-n-oxide;
- (18) myrophine;
- (19) nicocodeine;
- (20) nicomorphine;
- (21) normorphine;
- (22) pholcodine;
- (23) thebacon.

(e) Schedule IA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, or which contains any of its salts, isomers, whether optical, position, or geometric, or salts of isomers whenever the existence of those salts, isomers, or salts of isomers is possible within the specific chemical designation:

(1) gamma-hydroxybutyric acid (GHB) (some other names include gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

(2) when intended or used for human consumption:

(A) gamma butyrolactone (GBL);

(B) 1,4 butanediol (BD);

(C) gamma hydroxyvalerate (GHV);

(D) gamma-valerolactone 4-pentanolide (GVL).

Sec. 11.71.150. Schedule IIA.

(a) A substance shall be placed in schedule IIA if it is found under [AS 11.71.120\(c\)](#) to have a degree of danger or probable danger to a person or the public which is less than substances listed in schedule IA, but higher than substances listed in schedule IIIA.

(b) Schedule IIA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, whether optical, position, or geometric, or salts of isomers whenever the existence of these salts, isomers, or salts of isomers is possible within the specific chemical designation:

(1) 4-bromo-2, 5-dimethoxy-amphetamine, also known as 4-bromo-2, 5-dimethoxy-a-methylphenethylamine and 4-bromo-2, DMA;

(2) 2,5-dimethoxyamphetamine, also known as 2,5-dimethoxy-a-methylphenethylamine and

2,5-DMA;

(3) 4-methoxyamphetamine, also known as 4-methoxy- $\alpha$ -methylphenethylamine and paramethoxyamphetamine, PMA;

(4) 5-methoxy-3,4-methylenedioxy-amphetamine;

(5) 4-methyl-2,5-dimethoxy-amphetamine, also known as 4-methyl-2,5-dimethoxy- $\alpha$ -methylphenethylamine;

(6) 3,4-methylenedioxy amphetamine;

(7) 3,4,5-trimethoxy amphetamine;

(8) bufotenine, also known as 3-( $N,N$ -dimethylaminoethyl)-5-hydroxyindole, 3-(2-dimethylaminoethyl)-5-indolol,  $N,N$ -dimethylserotonin; 5-hydroxy- $N,N$ -dimethyltryptamine, and mappine;

(9) diethyltryptamine, also known as  $N,N$ -diethyltryptamine and DET;

(10) dimethyltryptamine, also known as DMT;

(11) ibogaine, also known as 7-ethyl-6, 6B, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido [1',2': 1, 2] azepino [5, 4-b] indole and tabernanthe iboga;

(12) lysergic acid diethylamide, also known as LSD;

(13) mescaline;

(14)  $n$ -ethyl-3-piperidyl benzilate;

(15)  $n$ -methyl-3-piperidyl benzilate;

(16) peyote;

(17) analogs of phencyclidine (PCP), including:

(A) ethylamine analog, also known by some trade or other names as follows:  $N$ -ethyl-1-phenylcyclohexylamine (1-phenylcyclohexyl)-ethylamine,  $N$ -(1-phenylcyclohexyl)ethylamine, cyclohexamine, PCE;

(B) pyrrolidine analog, also known by some trade or other names as follows: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPY, PHP;

(C) thiophene analog, also known as 1-[1-(2-thienyl) cyclohexyl]piperidine and 2-thienyl analog of phencyclidine, TPCP, and TCP;

(D) 1-[1-(2-thienyl)-cyclohexyl]-pyrrolidine, also known as TCPy;

(18) psilocybin;

(19) psilocyn;

(20) 3,4-methylenedioxymethamphetamine (MDMA).

(c) Schedule IIA includes cocaine or coca leaves, and any salt, compound, derivative, mixture, isomer, ester, ether, or preparation of cocaine or coca leaves produced directly or indirectly by extraction from coca leaves, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, including the isomers, salts, and salts of isomers of cocaine and other derivatives of coca leaves whenever the existence of these esters, ethers, isomers or salts is possible, but does not include decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(d) Schedule IIA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) amobarbital;
- (2) mandrix or mandrax;
- (3) mecloqualone;
- (4) methaqualone;
- (5) pentobarbital;
- (6) phencyclidine, also known as PCP;
- (7) secobarbital.

(e) Schedule IIA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the nervous system:

- (1) amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (2) methamphetamine, its salts, isomers, and salts of its isomers;
- (3) methylphenidate;
- (4) phenmetrazine and its salts;
- (5) fenethylamine;
- (6) N-ethylamphetamine;
- (7) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, and MDEA;
- (8) N-hydroxy-3,4-methylenedioxyamphetamine, also known as N-hydroxy-alpha-methyl-3,4-(methylenedioxy)phenethylamine, and N-hydroxy MDA;
- (9) 4-methylaminorex, also known as 2-amino-4-methyl-5-phenyl-2-oxazoline;
- (10) N,N-dimethylamphetamine, also known as N,N,alpha-trimethylbenzencethaneamine or N,N,alpha-trimethylphenethylamine, its salts, optical isomers, and salts of optical isomers;
- (11) cathinone;

(12) 2-methylamino-1-phenylpropan-1-one, also known as methcathinone and cat, its salts, optical isomers, and salts of isomers;

(13) 4-methylmethcathinone, also known as mephedrone, its salts, isomers, and salts of isomers;

(14) 3,4-methylenedioxypropylamphetamine, also known as MDPV, its salts, isomers, and salts of isomers;

(15) substituted cathinones, including any compound, except bupropion or a compound listed in another schedule, structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways:

(A) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;

(B) by substitution at the 3-position with an alkyl substituent;

(C) by substitution at the nitrogen atom with alkyl or dialkyl groups or by inclusion of the nitrogen atom in a cyclic structure.

(f) Schedule IIA includes, unless specifically excepted or unless listed in another schedule, any material, mixture, or preparation which contains any quantity of the following substances:

(1) immediate precursor to amphetamine and methamphetamine: phenylacetone also known as phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone;

(2) immediate precursors to phencyclidine, also known as PCP:

(A) 1-phencyclohexylamine;

(B) 1-piperidinocyclohexanecarbonitrile, also known as PCC.

Sec. 11.71.160. Schedule IIIA.

(a) A substance shall be placed in schedule IIIA if it is found under [AS 11.71.120\(c\)](#) to have a degree of danger or probable danger to a person or the public less than the substances listed in schedule IIA but higher than substances listed in schedule IVA.

(b) Schedule IIIA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers whether optical, position, or geometric, and salts of these isomers whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) benzphetamine;

(2) chlorphentermine;

(3) clortermine;

(4) [Repealed, § 12 ch 76 SLA 1990.]

(5) phendimetrazine;

(6) any compound, mixture, or preparation in dosage unit form containing any stimulant substance listed in schedule IIA, which compound, mixture, or preparation was listed on August 25, 1971, as an excepted compound under 21 C.F.R. § 1308.32, and any other drug of the quantitative composition shown in that list for those substances, or which is the same except that it contains a lesser quantity of any controlled substance.

(c) Schedule IIIA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) amobarbital, secobarbital, or pentobarbital or any salt of these substances, combined with one or more other active medicinal ingredients which are not listed in any other schedule;

(2) amobarbital, secobarbital, or pentobarbital or any salt of these substances, approved by the federal Food and Drug Administration for marketing only as a suppository;

(3) any substance which contains any quantity of a derivative of barbituric acid or any salt of barbituric acid;

(4) chlorhexadol;

(5) glutethimide;

(6) lysergic acid;

(7) lysergic acid amide;

(8) methyprylon;

(9) sulfondiethylmethane;

(10) sulfonethylmethane;

(11) sulfonmethane;

(12) tiletamine and zolazepam, or any of their salts.

(d) Schedule IIIA includes nalorphine.

(e) Schedule IIIA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in the following quantities:

(1) not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(4) not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(5) not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(6) not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(7) not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(8) not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(f) Schedule IIIA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances or that contains any of its salts, isomers, whether optical, position, or geometric, or salts of isomers whenever the existence of those salts, isomers, or salts of isomers is possible within the specific chemical designation:

(1) hashish;

(2) hash oil or hashish oil;

(3) tetrahydrocannabinols;

(4) parahexyl;

(5) dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product;

(6) nabilone;

(7) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10, 10a-tetrahydrobenzo[c]chromen-1-ol, also known as HU-210;

(8) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10, 10a-tetrahydrobenzo[c]chromen-1-ol, also known as Dexanabinol or HU-211;

(9) 1-pentyl-3-(1-naphthoyl)indole, also known as JWH-018;

(10) 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073;

(11) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone, also known as JWH-015;

(12) 1-pentyl-3-(4-chloro-1-naphthoyl)indole, also known as JWH-398;

(13) 1-pentyl-3-(2-methoxyphenylacetyl)indole, also known as JWH-250;

(14) 1-hexyl-3-(1-naphthoyl)indole, also known as JWH-019;

(15) 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole, also known as JWH-200;

(16) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, also known as CP 47, 497, and its dimethyloctyl (C8) homologue; in this paragraph, “homologue” means a chemical compound in a series in which each compound differs by one or more alkyl functional groups on an alkyl side chain.

Sec. 11.71.170. Schedule IVA.

(a) A substance shall be placed in schedule IVA if it is found under [AS 11.71.120\(c\)](#) to have a degree of danger or probable danger to a person or the public which is less than the substances listed in schedule IIIA, but higher than the substances listed in schedule VA.

(b) Schedule IVA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including their salts, isomers and salts of isomers whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) barbital;
- (2) chloral betaine;
- (3) chloral hydrate;
- (4) chlordiazepoxide;
- (5) clonazepam;
- (6) clorazepate;
- (7) diazepam;
- (8) ethchlorvynol;
- (9) ethinamate;
- (10) flurazepam;
- (11) lorazepam;
- (12) mebutamate;
- (13) meprobamate;
- (14) methohexital;
- (15) methylphenobarbital, also known as mephobarbital;
- (16) oxazepam;
- (17) paraldehyde;
- (18) petrichloral;
- (19) phenobarbital;

- (20) prazepam;
- (21) alprazolam;
- (22) halazepam;
- (23) temazepam;
- (24) triazolam;
- (25) midazolam;
- (26) quazepam;
- (27) flunitrazepam;
- (28) ketamine hydrochloride.

