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Sponsor Statement

HB 354, An Act relating to Criminal Sexual Inducement of a Minor, and to Distribution of Pornography to Minors.

The Internet, or Information Superhighway, has enabled many people to gain greater access to information and faster communication. Unfortunately, this same superhighway provides adults who are inclined to abuse children greater, simpler, and easier access to children. These adults “troll” the highway to locate unsuspecting minors. They enter into teen “chat rooms” and represent themselves to be teens and develop friendships with them by discussing issues of interest to teens. After time the conversations become more personal and eventually of a sexual nature. The unscrupulous adult then solicits the teen to meet with him/her to engage in sexual acts.

HB 354 addresses this problem. It provides an avenue to prosecute an adult (over 18) who engages in a course of conduct with a minor (a person who the adult believes is under 16 and three years younger than the adult) with the intent to induce the minor to engage in sexual acts. These sex acts include sexual penetration, sexual contact and other acts which are described in AS 11.41.455 – a statute passed by the legislature in 1978.

While the focus of this statute is to stop solicitation of minors over the internet and it is anticipated that will be the media through which most of the illicit communication occurs the statute does not specifically refer to the internet nor does it limit the communication to the internet. It is written sufficiently broad to include solicitation through the mail or telephone. It is expected the pattern of these cases would be initial contact over the Internet, with a potential for the subsequent use of phones or mail or other types of contact.

HB 354 would prevent the provision of pornography to minors. In light of the recent technological advances including the Internet and digital photography, creating and distributing these materials is much easier and can be done with far less risk to their purveyors. The process by which an adult prepares a minor for his/her advances is called grooming. On some occasions this grooming includes showing the minor photos of or other materials describing people engaging in similar acts. Presently, the law prevents the possession and/or distribution of child pornography, that is, photos of children engaging in sexual acts. Current law does not prohibit provision of pornography to children. Individuals often escape prosecution for possession of what appears to be child pornography as the materials are boldly labeled “not using persons under 18”. Yet these materials are used to entice and groom minors. This bill prohibits the provision of pornographic materials to minors, regardless of the claimed age of the actors. The definition of pornography in HB 354 is drawn from the definitions used in the current statutes regarding child pornography.