

HOUSE BILL NO. 47

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE VANCE

Introduced: 1/17/25

Referred: Prefiled

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to crime and criminal procedure; relating to generated obscene child**
2 **sexual abuse material; relating to the powers of district judges and magistrates; relating**
3 **to teaching certificates; and relating to licensing of school bus drivers."**

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

5 * **Section 1.** AS 11.61.120(a) is amended to read:

6 (a) A person commits the crime of harassment in the second degree if, with
7 intent to harass or annoy another person, that person

8 (1) insults, taunts, or challenges another person in a manner likely to
9 provoke an immediate violent response;

10 (2) telephones another and fails to terminate the connection with intent
11 to impair the ability of that person to place or receive telephone calls;

12 (3) makes repeated telephone calls at extremely inconvenient hours;

13 (4) makes an anonymous or obscene telephone call, an obscene
14 electronic communication, or a telephone call or electronic communication that

1 threatens physical injury or sexual contact;

2 (5) subjects another person to offensive physical contact;

3 (6) except as provided in AS 11.61.116, publishes or distributes
4 electronic or printed photographs, pictures, or films that show the genitals, anus, or
5 female breast of the other person or show that person engaged in a sexual act;

6 (7) repeatedly sends or publishes an electronic communication that
7 insults, taunts, challenges, or intimidates a person under 18 years of age in a manner
8 that places the person in reasonable fear of physical injury; or

9 (8) under circumstances not proscribed under AS 11.41.455,
10 AS 11.61.121, 11.61.125 [AS 11.61.125], or 11.61.128, repeatedly sends to another
11 person, publishes, or distributes electronic or printed photographs, pictures, or films
12 that show the genitals of any person.

13 * **Sec. 2.** AS 11.61 is amended by adding new sections to read:

14 **Sec. 11.61.121. Distribution of generated obscene child sexual abuse**
15 **material.** (a) A person commits the crime of distribution of generated obscene child
16 sexual abuse material if the person distributes in this state or advertises, promotes,
17 solicits, or offers to distribute in this state any material that is proscribed under
18 AS 11.61.122.

19 (b) The possession of 100 or more films, audio, video, electronic, or
20 electromagnetic recordings, photographs, negatives, slides, books, newspapers,
21 magazines, or other materials, including a combination of these items totaling 100 or
22 more, is prima facie evidence of distribution and intent to distribute under (a) of this
23 section.

24 (c) In this section, "distribution" includes the following, whether or not for
25 monetary or other consideration: delivering, selling, renting, leasing, lending, giving,
26 circulating, exhibiting, presenting, providing, exchanging, placing on a computer
27 network or computer system, and providing billing collection, or other ancillary
28 services for or otherwise supporting these activities.

29 (d) Distribution of generated obscene child sexual abuse material is a

30 (1) class B felony; or

31 (2) class A felony if the person has been previously convicted of

1 distribution of generated obscene child sexual abuse material in this jurisdiction or a
 2 similar crime in this or another jurisdiction.

3 **Sec. 11.61.122. Possession of generated obscene child sexual abuse**
 4 **material.** (a) A person commits the crime of possession of generated obscene child
 5 sexual abuse material if the person knowingly possesses or knowingly accesses on a
 6 computer with intent to view any material that

7 (1) the average person, applying contemporary community standards,
 8 would find, when considered as a whole, appeals to the prurient interest;

9 (2) depicts, in a patently offensive way, a child under 18 years of age
 10 who, by manipulation, creation, or modification, appears to be engaged in conduct
 11 described in AS 11.41.455(a); and

12 (3) when considered as a whole, lacks serious literary, artistic,
 13 political, or scientific value.

14 (b) This section does not apply to an employee of an interactive computer
 15 service, Internet service provider, cloud service provider, or telecommunications
 16 network who, while acting in the scope of employment, possesses or accesses the
 17 material described in (a) of this section solely to prevent, detect, report, or otherwise
 18 respond to the production, generation, manipulation, or modification of the material.
 19 In this subsection, "interactive computer service" has the meaning given in
 20 AS 11.61.127(b).

21 (c) In this section, "computer" has the meaning given in AS 11.46.990.

22 (d) Possession of generated obscene child sexual abuse material is a class C
 23 felony.

