

Since 2011, Shared Hope has laid the foundation for transformational policy, practice, and cultural change by supporting state legislators and stakeholders to identify gaps in the fabric of laws needed to address child sex trafficking. The Report Cards on Child & Youth Sex Trafficking build upon the progress already made, challenging states to take the next step in the fight against sex trafficking by focusing on the area where the largest gaps remain—victim protections. This report provides a thorough review of Alaska’s laws related to both criminalization and victim protections while providing recommendations for addressing gaps in the law.



ISSUE 1: Criminal Provisions

Policy Goal 1.1 The child sex trafficking law is expressly applicable to buyers of commercial sex with any minor under 18.

Alaska Stat. § 11.66.110(a)(2) (Sex trafficking in the first degree) specifically excludes buyers from criminal liability, stating, “A person commits the crime of sex trafficking in the first degree if the person . . . as other than a patron of a prostitute, induces or causes another person who is under 20 years of age to engage in prostitution”

1.1.1 Recommendation: Amend Alaska Stat. § 11.66.110(a)(2) (Sex trafficking in the first degree) to make the statute applicable to the actions of buyers who “patronize” a minor for commercial sex.

Policy Goal 1.2 Commercial sexual exploitation of children (CSEC) laws specifically criminalize purchasing or soliciting commercial sex with any minor under 18.

Alaska law criminalizes soliciting commercial sex with minors under 18 but requires the defendant to be over 18 years of age and at least three years older than the minor. Specifically, Alaska Stat. § 11.66.100 (Prostitution) states,

- (a) A person commits the crime of prostitution if the person
 -
 - (2) offers a fee in return for sexual conduct.
 -
- (e) Prostitution is a class C felony if
 - (1) the defendant violates (a) of this section as a patron of a prostitute;
 - (2) the prostitute is under 18 years of age; and
 - (3) the defendant is over 18 years of age and at least three years older than the prostitute.

1.2.1 Recommendation: Amend Alaska Stat. § 11.66.100(a)(3) (Prostitution) to remove the requirement that the defendant be at least three years older than the victim.

Policy Goal 1.3 Commercial sexual exploitation of children (CSEC) laws apply to traffickers and protect all minors under 18.

Alaska’s CSEC laws do not specifically apply to the actions of traffickers.

- 1.3.1 Recommendation: Enact a CSEC law that addresses an array of exploitive conduct engaged in by traffickers.

Policy Goal 1.4 Mistake of age is not an available defense under sex trafficking and commercial sexual exploitation of children (CSEC) laws.

Alaska law prohibits a mistake of age defense in prosecutions for sex trafficking in the first degree; however, Alaska’s other child sex trafficking offenses are silent regarding the permissibility of the defense, and the defense is expressly permitted in CSEC cases. Pursuant to Alaska Stat. § 11.66.110(b) (Sex trafficking in the first degree), “In a prosecution under (a)(2)¹ of this section, it is not a defense that the defendant reasonably believed that the person induced or caused to engage in prostitution was 20 years of age or older.”

Conversely, Alaska Stat. § 11.66.100 (Prostitution) expressly provides for a mistake of age defense in prosecutions under that section, stating,

In a prosecution under (e)² of this section, it is an affirmative defense that, at the time of the alleged offense, the defendant

- (1) reasonably believed the prostitute to be 18 years of age or older; and
- (2) undertook reasonable measures to verify that the prostitute was 18 years of age or older.

- 1.4.1 Recommendation: Amend state law to prohibit a mistake of age defense in all cases involving child sex trafficking and CSEC.

Policy Goal 1.5 Use of a law enforcement decoy is not an available defense in child sex trafficking cases.

Although state trafficking laws do not expressly prohibit an offender from raising a defense based on the use of a law enforcement decoy posing as a minor, Alaska’s criminal attempt statute, Alaska Stat. § 11.31.100 (Attempt), could provide prosecutors with an alternative avenue to prosecute those cases. Alaska Stat. § 11.31.100(b) states,

¹ Alaska Stat. § 11.66.110(a)(2) states,

A person commits the crime of sex trafficking in the first degree if the person

....

- (2) as other than a patron of a prostitute, induces or causes another person who is under 20 years of age to engage in prostitution

² Alaska Stat. § 11.66.100(e) states,

Prostitution is a class C felony if

- (1) the defendant violates (a) of this section as a patron of a prostitute;
- (2) the prostitute is under 18 years of age; and
- (3) the defendant is over 18 years of age and at least three years older than the prostitute.

In a prosecution under this section, it is not a defense that it was factually or legally impossible to commit the crime which was the object of the attempt if the conduct engaged in by the defendant would be a crime had the circumstances been as the defendant believed them to be.

Accordingly, an offender could be found guilty of attempting to commit a child sex trafficking offense despite the use of a law enforcement decoy.

