

**CS FOR SENATE BILL NO. 110(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/23/12

Referred: Finance

Sponsor(s): SENATORS WIELECHOWSKI, McGuire

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to human trafficking and sex trafficking, to punishment and fines for**  
2 **those offenses, and to peace officer powers to enforce human trafficking and sex**  
3 **trafficking laws in licensed premises; including human trafficking in the first degree and**  
4 **sex trafficking in the first degree in the definition of 'serious felony offense' for the**  
5 **offense of conspiracy and including sex trafficking and online enticement of a minor in**  
6 **the definition of 'most serious felony' for sentencing; relating to prostitution and**  
7 **promoting prostitution; relating to sex offenses; including human trafficking and sex**  
8 **trafficking in the list of offenses that make hearings for certain delinquent minors public**  
9 **and require disclosure of the names of certain delinquent minors; and providing for an**  
10 **effective date."**

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

12 \* **Section 1.** AS 04.06.110 is amended to read:

1           **Sec. 04.06.110. Peace officer powers.** The director and the persons employed  
 2 for the administration and enforcement of this title may, with the concurrence of the  
 3 commissioner of public safety, exercise the powers of peace officers when those  
 4 powers are specifically granted by the board. Powers granted by the board under this  
 5 section may be exercised only when necessary for the enforcement of the criminally  
 6 punishable provisions of this title, regulations of the board, and other criminally  
 7 punishable laws and regulations, including investigation of violations of laws against  
 8 prostitution and **sex trafficking** [PROMOTING PROSTITUTION] described in **AS**  
 9 **11.66.100 - 11.66.135, human trafficking described in AS 11.41.355 - 11.41.365,**  
 10 [AS 11.66.100 - 11.66.130] and laws against gambling, promoting gambling, and  
 11 related offenses described in AS 11.66.200 - 11.66.280.

12 \* **Sec. 2.** AS 04.11.370(a) is amended to read:

13           (a) A license or permit shall be suspended or revoked if the board finds

14                       (1) misrepresentation of a material fact on an application made under  
 15 this title or a regulation adopted under this title;

16                       (2) continuation of the manufacture, sale, or service of alcoholic  
 17 beverages by the licensee or permittee would be contrary to the best interests of the  
 18 public;

19                       (3) failure on the part of the licensee to correct a defect that constitutes  
 20 a violation of this title, a condition or restriction imposed by the board, a regulation  
 21 adopted under this title, or other laws after receipt of notice issued by the board or its  
 22 agent;

23                       (4) conviction of a licensee of a violation of this title, a regulation  
 24 adopted under this title, or an ordinance adopted under AS 04.21.010;

25                       (5) conviction of an agent or employee of a licensee of a violation of  
 26 this title, a regulation adopted under this title, or an ordinance adopted under AS  
 27 04.21.010, if the licensee is found by the board to have either knowingly allowed the  
 28 violation or to have recklessly or with criminal negligence failed to act in accordance  
 29 with the duty prescribed under AS 04.21.030 with the result that the agent or  
 30 employee violates a law, regulation, or ordinance;

31                       (6) failure of the licensee to comply with the public health, fire, or

1 safety laws and regulations in the state;

2 (7) use of the licensed premises as a resort for illegal possessors or  
 3 users of narcotics, prostitutes, human traffickers, or sex traffickers [PROMOTERS  
 4 OF PROSTITUTION]; in addition to any other legally competent evidence, the  
 5 character of the premises may be proved by the general reputation of the premises in  
 6 the community as a resort for illegal possessors or users of narcotics, prostitutes,  
 7 human traffickers, or sex traffickers [PROMOTERS OF PROSTITUTION];

8 (8) occurrence of illegal gambling within the limits of the licensed  
 9 premises;

10 (9) the licensee permitted a public offense involving moral turpitude to  
 11 occur on the licensed premises;

12 (10) violation by a licensee of this title, a condition or restriction  
 13 imposed by the board, a regulation adopted under this title, or an ordinance adopted  
 14 under AS 04.21.010; or

15 (11) violation by an agent or employee of a licensee of a provision of  
 16 this title, a condition or restriction imposed by the board, a regulation adopted under  
 17 this title, or an ordinance adopted under AS 04.21.010, if the licensee is found by the  
 18 board to have either knowingly allowed the violation or to have recklessly or with  
 19 criminal negligence failed to act in accordance with the duty prescribed under AS  
 20 04.21.030 with the result that the agent or employee violates the law, condition or  
 21 restriction, regulation, or ordinance.

