

PROTECTED INNOCENCE INITIATIVE

STATE ACTION . NATIONAL CHANGE.

ALASKA REPORT CARD

Children in Alaska have some legal protections if they become victims of sex trafficking, but there are no laws making the purchase of sex acts with minors a serious crime, leaving demand undeterred.

FINAL SCORE

55.5

FINAL GRADE

F



3.5

7.5

5.5

25

10

15

9

10

17.5

27.5

10

15

CRIMINALIZATION OF DOMESTIC MINOR SEX TRAFFICKING

Alaska's human trafficking laws include sex trafficking, but do not distinguish between an adult and a child victim or expressly define a minor under the age of 18 used in a commercial sex act as a human trafficking victim without regard to use of force, fraud, or coercion. The state has enacted commercial sexual exploitation of children (CSEC) laws that reach traffickers, including promoting prostitution and unlawful exploitation of a minor. Alaska's CSEC statutes do not refer to the human trafficking statute for prosecution or victim protections.

CRIMINAL PROVISIONS ADDRESSING DEMAND

Very limited options exist to prosecute demand in Alaska. The state human trafficking laws likely do not apply to buyers and require that the offender "compel or induce" the victim to engage in sexual conduct or obtain a benefit from human trafficking "with reckless disregard that the benefit is a result of the trafficking." No CSEC laws include the crime of buying sex acts with a minor and the solicitation of prostitution statute does not distinguish between purchasing commercial sex acts with an adult versus a minor. The online enticement statute making it a crime to use the Internet to engage a minor under 16 to produce a live or recorded sexual performance (crime of sexual exploitation) does not include the crime of purchasing commercial sex acts with a minor. If the human trafficking and CSEC laws were applicable to buyers, they do not prohibit a defense of age mistake allowing buyers to claim they did not know the child was under 18 to avoid culpability. A court must order a buyer convicted of any sexual offense to pay restitution to the victim if requested and losses are shown. Buyers of sex acts with minors are required to register as sex offenders if convicted of sexual offenses or possession of child pornography, but not for sex trafficking a minor or soliciting prostitution with a minor.

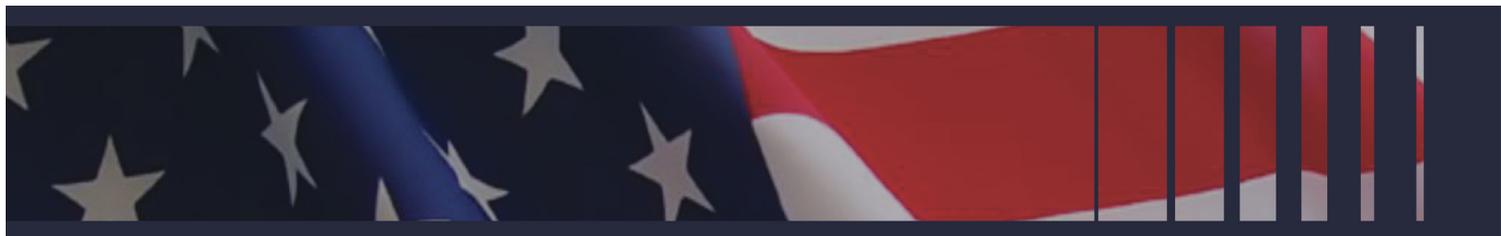
CRIMINAL PROVISIONS FOR TRAFFICKERS

Under the human trafficking, CSEC and child pornography laws, traffickers are subject to lower sentences than those of comparable federal crimes (10 years–life), but similarly high fines (up to \$250,000). Human trafficking and promoting prostitution of a minor are Class A felonies punishable by 5–8 years imprisonment and a possible fine up to \$250,000. A first offense of creating child pornography is a Class B felony punishable by imprisonment for 5–15 years and a possible fine up to \$100,000. Producing a pornographic photographic image of a minor under 16 is a Class C felony punishable by imprisonment for 0–2 years and a possible fine up to \$50,000. Though not available in human trafficking offenses, promoting prostitution and child pornography convictions can subject traffickers to asset forfeiture. The statute on online enticement to engage in a live or recorded sexual performance is a means of prosecuting traffickers who use the Internet to encourage minors under 16 for sexual exploitation. In any conviction for sex trafficking, CSEC, or a sexual offense a court must order a trafficker to pay restitution to the victim. Traffickers are required to register as sex offenders if convicted of promoting prostitution and pornography offenses, but not for sex trafficking a minor. A convicted trafficker is not certain to face termination of parental rights as sex trafficking and CSEC crimes are not expressly enumerated grounds for termination of parental rights.