Policy Goal 1.6 The trafficking law expressly allows for business entity liability and establishes a business-specific penalty scheme.

Alaska’s sex trafficking laws do not expressly allow for business entity liability.

1.6.1 Recommendation: Amend state law to ensure business entities can be held liable under state trafficking laws and establish a business-specific penalty scheme.

Policy Goal 1.7 State law mandates that financial penalties are levied on sex trafficking and CSEC offenders and are directed to a victim services fund.

Financial penalties, including criminal fines, fees, and asset forfeiture, paid by convicted trafficking and CSEC offenders are not required to be directed into a victim services fund.³

1.7.1 Recommendation: Statutorily direct a percentage of financial penalties levied on trafficking and CSEC offenders into a victim services fund.

³ Regarding asset forfeiture, Alaska Stat. § 11.66.145 (Forfeiture) states, “Property used to institute, aid, or facilitate, or received or derived from, a violation of AS 11.66.100(e) [Prostitution] or 11.66.110 – 11.66.135 [Sex trafficking in the first through fourth degrees] may be forfeited at sentencing.” However, a percentage of those forfeited assets is not directed into a victim services fund.



ISSUE 2: Identification of & Response to Victims

Policy Goal 2.1 The definition of child sex trafficking victim in the criminal code includes all commercially sexually exploited children without requiring third party control.

The definition of child sex trafficking victim does not include all commercially sexually exploited children. Alaska Stat. § 11.66.110(a) (Sex trafficking in the first degree) specifically excludes buyers from criminal liability.⁴ Accordingly, third party control is required to establish the crime of child sex trafficking, thereby excluding commercially sexually exploited children who are not under the control of a trafficker from the definition of child sex trafficking victim.

2.1.1 Recommendation: Amend state law to remove third party control requirements that narrow the definition of child sex trafficking victim.⁵

Policy Goal 2.2 State law provides policy guidance to facilitate access to services and assistance for trafficked foreign national children.

Alaska law does not require the development of policy guidance to facilitate appropriate responses to foreign national child sex trafficking victims.

2.2.1 Recommendation: Statutorily require the development of policy guidance to facilitate access to services and assistance for trafficked foreign national children.

Policy Goal 2.3 State law mandates child welfare agencies to conduct trauma-informed CSEC screening for children at risk of sex trafficking.

Alaska law does not require child welfare to conduct trauma-informed CSEC screening of system-involved children and youth who are at risk of sex trafficking.

2.3.1 Recommendation: Statutorily require child welfare to screen system-involved children and youth at risk of sex trafficking for experiences of commercial sexual exploitation.

⁴ See *supra* Policy Goal 1.1 for a full discussion of buyer-applicability under Alaska Stat. § 11.66.110.

⁵ See generally Shared Hope Int'l, *Eliminating the Third Party Control Barrier to Identifying Juvenile Sex Trafficking Victims*, JuST Response Policy Paper (August 2015), http://sharedhope.org/wp-content/uploads/2015/08/Policy-Paper_Eliminating-Third-Party-Control_Final1.pdf (discussing need to include all commercially sexually exploited children within sex trafficking definitions and the corresponding need to include buyer conduct in core sex trafficking offenses regardless of whether the victim is under control of a third party).

Policy Goal 2.4 State law mandates juvenile justice agencies to conduct trauma-informed CSEC screening of children at risk of sex trafficking.

Alaska law does not require juvenile justice agencies to conduct trauma-informed CSEC screening of children and youth who are at risk of sex trafficking.

- 2.4.1 Recommendation: Statutorily require juvenile justice agencies to screen children and youth who are at risk of sex trafficking for experiences of commercial sexual exploitation.

Policy Goal 2.5 State law prohibits the criminalization of minors under 18 for prostitution offenses.

Alaska law does not prohibit the criminalization of minors for prostitution offenses. Pursuant to Alaska Stat. § 11.66.100 (Prostitution), the state prostitution laws apply equally to minors and adults and only extends non-criminalization protections to persons who, in the course of engaging in conduct that violates the prostitution law, observe and report certain criminal conduct to police.⁶ As such, minors alleged to have violated the prostitution law may be subject to arrest, detention, prosecution, and adjudication for conduct constituting their sex trafficking victimization.

- 2.5.1 Recommendation: Statutorily prohibit the criminalization of minors for prostitution offenses.

Policy Goal 2.6 State law prohibits the criminalization of child sex trafficking victims for status offenses, and misdemeanor and non-violent felony offenses committed as a result of their trafficking victimization.

Alaska law does not prohibit the criminalization of child sex trafficking victims for status offenses nor does it prohibit charging victims with misdemeanors or non-violent felonies committed as a result of their trafficking victimization.

- 2.6.1 Recommendation: Statutorily prohibit the criminalization of child sex trafficking victims for status offenses, and misdemeanors and non-violent felonies committed as a result of their trafficking victimization.