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

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

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

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

28 (C) that is criminal mischief in the first degree under AS  
 29 11.46.475; [OR]

30 (D) that is terroristic threatening in the first degree under AS  
 31 11.56.807;

1 (E) that is human trafficking in the first degree under AS

2 11.41.355; or

3 (F) that is sex trafficking in the first degree under AS

4 11.66.110.

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

6 **Sec. 11.41.355. Human trafficking in the first degree.** (a) A person commits  
7 the crime of human trafficking in the first degree if

8 (1) the person violates AS 11.41.360 by compelling or inducing  
9 another person to engage in

10 (A) sexual conduct;

11 (B) adult entertainment; or

12 (C) an act described in AS 11.41.455(a)(1) - (7); and

13 (2) the other person compelled or induced is under 18 years of age.

14 (b) Human trafficking in the first degree is an unclassified felony.

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

16 (a) A person commits the crime of human trafficking in the **second** [FIRST]  
17 degree if the person compels or induces another person to [COME TO THIS STATE  
18 TO] engage in sexual conduct, adult entertainment, or labor in the state by force or  
19 threat of force against any person, or by deception.

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

21 (c) Human trafficking in the **second** [FIRST] degree is a class A felony.

22 \* **Sec. 7.** AS 11.41.365 is amended to read:

23 **Sec. 11.41.365. Human trafficking in the **third** [SECOND] degree.** (a) A  
24 person commits the crime of human trafficking in the **third** [SECOND] degree if the  
25 person obtains a benefit from the commission of human trafficking under **AS**  
26 **11.41.355 or 11.41.360** [AS 11.41.360,] with reckless disregard that the benefit is a  
27 result of the trafficking.

28 (b) Human trafficking in the **third** [SECOND] degree is a class B felony.

29 \* **Sec. 8.** AS 11.41.370 is amended by adding new paragraphs to read:

30 (4) "adult entertainment" means the conduct described in AS  
31 23.10.350(f)(1) - (3);

1 (5) "sexual conduct" has the meaning given in AS 11.66.150.

2 \* **Sec. 9.** AS 11.66.100(b) is amended to read:

3 (b) Except as provided in (c) of this section, prostitution

4 [PROSTITUTION] is a class B misdemeanor.

5 \* **Sec. 10.** AS 11.66.100 is amended by adding new subsections to read:

6 (c) Prostitution is a class C felony if

7 (1) the defendant violates (a) of this section as a patron of a prostitute;

8 (2) the prostitute is under 18 years of age; and

9 (3) the defendant is over 18 years of age and at least three years older  
10 than the prostitute.

11 (d) In a prosecution under (c) of this section, it is an affirmative defense that,  
12 at the time of the alleged offense, the defendant

13 (1) reasonably believed the prostitute to be 18 years of age or older;

14 and

15 (2) undertook reasonable measures to verify that the prostitute was 18  
16 years of age or older.

17 \* **Sec. 11.** AS 11.66.110(a) is amended to read:

18 (a) A person commits the crime of sex trafficking [PROMOTING  
19 PROSTITUTION] in the first degree if the person

20 (1) induces or causes a person to engage in prostitution through the use  
21 of force;

22 (2) as other than a patron of a prostitute, induces or causes a person  
23 under 18 years of age to engage in prostitution; or

24 (3) induces or causes a person in that person's legal custody to engage  
25 in prostitution.

26 \* **Sec. 12.** AS 11.66.110(c) is amended to read:

27 (c) Except as provided in (d) of this section, sex trafficking [PROMOTING  
28 PROSTITUTION] in the first degree is a class A felony.