DEMAND | SELECTED COMMERCIAL SEX CRIMES

Crime (name of law abridged)	Classification	Sentence	Fine (possible)	Asset Forfeiture (available)
Solicitation of prostitution (§ 11.66.100(a))	Class B misdemeanor	Max. 90 days	Max. \$2,000	○
Possession of child pornography (§ 11.61.127)	Class C felony	2–12 years	Max. \$50,000	●
Viewing indecent photogra- phy of minor under 16 (§ 11.61.123)	Class C felony	0–2 years	Max. \$50,000	○

All criminal penalties are statutory; many states also have sentencing guidelines that are not codified which affect sentencing.



PROTECTIVE PROVISIONS FOR THE CHILD VICTIMS

Domestic minor sex trafficking victims are vulnerable due to gaps in the laws, despite the establishment of the office of victims' rights which can investigate denials of victim rights to child victims of sex trafficking, CSEC and sexual offenses, and provide them with an advocate in court. Human trafficking and CSEC laws do not expressly prohibit a defense to prosecution based on consent of the minor to participate in the sexual conduct. Prostitution offenses are not limited in application to adults and do not identify a minor engaged in prostitution as a victim of sex trafficking. A victim found to be abused or a child in need of aid—defined to include being a victim of prostitution-related offenses, unlawful exploitation of a minor and online enticement of a minor, but not including human trafficking—might receive protection through child protective services. However, the definition of “person responsible for the child’s welfare” may not reach a trafficker in control of the child; therefore, a child controlled or held by a trafficker may not qualify for child welfare intervention. Sex trafficking and CSEC are not expressly included as crimes for which victims are eligible for compensation, and even if included, factors such as perceived consent of the victim to the crime and time reporting requirements, could prevent compensation. Victim-friendly court procedures may be available to certain child sex trafficking victims. Corroborating evidence is not necessary to prove a victim’s allegation of being compelled or promoted into prostitution. Victims under 16 may be permitted to testify through closed-circuit television and receive a guardian ad litem. Victims of unlawful exploitation of a minor, but not sex trafficking or other CSEC crimes, are protected by the “rape shield” law which may limit the trauma of cross examination for testifying victims. A court must order a minor’s criminal records sealed within 30 days of turning 18, or 30 days after the court releases jurisdiction of the minor. Restitution is available and victims of unlawful exploitation of a minor, online enticement of a minor and sexual abuse have a statutory civil remedy which may be brought against the offender at any time. Criminal prosecutions for the same crimes may be brought at any time, but the statute of limitations for a human trafficking prosecution is 10 years.

CRIMINAL JUSTICE TOOLS FOR INVESTIGATION AND PROSECUTIONS

Training on human trafficking or domestic minor sex trafficking is not mandated for law enforcement. Single party consent to audio-taping is authorized, and wiretapping is permitted in some scenarios that may include sex trafficking investigations. The use of a decoy in the investigation of prostitution or sex trafficking cases is not expressly authorized but law enforcement may use the Internet to investigate the crime of online enticement of a minor, which includes soliciting a person the offender believes is under 16 to engage in certain sex acts for live or recorded performance. Alaska law requires statewide reporting of missing and rescued children.

CRIMINAL PROVISIONS FOR FACILITATORS

The state human trafficking laws include the crime of benefitting from human trafficking. Also, various degrees of promoting prostitution are applicable to facilitator actions. Promoting prostitution crimes include sex tourism by advertising, selling, offering, or facilitating travel for the purpose of commercial sexual conduct. Benefitting from sex trafficking and sex tourism are felonies punishable by imprisonment for 1–3 years and a possible fine up to \$100,000. Distributing child pornography is a felony, punishable by 2–12 years imprisonment and a possible fine up to \$100,000. Aiding or facilitating a prostitution enterprise is a felony punishable by imprisonment for 0–2 years and a possible fine up to \$50,000, whereas aiding or facilitating prostitution that does not amount to an enterprise is a misdemeanor with up to 1 year imprisonment and a possible fine up to \$10,000. Facilitators are subject to asset forfeiture for promoting prostitution and child pornography offenses, but not for benefitting from human trafficking. Facilitators must pay restitution to the victims of their crime.

The Report Card is based on the Protected Innocence Legislative Framework, an analysis of state laws performed by the American Center for Law & Justice and Shared Hope International, and sets a national standard of protection against domestic minor sex trafficking. To access the Protected Innocence Legislative Framework Methodology, each completed Report Card, and foundational analysis and recommendations, please visit: www.sharedhope.org/reportcards.aspx.