Policy Goal 2.7 State law prohibits the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

Alaska law does not prohibit the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

⁶ Alaska Stat. § 11.66.100(c) (Prostitution) states,

A person may not be prosecuted under (a)(1) of this section if the (1) person witnessed or was a victim of, and reported to law enforcement in good faith, one or more of the following crimes . . . (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.

- 2.7.1 Recommendation: Statutorily prohibit the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

Policy Goal 2.8 State law provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

Alaska law does not provide child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

- 2.8.1 Recommendation: Statutorily provide child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

Policy Goal 2.9 Juvenile court jurisdiction aligns with international human rights standards.

Alaska law does not provide age-appropriate juvenile court responses for all minors accused of engaging in juvenile or criminal conduct. While juvenile court jurisdiction extends to all minors under 18 years of age, Alaska law does not establish a minimum age for jurisdictional purposes, permits direct file and transfers to adult criminal court for minors accused of certain offenses or those previously adjudicated or convicted in the adult criminal justice system, and fails to require courts to consider the impact of trauma or past victimization in making discretionary transfer determinations.

	Minimum Age for Juvenile Court Jurisdiction	Maximum Age for Charging a Minor in Juvenile Court	Automatic Transfers or Direct File	Discretionary Transfers	Requirement for Court to Consider Trauma or Past Victimization
Summary	None. “Minor” is defined as “a person under 18 years of age”	17	Yes. Minors 16+ years old who have been charged with certain offenses and minors previously convicted in criminal court.	Yes. Minors deemed “unamenable to treatment” may be transferred to criminal court.”	No.
Relevant Statute(s)	Alaska Stat. § 47-12-990(12) (Definitions)	Alaska Stat § 47-12-020(a) (Jurisdiction)	Alaska Stat. § 47-12-030 (Provisions applicable)	Alaska Stat. § 47-12-100 (Waiver of jurisdiction)	Alaska Stat. § 47-12-100 (Waiver of jurisdiction)

Consequently, Alaska law fails to provide age-appropriate juvenile court responses to all minors, including child sex trafficking victims, as governing state statute: (1) does not establish a minimum age for juvenile court jurisdiction that is in alignment with international human rights standards; (2) allows minors to be subjected to automatic transfers; and (3) does not require the juvenile court to consider past trafficking victimization or trauma when making a transfer determination.

- 2.9.1 Recommendation: Statutorily require age-appropriate juvenile court responses for all children accused of engaging in juvenile or criminal conduct.

Policy Goal 2.10 State law defines child abuse to include child sex trafficking for purposes of accessing child welfare services.

Alaska law defines “child abuse or neglect” to include child sex trafficking. Pursuant to Alaska Stat. § 47.17.290(3), (18) (Definitions),

(3) “child abuse or neglect” means the physical injury or neglect, mental injury, sexual abuse, sexual exploitation, or maltreatment of a child under the age of 18 by a person under circumstances that indicate that the child’s health or welfare is harmed or threatened thereby

. . . .

(18) “sexual exploitation” includes

(A) allowing, permitting, or encouraging a child to engage in prostitution prohibited by AS 11.66.100 – 11.66.150 [including prostitution and sex trafficking in the first through fourth degree], by a person responsible for the child’s welfare;

(B) allowing, permitting, encouraging, or engaging in activity prohibited by AS 11.41.455(a) [Unlawful exploitation of a minor], by a person responsible for the child’s welfare.

Policy Goal 2.11 State law clearly defines child welfare’s role in responding to non-familial child sex trafficking through an alternative specialized response that does not hinge on caregiver fault.

Alaska’s child welfare code does not allow for a child welfare response in non-familial child sex trafficking cases and does not provide for a specialized response to child sex trafficking reports. Pursuant to Alaska Stat. § 47.17.290(18) (Definitions), the definition of “child abuse or neglect” only includes child sex trafficking offenses committed “by a person responsible for the child’s welfare.”⁷ Additionally, no alternative response is provided for children reported to child welfare due to trafficking victimization perpetrated by a non-familial trafficker.

2.11.1 Recommendation: Amend the child welfare code to provide an alternative specialized response to child sex trafficking reports that does not hinge on caregiver fault and sets out a trafficking-specific response protocol for non-familial child sex trafficking cases.

⁷ Alaska Stat. § 47.17.290(13) defines “person responsible for the child’s welfare” as “the child’s parent, guardian, foster parent, a person responsible for the child’s care at the time of the alleged child abuse or neglect, or a person responsible for the child’s welfare in a public or private residential agency or institution.”



ISSUE 3: Continuum of Care

Policy Goal 3.1 State law provides child sex trafficking victims with access to specialized services through a non-punitive system.

Alaska law does not provide a process to connect child sex trafficking victims with access to specialized services through a non-punitive system.

