

HOUSE BILL NO. 68

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/8/23

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to sex trafficking; establishing the crime of patron of a victim of sex
2 trafficking; relating to the crime of human trafficking; relating to prostitution; relating
3 to sentencing for sex trafficking, patron of a victim of sex trafficking, and human
4 trafficking; establishing the process for vacating judgments for certain convictions of
5 prostitution and misconduct involving a controlled substance; relating to the Council on
6 Domestic Violence and Sexual Assault; relating to permanent fund dividends for certain
7 individuals whose convictions are vacated; and providing for an effective date."

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

9 * **Section 1.** AS 04.06.110 is amended to read:

10 **Sec. 04.06.110. Peace officer powers.** The director and the persons employed
11 for the administration and enforcement of this title may, with the concurrence of the
12 commissioner of public safety, exercise the powers of peace officers when those
13 powers are specifically granted by the board. Powers granted by the board under this

1 section may be exercised only when necessary for the enforcement of the criminally
 2 punishable provisions of this title, regulations of the board, and other criminally
 3 punishable laws and regulations, including investigation of violations of laws against
 4 prostitution and sex trafficking described in **AS 11.41.340 - 11.41.357 and**
 5 **AS 11.66.100** [AS 11.66.100 - 11.66.135] and laws against gambling, promoting
 6 gambling, and related offenses described in AS 11.66.200 - 11.66.280. Unless
 7 authorized by a search warrant described in AS 12.35, nothing in this section
 8 authorizes the use of metal keys, magnetic card keys, or identification cards to access
 9 private clubs.

10 * **Sec. 2.** AS 09.25.400 is amended to read:

11 **Sec. 09.25.400. Privilege relating to domestic violence, sex trafficking, and**
 12 **sexual assault counseling.** Confidential communications between a victim of
 13 domestic violence, sex trafficking, or sexual assault and a victim counselor are
 14 privileged under AS 18.66.200 - 18.66.250.

15 * **Sec. 3.** AS 11.31.120(h)(2) is amended to read:

16 (2) "serious felony offense" means an offense

17 (A) against the person under AS 11.41, punishable as an
 18 unclassified or class A felony;

19 (B) involving controlled substances under AS 11.71,
 20 punishable as an unclassified, class A, or class B felony;

21 (C) that is criminal mischief in the first degree under
 22 AS 11.46.475;

23 (D) that is terroristic threatening in the first degree under
 24 AS 11.56.807;

25 (E) that is human trafficking in the first degree under
 26 AS 11.41.360;

27 (F) that is sex trafficking in the first degree under **AS 11.41.340**
 28 [AS 11.66.110]; or

29 (G) that is arson in the first degree under AS 11.46.400 or arson
 30 in the second degree under AS 11.46.410.

31 * **Sec. 4.** AS 11.41 is amended by adding new sections to read:

1 **Sec. 11.41.340. Sex trafficking in the first degree.** (a) A person commits the
2 crime of sex trafficking in the first degree if the person

3 (1) as other than a patron of a victim of sex trafficking, induces or
4 causes another person to engage in a commercial sexual act through the use of force or
5 threat of force against any person;

6 (2) violates AS 11.41.345 and the person induced or caused to engage
7 in the commercial sexual act is

8 (A) under 20 years of age;

9 (B) in that person's legal custody; or

10 (3) manages, supervises, controls, or owns, either alone or in
11 association with others, a prostitution enterprise or a place of prostitution.

12 (b) In this section,

13 (1) "commercial sexual conduct" means genital or anal intercourse,
14 cunnilingus, fellatio, or masturbation of one person by another person for which
15 anything of value is given or received by any person; in this paragraph, "anything of
16 value" does not include compensation for reasonably apportioned shared expenses of a
17 residence;

18 (2) "place of prostitution" means any place where a person engages in
19 commercial sexual conduct in return for a fee and the person is not the manager,
20 supervisor, owner, or other person who controls the place;

21 (3) "prostitution enterprise" means an arrangement in which two or
22 more persons are organized to render sexual conduct in return for a fee.

23 (c) Sex trafficking in the first degree is an unclassified felony.

24 **Sec. 11.41.345. Sex trafficking in the second degree.** (a) A person commits
25 the crime of sex trafficking in the second degree if, as other than a patron of a victim
26 of sex trafficking and with the intent to promote sex trafficking, the person induces or
27 causes another person to engage in a commercial sexual act.

28 (b) Sex trafficking in the second degree is a class A felony.

29 **Sec. 11.41.350. Sex trafficking in the third degree.** (a) A person commits the
30 crime of sex trafficking in the third degree if, as other than a patron of a victim of sex
31 trafficking, the person provides services, resources, or other assistance in furtherance

1 of a violation of AS 11.41.340 or 11.41.345.

2 (b) Sex trafficking in the third degree is a

3 (1) class B felony if the value of the services, resources, or other
4 assistance provided is \$200 or more; or

5 (2) class C felony if the value of the services, resources, or other
6 assistance provided is less than \$200.

7 **Sec. 11.41.355. Patron of a victim of sex trafficking.** (a) A person commits
8 the crime of being a patron of a victim of sex trafficking if, under circumstances not
9 proscribed under AS 11.41.434 - 11.41.460, the person solicits a commercial sexual
10 act

11 (1) with reckless disregard that the person engaging in the sexual act is
12 a victim of sex trafficking; or

13 (2) from a person who is under 18 years of age.

14 (b) In a prosecution under (a)(2) of this section, it is an affirmative defense
15 that, at the time of the alleged offense, the defendant

16 (1) reasonably believed the person to be 18 years of age or older; and

17 (2) undertook reasonable measures to verify that the person was 18
18 years of age or older.

19 (c) Patron of a victim of sex trafficking is a

20 (1) class B felony if the person violates (a)(2) of this section;

21 (2) class C felony if the person violates (a)(1) of this section.

22 **Sec. 11.41.357. Inducing or causing a person to engage in a commercial**
23 **sexual act.** For purposes of AS 11.41.340 - 11.41.355, a person induces or causes
24 another person to engage in a commercial sexual act including by

25 (1) exposing or threatening to expose confidential information or a
26 secret, whether true or false, that would subject a person to hatred, contempt, or
27 ridicule;

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

31 (3) threatening to report a person to a government agency for the

1 purpose of arrest or deportation;

2 (4) threatening to collect a debt;

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

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

7 (7) deception as defined in AS 11.81.900.

8 * **Sec. 5.** AS 11.41.360(a) is amended to read:

9 (a) A person commits the crime of human trafficking in the first degree if,
10 **under circumstances not proscribed under AS 11.41.340 - 11.41.357**, the person

11 **(1) [COMPELS OR] induces or causes** another person to engage in
12 [SEXUAL CONDUCT,] adult entertainment [,] or labor [IN THE STATE] by force or
13 threat of force against any person; **or**

14 **(2) violates AS 11.41.365 and the victim is under 20 years of age** [,
15 OR BY DECEPTION].

16 * **Sec. 6.** AS 11.41.360(c) is amended to read:

17 (c) Human trafficking in the first degree is **an unclassified** [A CLASS A]
18 felony.