24 * **Sec. 3.** AS 11.61.127(a) is amended to read:

25 (a) A person commits the crime of possession of child sexual abuse material if
 26 the person knowingly possesses or knowingly accesses on a computer with intent to
 27 view any material that visually depicts conduct described in AS 11.41.455(a) knowing
 28 that the

29 (1) production of the material involved the use of a child under 18
 30 years of age who engaged in the conduct; or

31 (2) material depicts [A DEPICTION OF] a part of an actual child

under 18 years of age, or is a representation that is indistinguishable from an identifiable child under 18 years of age, who, by manipulation, creation, or modification, appears to be engaged in the conduct.

* Sec. 4. AS 11.61.127(b) is amended to read:

(b) This section does not apply to

(1) persons providing plethysmograph assessments in the course of a sex offender treatment program that meets the minimum standards under AS 33.30.011(a)(5); or

(2) an employee of an interactive computer service, Internet service provider, cloud service provider, or telecommunications network who, while acting in the scope of employment, possesses or accesses the material described in (a) of this section solely to prevent, detect, report, or otherwise respond to the production, generation, manipulation, or modification of the material; in this paragraph, "interactive computer service" means an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and those systems operated or services offered by libraries or educational institutions.

* Sec. 5. AS 11.61.127(f) is amended to read:

(f) In this section,

(1) "computer" has the meaning given in AS 11.46.990;

(2) "identifiable child" means an individual who is recognizable as an actual child by the child's face, likeness, or other distinguishing characteristics, regardless of whether the individual depicted is no longer under 18 years of age.

* Sec. 6. AS 11.61.129(a) is amended to read:

(a) Property used to aid a violation of AS 11.61.121 - 11.61.128 [AS 11.61.123 - 11.61.128] or to aid the solicitation of, attempt to commit, or conspiracy to commit a violation of AS 11.61.121 - 11.61.128 [AS 11.61.123 - 11.61.128] may be forfeited to the state upon the conviction of the offender.

* Sec. 7. AS 11.66.100(c) is amended to read:

- 1 (c) A person may not be prosecuted under (a)(1) of this section if the
 2 (1) person witnessed or was a victim of, and reported to law
 3 enforcement in good faith, one or more of the following crimes:
- 4 (A) murder in the first degree under AS 11.41.100;
 - 5 (B) murder in the second degree under AS 11.41.110;
 - 6 (C) manslaughter under AS 11.41.120;
 - 7 (D) criminally negligent homicide under AS 11.41.130;
 - 8 (E) assault in the first degree under AS 11.41.200;
 - 9 (F) assault in the second degree under AS 11.41.210;
 - 10 (G) assault in the third degree under AS 11.41.220;
 - 11 (H) assault in the fourth degree under AS 11.41.230;
 - 12 (I) sexual assault in the first degree under AS 11.41.410;
 - 13 (J) sexual assault in the second degree under AS 11.41.420;
 - 14 (K) sexual assault in the third degree under AS 11.41.425;
 - 15 (L) sexual assault in the fourth degree under AS 11.41.427;
 - 16 (M) sexual abuse of a minor in the first degree under
 17 AS 11.41.434;
 - 18 (N) sexual abuse of a minor in the second degree under
 19 AS 11.41.436;
 - 20 (O) sexual abuse of a minor in the third degree under
 21 AS 11.41.438;
 - 22 (P) sexual abuse of a minor in the fourth degree under
 23 AS 11.41.440;
 - 24 (Q) robbery in the first degree under AS 11.41.500;
 - 25 (R) robbery in the second degree under AS 11.41.510;
 - 26 (S) extortion under AS 11.41.520;
 - 27 (T) coercion under AS 11.41.530;
 - 28 (U) distribution of child sexual abuse material under
 29 AS 11.61.125;
 - 30 (V) possession of child sexual abuse material under
 31 AS 11.61.127;

(W) sex trafficking in the first degree under AS 11.66.110;

(X) sex trafficking in the second degree under AS 11.66.120;

(Y) sex trafficking in the third degree under AS 11.66.130;

[OR]

(Z) sex trafficking in the fourth degree under AS 11.66.135;

(AA) distribution of generated obscene child sexual abuse material under AS 11.61.121; or

(BB) possession of generated obscene child sexual abuse material under AS 11.61.122;

(2) evidence supporting the prosecution under (a)(1) of this section was obtained or discovered as a result of the person reporting the crime to law enforcement; and

(3) person cooperated with law enforcement personnel.

