

ALASKA

REPORT CARD | 2018

Alaska's sex trafficking laws protect victims under 20 years of age, and the human trafficking law criminalizes exploitation through forced sexual performance; however, demand is expressly excluded and handled, instead, as prostitution. Victims of sex trafficking and commercial sexual exploitation of children (CSEC) may pursue civil remedies at any time, state law mandates restitution, and wiretapping is an available investigative tool in trafficking investigations.

Final Score

74.5

Final Grade

C



7.5

10

17

25

15

15

9.5

10

11

27.5

14.5

15

Criminalization of Domestic Minor Sex Trafficking

Alaska's sex trafficking law prohibits an individual from inducing or causing another person who is under 20 to engage in prostitution; the human trafficking laws further include exploitation through "sexual conduct" and "adult entertainment," but require proof of force, threat of force, or deception even when the victim is a minor. Commercial sexual exploitation of children (CSEC) laws include "unlawful exploitation of a minor," "prostitution," and "online enticement of a minor." Alaska's prostitution statute refers to the sex trafficking statute, acknowledging the intersection of prostitution with trafficking victimization. Alaska has not enacted a racketeering statute, but the criminal street gang law may reach some trafficking enterprises.

Criminal Provisions for Demand

Alaska's sex trafficking law specifically exempts buyers from criminal liability through use of the phrase "other than a patron of a prostitute." However, buyers may be convicted under Alaska's prostitution law, a CSEC offense that distinguishes between soliciting sex acts with minors versus adults. When the victim is a minor, buyers convicted under the prostitution law face 0–2 years imprisonment and a fine up to \$50,000. "Online enticement of a minor" prohibits use of the Internet to solicit a minor under 16 to engage in certain sexual acts. The prostitution statute specifically provides an affirmative defense based on mistake of age. Alaska's buyer-applicable CSEC law does not stagger penalties based on a minor's age, but penalties are not sufficiently high. Buyers who engage in prostitution with a minor face criminal asset forfeiture and restitution at sentencing. Possessing images of child sexual exploitation (ICSE) carries penalties comparable to those for similar federal offenses. Buyers convicted under Alaska's prostitution and ICSE offenses will be required to register as sex offenders.

Criminal Provisions for Traffickers

Depending on the prohibited conduct, "sex trafficking in the first degree" is punishable by 3–6 years imprisonment and a fine up to \$250,000 or 20–35 years imprisonment and a fine up to \$500,000. "Human trafficking in the first degree" is punishable by 3–6 years imprisonment and a fine up to \$250,000, while "unlawful exploitation of a minor" is punishable by 5–15 years imprisonment and a fine up to \$100,000. Creating ICSE carries penalties comparable to those for similar federal offenses. "Online enticement of a minor" prohibits use of the Internet to entice a minor under 16 to engage in certain sexual acts. Financial penalties include fines, discretionary and mandatory asset forfeiture, and restitution. Traffickers must register as sex offenders if convicted of sex trafficking, CSEC, and ICSE offenses. Child sex trafficking and certain CSEC offenses are included as grounds for terminating parental rights based on the definition of "sexual abuse."

Criminal Provisions for Facilitators

Alaska's sex trafficking and human trafficking laws include the crimes of benefitting from trafficking and facilitating prostitution. "Human trafficking in the second degree" and "sex trafficking in the second degree" are felonies punishable by 0–2 years imprisonment and a fine up to \$100,000, while "sex trafficking in the third degree" and "sex trafficking in the fourth degree" are punishable by 0–2 years imprisonment and a fine up to \$50,000 and up to 1 year imprisonment and a fine up to \$25,000, re-

spectively. Facilitators face mandatory criminal asset forfeiture for sex trafficking and discretionary criminal asset forfeiture for ICSE offenses; further, facilitators must pay victim restitution. Although Alaska law prohibits the sale or facilitation of travel that includes commercial sexual conduct, that law is not specific to minors and does not provide an enhanced penalty when the victim is a minor. Distributing ICSE is punishable by 2–12 years imprisonment and a fine up to \$100,000.



Protective Provisions for the Child Victims

Not all commercially sexually exploited children are defined as juvenile sex trafficking victims because the sex trafficking law does not protect minors who are exploited by buyers without an identified trafficker. Alaska's human trafficking, sex trafficking, and CSEC laws do not prohibit a defense to prosecution based on the minor's willingness to engage in the commercial sex act. Prostitution laws apply to minors under 18, meaning juvenile sex trafficking victims face criminalization for commercial sex acts committed as a result of their victimization unless the victim reports the exploitation and cooperates with law enforcement. Alaska law does not provide a juvenile sex trafficking victim with a statutory avenue to specialized services. For purposes of child welfare intervention, the definition of "abuse" includes sex trafficking and CSEC based on the definition of "sexual exploitation," but the definition of "person responsible for the child's welfare" may present a barrier to child welfare intervention in non-familial trafficking cases. Although child sex trafficking victims are eligi-

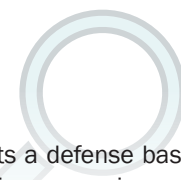
ble for crime victims' compensation, factors such as the victim's perceived consent to the crime and reporting deadlines, could prevent compensation. Victim-friendly court procedures may be available to certain child sex trafficking victims. Corroboration of a victim's testimony is not required in sex trafficking cases. Further, victims under 16 may be permitted to testify through closed-circuit television and receive a guardian ad litem. The "rape shield" law, which reduces trauma associated with cross-examination, does not apply in trafficking cases. Alaska law does not provide a mechanism for minors to vacate delinquency adjudications related to trafficking victimization, but juvenile records may be sealed after a minor turns 18. Restitution is available, and civil actions are authorized. The statutes of limitations for commencing criminal and civil actions based on sex trafficking, human trafficking, and certain CSEC offenses have been eliminated.



Criminal Justice Tools for Investigation and Prosecution

Law enforcement training on child sex trafficking is not mandated or authorized, but such training could fall under required training for child abuse and neglect. Single party consent to audiotaping is authorized, and wiretapping is an available tool to investigate sex trafficking, but not CSEC. Alaska's "online enticement of a minor" law, which includes soliciting a person believed to be a

minor under 16 for certain sex acts, prohibits a defense based on the use of a law enforcement decoy posing as a minor and allows law enforcement to use the Internet to investigate that crime. Alaska law requires statewide reporting of missing and located missing children.



The Report Card is based on the Protected Innocence Challenge Legislative Framework, an analysis of state laws performed by Shared Hope International, and sets a national standard of protection against domestic minor sex trafficking. To access the Protected Innocence Challenge Legislative Framework Methodology, all state Report Cards, and foundational analysis and recommendations, please visit: www.sharedhope.org/reportcards.