19 * **Sec. 7.** AS 11.41.365 is amended to read:

20 **Sec. 11.41.365. Human trafficking in the second degree.** (a) A person
21 commits the crime of human trafficking in the second degree if, **under circumstances**
22 **not proscribed under AS 11.41.340 - 11.41.357 and with the intent to promote**
23 **human trafficking**, the person **induces or causes another person to engage in adult**
24 **entertainment or labor by**

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

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

31 **(3) threatening to report a person to a government agency for the**

1 **purpose of arrest or deportation;**

2 **(4) threatening to collect a debt;**

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

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

7 **(7) deception as defined in AS 11.81.900** [OBTAINS A BENEFIT
 8 FROM THE COMMISSION OF HUMAN TRAFFICKING UNDER AS 11.41.360,
 9 WITH RECKLESS DISREGARD THAT THE BENEFIT IS A RESULT OF THE
 10 TRAFFICKING].

11 (b) Human trafficking in the second degree is a class A [B] felony.

12 * **Sec. 8.** AS 11.41 is amended by adding new sections to read:

13 **Sec. 11.41.366. Human trafficking in the third degree.** (a) A person
 14 commits the crime of human trafficking in the third degree if the person provides
 15 services, resources, or other assistance with the intent to promote a violation of
 16 AS 11.41.360 or 11.41.365.

17 (b) Human trafficking in the third degree is a

18 (1) class B felony if the value of the services, resources, or other
 19 assistance provided is \$200 or more;

20 (2) class C felony if the value of the services, resources, or other
 21 assistance provided is less than \$200.

22 **Sec. 11.41.367. Applicability of AS 11.41.360 - 11.41.366.** A normal
 23 caretaker request of a child or a normal interaction with a child is not a violation of
 24 AS 11.41.360 - 11.41.366.

25 **Sec. 11.41.368. Corroboration of certain testimony not required.** In a
 26 prosecution under AS 11.41.340 - 11.41.366, it is not necessary that the testimony of
 27 the person whose conduct is alleged to have been compelled or promoted be
 28 corroborated by the testimony of any other witness or by documentary or other types
 29 of evidence.

30 **Sec. 11.41.369. Forfeiture.** Property used to institute, aid, or facilitate, or
 31 received or derived from, a violation of AS 11.41.340 - 11.41.366, including real

1 property, may be forfeited at sentencing.

2 * **Sec. 9.** AS 11.41.530(a) is amended to read:

3 (a) A person commits the crime of coercion if, under circumstances not
4 proscribed under AS 11.41.340 - 11.41.366 or 11.41.410 - 11.41.427 [AS 11.41.410 -
5 11.41.427], the person compels another to engage in conduct from which there is a
6 legal right to abstain or abstain from conduct in which there is a legal right to engage,
7 by means of instilling in the person who is compelled a fear that, if the demand is not
8 complied with, the person who makes the demand or another may

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

11 (2) accuse anyone of a crime;

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

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

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

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

22 * **Sec. 10.** AS 11.66.100(c) is amended to read:

23 (c) A person may not be prosecuted under (a)(1) of this section if the

24 (1) person witnessed or was a victim of, and reported to law
25 enforcement in good faith, one or more of the following crimes:

26 (A) murder in the first degree under AS 11.41.100;

27 (B) murder in the second degree under AS 11.41.110;

28 (C) manslaughter under AS 11.41.120;

29 (D) criminally negligent homicide under AS 11.41.130;

30 (E) assault in the first degree under AS 11.41.200;

31 (F) assault in the second degree under AS 11.41.210;

- 1 (G) assault in the third degree under AS 11.41.220;
- 2 (H) assault in the fourth degree under AS 11.41.230;
- 3 (I) sexual assault in the first degree under AS 11.41.410;
- 4 (J) sexual assault in the second degree under AS 11.41.420;
- 5 (K) sexual assault in the third degree under AS 11.41.425;
- 6 (L) sexual assault in the fourth degree under AS 11.41.427;
- 7 (M) sexual abuse of a minor in the first degree under
- 8 AS 11.41.434;
- 9 (N) sexual abuse of a minor in the second degree under
- 10 AS 11.41.436;
- 11 (O) sexual abuse of a minor in the third degree under
- 12 AS 11.41.438;
- 13 (P) sexual abuse of a minor in the fourth degree under
- 14 AS 11.41.440;
- 15 (Q) robbery in the first degree under AS 11.41.500;
- 16 (R) robbery in the second degree under AS 11.41.510;
- 17 (S) extortion under AS 11.41.520;
- 18 (T) coercion under AS 11.41.530;
- 19 (U) distribution of child pornography under AS 11.61.125;
- 20 (V) possession of child pornography under AS 11.61.127;
- 21 (W) sex trafficking in the first degree under **AS 11.41.340**
- 22 [AS 11.66.110];
- 23 (X) sex trafficking in the second degree under **AS 11.41.345**
- 24 [AS 11.66.120];
- 25 (Y) sex trafficking in the third degree under **AS 11.41.350**
- 26 [AS 11.66.130]; [OR]
- 27 (Z) sex trafficking in the fourth degree under AS 11.66.135; **or**
- 28 **(AA) patron of a victim of sex trafficking under**
- 29 **AS 11.41.355;**
- 30 (2) evidence supporting the prosecution under (a)(1) of this section
- 31 was obtained or discovered as a result of the person reporting the crime to law

1 enforcement; and

2 (3) person cooperated with law enforcement personnel.

3 * **Sec. 11.** AS 11.66.100(d) is amended to read:

4 (d) **Prostitution** [EXCEPT AS PROVIDED IN (e) OF THIS SECTION,
5 PROSTITUTION] is a

6 (1) class B misdemeanor **if the defendant violates (a)(1) of this**
7 **section;**

8 (2) **class A misdemeanor if the defendant violates (a)(2) of this**
9 **section;**

10 (3) **class C felony if the defendant violates (a)(2) of this section and,**
11 **within the preceding five years, the defendant has been previously convicted on**
12 **two or more separate occasions in this or another jurisdiction of an offense under**
13 **(a)(2) of this section or an offense under another law or ordinance with similar**
14 **elements.**

15 * **Sec. 12.** AS 11.66.100 is amended by adding a new subsection to read:

16 (f) Upon conviction under (d)(3) of this section, any property used to institute,
17 aid, or facilitate, or received or derived from, a violation of (d)(3) of this section may
18 be forfeited.