3.1.1 Recommendation: Statutorily require access to specialized services through a non-punitive system.

Policy Goal 3.2 State law provides for a survivor-centered multi-disciplinary team response to child sex trafficking cases.

Alaska does not statutorily require a multi-disciplinary team response to child sex trafficking cases.

3.2.1 Recommendation: Statutorily require a multi-disciplinary team response to child sex trafficking victims.

Policy Goal 3.3 State law requires the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth.

Alaska law does not provide access to specialized services for identified sex trafficked children and youth in the juvenile justice system.

3.3.1 Recommendation: Statutorily require the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth.

Policy Goal 3.4 State law extends foster care services to older foster youth.

Alaska law extends foster care services to youth under 21 years of age through a court process. However, these services are not extended to youth under 23 years of age as permitted under federal law.⁸ Specifically, Alaska Stat. § 47.10.080(c)(1)(A)–(B) (Judgements and orders) provides,

If the court finds that the child is a child in need of aid, the court shall

(1) order the child committed to the department for placement in an appropriate setting for a period of time not to exceed two years or in any event not to extend past the date the child becomes 19 years of age, except that the department, the child, or the child’s guardian ad litem may petition for and the court may grant in a hearing

(A) one-year extensions of commitment that do not extend beyond the child’s 19th birthday if the extension is in the best interests of the child; and

⁸ For more information, see Shared Hope Int’l, *Issue Brief 3.4: Continuum of Care*, https://sharedhope.org/wp-content/uploads/2020/12/SH_Issue-Brief-3.4_2020.pdf (discussing federal laws that allow for funded foster care services to be extended to youth under 23 years of age).

(B) additional one-year extensions of commitment past 19 years of age that do not extend beyond the person's 21st birthday if the continued state custody is in the best interests of the person and the person consents to it . . .

- 3.4.1 Recommendation: Strengthen existing law to better support transition age youth by extending transitional foster care services to youth under 23 years of age.

Policy Goal 3.5 State funding is appropriated to support specialized services and a continuum of care for sex trafficked children regardless of system involvement.

The Alaska state legislature did not appropriate funds to support the development and provision of specialized, community-based services and care to child and youth survivors.

- 3.5.1 Recommendation: Appropriate state funds to support the development of and access to specialized, community-based services to child and youth survivors of sex trafficking.

Policy Goal 3.6 State funding is appropriated to support child-serving agencies with providing specialized services and a continuum of care for sex trafficked children.

The Alaska state legislature did not appropriate funds to support child-serving agencies with developing and providing specialized services and ensuring a continuum of care for child and youth survivors who interact or are involved with state systems.

- 3.6.1 Recommendation: Appropriate state funds to support child-serving agencies in the development of and access to specialized services to child and youth survivors of sex trafficking.



ISSUE 4: Access to Justice for Trafficking Survivors

Policy Goal 4.1 State law allows trafficking victims to seek emergency civil orders of protection.

While civil orders of protection exist under Alaska law, this protection is not expressly available to victims of child sex trafficking and CSEC.

- 4.1.1 Recommendation: Strengthen state law to expressly allow victims of trafficking and CSEC to obtain ex parte civil orders of protection against their exploiters.

Policy Goal 4.2 Ineligibility factors for crime victims' compensation do not prevent victims of child sex trafficking and commercial sexual exploitation of children (CSEC) from accessing compensation.

Although Alaska's crime victims' compensation laws define "victim" to include victims of child sex trafficking and CSEC, ineligibility factors may prevent a commercially sexually exploited child from accessing an award.

For purposes of accessing crime victims' compensation, Alaska Stat. § 18.67.101 (Incidents and offenses to which this chapter applies) defines "victim" as anyone suffering from:

- [P]ersonal injury or death that resulted from
 - (1) an attempt on the part of the applicant to prevent the commission of crime, or to apprehend a suspected criminal, or aiding or attempting to aid a police officer to do so, or aiding a victim of crime; or
 - (2) the commission or attempt on the part of one other than the applicant to commit any of the following offenses:
 -
 - (L) sex trafficking in violation of AS 11.66.110 [Sex trafficking in the first degree] or 11.66.130(a)(2)(B) [Sex trafficking in the third degree];
 - (M) human trafficking in any degree; or
 - (N) unlawful exploitation of a minor.