(c) Schedule IVA includes any material, compound, mixture or preparation which contains any quantity of the following substance, including its salts, isomers whether optical, position, or geometric, and salts of these isomers, whenever the existence of these salts, isomers, and salts of isomers is possible: fenfluramine.

(d) Schedule IVA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers whether optical, position, or geometric, and salts of these isomers whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) diethylpropion;
- (2) phentermine;
- (3) pemoline, including organometallic complexes and chelates of this substance;
- (4) mazindol;
- (5) pipradol;
- (6) SPA ((-)-1-dimethylamino-1,2-diphenylethane);
- (7) cathine;
- (8) fencamfamin;
- (9) fenproporex;
- (10) mefenorex.

(e) Schedule IVA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit, or their salts calculated as the free anhydrous base or alkaloid.

(f) Schedule IVA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including their salts:

(1) dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane);

(2) pentazocine;

(3) propoxyphene.

(g) Schedule IVA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substance or its salts calculated as the free anhydrous base or alkaloid: 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers, and salts of these isomers, including tramadol.

Sec. 11.71.180. Schedule VA.

(a) A substance shall be placed in schedule VA if it is found under [AS 11.71.120\(c\)](#) to have a degree of danger or probable danger to a person or the public which is less than substances listed in schedule IVA, but higher than substances listed in schedule VIA.

(b) Schedule VA includes any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs or their salts, calculated as the free anhydrous base or alkaloid, in limited quantities as specified in (1) — (6) of this subsection, which includes one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by schedule IA substances alone:

(1) not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;

(2) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;

(3) not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;

(4) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(5) not more than 100 milligrams of opium per 100 milliliters or per 100 grams;

(6) not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(c) [Repealed, § 1 ch 66 SLA 1987.]

(d) Schedule VA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation that contains any quantity of the narcotic drug buprenorphine and its salts.

(e) Schedule VA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) propylhexedrine, except when contained in a Bazedrex inhaler;

(2) pyrovalerone.

(f) Schedule VA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including their salts, esters, isomers, and salts of esters and isomers if those salts, esters, or isomers promote muscle growth, whenever the existence of these salts, esters, and isomers is possible within the specific chemical designation: anabolic steroids. In this subsection, “anabolic steroids” means any drug or hormonal substance that is chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) and that promotes muscle growth; “anabolic steroids” does not include an anabolic steroid that is expressly intended for administration through implants to cattle or other nonhuman species and that has been approved by the United States Secretary of Health and Human Services for that administration, unless a person prescribes, dispenses, or distributes that type of anabolic steroid for human use; “anabolic steroids” includes the following:

- (1) boldenone;
- (2) chlorotestosterone (4-chlorotestosterone);
- (3) clostebol;
- (4) dehydrochlormethyltestosterone;
- (5) dihydrotestosterone (4-dihydrotestosterone);
- (6) drostanolone;
- (7) ethylestrenol;
- (8) fluoxymesterone;
- (9) formebulone (formebolone);
- (10) mesterolone;
- (11) methandienone;
- (12) methandranone;
- (13) methandriol;
- (14) methandrostenolone;
- (15) methenolone;
- (16) methyltestosterone;
- (17) mibolerone;
- (18) nandrolone;
- (19) norethandrolone;
- (20) oxandrolone;

- (21) oxymesterone;
- (22) oxymetholone;
- (23) stanolone;
- (24) stanozolol;
- (25) testolactone;
- (26) testosterone;
- (27) trenbolone.

Sec. 11.71.190. Schedule VIA.

(a) A substance shall be placed in schedule VIA if it is found under [AS 11.71.120\(c\)](#) to have the lowest degree of danger or probable danger to a person or the public.

(b) Marijuana is a schedule VIA controlled substance.

Sec. 11.71.195. Exempted drugs.

Except as otherwise provided in this chapter, a substance the manufacture, distribution, dispensing, or possession of which is explicitly exempt from criminal penalty under federal law is exempt from the application of this chapter and [AS 17.30](#). This exemption includes any substances that may, under 21 U.S.C. 301-392 (Food, Drug, and Cosmetic Act), be lawfully sold over the counter without a prescription. This exemption also includes those substances listed in 21 C.F.R. Sec. 1308.22 on April 1, 1980.

Sec. 11.71.200. Listed chemicals.

Listed chemicals are chemicals that are used in manufacturing a controlled substance in violation of this chapter. Listed chemicals include

- (1) anthranilic acid, its esters, and its salts;
- (2) benzaldehyde;
- (3) benzyl cyanide;
- (4) ephedrine, its salts, optical isomers, and salts of optical isomers;
- (5) ergonovine and its salts;
- (6) ergotamine and its salts;
- (7) N-acetylanthranilic acid, its esters, and its salts;
- (8) nitroethane;

- (9) norpseudoephedrine, its salts, optical isomers, and salts of optical isomers;
- (10) phenylacetic acid, its esters, and its salts;
- (11) phenylpropanolamine, its salts, optical isomers, and salts of optical isomers;
- (12) piperidine and its salts;
- (13) pseudoephedrine, its salts, optical isomers, and salts of optical isomers;
- (14) 3,4-methylenedioxyphenyl-2-propanone;
- (15) any salt, optical isomer, or salt of an optical isomer of the following chemicals:
- (A) ethylamine;
  - (B) hydriodic acid;
  - (C) isosafrole;
  - (D) methylamine;
  - (E) N-methylephedrine;
  - (F) N-methylpseudoephedrine;
  - (G) piperonal;
  - (H) propionic anhydride;
  - (I) safrole;
- (16) acetic anhydride;
- (17) acetone;
- (18) anhydrous ammonia;
- (19) benzyl chloride;
- (20) ethyl ether;
- (21) hydriotic acid;
- (22) hydrochloric gas;
- (23) hydrophosphoric acid;
- (24) iodine and crystal iodine;
- (25) lithium metal;
- (26) potassium permanganate;

- (27) red phosphorous;
- (28) toluene;
- (29) 2-butanone (or methyl ethyl ketone).

Sec. 11.71.210. Purchase or receipt of restricted amounts of certain listed chemicals.

(a) A person commits the crime of purchase or receipt of restricted amounts of certain listed chemicals if the person purchases or receives more than nine grams of the following listed chemical, its salts, isomers, or salts of isomers within any 30-day period:

- (1) ephedrine under [AS 11.71.200\(4\)](#);
- (2) pseudoephedrine under [AS 11.71.200\(13\)](#);
- (3) phenylpropanolamine under [AS 11.71.200\(11\)](#).

(b) This section does not apply to a person who lawfully purchases or receives

- (1) more than nine grams of a listed chemical identified in (a) of this section
  - (A) that was dispensed to the person under a valid prescription; or

(B) in the ordinary course of a legitimate business, or to an employee of a legitimate business, as a

- (i) retailer or as a wholesaler;
- (ii) wholesale drug distributor licensed by the Board of Pharmacy;
- (iii) manufacturer of drug products licensed by the Board of Pharmacy;
- (iv) pharmacist licensed by the Board of Pharmacy; or
- (v) health care professional licensed by the state; or

(2) more than nine but less than 24 grams of a listed chemical identified in (a) of this section in the ordinary course of a legitimate business or nonprofit organization, or as an employee of a legitimate business or nonprofit organization, operating a camp, lodge, school, day care center, treatment center, or other organized group activity, and the location or nature of the activity, or the age of the participants, makes it impractical for the participants in the activity to obtain medicinal products.

(c) Purchase or receipt of restricted amounts of certain listed chemicals is a class C felony.

Article 3. Miscellaneous Provisions.

Sec. 11.71.300. Penalties under other laws.

A penalty imposed for violation of this chapter is in addition to, and not in place of, any other civil or administrative penalty or sanction otherwise authorized by law.

Sec. 11.71.305. Rehabilitation.

A person convicted of violating a provision of this chapter may, when the violation relates to that person's own personal use of a controlled substance, be committed to the custody of the Department of Corrections for rehabilitative treatment for not to exceed one year. Such treatment may be imposed in place of a fine or imprisonment, but only where the imprisonment would not have exceeded one year.

Sec. 11.71.310. Bar to prosecution. [Repealed, § 40 ch 75 SLA 2008.]

Sec. 11.71.311. Restriction on prosecution for certain persons in connection with a drug overdose.

(a) A person may not be prosecuted for a violation of [AS 11.71.040](#)(a)(3), (4), or (12), 11.71.050(a)(4) or (5), or 11.71.060(a)(1) or (2) if that person

(1) sought, in good faith, medical or law enforcement assistance for another person who the person reasonably believed was experiencing a drug overdose and

(A) the evidence supporting the prosecution for an offense under [AS 11.71.040](#)(a)(3), (4), or (12), 11.71.050(a)(4) or (5), or 11.71.060(a)(1) or (2) was obtained or discovered as a result of the person seeking medical or law enforcement assistance;

(B) the person remained at the scene with the other person until medical or law enforcement assistance arrived; and

(C) the person cooperated with medical or law enforcement personnel, including by providing identification;

(2) was experiencing a drug overdose and sought medical assistance, and the evidence supporting a prosecution for an offense under [AS 11.71.040](#)(a)(3), (4), or (12), 11.71.050(a)(4) or (5), or 11.71.060(a)(1) or (2) was obtained as a result of the overdose and the need for medical assistance.

(b) In this section, “drug overdose” means a controlled-substance-induced physiological event that results in a life-threatening emergency to the person who ingested, inhaled, injected, or otherwise introduced the controlled substance into the body.

Sec. 11.71.320. Excluded defenses.

(a) In a prosecution for the possession of a schedule IA, IIA, IIIA, IVA, or VA controlled substance under this chapter, it is not a defense that the substance was possessed in less than a usable quantity. It is sufficient to support a conviction that there is a sufficient quantity of the substance to permit proper identification.

(b) In a prosecution for an offense involving a controlled substance under this chapter, it is not a defense that the substance is misclassified under a subsection within a schedule.

Sec. 11.71.330. Liability of public servants.

No liability is imposed by this chapter upon a public servant acting within the scope and authority of the public servant's employment.

Sec. 11.71.340. Offenses defined by amounts.