19 * **Sec. 13.** AS 11.81.250(a) is amended to read:

20 (a) For purposes of sentencing under AS 12.55, all offenses defined in this
21 title, except murder in the first and second degree, attempted murder in the first
22 degree, solicitation to commit murder in the first degree, conspiracy to commit murder
23 in the first degree, murder of an unborn child, **human trafficking in the first degree,**
24 sexual assault in the first degree, sexual abuse of a minor in the first degree,
25 misconduct involving a controlled substance in the first degree, sex trafficking in the
26 first degree [UNDER AS 11.66.110(a)(2)], and kidnapping, are classified on the basis
27 of their seriousness, according to the type of injury characteristically caused or risked
28 by commission of the offense and the culpability of the offender. Except for murder in
29 the first and second degree, attempted murder in the first degree, solicitation to
30 commit murder in the first degree, conspiracy to commit murder in the first degree,
31 murder of an unborn child, **human trafficking in the first degree,** sexual assault in

1 the first degree, sexual abuse of a minor in the first degree, misconduct involving a
 2 controlled substance in the first degree, sex trafficking in the first degree [UNDER
 3 AS 11.66.110(a)(2)], and kidnapping, the offenses in this title are classified into the
 4 following categories:

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

7 (2) class B felonies, which characteristically involve conduct resulting
 8 in less severe violence against a person than class A felonies, aggravated offenses
 9 against property interests, or aggravated offenses against public administration or
 10 order;

11 (3) class C felonies, which characteristically involve conduct serious
 12 enough to deserve felony classification but not serious enough to be classified as A or
 13 B felonies;

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

18 (5) class B misdemeanors, which characteristically involve a minor
 19 risk of physical injury to a person, minor offenses against property interests, minor
 20 offenses against public administration or order, or minor offenses against public health
 21 and decency;

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

24 * **Sec. 14.** AS 11.81.250(b) is amended to read:

25 (b) The classification of each felony defined in this title, except murder in the
 26 first and second degree, attempted murder in the first degree, solicitation to commit
 27 murder in the first degree, conspiracy to commit murder in the first degree, murder of
 28 an unborn child, **human trafficking in the first degree**, sexual assault in the first
 29 degree, sexual abuse of a minor in the first degree, misconduct involving a controlled
 30 substance in the first degree, sex trafficking in the first degree [UNDER
 31 AS 11.66.110(a)(2)], and kidnapping, is designated in the section defining it. A felony

1 under the law of this state defined outside this title for which no penalty is specifically
2 provided is a class C felony.

3 * **Sec. 15.** AS 11.81.900(b) is amended by adding new paragraphs to read:

4 (69) "adult entertainment" means where one or more individuals are
5 employed, contracted, or permitted to, wholly or in part, entertain others by

6 (A) removing clothes or other items that clothe or hide the
7 person's body;

8 (B) dancing or in any other manner exhibiting the individual's
9 body in a completely or almost completely unclothed state;

10 (C) participating in a simulated illegal, indecent, or lewd
11 exhibition, act, or practice, including simulated

12 (i) sexual penetration;

13 (ii) the lewd exhibition or touching of a person's
14 genitals, anus, or breast; or

15 (iii) bestiality;

16 (70) "commercial sexual act" means a sexual act for which anything of
17 value is given or received by any person; in this paragraph, "anything of value" does
18 not include compensation for reasonably apportioned shared expenses of a residence;

19 (71) "services, resources, or other assistance" includes financial
20 support, business services, lodging, transportation, providing false identification
21 documents or other documentation, equipment, facilities, or any other service or
22 property, regardless of whether a person is compensated;

23 (72) "sexual act" means sexual penetration or sexual contact;

24 (73) "sexual conduct" means genital or anal intercourse, cunnilingus,
25 fellatio, or masturbation of one person by another person;

26 (74) "victim of sex trafficking" means a person who has been induced
27 or caused to engage in a commercial sexual act under AS 11.41.340 - 11.41.350.

28 * **Sec. 16.** AS 12.10.010 is amended to read:

29 **Sec. 12.10.010. General time limitations.** (a) Prosecution for the following
30 offenses may be commenced at any time:

31 (1) murder;

1 (2) attempt, solicitation, or conspiracy to commit murder or hindering
2 the prosecution of murder;

3 (3) felony sexual abuse of a minor;

4 (4) sexual assault that is an unclassified, class A, or class B felony or a
5 violation of AS 11.41.425(a)(2) - (4);

6 (5) a violation of AS 11.41.425, 11.41.427, 11.41.450 - 11.41.458,
7 [AS 11.66.110 - 11.66.130,] or former AS 11.41.430, when committed against a
8 person who, at the time of the offense, was under 18 years of age;

9 (6) kidnapping;

10 (7) distribution of child pornography in violation of AS 11.61.125;

11 (8) sex trafficking in **the first or second degree** [VIOLATION OF
12 AS 11.66.110 - 11.66.130 THAT IS AN UNCLASSIFIED, CLASS A, OR CLASS B
13 FELONY OR THAT IS COMMITTED AGAINST A PERSON WHO, AT THE
14 TIME OF THE OFFENSE, WAS UNDER 20 YEARS OF AGE];

15 (9) human trafficking in **the first or second degree** [VIOLATION OF
16 AS 11.41.360 OR 11.41.365].

17 (b) Except as otherwise provided by law or in (a) of this section, a person may
18 not be prosecuted, tried, or punished for an offense unless the indictment is found or
19 the information or complaint is instituted not later than

20 (1) 10 years after the commission of a felony offense in violation of
21 AS 11.41.120 - 11.41.330, **11.41.350, 11.41.366,** 11.41.425(a)(1), 11.41.425(a)(5),
22 11.41.425(a)(6), or 11.41.450 - 11.41.458; or

23 (2) five years after the commission of any other offense.

24 * **Sec. 17.** AS 12.37.010 is amended to read:

25 **Sec. 12.37.010. Authorization to intercept communications.** The attorney
26 general, or a person designated in writing or by law to act for the attorney general,
27 may authorize, in writing, an ex parte application to a court of competent jurisdiction
28 for an order authorizing the interception of a private communication if the interception
29 may provide evidence of, or may assist in the apprehension of persons who have
30 committed, are committing, or are planning to commit, the following offenses:

31 (1) murder in the first or second degree under AS 11.41.100 -

1 11.41.110;

2 (2) kidnapping under AS 11.41.300;

3 (3) a class A or unclassified felony drug offense under AS 11.71;

4 (4) sex trafficking in the first or second degree under AS 11.41.340 or
 5 11.41.345 [AS 11.66.110 AND 11.66.120]; or

6 (5) human trafficking in the first or second degree under AS 11.41.360
 7 or 11.41.365.

8 * **Sec. 18.** AS 12.45.049 is amended to read:

9 **Sec. 12.45.049. Privilege relating to domestic violence, sex trafficking, and**
 10 **sexual assault counseling.** Confidential communications between a victim of
 11 domestic violence, sex trafficking, or sexual assault and a victim counselor are
 12 privileged under AS 18.66.200 - 18.66.250.

13 * **Sec. 19.** AS 12.55.035(b) is amended to read:

14 (b) Upon conviction of an offense, a defendant who is not an organization may
 15 be sentenced to pay, unless otherwise specified in the provision of law defining the
 16 offense, a fine of not more than

17 (1) \$500,000 for murder in the first or second degree, attempted
 18 murder in the first degree, murder of an unborn child, human trafficking in the first
 19 degree, sexual assault in the first degree under AS 11.41.410(a)(1)(A), (2), (3), or (4),
 20 sexual abuse of a minor in the first degree, kidnapping, sex trafficking in the first
 21 degree [UNDER AS 11.66.110(a)(2)], or misconduct involving a controlled substance
 22 in the first degree;

23 (2) \$250,000 for a class A felony;

24 (3) \$100,000 for a class B felony;

25 (4) \$50,000 for a class C felony;

26 (5) \$25,000 for a class A misdemeanor;

27 (6) \$2,000 for a class B misdemeanor;

28 (7) \$500 for a violation.