29 \* **Sec. 13.** AS 11.66.120 is amended to read:

30 **Sec. 11.66.120. Sex trafficking [PROMOTING PROSTITUTION] in the**  
31 **second degree.** (a) A person commits the crime of sex trafficking [PROMOTING

1 PROSTITUTION] in the second degree if the person

2 (1) manages, supervises, controls, or owns, either alone or in  
3 association with others, a prostitution enterprise other than a place of prostitution;

4 (2) procures or solicits a patron for a prostitute; or

5 (3) offers, sells, advertises, promotes, or facilitates travel that includes  
6 commercial sexual conduct as enticement for the travel; in this paragraph,  
7 "commercial sexual conduct" means sexual conduct for which anything of value is  
8 given or received by any person.

9 (b) **Sex trafficking** [PROMOTING PROSTITUTION] in the second degree is  
10 a class B felony.

11 \* **Sec. 14.** AS 11.66.130 is amended to read:

12 **Sec. 11.66.130. Sex trafficking [PROMOTING PROSTITUTION] in the**  
13 **third degree.** (a) A person commits the crime of **sex trafficking** [PROMOTING  
14 PROSTITUTION] in the third degree if, with intent to promote prostitution, the  
15 person

16 (1) manages, supervises, controls, or owns, either alone or in  
17 association with others, a place of prostitution;

18 (2) as other than a patron of a prostitute, induces or causes a person 18  
19 years of age or older to engage in prostitution;

20 (3) as other than a prostitute receiving compensation for personally  
21 rendered prostitution services, receives or agrees to receive money or other property  
22 **under** [PURSUANT TO] an agreement or understanding that the money or other  
23 property is derived from prostitution; or

24 (4) engages in conduct that institutes, aids, or facilitates a prostitution  
25 enterprise.

26 (b) **Sex trafficking** [PROMOTING PROSTITUTION] in the third degree is a  
27 class C felony.

28 \* **Sec. 15.** AS 11.66.135 is amended to read:

29 **Sec. 11.66.135. Sex trafficking [PROMOTING PROSTITUTION] in the**  
30 **fourth degree.** (a) A person commits the crime of **sex trafficking** [PROMOTING  
31 PROSTITUTION] in the fourth degree if the person engages in conduct that institutes,

1 aids, or facilitates prostitution under circumstances not proscribed under AS  
2 11.66.130(a)(4).

3 (b) **Sex trafficking** [PROMOTING PROSTITUTION] in the fourth degree is  
4 a class A misdemeanor.

5 \* **Sec. 16.** AS 11.66.140 is amended to read:

6 **Sec. 11.66.140. Corroboration of certain testimony not required.** In a  
7 prosecution under **AS 11.66.110 - 11.66.135** [AS 11.66.110 - 11.66.130], it is not  
8 necessary that the testimony of the person whose prostitution is alleged to have been  
9 compelled or promoted be corroborated by the testimony of any other witness or by  
10 documentary or other types of evidence.

11 \* **Sec. 17.** AS 11.81.250(a) is amended to read:

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

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

30 (2) class B felonies, which characteristically involve conduct resulting  
31 in less severe violence against a person than class A felonies, aggravated offenses

1 against property interests, or aggravated offenses against public administration or  
2 order;

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

6 (4) class A misdemeanors, which characteristically involve less severe  
7 violence against a person, less serious offenses against property interests, less serious  
8 offenses against public administration or order, or less serious offenses against public  
9 health and decency than felonies;

10 (5) class B misdemeanors, which characteristically involve a minor  
11 risk of physical injury to a person, minor offenses against property interests, minor  
12 offenses against public administration or order, or minor offenses against public health  
13 and decency;

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

16 \* **Sec. 18.** AS 11.81.250(b) is amended to read:

17 (b) The classification of each felony defined in this title, except murder in the  
18 first and second degree, attempted murder in the first degree, solicitation to commit  
19 murder in the first degree, conspiracy to commit murder in the first degree, murder of  
20 an unborn child, sexual assault in the first degree, sexual abuse of a minor in the first  
21 degree, **human trafficking in the first degree**, misconduct involving a controlled  
22 substance in the first degree, **sex trafficking in the first degree under AS**  
23 **11.66.110(a)(2)**, and kidnapping, is designated in the section defining it. A felony  
24 under **the** [ALASKA] law **of this state** defined outside this title for which no penalty  
25 is specifically provided is a class C felony.