Whenever a provision of this chapter defining an offense requires a determination of an amount, it is not a defense to the lowest class of offense established by the evidence that the amount in question was equal to or larger than the amount which would make the offense a higher class of offense, and a person may be charged and convicted accordingly.

Sec. 11.71.350. Burden of proof.

It is not necessary for the state to negate an exemption or exception provided for in this chapter in a complaint, information, indictment, or other pleading or at a trial, hearing, or other proceeding under this chapter or [AS 17.30](#). The defendant has the burden of proving by a preponderance of the evidence any exemption or exception claimed by the defendant.

Sec. 11.71.360. Unprivileged communications.

Information communicated to a physician or other licensed practitioner in an effort to unlawfully procure a controlled substance or to unlawfully procure the administration of a controlled substance is not a privileged communication.

Article 4. Definitions.

Sec. 11.71.900. Definitions.

In this chapter, unless the context clearly requires otherwise,

(1) “administer” means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means into the body of a patient or research subject by

(A) a practitioner or, in the practitioner's presence, by the practitioner's authorized agent; or

(B) the patient or research subject at the direction and in the presence of a practitioner;

(2) “agent” means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser, but does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman;

(3) “cannabidiol oil” means the viscous liquid concentrate of cannabidiol extracted from the plant (genus) *Cannabis* containing not more than 0.3 percent delta-9-tetrahydrocannabinol;

(4) “committee” means the Controlled Substances Advisory Committee established in [AS 11.71.100](#);

(5) “controlled substance” means a drug, substance, or immediate precursor included in the schedules set out in [AS 11.71.140](#) — 11.71.190 or included in those schedules by an emergency regulation adopted under [AS 11.71.125](#);

(6) “counterfeit substance” means a controlled substance which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number, or device of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed, or dispensed the substance and which falsely purports or is represented to be the product of, or to have been distributed by, the other manufacturer, distributor, or dispenser;

(7) “deliver” or “delivery” means the actual, constructive, or attempted transfer from one person to another of a controlled substance whether or not there is an agency relationship;

(8) “dispense” means to deliver a controlled substance to an ultimate user or research subject by or under the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery; “dispenser” means

a practitioner who dispenses;

(9) “distribute” means to deliver other than by administering or dispensing a controlled substance, whether or not there is any money or other item of value exchanged; it includes sale, gift, or exchange; “distributor” means a person who distributes;

(10) “drug”

(A) means

(i) a substance recognized as a drug in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to these publications;

(ii) a substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;

(iii) a substance, other than food, intended to affect the structure or any function of the body of humans or animals; and

(iv) a substance intended for use as a component of any article specified in (i), (ii), or (iii) of this subparagraph;

(B) does not include a device or its components, parts, or accessories;

(11) “hashish” means the dried, compressed, resinous product of the plant (genus) Cannabis;

(12) “hashish oil” means the viscous liquid concentrate of tetrahydrocannabinols extracted from the plant (genus) Cannabis, but does not include cannabidiol oil;

(13) “immediate precursor” means a substance which is by statute or regulation designated as the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture of that controlled substance;

(14) “manufacture”

(A) means the production, preparation, propagation, compounding, conversion, growing, or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis; however, the growing of marijuana for personal use is not manufacturing;

(B) includes the preparation, compounding, packaging, repackaging, labeling, or relabeling of a controlled substance or its container unless done in conformity with applicable federal law

(i) by a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(ii) by a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale;

(15) “marijuana” means the seeds, and leaves, buds, and flowers of the plant (genus) Cannabis, whether growing or not; it does not include the resin or oil extracted from any part of the plants, or any compound, manufacture, salt, derivative, mixture, or preparation from the resin or oil, including hashish, hashish oil, and natural or synthetic tetrahydrocannabinol; it does not

include the stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination; it does not include industrial hemp as defined in [AS 03.05.100](#);

(16) “opiate” means

(A) a substance having an addiction-forming or addiction-sustaining capability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining capability; and

(B) includes its racemic and levorotatory forms; but

(C) does not include the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan);

(17) “opium poppy” means the plant of any species of *Papaver* containing the phenanthrine alkaloids of opium, except its seeds;

(18) “peyote” means any part of the plant classified botanically as *Lophophora Williamsii* Lemaire, whether growing or not, the seeds of the plant, any extract from any part of the plant, and a compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or extracts, including mescaline;

(19) “poppy straw” means all parts, except the seeds, of the opium poppy, after mowing;

(20) “practitioner” means

(A) a physician, dentist, advanced practice registered nurse, optometrist, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer or use in teaching or chemical analysis a controlled substance in the course of professional practice or research in the state;

(B) a pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in the state;

(21) “recreation or youth center” means a building, structure, athletic playing field, or playground

(A) run or created by a municipality or the state to provide athletic, recreational, or leisure activities for minors; or

(B) operated by a public or private organization licensed to provide shelter, training, or guidance for minors;

(22) “sale” means to sell, barter, exchange, give, or dispose of to another, or an exchange for a thing of value;

(23) “schedule IA controlled substance” means a controlled substance included in the schedule in [AS 11.71.140](#);

(24) “schedule IIA controlled substance” means a controlled substance included in the schedule in [AS 11.71.150](#);

(25) “schedule IIIA controlled substance” means a controlled substance included in the schedule in [AS 11.71.160](#);

(26) “schedule IVA controlled substance” means a controlled substance included in the schedule in [AS 11.71.170](#);

(27) “schedule VA controlled substance” means a controlled substance included in the schedule in [AS 11.71.180](#);

(28) “schedule VIA controlled substance” means a controlled substance included in the schedule in [AS 11.71.190](#);

(29) “school bus” means a motor vehicle operated by a school district or private school, directly or by contract, to transport students;

(30) “school grounds” means a building, structure, athletic playing field, playground, parking area, or land contained within the real property boundary line of a public or private preschool, elementary, or secondary school;

(31) “substance” means a drug, controlled substance, or immediate precursor included in the schedules set out in [AS 11.71.140](#) — 11.71.190 or in an emergency regulation adopted under [AS 11.71.125](#), [AS 44.62.250](#), and 44.62.260;

(32) “ultimate user” means a person who lawfully possesses a controlled substance for the person's own use or for the use of a member of the person's household or for administering to an animal owned by the person or by a member of the person's household.

#### **Chapter 73. Imitation Controlled Substances.**

Sec. 11.73.010. Manufacture or delivery of an imitation controlled substance.

(a) Except as provided in [AS 11.73.050](#), a person may not manufacture, deliver, or possess with intent to deliver, an imitation controlled substance.

(b) Except as provided in [AS 11.73.030](#), a person who violates this section commits a class C felony.

Sec. 11.73.020. Possession of substance with intent to manufacture.

(a) Except as provided in [AS 11.73.050](#), a person may not possess the following substances or their salts with the intent to manufacture an imitation controlled substance:

- (1) ephedrine;
- (2) ephedrine sulfate;
- (3) pseudoephedrine;
- (4) pseudoephedrine hydrochloride;
- (5) phenylpropanolamine;

- (6) caffeine;
- (7) theophylline;
- (8) lidocaine;
- (9) procaine;
- (10) tetracaine;
- (11) dyclonine;
- (12) acetaminophen;
- (13) salicylamide;
- (14) doxylamine;
- (15) diphenhydramine;
- (16) pheniramine;
- (17) chlorpheniramine; or
- (18) pyrilamine.

(b) A person who violates this section commits a class C felony.

Sec. 11.73.030. Delivery of an imitation controlled substance to a minor.

(a) Except as provided in [AS 11.73.050](#), a person 19 years of age or older may not deliver an imitation controlled substance to a person under 19 years of age, who is at least three years younger than the person delivering the substance.

(b) A person who violates this section commits a class B felony.

Sec. 11.73.040. Advertisement to promote the delivery of an imitation controlled substance.

(a) Except as provided in [AS 11.73.050](#), a person may not knowingly place in a newspaper, magazine, handbill, or other publication, or post or distribute in a public place, an advertisement or solicitation knowing that the purpose of the advertisement or solicitation is to promote the delivery of an imitation controlled substance in the state.

(b) A person who violates this section commits a class C felony.

Sec. 11.73.050. Imitation controlled substance as placebo.

No civil or criminal liability may be imposed under this chapter on a person who manufactures,

delivers, possesses, or advertises or solicits to promote delivery of an imitation controlled substance solely for use as a placebo prescribed by a registered practitioner, as defined in [AS 11.71.900](#), in the course of professional practice or research.

Sec. 11.73.060. Forfeitures.

(a) Property used during or in aid of a violation of this chapter may be forfeited to the state to the extent permitted under and in accordance with the provisions of [AS 17.30.110](#) — 17.30.126.

(b) For purposes of this section the terms “controlled substance” and “this chapter”, as used in [AS 17.30.110](#) — 17.30.126, shall be construed as “imitation controlled substance” and “[AS 11.73](#)” respectively.

Sec. 11.73.099. Definitions.

In this chapter,

(1) “controlled substance” means a substance as defined in [AS 11.71.900\(5\)](#);

(2) “deliver” or “delivery” means the actual, constructive, or attempted transfer from one person to another of an imitation controlled substance, whether or not there is an agency relationship;

(3) “imitation controlled substance” means a substance containing ephedrine, ephedrine sulfate, pseudoephedrine, pseudoephedrine hydrochloride, phenylpropanolamine, caffeine, theophylline, lidocaine, procaine, tetracaine, dyclonine, acetaminophen, salicylamide, doxylamine, diphenhydramine, pheniramine, chlorpheniramine, or pyrilamine, or their salts, that is not a controlled substance, and that by dosage unit appearance (including color, shape, size, and markings) and by representations would lead a reasonable person to believe that the substance is a controlled substance; the term “representations”, as used in this paragraph, includes

(A) statements made by an owner or by anyone else in control of the substance concerning the nature of the substance, or its use or effect;

(B) statements made to the recipient that the substance may be resold for inordinate profit;

(C) whether the substance is packaged in a manner normally used for controlled substances;

(D) evasive tactics or actions used by the owner or person in control of the substance to avoid detection by law enforcement authorities;

(E) the storage, packaging, presentation, display of, or reference to a controlled substance with, near, or in connection with the activity involving the imitation controlled substance;

(4) “manufacture” means the production, preparation, compounding, processing, encapsulating, packaging or repackaging, labeling or relabeling, of an imitation controlled substance.