29 * **Sec. 20.** AS 12.55.078(f) is amended to read:

30 (f) The court may not suspend the imposition or entry of judgment and may
 31 not defer prosecution under this section of a person who

1 (1) is charged with a violation of AS 11.41.100 - 11.41.220, 11.41.260
 2 - 11.41.320, **11.41.340 - 11.41.370** [11.41.360 - 11.41.370], 11.41.410 - 11.41.530,
 3 AS 11.46.400, **or** AS 11.61.125 - 11.61.128 [, OR AS 11.66.110 - 11.66.135];

4 (2) uses a firearm in the commission of the offense for which the
 5 person is charged;

6 (3) has previously been granted a suspension of judgment under this
 7 section or a similar statute in another jurisdiction, unless the court enters written
 8 findings that by clear and convincing evidence the person's prospects for rehabilitation
 9 are high and suspending judgment under this section adequately protects the victim of
 10 the offense, if any, and the community;

11 (4) is charged with a violation of AS 11.41.230, 11.41.250, or a felony
 12 and the person has one or more prior convictions for a misdemeanor violation of
 13 AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction
 14 having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a
 15 felony in this state; for the purposes of this paragraph, a person shall be considered to
 16 have a prior conviction even if

17 (A) the charges were dismissed under this section;

18 (B) the conviction has been set aside under AS 12.55.085; or

19 (C) the charge or conviction was dismissed or set aside under
 20 an equivalent provision of the laws of another jurisdiction; or

21 (5) is charged with a crime involving domestic violence, as defined in
 22 AS 18.66.990.

23 * **Sec. 21.** AS 12.55.085(f) is amended to read:

24 (f) The court may not suspend the imposition of sentence of a person who

25 (1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260
 26 - 11.41.320, **11.41.340 - 11.41.370** [11.41.360 - 11.41.370], 11.41.410 - 11.41.530,
 27 AS 11.46.400, **or** AS 11.61.125 - 11.61.128 [, OR AS 11.66.110 - 11.66.135];

28 (2) uses a firearm in the commission of the offense for which the
 29 person is convicted; or

30 (3) is convicted of a violation of AS 11.41.230 - 11.41.250 or a felony
 31 and the person has one or more prior convictions for a misdemeanor violation of

1 AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction
 2 having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a
 3 felony in this state; for the purposes of this paragraph, a person shall be considered to
 4 have a prior conviction even if that conviction has been set aside under (e) of this
 5 section or under the equivalent provision of the laws of another jurisdiction.

6 * **Sec. 22.** AS 12.55.125(b) is amended to read:

7 (b) A defendant convicted of attempted murder in the first degree, solicitation
 8 to commit murder in the first degree, conspiracy to commit murder in the first degree,
 9 kidnapping, human trafficking in the first degree, or misconduct involving a
 10 controlled substance in the first degree shall be sentenced to a definite term of
 11 imprisonment of at least five years but not more than 99 years. A defendant convicted
 12 of murder in the second degree or murder of an unborn child under
 13 AS 11.41.150(a)(2) - (4) shall be sentenced to a definite term of imprisonment of at
 14 least 15 years but not more than 99 years. A defendant convicted of murder in the
 15 second degree shall be sentenced to a definite term of imprisonment of at least 20
 16 years but not more than 99 years when the defendant is convicted of the murder of a
 17 child under 16 years of age and the court finds by clear and convincing evidence that
 18 the defendant (1) was a natural parent, a stepparent, an adoptive parent, a legal
 19 guardian, or a person occupying a position of authority in relation to the child; or (2)
 20 caused the death of the child by committing a crime against a person under
 21 AS 11.41.200 - 11.41.530. In this subsection, "legal guardian" and "position of
 22 authority" have the meanings given in AS 11.41.470.

23 * **Sec. 23.** AS 12.55.125(i) is amended to read:

24 (i) A defendant convicted of
 25 (1) sexual assault in the first degree under AS 11.41.410(a)(1)(A), (2),
 26 (3), or (4), sexual abuse of a minor in the first degree, unlawful exploitation of a minor
 27 under AS 11.41.455(c)(2), or sex trafficking in the first degree [UNDER
 28 AS 11.66.110(a)(2)] may be sentenced to a definite term of imprisonment of not more
 29 than 99 years and shall be sentenced to a definite term within the following
 30 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

31 (A) if the offense is a first felony conviction, the offense does

1 not involve circumstances described in (B) of this paragraph, and the victim
2 was

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

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

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

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

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

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

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

18 (2) sexual assault in the first degree under AS 11.41.410(a)(1)(B), sex
19 trafficking in the second degree, unlawful exploitation of a minor under
20 AS 11.41.455(c)(1), enticement of a minor under AS 11.41.452(e), or attempt,
21 conspiracy, or solicitation to commit sexual assault in the first degree under
22 AS 11.41.410(a)(1)(A), (2), (3), or (4), sexual abuse of a minor in the first degree,
23 unlawful exploitation of a minor under AS 11.41.455(c)(2), or sex trafficking in the
24 first degree [UNDER AS 11.66.110(a)(2)] may be sentenced to a definite term of
25 imprisonment of not more than 99 years and shall be sentenced to a definite term
26 within the following presumptive ranges, subject to adjustment as provided in
27 AS 12.55.155 - 12.55.175:

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

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

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

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

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

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

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

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

15 (3) **sex trafficking in the third degree under AS 11.41.350(b)(1),**
16 **patron of a victim of sex trafficking under AS 11.41.355(c)(1),** sexual assault in the
17 second degree, sexual abuse of a minor in the second degree, enticement of a minor
18 under AS 11.41.452(d), indecent exposure in the first degree under
19 AS 11.41.458(b)(2), distribution of child pornography under AS 11.61.125(e)(2), or
20 attempt, conspiracy, or solicitation to commit sexual assault in the first degree under
21 AS 11.41.410(a)(1)(B), **sex trafficking in the second degree, unlawful exploitation**
22 **of a minor under AS 11.41.455(c)(1), or enticement of a minor under**
23 **AS 11.41.452(e)** may be sentenced to a definite term of imprisonment of not more
24 than 99 years and shall be sentenced to a definite term within the following
25 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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

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

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

31 (D) if the offense is a third felony conviction and does not

1 involve circumstances described in (E) of this paragraph, 20 to 35 years;

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

4 (4) **sex trafficking in the third degree under AS 11.41.350(b)(2),**
5 **patron of a victim of sex trafficking under AS 11.41.355(c)(2),** sexual assault in the
6 third degree, sexual abuse of a minor in the third degree under AS 11.41.438(c),
7 incest, indecent exposure in the first degree under AS 11.41.458(b)(1), indecent
8 viewing or production of a picture under **AS 11.61.123(g)(1) or (2)**
9 [AS 11.61.123(f)(1) OR (2)], possession of child pornography, distribution of child
10 pornography under AS 11.61.125(e)(1), or attempt, conspiracy, or solicitation to
11 commit **sex trafficking in the third degree under AS 11.41.350(b)(1), patron of a**
12 **victim of sex trafficking under AS 11.41.355(c)(1),** sexual assault in the second
13 degree, sexual abuse of a minor in the second degree, **indecent viewing or**
14 **production of a picture under AS 11.61.123(g)(1) or (2),** [UNLAWFUL
15 EXPLOITATION OF A MINOR,] or distribution of child pornography **under**
16 **AS 11.61.125(e)(2),** may be sentenced to a definite term of imprisonment of not more
17 than 99 years and shall be sentenced to a definite term within the following
18 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

19 (A) if the offense is a first felony conviction and does not
20 involve the circumstances described in (B) or (C) of this paragraph, two to 12
21 years;

22 (B) if the offense is a first felony conviction under
23 AS 11.61.125(e)(1) and does not involve circumstances described in (C) of this
24 paragraph, four to 12 years;

25 (C) if the offense is a first felony conviction under
26 AS 11.61.125(e)(1), and the defendant hosted, created, or helped host or create
27 a mechanism for multi-party sharing or distribution of child pornography, or
28 received a financial benefit or had a financial interest in a child pornography
29 sharing or distribution mechanism, six to 14 years;

30 (D) if the offense is a second felony conviction and does not
31 involve circumstances described in (E) of this paragraph, eight to 15 years;

1 (E) if the offense is a second felony conviction and the
2 defendant has a prior conviction for a sexual felony, 12 to 20 years;

3 (F) if the offense is a third felony conviction and does not
4 involve circumstances described in (G) of this paragraph, 15 to 25 years;

5 (G) if the offense is a third felony conviction and the defendant
6 has two prior convictions for sexual felonies, 99 years.