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

27 (b) Upon conviction of an offense, a defendant who is not an organization may  
28 be sentenced to pay, unless otherwise specified in the provision of law defining the  
29 offense, a fine of **not** [NO] more than

30 (1) \$500,000 for murder in the first or second degree, attempted  
31 murder in the first degree, murder of an unborn child, sexual assault in the first degree,



1 sexual abuse of a minor in the first degree, kidnapping, **sex trafficking**  
 2 [PROMOTING PROSTITUTION] in the first degree under AS 11.66.110(a)(2),  
 3 **human trafficking in the first degree** or misconduct involving a controlled substance  
 4 in the first degree;

5 (2) \$250,000 for a class A felony;

6 (3) \$100,000 for a class B felony;

7 (4) \$50,000 for a class C felony;

8 (5) \$10,000 for a class A misdemeanor;

9 (6) \$2,000 for a class B misdemeanor;

10 (7) \$500 for a violation.

11 \* **Sec. 20.** AS 12.55.085(f) is amended to read:

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

13 (1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260  
 14 - 11.41.320, **11.41.355 - 11.41.365** [11.41.360 - 11.41.370], 11.41.410 - 11.41.530, AS  
 15 11.46.400, or AS 11.61.125 - 11.61.128;

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

18 (3) is convicted of a violation of AS 11.41.230 - 11.41.250 or a felony  
 19 and the person has one or more prior convictions for a misdemeanor violation of AS  
 20 11.41 or for a felony or for a violation of a law in this or another jurisdiction having  
 21 similar elements to an offense defined as a misdemeanor in AS 11.41 or as a felony in  
 22 this state; for the purposes of this paragraph, a person shall be considered to have a  
 23 prior conviction even if that conviction has been set aside under (e) of this section or  
 24 under the equivalent provision of the laws of another jurisdiction.

25 \* **Sec. 21.** AS 12.55.125 is amended to read:

26 (i) A defendant convicted of

27 (1) sexual assault in the first degree, sexual abuse of a minor in the  
 28 first degree, **sex trafficking** [OR PROMOTING PROSTITUTION] in the first degree  
 29 under AS 11.66.110(a)(2), **or human trafficking in the first degree** may be  
 30 sentenced to a definite term of imprisonment of not more than 99 years and shall be  
 31 sentenced to a definite term within the following presumptive ranges, subject to

1 adjustment as provided in AS 12.55.155 - 12.55.175:

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

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

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

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

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

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

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

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

20 (2) **human trafficking in the second degree under AS 11.41.360**  
21 **involving sexual conduct or adult entertainment**, unlawful exploitation of a minor  
22 under AS 11.41.455(c)(2), online enticement of a minor under AS 11.41.452(e), or  
23 attempt, conspiracy, or solicitation to commit sexual assault in the first degree, sexual  
24 abuse of a minor in the first degree, **sex trafficking** [OR PROMOTING  
25 PROSTITUTION] in the first degree under AS 11.66.110(a)(2), **or human**  
26 **trafficking in the first degree** may be sentenced to a definite term of imprisonment of  
27 not more than 99 years and shall be sentenced to a definite term within the following  
28 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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