However, the Violent Crimes Compensation program contains ineligibility criteria that could operate to bar a child sex trafficking victim's claim for compensation. Under Alaska Stat. § 18.67.080(c) (Awarding compensation),

- In determining whether to make an order under this section, the board shall consider all circumstances determined to be relevant, including provocation, consent, or any other behavior of the victim that directly or indirectly contributed to the victim's injury or death, the prior case or social history, if any, of the victim, the victim's need for financial aid, and any other relevant matters. In applying this subsection,
 - (1) the board may not deny an order based on the factors in this subsection, unless those factors relate significantly to the occurrence that caused the victimization and are of such a nature and quality that a reasonable or prudent person would know that the factors or actions could lead to the crime and the victimization;
 - (2) with regard to circumstances in which the victim consented to, provoked, or incited the criminal act, the board may consider those circumstances only if the board finds that it is more probable than not that those circumstances occurred and were the cause of the crime and the victimization;
 -

- (4) if a claim is based on a crime involving domestic violence or on a crime of sexual abuse of a minor or sexual assault and the offender is
- (A) convicted of one of those crimes, notwithstanding (1)–(3) of this subsection, the board may not deny an order based on considerations of provocation, the use of alcohol or drugs by the victim, or the prior social history of the victim; or
 - (B) not convicted of one of those crimes, the board may not deny an order based on the involvement or behavior of the victim.

In addition, Alaska Stat. § 18.67.130 (Limitations on awarding compensation) sets limits on the victim’s ability to receive compensation. Under subsection (a)(1), an application must be made within two years of the injury, and under subsection (a)(2), the victim cannot receive compensation under Alaska Stat. § 18.67.080 unless, “the personal injury or death was the result of an incident or offense listed in AS 18.67.101 that had been reported to the police within five days of its occurrence or, if the incident or offense could not reasonably have been reported within that period, within five days of the time when a report could reasonably have been made.” Alaska Stat. § 18.67.130(a)(3) states that victim compensation will not be granted unless “in the discretion of the board, the applicant has cooperated with law enforcement and prosecution officials to further prosecution of the offender if appropriate and to avoid further injury by the offender to the applicant and injury to persons in the care of the applicant who are exposed to possible injury by the offender.” Lastly, Alaska Stat. § 18.67.130(b)(3) states that compensation will not be awarded in the event that the victim “violated a penal law of the state, which violation caused or contributed to the victim’s injuries or death.”

Alaska law does not carve out any exceptions to these ineligibility factors for child sex trafficking and CSEC, which may result in denial of an award.

- 4.2.1 Recommendation: Amend state law to exempt victims of child sex trafficking and CSEC from ineligibility factors for crime victims’ compensation.

Policy Goal 4.3 Sex trafficked children and youth may vacate delinquency adjudications and criminal convictions for any offense arising from trafficking victimization.

Alaska law does not allow sex trafficked children and youth to vacate delinquency adjudications or criminal convictions for offenses arising from trafficking victimization.

- 4.3.1 Recommendation: Amend state law to allow sex trafficked children and youth to vacate delinquency adjudications and criminal convictions for any offense arising from trafficking victimization.

Policy Goal 4.4 State law mandates restitution for child sex trafficking and commercial sexual exploitation of children (CSEC) offenses.

Alaska law requires an offender convicted of a child sex trafficking or CSEC offense to pay restitution. Pursuant to Alaska Stat. § 12.55.045(a) (Restitution and compensation),

- (a) The court shall, when presented with credible evidence, unless the victim or other person expressly declines restitution, order a defendant convicted of an offense to make restitution as provided in this section, including restitution to the victim or other person injured by the offense, to a public, private, or private nonprofit organization that has provided or is or will be providing counseling, medical, or shelter services to the victim or other person injured by the offense, or as otherwise authorized by law. The court shall, when presented with credible evidence, unless the victim expressly declines restitution, also order a defendant convicted of an offense to compensate a victim that is a nonprofit organization for the value of labor or goods provided by volunteers if the labor or goods were necessary to alleviate or mitigate the

effects of the defendant’s crime. In determining the amount and method of payment of restitution or compensation, the court shall take into account the

- (1) public policy that favors requiring criminals to compensate for damages and injury, including loss of income, to their victims; and
- (2) financial burden placed on the victim and those who provide services to the victim and other persons injured by the offense as a result of the criminal conduct of the defendant.

....

(g) The court may not, in ordering the amount of restitution, consider the defendant’s ability to pay restitution.

(h) In imposing restitution under this section, the court may require the defendant to make restitution by means other than the payment of money.

(i) An order of restitution made under this section is a condition of the defendant’s sentence and, in cases in which the court suspends all or a portion of the defendant’s sentence, the order of restitution is a condition of the suspended sentence

EXTRA CREDIT



Alaska law mandates restitution for victims of child labor trafficking under Alaska Stat. § 12.55.045, which requires offenders convicted of any crime to pay victim restitution.

Policy Goal 4.5 State law provides child sex trafficking victims with a trafficking-specific civil remedy.

Alaska state law allows victims of child sex trafficking to pursue civil remedies against their exploiters. Alaska Stat. § 09.10.065(a)(4), (5) (Commencement of actions for acts constituting sexual offenses) states, “A person may bring an action at any time for conduct that would have, at the time the conduct occurred, violated provisions of any of the following offenses: . . . (4) felony sex trafficking; or (5) felony human trafficking.”