7 * **Sec. 24.** AS 12.55.135 is amended by adding a new subsection to read:

8 (q) A defendant convicted under AS 11.66.100(a)(2) shall be sentenced to a
9 minimum term of imprisonment of 72 hours if the defendant has been previously
10 convicted once in the previous five years in this or another jurisdiction of an offense
11 under AS 11.66.100(a)(2) or an offense under another law or ordinance with similar
12 elements.

13 * **Sec. 25.** AS 12.55.185(10) is amended to read:

14 (10) "most serious felony" means

15 (A) arson in the first degree, [SEX TRAFFICKING IN THE
16 FIRST DEGREE UNDER AS 11.66.110(a)(2),] enticement of a minor under
17 AS 11.41.452(e), or any unclassified or class A felony prescribed under
18 AS 11.41; or

19 (B) an attempt, or conspiracy to commit, or criminal
20 solicitation under AS 11.31.110 of, an unclassified felony prescribed under
21 AS 11.41;

22 * **Sec. 26.** AS 12.55.185(16) is amended to read:

23 (16) "sexual felony" means sexual assault in the first degree, sexual
24 abuse of a minor in the first degree, sex trafficking in the first degree, **sex trafficking**
25 **in the second degree**, sexual assault in the second degree, sexual abuse of a minor in
26 the second degree, **sex trafficking in the third degree, patron of a victim of sex**
27 **trafficking**, sexual abuse of a minor in the third degree under AS 11.41.438(c),
28 unlawful exploitation of a minor, indecent viewing or production of a picture under
29 **AS 11.61.123(g)(1) or (2)** [AS 11.61.123(f)(1) OR (2)], distribution of child
30 pornography, sexual assault in the third degree, incest, indecent exposure in the first
31 degree, possession of child pornography, enticement of a minor, and felony attempt,

1 conspiracy, or solicitation to commit those crimes;

2 * **Sec. 27.** AS 12.62.900(23) is amended to read:

3 (23) "serious offense" means a conviction for a violation or for an
4 attempt, solicitation, or conspiracy to commit a violation of any of the following laws,
5 or of the laws of another jurisdiction with substantially similar elements:

6 (A) a felony offense;

7 (B) a crime involving domestic violence;

8 (C) AS 11.41.410 - 11.41.470;

9 (D) AS 11.51.130 or 11.51.200 - 11.56.210;

10 (E) AS 11.61.110(a)(7) or 11.61.125;

11 (F) **AS 11.66.100** [AS 11.66.100 - 11.66.130];

12 (G) former AS 11.15.120, former 11.15.134, or assault with the
13 intent to commit rape under former AS 11.15.160; or

14 (H) former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 -
15 11.40.420, if committed before January 1, 1980.

16 * **Sec. 28.** AS 12.63.100(7) is amended to read:

17 (7) "sex offense" means

18 (A) a crime under AS 11.41.100(a)(3), or a similar law of
19 another jurisdiction, in which the person committed or attempted to commit a
20 sexual offense, or a similar offense under the laws of the other jurisdiction; in
21 this subparagraph, "sexual offense" has the meaning given in
22 AS 11.41.100(a)(3);

23 (B) a crime under AS 11.41.110(a)(3), or a similar law of
24 another jurisdiction, in which the person committed or attempted to commit
25 one of the following crimes, or a similar law of another jurisdiction:

26 (i) sexual assault in the first degree;

27 (ii) sexual assault in the second degree;

28 (iii) sexual abuse of a minor in the first degree; or

29 (iv) sexual abuse of a minor in the second degree;

30 (C) a crime, or an attempt, solicitation, or conspiracy to commit
31 a crime, under the following statutes or a similar law of another jurisdiction:

- 1 (i) AS 11.41.410 - 11.41.438;
- 2 (ii) AS 11.41.440(a)(2);
- 3 (iii) AS 11.41.450 - 11.41.458;
- 4 (iv) AS 11.41.460 or AS 26.05.900(c) if the indecent
5 exposure is before a person under 16 years of age and the offender has
6 previously been convicted under AS 11.41.460 or AS 26.05.900(c);
- 7 (v) AS 11.61.125 - 11.61.128;
- 8 (vi) **former** AS 11.66.110, **former** 11.66.130(a)(2)(B),
9 or AS 26.05.900(b) if the person who was induced or caused to engage
10 in prostitution was under 20 years of age at the time of the offense;
- 11 (vii) former AS 11.15.120, former 11.15.134, or assault
12 with the intent to commit rape under former AS 11.15.160, former
13 AS 11.40.110, or former 11.40.200;
- 14 (viii) AS 11.61.118(a)(2) if the offender has a previous
15 conviction for that offense;
- 16 (ix) [AS 11.66.100(a)(2) IF THE OFFENDER IS
17 SUBJECT TO PUNISHMENT UNDER AS 11.66.100(e);
- 18 (x)] AS 26.05.890 if the person engaged in sexual
19 penetration or sexual contact with the victim;
- 20 **(x)** (xi) AS 26.05.890 if, at the time of the offense, the
21 victim is under a duty to obey the lawful orders of the offender,
22 regardless of whether the offender is in the direct chain of command
23 over the victim;
- 24 **(xi)** [(xii)] AS 26.05.893 if the person engaged in sexual
25 penetration or sexual contact with the victim;
- 26 **(xii)** [(xiii)] AS 26.05.900(a)(1) - (4) if the victim is
27 under 18 years of age at the time of the offense;
- 28 **(xiii)** [(xiv)] AS 26.05.900 if, at the time of the offense,
29 the victim is under a duty to obey the lawful orders of the offender,
30 regardless of whether the offender is in the direct chain of command
31 over the victim; or

1 (xiv) [(xv)] AS 11.61.123 if the offender is subject to
 2 punishment under AS 11.61.123(g)(1) or (2);

3 (xv) AS 11.41.340 - 11.41.345 and 11.41.355
 4 [AS 11.61.123(f)(1) OR (2)];

5 (D) an offense, or an attempt, solicitation, or conspiracy to
 6 commit an offense, under AS 26.05.935(b), or a similar law of another
 7 jurisdiction, if the member of the militia commits one of the following
 8 enumerated offenses punishable under Article 134, 10 U.S.C. 934 (Uniform
 9 Code of Military Justice):

10 (i) child pornography; or

11 (ii) pandering and prostitution if the person who is
 12 induced, enticed, caused, or procured to engage in a sexual act is under
 13 20 years of age at the time of the offense; or

14 (E) an offense in which the person is required to register as a
 15 sex offender under the laws of another jurisdiction;

16 * **Sec. 29.** AS 12.72 is amended by adding new sections to read:

17 **Sec. 12.72.100. Vacation of judgment of conviction for prostitution or**
 18 **misconduct involving a controlled substance.** A person who, at the time of the
 19 offense, was or would have been a victim of sex trafficking as defined in
 20 AS 11.81.900, and who was convicted or adjudicated delinquent for prostitution under
 21 AS 11.66.100(a)(1), misconduct involving a controlled substance under AS 11.71.050
 22 or 11.71.060, or a similar municipal ordinance may petition the court to vacate the
 23 judgment.