* **Sec. 8.** AS 12.10.010(a) is amended to read:

(a) Prosecution for the following offenses may be commenced at any time:

(1) murder;

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

(3) felony sexual abuse of a minor;

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

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

(6) kidnapping;

(7) **distribution of generated obscene child sexual abuse material in violation of AS 11.61.121 or** distribution of child sexual abuse material in violation of AS 11.61.125;

(8) sex trafficking in violation of AS 11.66.110 - 11.66.130 that is an unclassified, class A, or class B felony or that is committed against a person who, at the time of the offense, was under 20 years of age;

(9) human trafficking in violation of AS 11.41.360 or 11.41.365.

* **Sec. 9.** AS 12.55.078(f) is amended to read:

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

(1) is charged with a violation of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400, AS 11.61.121, 11.61.122, 11.61.125 - 11.61.128 [AS 11.61.125 - 11.61.128], or AS 11.66.110 - 11.66.135;

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

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

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

(A) the charges were dismissed under this section;

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

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

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

* **Sec. 10.** AS 12.55.085(f) is amended to read:

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

(1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400,

1 **AS 11.61.121, 11.61.122, 11.61.125 - 11.61.128** [AS 11.61.125 - 11.61.128], or
 2 AS 11.66.110 - 11.66.135;

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

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

12 * **Sec. 11.** AS 12.55.100(e) is amended to read:

13 (e) In addition to other conditions imposed on the defendant, while on
 14 probation and as a condition of probation

15 (1) for a sex offense, as described in AS 12.63.100, the defendant

16 (A) shall be required to submit to regular periodic polygraph
 17 examinations;

18 (B) may be required to provide each electronic mail address,
 19 instant messaging address, and other Internet communication identifier that the
 20 defendant uses to the defendant's probation officer; the probation officer shall
 21 forward those addresses and identifiers to the Alaska state troopers and to the
 22 local law enforcement agency;

23 (2) if the defendant was convicted of a violation of AS 11.41.434 -
 24 11.41.455, **AS 11.61.121, 11.61.122, 11.61.125 - 11.61.128** [AS 11.61.125 -
 25 11.61.128], or a similar offense in another jurisdiction, the defendant may be required
 26 to refrain from

27 (A) using or creating an Internet site;

28 (B) communicating with children under 16 years of age;

29 (C) possessing or using a computer; or

30 (D) residing within 500 feet of school grounds; in this
 31 subparagraph, "school grounds" has the meaning given in AS 11.71.900.

1 * **Sec. 12.** AS 12.55.125(i) is amended to read:

2 (i) A defendant convicted of

3 (1) sexual assault in the first degree under AS 11.41.410(a)(1)(A), (2),
4 (3), or (4), sexual abuse of a minor in the first degree, unlawful exploitation of a minor
5 under AS 11.41.455(c)(2), or sex trafficking in the first degree under
6 AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more
7 than 99 years and shall be sentenced to a definite term within the following
8 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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

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

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

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

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

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

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

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

27 (2) sexual assault in the first degree under AS 11.41.410(a)(1)(B),
28 unlawful exploitation of a minor under AS 11.41.455(c)(1), enticement of a minor
29 under AS 11.41.452(e), or attempt, conspiracy, or solicitation to commit sexual assault
30 in the first degree under AS 11.41.410(a)(1)(A), (2), (3), or (4), sexual abuse of a
31 minor in the first degree, or sex trafficking in the first degree under

AS 11.66.110(a)(2) may be sentenced to a definite term of imprisonment of not more than 99 years and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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

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

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

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

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

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

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

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

(3) sexual assault in the second degree, sexual abuse of a minor in the second degree, enticement of a minor under AS 11.41.452(d), indecent exposure in the first degree under AS 11.41.458(b)(2), **distribution of generated obscene child sexual abuse material under AS 11.61.121(d)(2)**, distribution of child sexual abuse material under AS 11.61.125(e)(2), patron of a victim of sex trafficking under AS 11.66.137, or attempt, conspiracy, or solicitation to commit sexual assault in the first degree under AS 11.41.410(a)(1)(B) may be sentenced to a definite term of imprisonment of not more than 99 years and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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