**Chapter 75. General Provisions.**

[Repealed, § 21 ch 166 SLA 1978. For present provisions on classification of offenses, see [AS 11.81.250](#); for definitions, see [AS 11.81.900](#); for sentencing, see [AS 12.55](#).]

**Chapter 76. Miscellaneous Offenses.**

Sec. 11.76.100. Selling or giving tobacco to a minor.

(a) A person commits the offense of selling or giving tobacco to a minor if the person

(1) negligently sells a cigarette, a cigar, tobacco, or a product containing tobacco to a person under 19 years of age;

(2) is 19 years of age or older and negligently exchanges or gives a cigarette, a cigar, tobacco, or a product containing tobacco to a person under 19 years of age;

(3) maintains a vending machine that dispenses cigarettes, cigars, tobacco, or products containing tobacco; or

(4) holds a business license endorsement under [AS 43.70.075](#) and allows a person under 19 years of age to sell a cigarette, a cigar, tobacco, or a product containing tobacco.

(b) Notwithstanding the provisions of (a) of this section, a person who maintains a vending machine is not in violation of (a)(3) of this section if the vending machine is located

(1) on premises licensed as a beverage dispensary under [AS 04.09.200](#) or 04.09.350, licensed as a club under [AS 04.09.220](#), or licensed as a package store under [AS 04.09.230](#) and

(A) as far as practicable from the primary entrance; and

(B) in a place that is directly and continually supervised by a person employed on the licensed premises during the hours the vending machine is accessible to the public; or

(2) in an employee break room or other controlled area of a private work place that is not generally considered a public place and the room or area contains a posted warning sign at least 11 inches by 14 inches indicating that possession of tobacco by a person under 19 years of age is prohibited under [AS 11.76.105](#).

(c) In this section, a person maintains a vending machine if the person owns the machine or owns or controls a facility in which the machine is located.

(d) The court shall forward a record of each person convicted under this section who holds a business license endorsement under [AS 43.70.075](#), or who is an employee or agent of a person who holds a license endorsement under [AS 43.70.075](#) to the Department of Commerce, Community, and Economic Development.

(e) The provisions of (a) of this section do not apply to a person who sells or gives tobacco to a minor, if the minor is a prisoner at an adult correctional facility.

(f) A person who violates (a) of this section is guilty of a violation and upon conviction is punishable by a fine of not less than \$300.

Sec. 11.76.105. Possession of tobacco, electronic smoking products, or products containing nicotine by a minor.

(a) A person under 19 years of age may not knowingly possess a cigarette, a cigar, tobacco, a product containing tobacco, an electronic smoking product, or a product containing nicotine in this state. This subsection does not apply to a person who is a prisoner at an adult correctional facility.

(b) In a prosecution under (a) of this section for possession of an electronic smoking product or a product containing nicotine, it is an affirmative defense that the electronic smoking product or product containing nicotine possessed by the person under 19 years of age was intended or expected to be consumed without being combusted, and the electronic smoking product or product containing nicotine

(1) has been approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes;

(2) was being marketed and sold for the approved purposes; and

(3) was

(A) prescribed by a health care professional;

(B) given to the person by the person's parent or guardian;

(C) provided by a state-approved tobacco cessation program administered by the Department of Health; or

(D) provided by a pharmacist to a person 18 years of age or older without a prescription.

(c) Possession of tobacco, an electronic smoking product, or a product containing nicotine by a minor is a violation.

Sec. 11.76.106. Selling tobacco, electronic smoking products, or products containing nicotine outside controlled access.

(a) Except as provided under (b) of this section, a person may not sell cigarettes, cigars, tobacco, products containing tobacco, electronic smoking products, or products containing nicotine unless the sale occurs in a manner that allows only the sales clerk to control access to the cigarettes, cigars, tobacco, products containing tobacco, electronic smoking products, or products containing nicotine.

(b) Subsection (a) does not apply if the sale

(1) is by vending machine as provided under [AS 11.76.100](#)(b) or 11.76.109(d);

(2) is a wholesale transaction, the person is licensed as a manufacturer or distributor under [AS 43.50.010](#), and the sale occurs on premises where no retail transactions occur;

(3) is by a retailer who sells primarily cigarettes, cigars, tobacco, products containing tobacco, electronic smoking products, or products containing nicotine and who restricts access to the premises to only those individuals who are 19 years of age or older; or

(4) is of electronic smoking products over the Internet to a person 19 years of age or older.

(c) A person who violates this section is guilty of a violation and upon conviction is subject to a fine of not less than \$300.

Sec. 11.76.107. Failure to supervise vending machine.

(a) A person commits the offense of failure to supervise a vending machine if the person owns premises licensed as a beverage dispensary under [AS 04.09.200](#) or 04.09.350, licensed as a club under [AS 04.09.220](#), or licensed as a package store under [AS 04.09.230](#) and with criminal negligence fails to have an employee supervise a vending machine on those premises that dispenses cigarettes, cigars, tobacco, products containing tobacco, electronic smoking products, or products containing nicotine as required by [AS 11.76.100\(b\)\(1\)\(B\)](#) and 11.76.109(d)(1)(B).

(b) In this section, “supervise” means reasonably monitor the use of.

(c) Failure to supervise a vending machine is a violation and upon conviction is punishable by a fine of not less than \$300.

Sec. 11.76.109. Selling or giving product containing nicotine to a minor.

(a) A person commits the offense of selling or giving an electronic smoking product or a product containing nicotine to a minor if the person

(1) negligently sells an electronic smoking product or a product containing nicotine to a person under 19 years of age;

(2) is 19 years of age or older and negligently exchanges or gives an electronic smoking product or a product containing nicotine to a person under 19 years of age;

(3) maintains a vending machine that dispenses electronic smoking products or products containing nicotine; or

(4) holds a business license endorsement under [AS 43.70.075](#) and allows a person under 19 years of age to sell an electronic smoking product or a product containing nicotine.

(b) The provisions of (a) of this section do not apply to the sale, exchange, or gift to a person under 19 years of age of an electronic smoking product or a product containing nicotine that is intended or expected to be consumed without being combusted if the electronic smoking product or product containing nicotine

(1) has been approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes;

(2) is being marketed and sold solely for the approved purposes; and

(3) is

(A) prescribed by a health care professional;

(B) given to a person by the person's parent or legal guardian;

(C) provided by a state-approved tobacco cessation program administered by the Department of Health; or

(D) provided by a pharmacist to a person 18 years of age or older without a prescription.

(c) An employer is legally accountable as provided in [AS 11.16.110](#) for the conduct of an

employee who violates (a) of this section if the employer negligently fails to advise the employee regarding the conduct prohibited in (a) of this section.

(d) Notwithstanding (a)(3) of this section, a person who maintains a vending machine is not in violation of (a)(3) of this section if the vending machine is located

(1) on premises licensed as a beverage dispensary under [AS 04.09.200](#) or 04.09.350, licensed as a club under [AS 04.09.220](#), or licensed as a package store under [AS 04.09.230](#), and is located

(A) as far as practicable from the primary entrance; and

(B) in a place that is directly and continually supervised by a person employed on the licensed premises during the hours the vending machine is accessible to the public; or

(2) in an employee break room or other controlled area of a private work place that is not generally considered a public place and the room or area contains a posted warning sign at least 11 inches by 8.5 inches indicating that possession of electronic smoking products or products containing nicotine by a person under 19 years of age without a prescription is prohibited under this section.

(e) The court shall forward a record of each person convicted under this section who holds a business license endorsement under [AS 43.70.075](#), or who is an employee or agent of a person who holds a business license endorsement under [AS 43.70.075](#), to the Department of Commerce, Community, and Economic Development.

(f) In this section, “product containing nicotine” does not include a cigarette, a cigar, tobacco, or a product containing tobacco.

(g) Selling or giving an electronic smoking product or a product containing nicotine to a minor is a violation and, upon conviction, is punishable by a fine of not less than \$300.

#### Sec. 11.76.110. Interference with constitutional rights.

(a) A person commits the crime of interference with constitutional rights if

(1) the person injures, oppresses, threatens, or intimidates another person with intent to deprive that person of a right, privilege, or immunity in fact granted by the constitution or laws of this state;

(2) the person intentionally injures, oppresses, threatens, or intimidates another person because that person has exercised or enjoyed a right, privilege, or immunity in fact granted by the constitution or laws of this state; or

(3) under color of law, ordinance, or regulation of this state or a municipality or other political subdivision of this state, the person intentionally deprives another of a right, privilege, or immunity in fact granted by the constitution or laws of this state.

(b) In a prosecution under this section, whether the injury, oppression, threat, intimidation, or deprivation concerns a right, privilege, or immunity granted by the constitution or laws of this state is a question of law.

(c) Interference with constitutional rights is a class A misdemeanor.

Sec. 11.76.113. Misconduct involving confidential information in the first degree.

(a) A person commits the crime of misconduct involving confidential information in the first degree if the person

(1) violates [AS 11.76.115](#) and obtains the confidential information with the intent to

(A) use the confidential information to commit a crime; or

(B) obtain a benefit to which the person is not entitled, to injure another person, or to deprive another person of a benefit; or

(2) publishes or distributes an audio or video recording of an interview of a child for a criminal or child protection investigation, or records of a medical examination of a victim or minor conducted for the purpose of the investigation of an offense under [AS 11.41.410](#) — 11.41.440, 11.41.450, or a child protection investigation, including photographs taken during the examination.

(b) Conviction under this section does not limit a person's ability to obtain civil relief from another person.

(c) The provisions of (a)(2) of this section do not apply to

(1) a person who publishes or distributes a recording, record, or image as permitted or directed under

(A) a court order;

(B) a rule of court; or

(C) a federal or state law requiring the publication or distribution;

(2) the use of a recording, record, or image for training by law enforcement officials, prosecutors, or defense counsel, if the identity of the minor or victim is concealed; or

(3) a recording, record, or image that is released with the consent of

(A) an adult victim or a minor victim for whom the disabilities of minority have been removed for general purposes under [AS 09.55.590](#); or

(B) a minor's parent or guardian unless the parent or guardian is the perpetrator of the abuse or offense about which the recording, record, or image was gathered.