24 **Sec. 12.72.105. Filing of petition for vacation of judgment.** (a) A petition
 25 under this chapter must be filed with the clerk at the court location where the
 26 underlying criminal case was filed and a copy must be served on the prosecuting
 27 authority responsible for obtaining the conviction.

28 (b) If the prosecuting authority does not file a response within 45 days after
 29 service of the petition, the court may grant the vacation of judgment without further
 30 proceedings.

31 **Sec. 12.72.110. Limitations on petition for vacation of judgment.** (a) A

1 petition under this chapter may not be filed until a judgment has been entered or, if the
2 conviction was appealed, until the court's decision is final under the Alaska Rules of
3 Appellate Procedure.

4 (b) An action for a petition for vacation of judgment under AS 12.72.100 does
5 not give rise to the right to a trial by jury.

6 **Sec. 12.72.115. Presumption and burden of proof in vacation of judgment**
7 **proceedings.** (a) The person petitioning the court for a vacation of judgment of
8 conviction or adjudication of delinquency for prostitution under AS 11.66.100(a)(1),
9 misconduct involving a controlled substance under AS 11.71.050 or 11.71.060, or a
10 similar municipal ordinance must prove all factual assertions by a preponderance of
11 the evidence.

12 (b) There is rebuttable presumption that a person who was under 18 years of
13 age at the time of the offense under AS 11.66.100(a)(1) was or would have been a
14 victim of sex trafficking.

15 **Sec. 12.72.120. Vacation of judgment.** (a) If the court grants the petition for a
16 vacation of judgment,

17 (1) the judgment of conviction or adjudication of delinquency for
18 prostitution under AS 11.66.100(a)(1), misconduct involving a controlled substance
19 under AS 11.71.050 or 11.71.060, or a similar municipal ordinance shall be vacated;

20 (2) the Alaska Court System may not publish on a publicly available
21 Internet website the court records of the conviction for prostitution under
22 AS 11.66.100(a)(1), misconduct involving a controlled substance under AS 11.71.050
23 or 11.71.060, or a similar municipal ordinance if the person was not convicted of a
24 felony charge in that case; and

25 (3) the Department of Public Safety may not release information
26 related to the conviction for prostitution under AS 11.66.100(a)(1), misconduct
27 involving a controlled substance under AS 11.71.050 or 11.71.060, or a similar
28 municipal ordinance in response to a request under AS 12.62.160(b)(6), (8), or (9).

29 (b) The Alaska Court System shall remove a person's court records from a
30 publicly available Internet website under (a)(2) of this section within 30 days after the
31 court grants a petition for vacation of judgment.

1 * **Sec. 30.** AS 18.66.010 is amended to read:

2 **Sec. 18.66.010. Council on Domestic Violence and Sexual Assault;**
 3 **purpose.** There is established in the Department of Public Safety the Council on
 4 Domestic Violence and Sexual Assault. The purpose of the council is to provide for
 5 planning and coordination of services to victims of domestic violence, **sex trafficking,**
 6 or sexual assault or to their families and to perpetrators of domestic violence and
 7 sexual assault and to provide for crisis intervention and prevention programs.

8 * **Sec. 31.** AS 18.66.050 is amended to read:

9 **Sec. 18.66.050. Duties of the council.** The council shall

10 (1) hire an executive director, and the executive director may hire staff;
 11 the executive director is in the exempt service under AS 39.25.110 and staff members
 12 are in the classified service under AS 39.25.100;

13 (2) elect one of its members as presiding officer;

14 (3) in consultation with authorities in the field, develop, implement,
 15 maintain, and monitor domestic violence, sexual assault, and crisis intervention and
 16 prevention programs, including educational programs, films, and school curricula on
 17 the cause, prevention, and treatment of domestic violence, **sex trafficking,** and sexual
 18 assault;

19 (4) coordinate services provided by the Department of Law, the
 20 Department of Education and Early Development, the Department of Public Safety,
 21 the Department of Health, the Department of Corrections, and other state agencies and
 22 community groups dealing with domestic violence, **sex trafficking,** sexual assault,
 23 and crisis intervention and prevention, and provide technical assistance as requested
 24 by those state agencies and community groups;

25 (5) develop and implement a standardized data collection system on
 26 domestic violence, **sex trafficking,** sexual assault, and crisis intervention and
 27 prevention;

28 (6) conduct public hearings and studies on issues relating to violence,
 29 including domestic violence, **sex trafficking,** and sexual assault, and on issues relating
 30 to the role of crisis intervention and prevention;

31 (7) receive and dispense state and federal money and award grants and

1 contracts from appropriations for the purpose to qualified local community entities for
 2 domestic violence, sexual assault, and crisis intervention and prevention programs;

3 (8) oversee and audit domestic violence, sexual assault, and crisis
 4 intervention and prevention programs that receive money under this chapter;

5 (9) provide fiscal and technical assistance to plan, organize,
 6 implement, and administer domestic violence, sexual assault, and crisis intervention
 7 and prevention programs;

8 (10) make an annual report to the governor on the activities of the
 9 council, plans of the council for new services and programs, and concerns of the
 10 council, including recommendations for legislation necessary to carry out the purposes
 11 of this chapter; the council shall notify the legislature that the report is available;

12 (11) adopt regulations in accordance with AS 44.62 (Administrative
 13 Procedure Act) to carry out the purposes of this chapter and to protect the health,
 14 safety, well-being, and privacy of persons receiving services financed with grants or
 15 contracts under this chapter;

16 (12) consult with the Department of Health in the formulation of
 17 standards and procedures for the delivery of services to victims of domestic violence
 18 by health care facilities and practitioners of healing arts and personnel in those
 19 facilities as required in AS 18.66.300;

20 (13) consult with the Alaska Police Standards Council and other police
 21 training programs in the state to develop training programs regarding domestic
 22 violence for police officers and for correction, probation, and parole officers;

23 (14) consult with public employers, the Alaska Supreme Court, school
 24 districts, and prosecuting authorities who are required by AS 18.66.300 - 18.66.310 to
 25 provide continuing education courses in domestic violence to employees.

26 * **Sec. 32.** AS 18.66.060 is amended to read:

27 **Sec. 18.66.060. Qualifications for grants and contracts.** A local community
 28 entity is qualified to receive a grant or contract under this chapter if it agrees to
 29 provide services approved by the council to victims of domestic violence, sex
 30 trafficking, or sexual assault or their families or to perpetrators of domestic violence
 31 or sexual assault without regard to ability to pay.