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

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

(D) if the offense is a third felony conviction and does not involve circumstances described in (E) of this paragraph, 20 to 35 years;

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

(4) sexual assault in the third degree, sexual abuse of a minor in the third degree under AS 11.41.438(c), incest, indecent exposure in the first degree under AS 11.41.458(b)(1), **distribution of generated obscene child sexual abuse material under AS 11.61.121(d)(1), possession of generated obscene child sexual abuse material,** indecent viewing or production of a picture under AS 11.61.123(g)(1) or (2), possession of child sexual abuse material, distribution of child sexual abuse material under AS 11.61.125(e)(1), patron of a victim of sex trafficking under AS 11.66.137, or attempt, conspiracy, or solicitation to commit sexual assault in the second degree, sexual abuse of a minor in the second degree, **distribution of generated obscene child sexual abuse material,** unlawful exploitation of a minor, distribution of child sexual abuse material **under AS 11.61.125(e)(2),** or patron of a victim of sex trafficking under AS 11.66.137, may be sentenced to a definite term of imprisonment of not more than 99 years and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

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

(B) if the offense is a first felony conviction under **AS 11.61.121(d)(1) or 11.61.125(e)(1)** [AS 11.61.125(e)(1)] and does not involve circumstances described in (C) of this paragraph, four to 12 years;

(C) if the offense is a first felony conviction under

AS 11.61.121(d)(1) or 11.61.125(e)(1) [AS 11.61.125(e)(1)], and the defendant hosted, created, or helped host or create a mechanism for multi-party sharing or distribution of generated obscene child sexual abuse material or child sexual abuse material, or received a financial benefit or had a financial interest in a generated obscene child sexual abuse material or child sexual abuse material sharing or distribution mechanism, six to 14 years;

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

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

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

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

* **Sec. 13.** AS 12.55.127(d) is amended to read:

(d) If the defendant is being sentenced for two or more crimes of distribution of generated obscene child sexual abuse material under AS 11.61.121, possession of generated obscene child sexual abuse material under AS 11.61.122, distribution of child sexual abuse material under AS 11.61.125, possession of child sexual abuse material under AS 11.61.127, or distribution of indecent material to minors under AS 11.61.128, a consecutive term of imprisonment shall be imposed for some additional term of imprisonment for each additional crime or each additional attempt or solicitation to commit the offense.

* **Sec. 14.** AS 12.55.185(16) is amended to read:

(16) "sexual felony" means sexual assault in the first degree, sexual abuse of a minor in the first degree, sex trafficking in the first degree, sexual assault in the second degree, sexual abuse of a minor in the second degree, sexual abuse of a minor in the third degree under AS 11.41.438(c), unlawful exploitation of a minor, patron of a victim of sex trafficking, distribution of generated obscene child sexual abuse material, possession of generated obscene child sexual abuse material, indecent viewing or production of a picture under AS 11.61.123(g)(1) or (2),

1 distribution of child sexual abuse material, sexual assault in the third degree, incest,
 2 indecent exposure in the first degree, possession of child sexual abuse material,
 3 enticement of a minor, and felony attempt, conspiracy, or solicitation to commit those
 4 crimes;

5 * **Sec. 15.** AS 12.62.900(22) is amended to read:

6 (22) "serious offense" means a conviction for a violation or for an
 7 attempt, solicitation, or conspiracy to commit a violation of any of the following laws,
 8 or of the laws of another jurisdiction with substantially similar elements:

9 (A) a felony offense;

10 (B) a crime involving domestic violence;

11 (C) AS 11.41.410 - 11.41.470;

12 (D) AS 11.51.130, 11.51.200 - 11.51.220, or AS 11.56.100 -
 13 11.56.210 [OR 11.51.200 - 11.56.210];

14 (E) AS 11.61.110(a)(7), 11.61.121, or 11.61.125;

15 (F) AS 11.66.100 - 11.66.130;

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

18 (H) former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 -
 19 11.40.420, if committed before January 1, 1980.

20 * **Sec. 16.** AS 14.20.030(b) is amended to read:

21 (b) The commissioner or the Professional Teaching Practices Commission
 22 shall revoke for life the certificate of a person who has been convicted of a crime, or
 23 an attempt, solicitation, or conspiracy to commit a crime, involving a minor under
 24 AS 11.41.410 - 11.41.460, AS 11.61.121, 11.61.122, 11.61.125 [AS 11.61.125], or
 25 11.61.127, or a law or ordinance in another jurisdiction with elements similar to an
 26 offense described in this subsection.