(d) Misconduct involving confidential information in the first degree is a class A misdemeanor.

Sec. 11.76.115. Misconduct involving confidential information in the second degree.

(a) A person commits the crime of misconduct involving confidential information in the second degree if the person, without legal authority or the consent of another person, knowingly obtains confidential information about the other person.

(b) Conviction under this section does not limit a person's ability to obtain civil relief from another person.

(c) In this section, “confidential information” includes

(1) information that has been classified confidential by law;

(2) information encoded on an access device, identification card issued under [AS 18.65.310](#) or [AS 33.30.105](#), or driver's license.

(d) Misconduct involving confidential information in the second degree is a class B misdemeanor.

Sec. 11.76.120. Opening or publishing contents of sealed letters.

A person who wilfully opens or reads, or has opened and read, a sealed letter not addressed to the person, without authority to do so by the writer or by the person to whom it is addressed, or who wilfully, without the same authority, publishes a letter or portion of it, knowing it to have been opened without the authority of the writer or addressee, upon conviction, is punishable by imprisonment in jail not less than one month nor more than one year, or by a fine of not less than \$50 nor more than \$500. This section does not extend to or include an act made punishable by a law of the federal government.

Sec. 11.76.130. Interference with rights of physically or mentally challenged person.

(a) A person commits the crime of interference with the rights of a physically or mentally challenged person if the person intentionally prevents or restricts

(1) a physically or mentally challenged person from having full and free pedestrian use of a street, highway, sidewalk, walkway, or other thoroughfare to the same extent that any other person has a right to pedestrian use; or

(2) a physically or mentally challenged person from being accompanied or assisted by a certified service animal, without an extra charge for the service animal, in a common carrier, place of public accommodation, or other place to which the general public is invited except as provided in (b) of this section.

(b) A physically or mentally challenged person who is accompanied or assisted by a certified service animal in a common carrier, place of public accommodation, or other place to which the general public is invited is liable for property damage done by the animal.

(c) In this section,

(1) "certified service animal" means an animal trained to assist a physically or mentally challenged person and certified by a school or training facility for service animals as having completed such training;

(2) "physically or mentally challenged" means physically or mentally disabled, as defined in [AS 18.80.300](#).

(d) Interference with the rights of a physically or mentally challenged person is a class B misdemeanor.

Sec. 11.76.133. Interference with the training of a service animal.

(a) A person commits the offense of interference with the training of a service animal if the person intentionally prevents or restricts a person who is authorized to train a service animal from being accompanied by an animal that is identified as being in training to be a service animal, or assesses an extra charge because of the animal, in a public facility, except as provided in (b) and

(c) of this section.

(b) A trainer who is accompanied by an animal in training to be a service animal in a public facility is liable for property damage done by the animal.

(c) It is an affirmative defense to a prosecution under this section that

(1) the person accompanied by the animal in training to be a service animal did not, when requested by the defendant, give reasonable evidence of being a person authorized to train service animals; or

(2) the defendant prevented entry into the facility or caused the trainer and the animal to leave or be removed from the facility based on unruly or disruptive conduct of the animal that created

(A) a substantial risk of imminent physical injury to a person other than the trainer; or

(B) an atmosphere that made regular activities by other persons in the facility substantially more difficult than usual.

(d) In this section,

(1) “authorized” means employed by, or serving as a volunteer with, a school, agency, or other facility that trains service animals;

(2) “identified as being in training” means wearing a device or exhibiting an insignia approved by a school, agency, or other facility that trains service animals that identifies the animal as being in training to be a service animal;

(3) “in training to be a service animal” means being in the pre-training or training period as required under a program administered through a school, agency, or other training facility for service animals whose goal is to certify the animal as being able to assist physically or mentally challenged persons;

(4) “public facility” means a capital improvement owned, operated, or occupied by, or a mode of transportation owned or operated by, the state, a public corporation of the state, the University of Alaska, a political subdivision of the state, or a regional educational attendance area.

(e) Interference with the training of a service animal is a violation.

Sec. 11.76.140. Avoidance of ignition interlock device.

(a) A person commits the crime of avoidance of ignition interlock device if the person knowingly

(1) circumvents or tampers with an ignition interlock device in a manner intended to allow a person on probation under [AS 12.55.102](#), with a condition of sentence under [AS 12.55.102](#) or another section, or who has an ignition interlock limited license to avoid using the device;

(2) rents a motor vehicle to a person and with criminal negligence disregards the fact that the person is on probation under [AS 12.55.102](#), has a condition of sentence under [AS 12.55.102](#) or another section, or has an ignition interlock limited license, unless the vehicle is equipped with an ignition interlock device described in [AS 12.55.102](#); or

(3) loans a motor vehicle to a person and knowingly disregards the fact that the person is on probation under [AS 12.55.102](#), has a condition of sentence under [AS 12.55.102](#) or another section, or has an ignition interlock limited license, unless the vehicle is equipped with an ignition interlock device described in [AS 12.55.102](#).

(b) Avoidance of ignition interlock device

(1) under (a)(1) of this section is a class A misdemeanor;

(2) under (a)(2) or (3) of this section is a class B misdemeanor and is punishable by a term of imprisonment of not more than 30 days and a fine of not more than \$500.

Sec. 11.76.150. Sale of products containing dextromethorphan.

(a) A seller, retailer, or vendor may not sell a product containing dextromethorphan to another person unless

(1) the seller, retailer, or vendor checks a government-issued photo identification and determines the person is 18 years of age or older;

(2) from the person's outward appearance, the seller, retailer, or vendor would reasonably presume the person to be 25 years of age or older; or

(3) the person is under 18 years of age and has a prescription for the product issued by a licensed practitioner.

(b) A seller, retailer, or vendor or an employee of a seller, retailer, or vendor who knowingly or wilfully violates this section is guilty of a violation and is punishable by a fine of

(1) \$150 for the first violation; and

(2) \$250 for the second and each subsequent violation.

#### **Chapter 81. General Provisions.**

Article 1. General Purposes.

Sec. 11.81.100. General purposes.

The general purposes of this title are to

(1) proscribe conduct that unjustifiably and inexcusably causes or threatens substantial harm to individual or public interests;

(2) give fair warning of the nature of the conduct constituting an offense;

(3) define the act or omission and accompanying culpable mental state that constitute each offense and limit the condemnation of conduct as criminal when it is without fault; and

(4) differentiate on reasonable grounds between serious and minor offenses.

Article 2. Applicability of Criminal Statutes.

Sec. 11.81.200. Effect of amendment or repeal of criminal statutes.

When all or part of a criminal statute is amended or repealed, the criminal statute or part of it so amended or repealed remains in force for the purpose of authorizing the accusation, prosecution,

conviction, and punishment of a person who violated the statute or part of it before the effective date of the amending or repealing Act, unless otherwise specified in the amending or repealing Act.

Sec. 11.81.210. Limitation on applicability.

This title does not bar, suspend, or otherwise affect any right to or liability for damages, penalty, forfeiture, or other remedy authorized by law to be recovered or enforced in a civil action, regardless of whether the conduct involved in the proceeding constitutes an offense defined in this title.

Sec. 11.81.220. All offenses defined by statute.

No conduct constitutes an offense unless it is made an offense

(1) by this title;

(2) by a statute outside this title; or

(3) by a regulation authorized by and lawfully adopted under a statute.

Article 3. Classification of Offenses.

Sec. 11.81.250. Classification of offenses.

(a) For purposes of sentencing under [AS 12.55](#), all offenses defined in this title, except murder in the first and second degree, attempted murder in the first degree, solicitation to commit murder in the first degree, conspiracy to commit murder in the first degree, murder of an unborn child, sexual assault in the first degree, sexual abuse of a minor in the first degree, misconduct involving a controlled substance in the first degree, sex trafficking in the first degree under [AS 11.66.110\(a\)\(2\)](#), and kidnapping, are classified on the basis of their seriousness, according to the type of injury characteristically caused or risked by commission of the offense and the culpability of the offender. Except for murder in the first and second degree, attempted murder in the first degree, solicitation to commit murder in the first degree, conspiracy to commit murder in the first degree, murder of an unborn child, sexual assault in the first degree, sexual abuse of a minor in the first degree, misconduct involving a controlled substance in the first degree, sex trafficking in the first degree under [AS 11.66.110\(a\)\(2\)](#), and kidnapping, the offenses in this title are classified into the following categories:

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

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

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

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

(5) class B misdemeanors, which characteristically involve a minor risk of physical injury to a person, minor offenses against property interests, minor offenses against public administration or

order, or minor offenses against public health and decency;

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

(b) The classification of each felony defined in this title, except murder in the first and second degree, attempted murder in the first degree, solicitation to commit murder in the first degree, conspiracy to commit murder in the first degree, murder of an unborn child, sexual assault in the first degree, sexual abuse of a minor in the first degree, misconduct involving a controlled substance in the first degree, sex trafficking in the first degree under [AS 11.66.110\(a\)\(2\)](#), and kidnapping, is designated in the section defining it. A felony under the law of this state defined outside this title for which no penalty is specifically provided is a class C felony.

(c) The classification of each misdemeanor defined in this title is designated in the section defining it. A misdemeanor under Alaska law defined outside this title for which no penalty is provided is a class A misdemeanor.

#### Article 4. General Principles of Justification.

##### Sec. 11.81.300. Justification: Defense.

Except as otherwise specified in this title, justification as provided in [AS 11.81.320](#) — 11.81.430 is a defense.

##### Sec. 11.81.320. Justification: Necessity.

(a) Conduct which would otherwise be an offense is justified by reason of necessity to the extent permitted by common law when

(1) neither this title nor any other statute defining the offense provides exemptions or defenses dealing with the justification of necessity in the specific situation involved; and

(2) a legislative intent to exclude the justification of necessity does not otherwise plainly appear.

(b) The justification specified in (a) of this section is an affirmative defense.