1 * **Sec. 33.** AS 18.66.210 is amended to read:

2 **Sec. 18.66.210. Exceptions.** The privilege provided under AS 18.66.200 does
3 not apply to

4 (1) reports of suspected child abuse or neglect under AS 47.17;

5 (2) evidence that the victim is about to commit a crime;

6 (3) a proceeding that occurs after the victim's death;

7 (4) a communication relevant to an issue of breach by the victim or
8 victim counselor of a duty arising out of the victim-victim counselor relationship;

9 (5) a communication that is determined to be admissible hearsay as an
10 excited utterance under the Alaska Rules of Evidence;

11 (6) a child-in-need-of-aid proceeding under AS 47.10;

12 (7) a communication made during the victim-victim counselor
13 relationship if the services of the counselor were sought, obtained, or used to enable
14 anyone to commit or plan a crime or to escape detection or apprehension after the
15 commission of a crime; or

16 (8) a criminal proceeding concerning criminal charges against a victim
17 of domestic violence, sex trafficking, or sexual assault where the victim is charged
18 with a crime

19 (A) under AS 11.41 against a minor; or

20 (B) in which the physical, mental, or emotional condition of the
21 victim is raised in defense of the victim.

22 * **Sec. 34.** AS 18.66.250(3) is amended to read:

23 (3) "victim" means a person who consults a victim counselor for
24 assistance in overcoming adverse effects of a sexual assault, sex trafficking, or
25 domestic violence;

26 * **Sec. 35.** AS 18.66.990(2) is amended to read:

27 (2) "crisis intervention and prevention program" means a community
28 program that provides information, education, counseling, and referral services to
29 individuals experiencing personal crisis related to domestic violence, sex trafficking,
30 or sexual assault and to individuals in personal or professional transition, excluding
31 correctional half-way houses, outpatient mental health programs, and drug or alcohol

1 rehabilitation programs;

2 * **Sec. 36.** AS 18.67.101 is amended to read:

3 **Sec. 18.67.101. Incidents and offenses to which this chapter applies.** The
4 board may order the payment of compensation in accordance with the provisions of
5 this chapter for personal injury or death that resulted from

6 (1) an attempt on the part of the applicant to prevent the commission of
7 crime, or to apprehend a suspected criminal, or aiding or attempting to aid a police
8 officer to do so, or aiding a victim of crime; [OR]

9 (2) the commission or attempt on the part of one other than the
10 applicant to commit any of the following offenses:

11 (A) murder in any degree;

12 (B) manslaughter;

13 (C) criminally negligent homicide;

14 (D) assault in any degree;

15 (E) kidnapping;

16 (F) sexual assault in any degree;

17 (G) sexual abuse of a minor;

18 (H) robbery in any degree;

19 (I) threats to do bodily harm;

20 (J) driving while under the influence of an alcoholic beverage,
21 inhalant, or controlled substance or another crime resulting from the operation
22 of a motor vehicle, boat, or airplane when the offender is under the influence
23 of an alcoholic beverage, inhalant, or controlled substance;

24 (K) arson in the first degree;

25 (L) [SEX TRAFFICKING IN VIOLATION OF AS 11.66.110
26 OR 11.66.130(a)(2)(B);

27 (M)] human trafficking in any degree; or

28 (M) [(N)] unlawful exploitation of a minor; or

29 (3) the applicant being a victim of sex trafficking as defined in

30 AS 11.81.900(b).

31 * **Sec. 37.** AS 18.85.100(c) is amended to read:

1 (c) An indigent person is entitled to representation under (a) and (b) of this
 2 section for purposes of bringing a timely application for post-conviction relief **or a**
 3 **petition for vacation of judgment** under AS 12.72. An indigent person is not entitled
 4 to representation under (a) and (b) of this section for purposes of bringing

5 (1) an untimely or successive application for post-conviction relief **or**
 6 **a petition for vacation of judgment** under AS 12.72 or an untimely or successive
 7 motion for reduction or modification of sentence;

8 (2) a petition for review or certiorari from an appellate court ruling on
 9 an application for post-conviction relief; or

10 (3) an action or claim for habeas corpus in federal court attacking a
 11 state conviction.

12 * **Sec. 38.** AS 28.15.046(c) is amended to read:

13 (c) The department may not issue a license under this section to an applicant

14 (1) who has been convicted of any of the following offenses:

15 (A) a violation, or an attempt, solicitation, or conspiracy to
 16 commit a violation, of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320,
 17 11.41.360 - 11.41.370, 11.41.410 - 11.41.470, or 11.41.500 - 11.41.530;

18 (B) a felony violation of endangering the welfare of a child in
 19 the first degree under AS 11.51.100;

20 (C) felony indecent viewing or production of a picture under
 21 AS 11.61.123;

22 (D) distribution of child pornography under AS 11.61.125;

23 (E) possession of child pornography under AS 11.61.127;

24 (F) distribution of indecent material to minors under
 25 AS 11.61.128;

26 (G) [FELONY PROSTITUTION UNDER AS 11.66.100(e);

27 (H)] sex trafficking in the first, second, or third degree
 28 [UNDER AS 11.66.110 - 11.66.130];

29 **(H)** [(I)] a felony involving distribution of a controlled
 30 substance under AS 11.71 or imitation controlled substance under AS 11.73;

31 **(I)** [(J)] a felony violation under AS 28.35.030(n) or

1 28.35.032(p);

2 **(J) patron of a victim of sex trafficking under AS 11.41.355;**

3 or

4 (2) who has been convicted of any of the following offenses and less
5 than two years have elapsed since the applicant's date of conviction for the offense:

6 (A) assault in the fourth degree under AS 11.41.230;

7 (B) reckless endangerment under AS 11.41.250;

8 (C) contributing to the delinquency of a minor under
9 AS 11.51.130;

10 (D) misdemeanor prostitution under AS 11.66.100(a)(2);

11 (E) a misdemeanor violation of endangering the welfare of a
12 child in the first degree under AS 11.51.100.

13 * **Sec. 39.** AS 34.03.360(10) is amended to read:

14 (10) "illegal activity involving a place of prostitution" means a
15 violation of **AS 11.41.340(a)(3)** [AS 11.66.120(a)(1) OR 11.66.130(a)(2)(A) OR (D)];

16 * **Sec. 40.** AS 43.23.005 is amended by adding a new subsection to read:

17 (i) The provisions of (d) of this section do not apply if an individual's
18 conviction was vacated during the qualifying year under AS 12.72. If an individual
19 becomes eligible under this subsection, the individual is eligible to receive a
20 permanent fund dividend only for the qualifying year in which the conviction was
21 vacated and each subsequent qualifying year for which the individual is otherwise
22 eligible under this section.

23 * **Sec. 41.** AS 44.23.080(a) is amended to read:

24 (a) If there is reasonable cause to believe that an Internet service account has
25 been used in connection with a violation of **AS 11.41.340 - 11.41.350, 11.41.452**
26 [AS 11.41.452], 11.41.455, or AS 11.61.125 - 11.61.128, and that the identity,
27 address, and other information about the account owner will assist in obtaining
28 evidence that is relevant to the offense, a law enforcement officer may apply to the
29 attorney general or the attorney general's designee for an administrative subpoena to
30 obtain the business records of the Internet service provider located inside or outside of
31 the state.