27 * **Sec. 17.** AS 28.15.046(c) is amended to read:

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

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

30 (A) a violation, or an attempt, solicitation, or conspiracy to
 31 commit a violation, of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320,

1 11.41.360 - 11.41.370, 11.41.410 - 11.41.470, or 11.41.500 - 11.41.530;

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

4 (C) felony indecent viewing or production of a picture under
5 AS 11.61.123;

6 (D) distribution of child sexual abuse material under
7 AS 11.61.125;

8 (E) possession of child sexual abuse material under
9 AS 11.61.127;

10 (F) distribution of indecent material to minors under
11 AS 11.61.128;

12 (G) patron of a victim of sex trafficking under AS 11.66.137;

13 (H) sex trafficking in the first, second, or third degree under
14 AS 11.66.110 - 11.66.130;

15 (I) a felony involving distribution of a controlled substance
16 under AS 11.71 or imitation controlled substance under AS 11.73;

17 (J) a felony violation under AS 28.35.030(n) or 28.35.032(p);

18 **(K) distribution of generated obscene child sexual abuse**
19 **material under AS 11.61.121;**

20 **(L) possession of generated obscene child sexual abuse**
21 **material under AS 11.61.122;** or

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

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

25 (B) reckless endangerment under AS 11.41.250;

26 (C) contributing to the delinquency of a minor under
27 AS 11.51.130;

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

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

31 * **Sec. 18.** AS 44.23.080(a) is amended to read:

(a) If there is reasonable cause to believe that an Internet service account has been used in connection with a violation of AS 11.41.452, 11.41.455, or AS 11.61.121, 11.61.122, or 11.61.125 - 11.61.128 [AS 11.61.125 - 11.61.128], and that the identity, address, and other information about the account owner will assist in obtaining evidence that is relevant to the offense, a law enforcement officer may apply to the attorney general or the attorney general's designee for an administrative subpoena to obtain the business records of the Internet service provider located inside or outside of the state.

* **Sec. 19.** AS 47.12.110(d) is amended to read:

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

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

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

(B) the minor's alleged commission of

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

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

(iii) arson under AS 11.46.400 - 11.46.410;

(iv) burglary under AS 11.46.300;

(v) distribution of child sexual abuse material under AS 11.61.125;

(vi) sex trafficking in the first degree under AS 11.66.110;

(vii) distribution of generated obscene child sexual abuse material under AS 11.61.121; or

(viii) [OR (vii)] misconduct involving a controlled substance under AS 11.71 involving the delivery of a controlled substance or the possession of a controlled substance with intent to deliver, other than an offense under AS 11.71.040 or 11.71.050; or

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

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

* **Sec. 20.** AS 47.12.315(a) is amended to read:

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

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

(2) arson in the first or second degree;

(3) burglary in the first degree;

(4) distribution of child sexual abuse material;

(5) sex trafficking in the first degree;

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

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

or

(8) distribution of generated obscene child sexual abuse material under AS 11.61.121.

* **Sec. 21.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. (a) The following sections apply to offenses committed on or after

1 the effective date of those sections:

- 2 (1) AS 11.61.120(a), as amended by sec. 1 of this Act;
- 3 (2) AS 11.61.127(a), as amended by sec. 3 of this Act;
- 4 (3) AS 11.61.127(b), as amended by sec. 4 of this Act;
- 5 (4) AS 11.61.127(f), as amended by sec. 5 of this Act;
- 6 (5) AS 11.61.129(a), as amended by sec. 6 of this Act; and
- 7 (6) AS 11.66.100(c), as amended by sec. 7 of this Act.

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

- 10 (1) AS 12.55.078(f), as amended by sec. 9 of this Act;
- 11 (2) AS 12.55.085(f), as amended by sec. 10 of this Act;
- 12 (3) AS 12.55.125(i), as amended by sec. 12 of this Act;
- 13 (4) AS 12.55.185(16), as amended by sec. 14 of this Act;
- 14 (5) AS 12.62.900(22), as amended by sec. 15 of this Act;
- 15 (6) AS 14.20.030(b), as amended by sec. 16 of this Act.