- 1 (i) under 13 years of age, 20 to 30 years;
- 2 (ii) 13 years of age or older, 15 to 30 years;
- 3 (B) if the offense is a first felony conviction and the defendant  
4 possessed a firearm, used a dangerous instrument, or caused serious physical  
5 injury during the commission of the offense, 25 to 35 years;
- 6 (C) if the offense is a second felony conviction and does not  
7 involve circumstances described in (D) of this paragraph, 25 to 35 years;
- 8 (D) if the offense is a second felony conviction and the  
9 defendant has a prior conviction for a sexual felony, 30 to 40 years;
- 10 (E) if the offense is a third felony conviction, the offense does  
11 not involve circumstances described in (F) of this paragraph, and the defendant  
12 is not subject to sentencing under (I) of this section, 35 to 50 years;
- 13 (F) if the offense is a third felony conviction, the defendant is  
14 not subject to sentencing under (I) of this section, and the defendant has two  
15 prior convictions for sexual felonies, 99 years;
- 16 (3) sexual assault in the second degree, sexual abuse of a minor in the  
17 second degree, online enticement of a minor under AS 11.41.452(d), unlawful  
18 exploitation of a minor under AS 11.41.455(c)(1), [OR] distribution of child  
19 pornography under AS 11.61.125(e)(2), **or attempt, conspiracy, or solicitation to**  
20 **commit human trafficking in the second degree under AS 11.41.360 involving**  
21 **sexual conduct or adult entertainment**, may be sentenced to a definite term of  
22 imprisonment of not more than 99 years and shall be sentenced to a definite term  
23 within the following presumptive ranges, subject to adjustment as provided in AS  
24 12.55.155 - 12.55.175:
- 25 (A) if the offense is a first felony conviction, five to 15 years;
- 26 (B) if the offense is a second felony conviction and does not  
27 involve circumstances described in (C) of this paragraph, 10 to 25 years;
- 28 (C) if the offense is a second felony conviction and the  
29 defendant has a prior conviction for a sexual felony, 15 to 30 years;
- 30 (D) if the offense is a third felony conviction and does not  
31 involve circumstances described in (E) of this paragraph, 20 to 35 years;

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

3 (4) sexual assault in the third degree, incest, indecent exposure in the  
4 first degree, possession of child pornography, distribution of child pornography under  
5 AS 11.61.125(e)(1), or attempt, conspiracy, or solicitation to commit sexual assault in  
6 the second degree, sexual abuse of a minor in the second degree, unlawful exploitation  
7 of a minor, or distribution of child pornography, may be sentenced to a definite term  
8 of imprisonment of not more than 99 years and shall be sentenced to a definite term  
9 within the following presumptive ranges, subject to adjustment as provided in AS  
10 12.55.155 - 12.55.175:

11 (A) if the offense is a first felony conviction, two to 12 years;

12 (B) if the offense is a second felony conviction and does not  
13 involve circumstances described in (C) of this paragraph, eight to 15 years;

14 (C) if the offense is a second felony conviction and the  
15 defendant has a prior conviction for a sexual felony, 12 to 20 years;

16 (D) if the offense is a third felony conviction and does not  
17 involve circumstances described in (E) of this paragraph, 15 to 25 years;

18 (E) if the offense is a third felony conviction and the defendant  
19 has two prior convictions for sexual felonies, 99 years.

20 \* **Sec. 22.** AS 12.55.185(10) is amended to read:

21 (10) "most serious felony" means

22 (A) arson in the first degree, **sex trafficking** [PROMOTING  
23 PROSTITUTION] in the first degree under AS 11.66.110(a)(2), **online**  
24 **enticement of a minor under AS 11.41.452(e)**, or any unclassified or class A  
25 felony prescribed under AS 11.41; or

26 (B) an attempt, or conspiracy to commit, or criminal  
27 solicitation under AS 11.31.110 of, an unclassified felony prescribed under AS  
28 11.41;

29 \* **Sec. 23.** AS 12.55.185(16) is amended to read:

30 (16) "sexual felony" means sexual assault in the first degree, sexual  
31 abuse of a minor in the first degree, **human trafficking in the first degree, sex**

1 **trafficking in the first degree under AS 11.66.110(a)(2)**, sexual assault in the second  
 2 degree, sexual abuse of a minor in the second degree, **online enticement of a minor**,  
 3 unlawful exploitation of a minor, distribution of child pornography, **human**  
 4 **trafficking in the second degree involving sexual conduct or adult entertainment**,  
 5 sexual assault in the third degree, incest, indecent exposure in the first degree,  
 6 possession of child pornography, and felony attempt, conspiracy, or solicitation to  
 7 commit those crimes;

8 \* **Sec. 24.** AS 12.63.100(6) is amended to read:

9 (6) "sex offense" means

10 (A) a crime under AS 11.41.100(a)(3), or a similar law of  
 11 another jurisdiction, in which the person committed or attempted to commit a  
 12 sexual offense, or a similar offense under the laws of the other jurisdiction; in  
 13 this subparagraph, "sexual offense" has the meaning given in AS  
 14 11.41.100(a)(3);