##### Sec. 11.81.330. Justification: Use of nondeadly force in defense of self.

(a) A person is justified in using nondeadly force upon another when and to the extent the person reasonably believes it is necessary for self-defense against what the person reasonably believes to be the use of unlawful force by the other person, unless

(1) the person used the force in mutual combat not authorized by law;

(2) the person claiming self-defense provoked the other's conduct with intent to cause physical injury to the other;

(3) the person claiming self-defense was the initial aggressor; or

(4) the force used was the result of using a deadly weapon or dangerous instrument the person claiming self-defense possessed while

(A) acting alone or with others to further a felony criminal objective of the person or one or

more other persons;

(B) a participant in a felony transaction or purported transaction or in immediate flight from a felony transaction or purported transaction in violation of [AS 11.71](#); or

(C) acting alone or with others in revenge for, retaliation for, or response to actual or perceived conduct by a rival or perceived rival, or a member or perceived member of a rival group, if the person using deadly force, or the group on whose behalf the person is acting, has a history or reputation for violence among civilians.

(b) A person who is not justified in using force in self-defense in the circumstances listed in (a) (1) — (3) of this section is justified in using force in self-defense if that person has withdrawn from the encounter and effectively communicated the withdrawal to the other person, but the other person persists in continuing the incident by the use of unlawful force.

Sec. 11.81.335. Justification: Use of deadly force in defense of self.

(a) Except as provided in (b) of this section, a person who is justified in using nondeadly force in self-defense under [AS 11.81.330](#) may use deadly force in self-defense upon another person when and to the extent the person reasonably believes the use of deadly force is necessary for self-defense against

(1) death;

(2) serious physical injury;

(3) kidnapping, except for what is described as custodial interference in the first degree in [AS 11.41.320](#);

(4) sexual assault in the first degree;

(5) sexual assault in the second degree;

(6) sexual abuse of a minor in the first degree; or

(7) robbery in any degree.

(b) A person may not use deadly force under this section if the person knows that, with complete personal safety and with complete safety as to others being defended, the person can avoid the necessity of using deadly force by leaving the area of the encounter, except there is no duty to leave the area if the person is

(1) on premises

(A) that the person owns or leases;

(B) where the person resides, temporarily or permanently; or

(C) as a guest or express or implied agent of the owner, lessor, or resident;

(2) a peace officer acting within the scope and authority of the officer's employment or a person assisting a peace officer under [AS 11.81.380](#);

(3) in a building where the person works in the ordinary course of the person's employment;

(4) protecting a child or a member of the person's household; or

(5) in any other place where the person has a right to be.

Sec. 11.81.340. Justification: Use of force in defense of a third person.

A person is justified in using force upon another when and to the extent the person reasonably believes it is necessary to defend a third person when, under the circumstances as the person claiming defense of another reasonably believes them to be, the third person would be justified under [AS 11.81.330](#) or 11.81.335 in using that degree of force for self-defense.

Sec. 11.81.350. Justification: Use of force in defense of property and premises.

(a) A person may use nondeadly force upon another when and to the extent the person reasonably believes it is necessary to terminate what the person reasonably believes to be the commission or attempted commission by the other of an unlawful taking or damaging of property or services.

(b) A person may use deadly force upon another when and to the extent the person reasonably believes it necessary to terminate what the person reasonably believes to be the commission or attempted commission of arson upon a dwelling or occupied building.

(c) A person in possession or control of any premises, or a guest or an express or implied agent of that person, may use

(1) nondeadly force upon another when and to the extent the person reasonably believes it is necessary to terminate what the person reasonably believes to be the commission or attempted commission by the other of criminal trespass in any degree upon the premises;

(2) deadly force upon another when and to the extent the person reasonably believes it is necessary to terminate what the person reasonably believes to be a burglary in any degree occurring in an occupied dwelling or building.

(d) [Repealed, § 7 ch 68 SLA 2006.]

(e) A person

(1) in a vehicle, or forcibly removed from a vehicle, may use deadly force upon another when and to the extent the person reasonably believes it is necessary to terminate what the person reasonably believes to be a carjacking of that vehicle at or about the time the vehicle is carjacked;

(2) outside of a vehicle may use deadly force upon another when and to the extent the person reasonably believes it is necessary to terminate what the person reasonably believes to be the theft of that vehicle when another person, other than the perceived offender, is inside of the vehicle; this paragraph does not apply to a person outside of a vehicle who is involved in a dispute with a person inside of the vehicle who is a household member of that person; in this paragraph, "household member" has the meaning given in [AS 18.66.990](#).

(f) A person justified in using force under this section does not have a duty to leave or attempt to leave the area of the encounter before using force.

(g) In (e) of this section,

(1) "carjacking" means a robbery involving the taking or attempted taking of a vehicle from a person in possession of the vehicle;

(2) "vehicle" means a "motor vehicle" as defined in [AS 28.90.990](#), an aircraft, or a watercraft.

Sec. 11.81.370. Justification: Use of force by a peace officer in making an arrest or terminating an escape.

(a) In addition to using force justified under other sections of this chapter, a peace officer may use nondeadly force and may threaten to use deadly force when and to the extent the officer reasonably believes it necessary to make an arrest, to terminate an escape or attempted escape from custody, or to make a lawful stop. The officer may use deadly force only when and to the extent the officer reasonably believes the use of deadly force is necessary to make the arrest or terminate the escape or attempted escape from custody of a person the officer reasonably believes

(1) has committed or attempted to commit a felony which involved the use of force against a person;

(2) has escaped or is attempting to escape from custody while in possession of a firearm on or about the person; or

(3) may otherwise endanger life or inflict serious physical injury unless arrested without delay.

(b) The use of force in making an arrest or stop is not justified under this section unless the peace officer reasonably believes the arrest or stop is lawful.

(c) Nothing in this section prohibits or restricts a peace officer in preparing to use or threatening to use a dangerous instrument.

Sec. 11.81.380. Justification: Use of force by private person assisting an arrest or terminating an escape.

(a) Except as provided in (b) of this section, a person who has been directed by another who that person reasonably believes to be a peace officer to assist in making an arrest or terminating or preventing an escape may use nondeadly force when and to the extent the person reasonably believes it necessary to carry out the peace officer's direction. A person may use deadly force under this section only when the person reasonably believes it necessary to carry out the peace officer's direction to use deadly force.

(b) The use of force under (a) of this section is not justified if the person believes that the peace officer is not justified in using that degree of force under the circumstances.

Sec. 11.81.390. Use of force by a private person in making arrest or terminating an escape.

In addition to using force justified under other sections of this chapter, a person, acting as a private person, may use nondeadly force to make the arrest or terminate the escape or attempted escape from custody of a person who the private person reasonably believes has committed a misdemeanor in the private person's presence or a felony when and to the extent the private person reasonably believes it necessary to make that arrest or terminate that escape or attempted escape from custody. A private person may use deadly force under this section only when and to the extent the private person reasonably believes the use of deadly force is necessary to make the arrest or terminate the escape or attempted escape from custody of another who the private person reasonably believes

(1) has committed or attempted to commit a felony which involved the use of force against a person; or

(2) has escaped or is attempting to escape from custody while in possession of a firearm on or about the person.

Sec. 11.81.400. Justification: Use of force in resisting or interfering with arrest.

(a) A person may not use force to resist personal arrest or interfere with the arrest of another by a peace officer who is known by the person, or reasonably appears, to be a peace officer, whether the arrest is lawful or unlawful, unless

(1) the force used by the peace officer exceeds that allowed under [AS 11.81.370](#).

(2) [Repealed, § 1 ch 63 SLA 1982.]

(b) The use of force justified under this section in resisting arrest or interfering with the arrest of another may not exceed the use of force justified under [AS 11.81.330](#) or 11.81.335.

(c) [Repealed, § 1 ch 63 SLA 1982.]

(d) [Repealed, § 1 ch 63 SLA 1982.]

Sec. 11.81.410. Justification: Use of force by guards.

(a) In addition to using force justified under other sections of this chapter, a guard or peace officer employed in a correctional facility may, if authorized by regulations adopted by the Department of Corrections, use nondeadly force upon another person when and to the extent reasonably necessary and appropriate to maintain order.

(b) Except as provided in (c) of this section, a guard or peace officer employed in a correctional facility or a peace officer in the immediate vicinity of a correctional facility at the time of an escape from the facility may use deadly force when and to the extent the guard or peace officer reasonably believes it necessary to terminate the escape or attempted escape of a prisoner from the correctional facility.

(c) The use of deadly force under (b) of this section is not justified if the guard or peace officer knows that the prisoner was under official detention in the correctional facility on a charge of a misdemeanor and does not believe that the prisoner is armed with a firearm, in which event only nondeadly force may be used.

Sec. 11.81.420. Justification: Performance of public duty.

(a) Unless inconsistent with [AS 11.81.320](#) — 11.81.410, conduct which would otherwise constitute an offense is justified when it is required or authorized by law or by a judicial decree, judgment, or order.

(b) The justification afforded by this section also applies when

(1) the person reasonably believes the conduct to be required or authorized by a decree, judgment, or order of a court of competent jurisdiction or in the lawful execution of legal process, notwithstanding lack of jurisdiction of the court or defect in the legal process; or

(2) the person reasonably believes the conduct to be required or authorized to assist a peace officer in the performance of the officer's duties, notwithstanding that the officer exceeded the officer's authority.

Sec. 11.81.430. Justification: Use of force, special relationships.

(a) The use of force on another person that would otherwise constitute an offense is justified under any of the following circumstances:

(1) When and to the extent reasonably necessary and appropriate to promote the welfare of the child or incompetent person, a parent, guardian, or other person entrusted with the care and supervision of a child under 18 years of age or an incompetent person may use reasonable and appropriate nondeadly force on that child or incompetent person.

(2) When and to the extent reasonably necessary and appropriate to maintain order and when the use of force is consistent with the welfare of the students, a teacher may, if authorized by school regulations and the principal of the school, use reasonable and appropriate nondeadly force on a student. If authorized by school regulations and the principal of the school, a teacher may use nondeadly force under this paragraph in any situation in which the teacher is responsible for the supervision of students. A teacher employed by a school board, including a regional educational attendance area school board, may use nondeadly force under this paragraph only if the school regulations authorizing the use of force have been adopted by the school board.

(3) When and to the extent reasonably necessary and appropriate to maintain order, a person responsible for the maintenance of order in a common carrier of passengers, or a person acting under that person's direction, may use reasonable and appropriate nondeadly force.