EXTRA CREDIT



Alaska law provides sex trafficked youth with a trafficking-specific civil remedy under Alaska Stat. § 09.10.065(a), which applies broadly to all cases involving felony sex trafficking regardless of the victim’s age.



Alaska law provides child labor trafficking victims with a trafficking-specific civil remedy under Alaska Stat. § 09.10.065(a), which applies broadly to cases involving felony human trafficking, including both sex and labor trafficking.

Policy Goal 4.6

Statutes of limitation for criminal and civil actions for child sex trafficking or commercial sexual exploitation of children (CSEC) offenses are eliminated to allow prosecutors and victims a realistic opportunity to pursue criminal action and legal remedies.

Prosecutions for child sex trafficking offenses may commence at any time; further, the statute of limitation for a related civil action is eliminated. Pursuant to Alaska Stat. § 12.10.010(5), (9) (General time limitations),

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

....

(5) a violation of . . . AS 11.66.110 — 11.66.130 [including sex trafficking in the first through third degrees] . . . when committed against a person who, at the time of the offense, was under 18 years of age;

....

(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;

Otherwise, Alaska Stat. § 12.10.010(b)(2) provides, “a person may not be prosecuted, tried, or punished for an offense unless the indictment is found or the information or complaint is instituted not later than . . . five years after the commission of any other offense.”

Regarding civil actions, Alaska Stat. § 09.10.065(a) (Commencement of actions for acts constituting sexual offenses) states, “A person may bring an action at any time for conduct that would have, at the time the conduct occurred, violated provisions of any of the following offenses: . . . (4) felony sex trafficking; or (5) felony human trafficking.”

EXTRA CREDIT



Criminal and civil statutes of limitation for offenses involving sex trafficking and human trafficking are eliminated under Alaska Stat. § 12.10.010 and Alaska Stat. § 09.10.065, respectively, regardless of the victim’s age.



Criminal and civil statutes of limitation for offenses involving human trafficking, including child labor trafficking, are eliminated under Alaska Stat. § 12.10.010 and Alaska Stat. § 09.10.065, respectively.



Policy Goal 5.1 State law provides a child sex trafficking-specific hearsay exception that applies to non-testimonial evidence to reduce reliance on victim testimony.

Alaska law does not allow non-testimonial, out-of-court statements made by a commercially sexually exploited child to be admitted into evidence in lieu of, or for the purpose of corroborating, the child's testimony.

5.1.1 Recommendation: Statutorily provide a hearsay exception that applies to non-testimonial evidence in cases involving commercial sexual exploitation of children under 18 years of age.

Policy Goal 5.2 State law provides child sex trafficking victims with alternatives to live, in-court testimony regardless of the prosecuted offense.

Alaska law does not provide child sex trafficking victims with an alternative to live, in-court testimony. Although Alaska Stat. § 12.45.046(a)(2) (Testimony of children in criminal proceedings) permits the court to order the testimony of a child under 16 years of age to be taken by closed circuit television (CCTV) during the prosecution of a specified offense, this protection does not apply to victims of sex trafficking or CSEC. Specifically, Alaska Stat. § 12.45.046(a)(2) states,

(a) In a criminal proceeding under AS 11.41 [Offenses Against the Person] involving the prosecution of an offense committed against a child under the age of 16, or witnessed by a child under the age of 16, the court

.....

(2) on its own motion or on the motion of the party presenting the witness or the guardian ad litem of the child, may order that the testimony of the child be taken by closed circuit television⁹ or through one-way mirrors¹⁰ if the court determines that the testimony by the child victim or witness under normal court procedures would result in the child’s inability to effectively communicate.¹¹

Notably, however, these protections are only available in criminal prosecutions under Chapter 41 of Title 11 (Offenses against the person), and Alaska’s sex trafficking and CSEC offenses are codified under Chapter 66 of Title 11 (Offenses against public health and decency). Accordingly, the protection provided for under Alaska Stat. § 12.45.046 is unavailable to commercially sexually exploited children.

5.2.1 Recommendation: Strengthen existing statutory protections to allow all commercially sexually exploited children to testify by an alternative method regardless of the child’s age and the offense charged.

Policy Goal 5.3 Child sex trafficking victims have access to victim protections in the criminal justice system.

	Child sex trafficking victims have the right to a victim advocate	Child sex trafficking victims testifying against their exploiter are provided supports in the courtroom	Child sex trafficking victims’ identifying information is protected from disclosure in court records
Summary	Not statutorily required.	Not statutorily required.	Not statutorily required. ¹²
Relevant Statute(s)	None.	None.	None.

⁹ Regarding use of CCTV, Alaska Stat. § 12.45.046(c) states in part,

If the court authorizes use of closed circuit televised testimony under this subsection,
 (1) each of the following may be in the room with the child when the child testifies:
 (A) the prosecuting attorney;
 (B) the attorney for the defendant; and
 (C) operators of the closed circuit television equipment;
 (2) the court may, in addition to persons specified in (1) of this subsection, admit a person whose presence, in the opinion of the court, contributes to the well-being of the child.