1 * **Sec. 42.** AS 47.10.990(33) is amended to read:

2 (33) "sexual abuse" means the conduct described in AS 11.41.410 -
3 11.41.460, [;] conduct constituting "sexual exploitation" as defined in AS 47.17.290,
4 and conduct prohibited by AS 11.41.340 - 11.41.357 [AS 11.66.100 - 11.66.150];

5 * **Sec. 43.** AS 47.12.110(d) is amended to read:

6 (d) Notwithstanding (a) of this section, a court hearing on a petition seeking
7 the adjudication of a minor as a delinquent shall be open to the public, except as
8 prohibited or limited by order of the court, if

9 (1) the department files with the court a motion asking the court to
10 open the hearing to the public, and the petition seeking adjudication of the minor as a
11 delinquent is based on

12 (A) the minor's alleged commission of an offense, and the
13 minor has knowingly failed to comply with all the terms and conditions
14 required of the minor by the department or imposed on the minor in a court
15 order entered under AS 47.12.040(a)(2) or 47.12.120;

16 (B) the minor's alleged commission of

17 (i) a crime against a person that is punishable as a
18 felony;

19 (ii) a crime in which the minor employed a deadly
20 weapon, as that term is defined in AS 11.81.900(b), in committing the
21 crime;

22 (iii) arson under AS 11.46.400 - 11.46.410;

23 (iv) burglary under AS 11.46.300;

24 (v) distribution of child pornography under
25 AS 11.61.125;

26 (vi) sex trafficking [IN THE FIRST DEGREE] under
27 AS 11.41.340 or 11.41.345 [AS 11.66.110]; or

28 (vii) misconduct involving a controlled substance under
29 AS 11.71 involving the delivery of a controlled substance or the
30 possession of a controlled substance with intent to deliver, other than
31 an offense under AS 11.71.040 or 11.71.050; or

1 (C) the minor's alleged commission of a felony and the minor
 2 was 16 years of age or older at the time of commission of the offense when the
 3 minor has previously been convicted or adjudicated a delinquent minor based
 4 on the minor's commission of an offense that is a felony; or

5 (2) the minor agrees to a public hearing on the petition seeking
 6 adjudication of the minor as a delinquent.

7 * **Sec. 44.** AS 47.12.315(a) is amended to read:

8 (a) Notwithstanding AS 47.12.310 and except as otherwise provided in this
 9 section, the department shall disclose information to the public, on request, concerning
 10 a minor subject to this chapter who was at least 13 years of age at the time of
 11 commission of

12 (1) a felony offense against a person under AS 11.41;

13 (2) arson in the first or second degree;

14 (3) burglary in the first degree;

15 (4) distribution of child pornography;

16 (5) sex trafficking under AS 11.41.340 or 11.41.345 [IN THE FIRST
 17 DEGREE];

18 (6) misconduct involving a controlled substance in the first, second, or
 19 third degrees involving distribution or possession with intent to deliver; or

20 (7) misconduct involving weapons in the first through fourth degrees.

21 * **Sec. 45.** AS 47.17.290(18) is amended to read:

22 (18) "sexual exploitation" includes

23 (A) allowing, permitting, or encouraging a child to engage in **a**
 24 **commercial sexual act prohibited by AS 11.41.340 - 11.41.357 or**
 25 **prostitution prohibited by AS 11.66.100** [AS 11.66.100 - 11.66.150], by a
 26 person responsible for the child's welfare;

27 (B) allowing, permitting, encouraging, or engaging in activity
 28 prohibited by AS 11.41.455(a), by a person responsible for the child's welfare.

29 * **Sec. 46.** AS 11.41.360(b), 11.41.470(7); AS 11.56.765(c)(3), 11.56.767(c)(3);
 30 AS 11.66.100(b), 11.66.100(c)(1)(Z), 11.66.100(e), 11.66.110, 11.66.120, 11.66.130,
 31 11.66.135, 11.66.140, 11.66.145, and 11.66.150 are repealed.

1 * **Sec. 47.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 **APPLICABILITY.** (a) The following sections apply to offenses committed on or after
4 the effective date of those sections:

- 5 (1) AS 11.41.340 - 11.41.357, enacted by sec. 4 of this Act;
- 6 (2) AS 11.41.360(a), as amended by sec. 5 of this Act;
- 7 (3) AS 11.41.360(c), as amended by sec. 6 of this Act;
- 8 (4) AS 11.41.365, as amended by sec. 7 of this Act;
- 9 (5) AS 11.41.366 - 11.41.369, enacted by sec. 8 of this Act;
- 10 (6) AS 11.41.530(a), as amended by sec. 9 of this Act;
- 11 (7) AS 11.66.100(c), as amended by sec. 10 of this Act;
- 12 (8) AS 11.66.100(d), as amended by sec. 11 of this Act;
- 13 (9) AS 11.66.100(f), enacted by sec. 12 of this Act;
- 14 (10) AS 11.81.250(a), as amended by sec. 13 of this Act;
- 15 (11) AS 11.81.250(b), as amended by sec. 14 of this Act;
- 16 (12) AS 11.81.900(b), as amended by sec. 15 of this Act;
- 17 (12) AS 12.10.010(a), as amended by sec. 16 of this Act;
- 18 (13) AS 12.37.010, as amended by sec. 17 of this Act.

19 (b) The following sections apply to sentences imposed on or after the effective date of
20 those sections for conduct occurring on or after the effective date of those sections:

- 21 (1) AS 12.55.035(b), as amended by sec. 19 of this Act;
- 22 (2) AS 12.55.078(f), as amended by sec. 20 of this Act;
- 23 (3) AS 12.55.085(f), as amended by sec. 21 of this Act;
- 24 (4) AS 12.55.125(b), as amended by sec. 22 of this Act;
- 25 (5) AS 12.55.125(i), as amended by sec. 23 of this Act;
- 26 (6) AS 12.55.135(q), enacted by sec. 24 of this Act;
- 27 (7) AS 12.55.185(10), as amended by sec. 25 of this Act;
- 28 (8) AS 12.55.185(16), as amended by sec. 26 of this Act;
- 29 (9) AS 12.62.900(23), as amended by sec. 27 of this Act.

30 (c) AS 12.63.100(7), as amended by sec. 28 of this Act, applies to the duty to register
31 as a sex offender for offenses committed on or after the effective date of sec. 28 of this Act.

1 (d) AS 12.72.100 - 12.72.120, enacted by sec. 29 of this Act, and AS 18.85.100(c), as
2 amended by sec. 37 of this Act, apply to petitions filed on or after the effective date of sec. 29
3 of this Act for conduct occurring before, on, or after the effective date of sec. 29 of this Act.

4 (e) The following sections apply to communications made on or after the effective
5 date of those sections relating to offenses occurring on or after the effective date of those
6 sections:

7 (1) AS 09.25.400, as amended by sec. 2 of this Act;

8 (2) AS 12.45.049, as amended by sec. 18 of this Act;

9 (3) AS 18.66.210, as amended by sec. 33 of this Act;

10 (4) AS 18.66.250(3), as amended by sec. 34 of this Act.

11 * **Sec. 48.** Section 29 and 37 of this Act take effect January 1, 2024.

12 * **Sec. 49.** Except as provided in sec. 48 of this Act, this Act takes effect July 1, 2023.