(4) When and to the extent reasonably necessary to prevent a suicide, a person who reasonably believes that another is imminently about to commit suicide may use reasonable and appropriate nondeadly force on that person.

(5) A licensed physician, licensed mobile intensive care paramedic, or registered or advanced practice registered nurse; or a person acting under the direction of a licensed physician, licensed mobile intensive care paramedic, or registered or advanced practice registered nurse; or any person who renders emergency care at the scene of an emergency, may use reasonable and appropriate nondeadly force for the purpose of administering a recognized and lawful form of treatment that is reasonably adapted to promoting the physical or mental health of the patient if

(A) the treatment is administered with the consent of the patient or, if the patient is a child under 18 years of age or an incompetent person, with the consent of the parent, guardian, or other person entrusted with care and supervision of the child or incompetent person; or

(B) the treatment is administered in an emergency if the person administering the treatment reasonably believes that no one competent to consent can be consulted under the circumstances and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.

(b) A person who raises a defense under (a)(1) of this section and claims that the person upon whom force was used was an incompetent person has the burden of establishing by a preponderance of the evidence that, at the time force was used, the person upon whom the force was used was an incompetent person.

Sec. 11.81.440. Duress.

(a) In any prosecution for an offense, it is an affirmative defense that the defendant engaged in the proscribed conduct because the defendant was coerced to do so by the use of unlawful force upon the defendant or a third person, which force a reasonable person in the defendant's situation would have been unable to resist.

(b) The defense of duress is not available when one recklessly places oneself in a situation in which it is probable that one will be subject to duress.

Sec. 11.81.450. Entrapment.

In any prosecution for an offense, it is an affirmative defense that, in order to obtain evidence of the commission of an offense, a public law enforcement official or a person working in cooperation with the official induced the defendant to commit the offense by persuasion or inducement as would be effective to persuade an average person, other than one who is ready and willing, to commit the offense. Inducement or persuasion which would induce only a person engaged in an habitual course of unlawful conduct for gain or profit does not constitute entrapment.

Article 5. Prohibition on Prosecution.

Sec. 11.81.500. No prosecution for safe surrender of infant.

A parent may not be criminally prosecuted for surrendering a child of the parent if the child

- (1) is an infant who is less than 21 days of age;
- (2) is surrendered in the manner described in [AS 47.10.013\(c\)](#); and
- (3) is not the subject of a court order affecting custody of the child.

Article 6. General Principles of Criminal Liability.

Sec. 11.81.600. General requirements of culpability.

(a) The minimal requirement for criminal liability is the performance by a person of conduct that includes a voluntary act or the omission to perform an act that the person is capable of performing.

(b) A person is not guilty of an offense unless the person acts with a culpable mental state, except that no culpable mental state must be proved

- (1) if the description of the offense does not specify a culpable mental state and the offense is
  - (A) a violation; or
  - (B) designated as one of "strict liability"; or
- (2) if a legislative intent to dispense with the culpable mental state requirement is present.

Sec. 11.81.610. Construction of statutes with respect to culpability.

(a) [Repealed, § 44 ch 102 SLA 1980.]

(b) Except as provided in [AS 11.81.600](#)(b), if a provision of law defining an offense does not prescribe a culpable mental state, the culpable mental state that must be proved with respect to

(1) conduct is “knowingly”; and

(2) a circumstance or a result is “recklessly.”

(c) When a provision of law provides that criminal negligence suffices to establish an element of an offense, that element is also established if a person acts intentionally, knowingly, or recklessly. If acting recklessly suffices to establish an element, that element also is established if a person acts intentionally or knowingly. If acting knowingly suffices to establish an element, that element is also established if a person acts intentionally.

Sec. 11.81.615. Offenses defined by age or value.

Whenever a provision of law defining an offense requires a determination of the age of the victim or the value of property or services, it is not a defense to the lowest class of offense established by the evidence that the age of the victim is less than the age which would make the offense a higher class of offense or that the value of the property or services exceeds the value which would make the offense a higher class of offense, and a person may be charged and convicted accordingly.

Sec. 11.81.620. Effect of ignorance or mistake upon liability.

(a) Knowledge, recklessness, or criminal negligence as to whether conduct constitutes an offense, or knowledge, recklessness, or criminal negligence as to the existence, meaning, or application of the provision of law defining an offense, is not an element of an offense unless the provision of law clearly so provides. Use of the phrase “intent to commit a crime”, “intent to promote or facilitate the commission of a crime”, or like terminology in a provision of law does not require that the defendant act with a culpable mental state as to the criminality of the conduct that is the object of the defendant's intent.

(b) A person is not relieved of criminal liability for conduct because the person engages in the conduct under a mistaken belief of fact, unless

(1) the factual mistake is a reasonable one that negates the culpable mental state required for the commission of the offense;

(2) the provision of law defining the offense or a related provision of law expressly provides that the factual mistake constitutes a defense or exemption; or

(3) the factual mistake is a reasonable one that supports a defense of justification as provided in [AS 11.81.320](#) — 11.81.430.

Sec. 11.81.630. Intoxication as a defense.

Voluntary intoxication is not a defense to a prosecution for an offense, but evidence that the defendant was intoxicated may be offered whenever it is relevant to negate an element of the offense that requires that the defendant intentionally cause a result.

Sec. 11.81.640. Application of [AS 11.81.600](#) — 11.81.630.  
[AS 11.81.600](#) — 11.81.630 apply only to this title.

#### Article 7. Definitions.

##### Sec. 11.81.900. Definitions.

(a) For purposes of this title, unless the context requires otherwise,

(1) a person acts “intentionally” with respect to a result described by a provision of law defining an offense when the person's conscious objective is to cause that result; when intentionally causing a particular result is an element of an offense, that intent need not be the person's only objective;

(2) a person acts “knowingly” with respect to conduct or to a circumstance described by a provision of law defining an offense when the person is aware that the conduct is of that nature or that the circumstance exists; when knowledge of the existence of a particular fact is an element of an offense, that knowledge is established if a person is aware of a substantial probability of its existence, unless the person actually believes it does not exist; a person who is unaware of conduct or a circumstance of which the person would have been aware had that person not been intoxicated acts knowingly with respect to that conduct or circumstance;

(3) a person acts “recklessly” with respect to a result or to a circumstance described by a provision of law defining an offense when the person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists; the risk must be of such a nature and degree that disregard of it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation; a person who is unaware of a risk of which the person would have been aware had that person not been intoxicated acts recklessly with respect to that risk;

(4) a person acts with “criminal negligence” with respect to a result or to a circumstance described by a provision of law defining an offense when the person fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists; the risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.

(b) In this title, unless otherwise specified or unless the context requires otherwise,

(1) “access device” means a card, credit card, plate, code, account number, algorithm, or identification number, including a social security number, electronic serial number, or password, that is capable of being used, alone or in conjunction with another access device or identification document, to obtain property or services, or that can be used to initiate a transfer of property;

(2) “affirmative defense” means that

(A) some evidence must be admitted which places in issue the defense; and

(B) the defendant has the burden of establishing the defense by a preponderance of the evidence;

(3) “animal” means a vertebrate living creature not a human being, but does not include fish;

(4) “benefit” means a present or future gain or advantage to the beneficiary or to a third person pursuant to the desire or consent of the beneficiary;

(5) “building”, in addition to its usual meaning, includes any propelled vehicle or structure adapted for overnight accommodation of persons or for carrying on business; when a building consists of separate units, including apartment units, offices, or rented rooms, each unit is

considered a separate building;

(6) “cannabis” has the meaning ascribed to it in [AS 11.71.900](#)(11), (12), and (15);

(7) “commercial sexual act” means a sexual act for which anything of value is given or received by any person;

(8) “conduct” means an act or omission and its accompanying mental state;

(9) “controlled substance” has the meaning ascribed to it in [AS 11.71.900](#)(5);

(10) “correctional facility” means premises, or a portion of premises, used for the confinement of persons under official detention;

(11) “credit card” means any instrument or device, whether known as a credit card, credit plate, courtesy card, or identification card or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining property or services on credit;

(12) “crime” means an offense for which a sentence of imprisonment is authorized; a crime is either a felony or a misdemeanor;

(13) “crime involving domestic violence” has the meaning given in [AS 18.66.990](#);

(14) “criminal street gang” means a group of three or more persons

(A) who have in common a name or identifying sign, symbol, tattoo or other physical marking, style of dress, or use of hand signs; and

(B) who, individually, jointly, or in combination, have committed or attempted to commit, within the preceding three years, for the benefit of, at the direction of, or in association with the group, two or more offenses under any of, or any combination of, the following:

(i) [AS 11.41](#);

(ii) [AS 11.46](#); or

(iii) a felony offense;

(15) “culpable mental state” means “intentionally”, “knowingly”, “recklessly”, or with “criminal negligence”, as those terms are defined in (a) of this section;

(16) “dangerous instrument” means

(A) any deadly weapon or anything that, under the circumstances in which it is used, attempted to be used, or threatened to be used, is capable of causing death or serious physical injury; or

(B) hands, other body parts, or other objects when used to impede normal breathing or circulation of blood by applying pressure on the throat or neck or obstructing the nose or mouth;

(17) “deadly force” means force that the person uses with the intent of causing, or uses under circumstances that the person knows create a substantial risk of causing, death or serious physical injury; “deadly force” includes intentionally discharging or pointing a firearm in the direction of another person or in the direction in which another person is believed to be and intentionally placing another person in fear of imminent serious physical injury by means of a dangerous instrument;

(18) “deadly weapon” means any firearm, or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knuckles, or an explosive;

(19) “deception” means to knowingly

(A) create or confirm another's false impression that the defendant does not believe to be true, including false impressions as to law or value and false impressions as to intention or other state of mind;

(B) fail to correct another's false impression that the defendant previously has created or confirmed;

(C) prevent another from acquiring information pertinent to the disposition of the property or service involved;

(D) sell or otherwise transfer or encumber property and fail to disclose a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether or not that impediment is a matter of official record; or

(E) promise performance that the defendant does not intend to perform or knows will not be performed;

(20) “defense”, other than an affirmative defense, means that

(A) some evidence must be admitted which places in issue the defense; and

(B) the state then has the burden of disproving the existence of the defense beyond a reasonable doubt;