¹⁰ Regarding the use of one-way mirrors, Alaska Stat. § 12.45.046(e) provides, “The attorneys may pose questions to the child and have visual contact with the child during questioning, but the mirrors shall be placed to provide a physical shield so that the child does not have visual contact with the defendant and jurors.”

¹¹ Pursuant to Alaska Stat. § 12.45.046(b),

In making a determination under (a)(2) of this section, the court shall consider factors it considers relevant, including
 (1) the child’s chronological age;
 (2) the child’s level of development;
 (3) the child’s general physical health;
 (4) any physical, emotional, or psychological injury experienced by the child; and
 (5) the mental or emotional strain that will be caused by requiring the child to testify under normal courtroom procedures.

¹² Under Alaska Stat. § 12.61.110 (Confidentiality of victim and witness addresses and telephone numbers) and Alaska Stat. § 12.61.140 (Disclosure of victims’ names), victims’ contact information may be kept confidential, but identifying information is not protected from disclosure in criminal court records.

- 5.3.1 Recommendation: Statutorily ensure that child sex trafficking victims have the right to a victim advocate, courtroom supports are provided when they are testifying against their exploiter, and their identifying information is kept confidential in court records.

Policy Goal 5.4 State law provides for privileged communications between caseworkers and child sex trafficking victims.

Alaska law does not provide for privileged communications between caseworkers and child sex trafficking victims. Although Alaska Stat. § 18.66.200(a) (Compulsory disclosure of communications prohibited) broadly states that “a victim or victim counselor may not be compelled, without appropriate consent,¹³ to give testimony or to produce records concerning confidential communications¹⁴ for any purpose in a criminal, civil, legislative, or administrative proceeding,” the definitions for victim¹⁵ and victim counselor¹⁶ under Alaska Stat. § 18.66.250 (Definitions) limits this protection to cases involving sexual assault and domestic violence.

- 5.4.1 Recommendation: Amend state law to provide child sex trafficking-specific caseworker privilege that protects a child sex trafficking victim’s communications with a caseworker from being disclosed.

¹³ Alaska Stat. § 18.66.200(a) defines “appropriate consent” as follows:

- (1) the consent of the victim with respect to the testimony of
 - (A) an adult victim; and
 - (B) a victim counselor when the victim is an adult;
- (2) the consent of the victim’s parent, legal guardian, or guardian ad litem with respect to the testimony of a
 - (A) victim who is a minor or incompetent to testify; and
 - (B) victim counselor when the victim is a minor or incompetent to testify.

¹⁴ Alaska Stat. § 18.66.250(1) defines “confidential communication” as “information exchanged between a victim and a victim counselor in private or in the presence of a third party who is necessary to facilitate communication or further the counseling process and that is disclosed in the course of victim counseling resulting from a sexual assault or domestic violence.”

¹⁵ Alaska Stat. § 18.66.250(3) defines “victim” as “a person who consults a victim counselor for assistance in overcoming adverse affects of a sexual assault or domestic violence.”

¹⁶ Alaska Stat. § 1866.250(6) defines “victim counselor” as “an employee or supervised volunteer of a victim counseling center that provides counseling to victims (A) who has undergone a minimum of 40 hours of training in domestic violence or sexual assault, crisis intervention, victim support, treatment and related areas; or (B) whose duties include victim counseling.”



ISSUE 6: Prevention & Training

Policy Goal 6.1 State law mandates statewide training for child welfare agencies on identification and response to child sex trafficking.

Alaska law does not mandate statewide training for child welfare agencies on identification and response to child sex trafficking.

6.1.1 Recommendation: Statutorily mandate statewide training for child welfare agencies on identification and response to child sex trafficking.

Policy Goal 6.2 State law mandates statewide training for juvenile justice agencies on identification and response to child sex trafficking.

Alaska law does not mandate statewide training for juvenile justice agencies on identification and response to child sex trafficking.

6.2.1 Recommendation: Statutorily mandate statewide training for juvenile justice agencies on identification and response to child sex trafficking.

Policy Goal 6.3 State law mandates ongoing, trafficking-specific training on victim-centered investigations for law enforcement.

Alaska law does not mandate ongoing, trafficking-specific training on victim-centered investigations for law enforcement.

6.3.1 Recommendation: Statutorily mandate ongoing, trafficking-specific training on victim-centered investigations for law enforcement.

Policy Goal 6.4 State law mandates trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

Alaska law does not mandate trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

6.4.1 Recommendation: Statutorily mandate trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

Policy Goal 6.5 State law mandates child sex trafficking training for school personnel.

Alaska law does not mandate training on child sex trafficking for school personnel.