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

18 (i) sexual assault in the first degree;

19 (ii) sexual assault in the second degree;

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

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

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

24 (i) AS 11.41.410 - 11.41.438;

25 (ii) AS 11.41.440(a)(2);

26 (iii) AS 11.41.450 - 11.41.458;

27 (iv) AS 11.41.460 if the indecent exposure is before a  
 28 person under 16 years of age and the offender has a previous conviction  
 29 for that offense;

30 (v) AS 11.61.125 - 11.61.128;

31 (vi) AS 11.66.110 or 11.66.130(a)(2) if the person who

1 was induced or caused to engage in prostitution was 16 or 17 years of  
2 age at the time of the offense;

3 (vii) former AS 11.15.120, former 11.15.134, or assault  
4 with the intent to commit rape under former AS 11.15.160, former AS  
5 11.40.110, or former 11.40.200; [OR]

6 (viii) AS 11.61.118(a)(2) if the offender has a previous  
7 conviction for that offense;

8 **(ix) human trafficking in the first degree under AS**  
9 **11.41.355;**

10 **(x) sex trafficking in the first degree under AS**  
11 **11.66.110(a)(2);**

12 \* **Sec. 25.** AS 15.80.010(9) is amended to read:

13 (9) "felony involving moral turpitude" includes those crimes that are  
14 immoral or wrong in themselves such as murder, manslaughter, assault, sexual assault,  
15 sexual abuse of a minor, unlawful exploitation of a minor, robbery, extortion,  
16 coercion, kidnapping, incest, arson, burglary, theft, forgery, criminal possession of a  
17 forgery device, offering a false instrument for recording, scheme to defraud, falsifying  
18 business records, commercial bribe receiving, commercial bribery, bribery, receiving a  
19 bribe, perjury, perjury by inconsistent statements, endangering the welfare of a minor,  
20 escape, promoting contraband, interference with official proceedings, receiving a bribe  
21 by a witness or a juror, jury tampering, misconduct by a juror, tampering with physical  
22 evidence, hindering prosecution, terroristic threatening, riot, criminal possession of  
23 explosives, unlawful furnishing of explosives, **sex trafficking, human trafficking**  
24 **[PROMOTING PROSTITUTION]**, criminal mischief, misconduct involving a  
25 controlled substance or an imitation controlled substance, permitting an escape,  
26 promoting gambling, possession of gambling records, distribution of child  
27 pornography, and possession of child pornography;

28 \* **Sec. 26.** AS 28.15.046(c) is amended to read:

29 (c) The department may not issue a license under this section to an applicant  
30 who has been convicted of any of the following offenses within 20 years of the time of  
31 application:

- 1 (1) sexual abuse of a minor in any degree under AS 11.41.434 -  
 2 11.41.440;
- 3 (2) sexual assault in any degree under AS 11.41.410 - 11.41.425;
- 4 (3) incest under AS 11.41.450;
- 5 (4) unlawful exploitation of a minor under AS 11.41.455;
- 6 (5) contributing to the delinquency of a minor under AS 11.51.130;
- 7 (6) a felony involving possession of a controlled or imitation  
 8 controlled substance under AS 11.71 or AS 11.73;
- 9 (7) a felony or misdemeanor involving distribution of a controlled or  
 10 imitation controlled substance under AS 11.71 or AS 11.73;
- 11 (8) sex trafficking [PROMOTING PROSTITUTION] in the first or  
 12 second degree under AS 11.66.110 or 11.66.120;
- 13 (9) indecent exposure in the first or second degree under AS 11.41.458  
 14 or 11.41.460;
- 15 **(10) human trafficking in the first degree under AS 11.41.355 and**  
 16 **human trafficking in the second degree involving sexual conduct or adult**  
 17 **entertainment.**

18 \* **Sec. 27.** AS 47.12.110(d) is amended to read:

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

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

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

29 (B) the minor's alleged commission of

30 (i) a crime against a person that is punishable as a  
 31 felony;

1 (ii) a crime in which the minor employed a deadly  
2 weapon, as that term is defined in AS 11.81.900(b), in committing the  
3 crime;