(21) “defensive weapon” means an electric stun gun, or a device to dispense mace or a similar chemical agent, that is not designed to cause death or serious physical injury;

(22) “drug” has the meaning ascribed to it in [AS 11.71.900](#);

(23) “dwelling” means a building that is designed for use or is used as a person's permanent or temporary home or place of lodging;

(24) “electronic smoking product”

(A) means

(i) any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person through inhalation of vapor or aerosol from the product, of any size or shape, whether the product is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, or any other product name or descriptor; or

(ii) a component, solution, alternative tobacco product, e-liquid, e-juice, vapor product, flavoring, or other related product of an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device of any size or shape used for, or to assist with, aerosolizing and inhaling chemical substances that may cause an adverse effect on human health;

(B) does not include marijuana as defined in [AS 11.71.900](#);

(25) “explosive” means a chemical compound, mixture, or device that is commonly used or intended for the purpose of producing a chemical reaction resulting in a substantially instantaneous release of gas and heat, including dynamite, blasting powder, nitroglycerin, blasting caps, and nitrojelly, but excluding consumer fireworks and display fireworks as designated in a regulation adopted under [AS 18.72.011\(a\)](#), black powder, smokeless powder, small arms

ammunition, and small arms ammunition primers;

(26) “felony” means a crime for which a sentence of imprisonment for a term of more than one year is authorized;

(27) “fiduciary” means a trustee, guardian, executor, administrator, receiver, or any other person carrying on functions of trust on behalf of another person or organization;

(28) “firearm” means a weapon, including a pistol, revolver, rifle, or shotgun, whether loaded or unloaded, operable or inoperable, designed for discharging a shot capable of causing death or serious physical injury;

(29) “force” means any bodily impact, restraint, or confinement or the threat of imminent bodily impact, restraint, or confinement, “force” includes deadly and nondeadly force;

(30) “government” means the United States, any state or any municipality or other political subdivision within the United States or its territories; any department, agency, or subdivision of any of the foregoing; an agency carrying out the functions of government; or any corporation or agency formed under interstate compact or international treaty;

(31) “gravity knife” means any knife that has a blade that opens or releases a blade from its handle or sheath by the force of gravity or by the application of centrifugal force; “gravity knife” does not include a knife that has a spring, detent, or other mechanism designed to create a bias toward closure that requires a person to apply exertion to the blade by hand, wrist, or arm to overcome the bias toward closure and open or release the blade;

(32) “highway” means a public road, road right-of-way, street, alley, bridge, walk, trail, tunnel, path, or similar or related facility, as well as ferries and similar or related facilities;

(33) “identification document” means a paper, instrument, or other article used to establish the identity of a person; “identification document” includes a social security card, driver's license, non-driver's identification, birth certificate, passport, employee identification, or hunting or fishing license;

(34) “includes” means “includes but is not limited to”;

(35) “incompetent person” means a person who is impaired by reason of mental illness or mental deficiency to the extent that the person lacks sufficient understanding or capacity to make or communicate responsible decisions concerning that person;

(36) “intoxicated” means intoxicated from the use of a drug or alcohol;

(37) “law” includes statutes and regulations;

(38) “leased” includes “rented”;

(39) “metal knuckles” means a device that consists of finger rings or guards made of a hard substance and designed, made, or adapted for inflicting serious physical injury or death by striking a person;

(40) “misdemeanor” means a crime for which a sentence of imprisonment for a term of more than one year may not be imposed;

(41) “nondeadly force” means force other than deadly force;

(42) “offense” means conduct for which a sentence of imprisonment or fine is authorized; an offense is either a crime or a violation;

(43) “official detention” means custody, arrest, surrender in lieu of arrest, or actual or constructive restraint under an order of a court in a criminal or juvenile proceeding, other than an order of conditional bail release;

(44) “official proceeding” means a proceeding heard before a legislative, judicial, administrative, or other governmental body or official authorized to hear evidence under oath;

(45) “omission” means a failure to perform an act for which a duty of performance is imposed by law;

(46) “organization” means a legal entity, including a corporation, company, association, firm, partnership, joint stock company, foundation, institution, government, society, union, club, church, or any other group of persons organized for any purpose;

(47) “peace officer” means a public servant vested by law with a duty to maintain public order or to make arrests, whether the duty extends to all offenses or is limited to a specific class of offenses or offenders;

(48) “person” means a natural person and, when appropriate, an organization, government, or governmental instrumentality;

(49) “physical injury” means a physical pain or an impairment of physical condition;

(50) “police dog” means a dog used in police work under the control of a peace officer;

(51) “possess” means having physical possession or the exercise of dominion or control over property;

(52) “premises” means real property and any building;

(53) “propelled vehicle” means a device upon which or by which a person or property is or may be transported, and which is self-propelled, including automobiles, vessels, airplanes, motorcycles, snow machines, all-terrain vehicles, sailboats, and construction equipment;

(54) “property” means an article, substance, or thing of value, including money, tangible and intangible personal property including data or information stored in a computer program, system, or network, real property, an access device, a domestic pet or livestock regardless of value, choses-in-action, and evidence of debt or of contract; a commodity of a public utility such as gas, electricity, steam, or water constitutes property, but the supplying of such a commodity to premises from an outside source by means of wires, pipes, conduits, or other equipment is considered a rendition of a service rather than a sale or delivery of property;

(55) “public place” means a place to which the public or a substantial group of persons has access and includes highways, transportation facilities, schools, places of amusement or business, parks, playgrounds, prisons, and hallways, lobbies, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence;

(56) “public record” means a document, paper, book, letter, drawing, map, plat, photo, photographic file, motion picture, film, microfilm, microphotograph, exhibit, magnetic or paper tape, punched card or other document of any other material, regardless of physical form or

characteristic, developed or received under law or in connection with the transaction of official business and preserved or appropriate for preservation by any agency, municipality, or any body subject to the open meeting provision of [AS 44.62.310](#), as evidence of the organization, function, policies, decisions, procedures, operations, or other activities of the state or municipality or because of the informational value in it; it also includes staff manuals and instructions to staff that affect the public;

(57) “public servant” means each of the following, whether compensated or not, but does not include jurors or witnesses:

(A) an officer or employee of the state, a municipality or other political subdivision of the state, or a governmental instrumentality of the state, including legislators, members of the judiciary, and peace officers;

(B) a person acting as an advisor, consultant, or assistant at the request of, the direction of, or under contract with the state, a municipality or other political subdivision of the state, or another governmental instrumentality; in this subparagraph “person” includes an employee of the person;

(C) a person who serves as a member of the board or commission created by statute or by legislative, judicial, or administrative action by the state, a municipality or other political subdivision of the state, or a governmental instrumentality;

(D) a person nominated, elected, appointed, employed, or designated to act in a capacity defined in (A) — (C) of this paragraph, but who does not occupy the position;

(58) a “renunciation” is not “voluntary and complete” if it is substantially motivated, in whole or in part, by

(A) a belief that circumstances exist which increase the probability of detection or apprehension of the defendant or another participant in the criminal enterprise, or which render more difficult the accomplishment of the criminal purpose; or

(B) a decision to postpone the criminal conduct until another time or to transfer the criminal effort to another victim or another but similar objective;

(59) “semen” means fluid produced in the male reproductive organs, which may include spermatozoa.

(60) “serious physical injury” means

(A) physical injury caused by an act performed under circumstances that create a substantial risk of death; or

(B) physical injury that causes serious and protracted disfigurement, protracted impairment of health, protracted loss or impairment of the function of a body member or organ, or that unlawfully terminates a pregnancy;

(61) “services” includes labor, professional services, transportation, telephone or other communications service, entertainment, including cable, subscription, or pay television or other telecommunications service, the supplying of food, lodging, or other accommodations in hotels, restaurants, or elsewhere, admission to exhibitions, the use of a computer, computer time, a computer system, a computer program, a computer network, or any part of a computer system or network, and the supplying of equipment for use;

(62) “sexual act” means sexual penetration or sexual contact;

(63) “sexual contact” means

(A) the defendant's

(i) knowingly touching, directly or through clothing, the victim's genitals, anus, or female breast;

(ii) knowingly causing the victim to touch, directly or through clothing, the defendant's or victim's genitals, anus, or female breast; or

(iii) knowingly causing the victim to come into contact with semen;

(B) but “sexual contact” does not include acts

(i) that may reasonably be construed to be normal caretaker responsibilities for a child, interactions with a child, or affection for a child;

(ii) performed for the purpose of administering a recognized and lawful form of treatment that is reasonably adapted to promoting the physical or mental health of the person being treated; or

(iii) that are a necessary part of a search of a person committed to the custody of the Department of Corrections or the Department of Family and Community Services;

(64) “sexual penetration”

(A) means genital intercourse, cunnilingus, fellatio, anal intercourse, or an intrusion, however slight, of an object or any part of a person's body into the genital or anal opening of another person's body; each party to any of the acts described in this subparagraph is considered to be engaged in sexual penetration;

(B) does not include acts

(i) performed for the purpose of administering a recognized and lawful form of treatment that is reasonably adapted to promoting the physical health of the person being treated; or

(ii) that are a necessary part of a search of a person committed to the custody of the Department of Corrections or the Department of Family and Community Services;

(65) “solicits” includes “commands”;

(66) “switchblade” means any knife that has a blade that folds, closes, or retracts into the handle or sheath that opens automatically by pressure applied to a button or other device located on the handle or sheath; “switchblade” does not include a knife that has a spring, detent, or other mechanism designed to create a bias toward closure that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure and open the blade;

(67) “threat” means a menace, however communicated, to engage in conduct described in [AS 11.41.520\(a\)\(1\)](#) — (7) but under [AS 11.41.520\(a\)\(1\)](#) includes all threats to inflict physical injury on anyone;

(68) “unborn child” means a member of the species *Homo sapiens*, at any stage of development, who is carried in the womb;

(69) “violation” is a noncriminal offense punishable only by a fine, but not by imprisonment or other penalty; conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime; a person charged with a violation is not entitled

(A) to a trial by jury; or

(B) to have a public defender or other counsel appointed at public expense to represent the person;

(70) “voluntary act” means a bodily movement performed consciously as a result of effort and determination, and includes the possession of property if the defendant was aware of the physical possession or control for a sufficient period to have been able to terminate it.