6.5.1 Recommendation: Statutorily mandate trafficking-specific prevention education training for school personnel.

Policy Goal 6.6 State law mandates child sex trafficking prevention education in schools.

Alaska law does not mandate child sex trafficking prevention education in schools.

- 6.6.1 Recommendation: Statutorily mandate developmentally and age-appropriate child sex trafficking prevention education in schools.

State Laws Addressing Child Sex Trafficking

1. Alaska Stat. § 11.66.110(a) (Sex trafficking in the first degree) states,

A person commits the crime of sex trafficking in the first degree if the person

....

(2) as other than a patron of a prostitute, induces or causes another person who is under 20 years of age to engage in prostitution; or

....

Alaska Stat. § 11.66.110(a)(1), (a)(3) is a class A felony punishable by imprisonment for 4–7 years and a possible fine up to \$250,000. Alaska Stat. §§ 11.66.110(c), 12.55.125(c)(1), 12.55.035(b)(2). Alaska Stat. § 11.66.110(a)(2) is an unclassified felony punishable by imprisonment for 20–35 years, depending on the victim’s age, and a possible fine up to \$500,000. Alaska Stat. § 11.66.110(d), 12.55.125(i)(1)(A), 12.55.035(b)(1).

2. Alaska Stat. § 11.66.120 (Sex trafficking in the second degree) states,

(a) A person commits the crime of sex trafficking in the second degree if the person

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

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

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

(b) Sex trafficking in the second degree is a class B felony.

A class B felony is punishable by imprisonment for 1–3 years and a possible fine up to \$100,000. Alaska Stat. § 12.55.125(d)(1), 12.55.035(b)(3).

3. Alaska Stat. § 11.66.130 (Sex trafficking in the third degree) states,

(a) A person commits the crime of sex trafficking in the third degree if the person

(1) receives compensation for prostitution services rendered by another; and

(2) with the intent to promote prostitution,

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

(B) as other than a patron of a prostitute, induces or causes another person who is 20 years of age or older to engage in prostitution;

(C) receives or agrees to receive money or other property under an agreement or understanding that the money or other property is derived from prostitution; or

(D) engages in conduct that institutes, aids, or facilitates a prostitution enterprise.

....

(c) Sex trafficking in the third degree is a class C felony.

A class C felony is punishable by imprisonment for 0–2 years and a possible fine up to \$50,000. Alaska Stat. §§ 12.55.125(e)(1), 12.55.035(b)(4).

4. Alaska Stat. § 11.66.135 (Sex trafficking in the fourth degree) states,

- (a) A person commits the crime of sex trafficking in the fourth degree if the person
 - (1) receives compensation for prostitution services rendered by another; and
 - (2) engages in conduct that institutes, aids, or facilitates prostitution under circumstances not proscribed under AS 11.66.130(a)(2)(D) [Sex trafficking in the third degree].

....

- (c) Sex trafficking in the fourth degree is a class A misdemeanor.

A class A misdemeanor is punishable by up to 1 year imprisonment and a possible fine up to \$25,000. Alaska Stat. § 12.55.135(a), 12.55.035(b)(5).

5. Alaska Stat. § 11.41.360 (Human trafficking in the first degree) states,

- (a) A person commits the crime of human trafficking in the first degree if the person compels or induces another person to engage in sexual conduct, adult entertainment, or labor in the state by force or threat of force against any person, or by deception.

....

- (c) Human trafficking in the first degree is a class A felony.

A class A felony is punishable by imprisonment for 4–7 years and a possible fine up to \$250,000. Alaska Stat. §§ 12.55.125(c)(1), 12.55.035(b)(2).

6. Alaska Stat. § 11.41.365 (Human trafficking in the second degree) states,

- (a) A person commits the crime of human trafficking in the second degree if the person obtains a benefit from the commission of human trafficking under AS 11.41.360 [Human trafficking in the first degree], with reckless disregard that the benefit is a result of the trafficking.
- (b) Human trafficking in the second degree is a class B felony.

A class B felony is punishable by imprisonment for 1–3 years and a possible fine up to \$100,000. Alaska Stat. § 12.55.125(d)(1), 12.55.035(b)(3).

State Laws Addressing Commercial Sexual Exploitation of Children (CSEC)

1. Alaska Stat. § 11.66.100 (Prostitution) states,
 - (a) A person commits the crime of prostitution if the person
 -
 - (2) offers a fee in return for sexual conduct.
 -
 - (e) Prostitution is a class C felony if
 - (1) the defendant violates (a) of this section as a patron of a prostitute;
 - (2) the prostitute is under 18 years of age; and
 - (3) the defendant is over 18 years of age and at least three years older than the prostitute.

A class C felony is punishable by imprisonment for 0–2 years and a possible fine up to \$50,000. Alaska Stat. §§ 12.55.125(e)(1), 12.55.035(b)(4).