4 (iii) arson under AS 11.46.400 - 11.46.410;

5 (iv) burglary under AS 11.46.300;

6 (v) distribution of child pornography under AS  
7 11.61.125;

8 (vi) **sex trafficking** [PROMOTING PROSTITUTION]  
9 in the first degree under AS 11.66.110; [OR]

10 (vii) misconduct involving a controlled substance under  
11 AS 11.71 involving the delivery of a controlled substance or the  
12 possession of a controlled substance with intent to deliver, other than  
13 an offense under AS 11.71.040 or 11.71.050; or

14 **(viii) human trafficking in the first degree under AS**  
15 **11.41.355; or**

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

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

22 \* **Sec. 28.** AS 47.12.315(a) is amended to read:

23 (a) Notwithstanding AS 47.12.310, when an agency takes action under AS  
24 47.12.040(a)(1) to adjust a matter, or when, under AS 47.12.040(a)(2), the court  
25 directs the agency to adjust the matter, the agency

26 (1) shall, for a minor who is at least 13 years of age at the time of  
27 commission of the offense, disclose to the public the name of the minor, the name or  
28 names of the parent, parents, or guardian of the minor, the action required by the  
29 agency to be taken by the minor under AS 47.12.060 to adjust the matter, and  
30 information about the offense exclusive of information that identifies the victim of the  
31 offense, if the minor was, under AS 47.12.020, previously alleged to be a delinquent



1 minor on the basis of the minor's commission of at least one offense and, on the basis  
 2 of that allegation, a state agency has, under AS 47.12.040(a), been asked to make a  
 3 preliminary inquiry to determine if any action on that matter is appropriate, and, if the  
 4 minor is alleged to be a delinquent minor on the basis of the minor's commission of  
 5 another offense, exercise of agency jurisdiction is based on the minor's alleged  
 6 commission of that other offense, and that other offense is one of the following:

7 (A) a crime against a person that is punishable as a felony;

8 (B) a crime in which the minor employed a deadly weapon, as  
 9 that term is defined in AS 11.81.900(b), in committing the crime;

10 (C) arson under AS 11.46.400 - 11.46.410;

11 (D) burglary under AS 11.46.300;

12 (E) distribution of child pornography under AS 11.61.125;

13 (F) **sex trafficking** [PROMOTING PROSTITUTION] in the  
 14 first degree under AS 11.66.110; [OR]

15 (G) misconduct involving a controlled substance under AS  
 16 11.71 involving the delivery of a controlled substance or the possession of a  
 17 controlled substance with intent to deliver, other than an offense under AS  
 18 11.71.040 or 11.71.050; **or**

19 **(H) human trafficking in the first degree under AS**  
 20 **11.41.355**; and

21 (2) may, for a minor who is at least 13 years of age at the time of  
 22 commission of the offense, disclose to the public the name of the minor, the name or  
 23 names of the parent, parents, or guardian of the minor, the action required by the  
 24 agency to be taken by the minor under AS 47.12.060 to adjust the matter, and  
 25 information about the offense exclusive of information that identifies the victim of the  
 26 offense if the minor has knowingly failed to comply with all terms and conditions  
 27 required of the minor by the agency to adjust the matter under AS 47.12.060(b).

28 \* **Sec. 29.** AS 11.41.360(b)(1) and 11.41.360(b)(3) are repealed.

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

31 **APPLICABILITY.** (a) Sections 1, 2, 11 - 15, 18, and 25 - 28 of this Act apply to

1 offenses committed before, on, or after the effective date of the Act.

2 (b) Sections 3 - 10, 16, 17, 19 - 24, and 29 of this Act apply to offenses committed on  
3 or after the effective date of this Act.

4 \* **Sec. 31.** The uncodified law of the State of Alaska is amended by adding a new section to  
5 read:

6 REVISOR'S INSTRUCTION. The revisor of statutes is instructed to change the catch  
7 line of AS 11.66.110 from "Promoting prostitution in the first degree" to "Sex trafficking in  
8 the first degree."

9 \* **Sec. 32.** This Act takes effect July 1, 2012.