



### HB68 Section Analysis

This is the full text that seems to have all the amendments integrated:

<https://www.akleg.gov/basis/Bill/Text/33?Hsid=HB0068B>

This is a handy summary of changes:

[https://www.akleg.gov/basis/get\\_documents.asp?session=33&docid=26625](https://www.akleg.gov/basis/get_documents.asp?session=33&docid=26625)

Big big problems:

1. It would be PROSTITUTION IN THE 1st DEGREE, a CLASS B FELONY to own, supervise, or manage a place of prostitution or a prostitution enterprise.
  - a. "place of prostitution" means any place where a person, other than a proprietor of the place, engages in sexual conduct in return for a fee;
  - b. Prostitution enterprise is not defined in the current version but the original version defined it as "prostitution enterprise" means an arrangement in which two or more persons are organized to render sexual conduct in return for a fee. (Skidmore explained that this includes duos.)  
Maybe we propose a new definition that clearly excludes worker collectives?
2. PATRON OF A VICTIM OF SEX TRAFFICKING it would be a CLASS B OR C felony to SOLICIT (not engage in prostitution with) someone with reckless disregard that they may be a victim of sex trafficking. This means that if a client booked with an escort, arrived and discovered that she was a trafficking victim, he would already have committed a felony by soliciting her.
3. Administrative subpoenas for suspected sex trafficking. This means that they would not have to go through the court and could give themselves their own subpoenas on prostitutes, since they're sure we're all sex trafficking victims.
4. Prostitution for buyers would become a class A misdemeanor and the third offense would be a class C felony.
5. Vacation of judgment with burden of proof on victim to prove they were a victim - just vacate all prostitution charges.

6. If a person is killed due to their participation in a “commercial sex act” the VCCB may order payment of compensation.

Medium problems:

1. Revocation or inability to get many licenses for people convicted of sex trafficking, which would be fine if sex trafficking actually meant sex trafficking, but currently sex workers have been convicted of sex trafficking for normal sex work activities and this would prevent them from finding professional employment.
2. Throughout the human (labor) trafficking statute prostitutes are removed from it’s protections and dancers are included as a category separate from “labor.”

<b>Element</b>	<b>Currently</b>	<b>HB68</b>
Induces through force	ST1 - A Felony	ST1 - Unclassified Felony
Induces through threat of force		ST1 - Unclassified Felony
Induces someone under 20	ST1 - Unclassified Felony	
Induces someone under 21		ST1 - Unclassified Felony
Induces through coercion*		ST1 - Unclassified Felony
Prostitution Enterprise	ST2 - B Felony	Prostitution - B Felony
Travel for Prostitution	ST2 - B Felony	
Procures Customer for Prostitute	ST2 - B Felony	
Place of Prostitution	ST3 - C Felony	Prostitution - B Felony
Induces Adult	ST3 - C Felony	
Recieves money or property from p	ST3 - C Felony	
Aids Prostitution Enterprise	ST3 - C Felony	
Aids Prostitution	ST4 - A Misdemeanor	
*oversimplification of actual wording		

Sectional -

Sections 1: Housekeeping, does not actually change anything.

Sections 2-29: Licensures

Section 30: Confidentiality of sex trafficking victims, we support this.

Section 31: Housekeeping

Section 32: New definitions of sex trafficking and moving it to Ch 41 rather than 66 of the statutes and new crime of patron of a victim of sex trafficking.

Sex trafficking in the 1st degree:

- Induce or causes by force or threat of force (we support but this is not a change)
- Induce someone under 21 (oppose, this should be 18, but also not a change)

Sex trafficking in the 2nd degree

- Induce or causes an adult (but definition of "induce or cause" is more what we would think of as coercion and actually lifted from a draft we previously provided to DoL with the exception of including "providing or withholding a controlled substance.") Support with clarification of providing controlled substance.

Sex trafficking in the 3rd degree

- As other than a patron, provides services, resources, or other assistance (new, oppose)

Patron of Victim of Sex Trafficking

- Solicits with disregard that the person is a trafficking victim or under 18, oppose, see above.

Section 33: Removes prostitutes from the first degree "human trafficking" (labor trafficking) statute and maintains "adult entertainment" as being distinct from "labor." Oppose. Sex work is work.

Section 34: Makes human trafficking in the 1st degree an unclassified felony.

Section 35: Second degree human (labor) trafficking

- Excludes sex trafficking victims from the protections of the second degree human trafficking statute. Oppose.
- Introduces "induce or cause" language with same definition as above. Support with clarification of providing controlled substance.
- Changes to class A felony

Section 36: Third degree human (labor) trafficking. No substantive changes.

Section 37: Excludes sex trafficking victims from the protections of the Coercion statute because of language in the new sex trafficking statute. Oppose.

Section 38: Creates the new crimes of FELONY PROSTITUTION.

- Prostitution in the 1st degree, Class B Felony: manages, supervises, controls or owns a place of prostitution or prostitution enterprise. Oppose.
  - "place of prostitution" means any place where a person, other than a proprietor of the place, engages in sexual conduct in return for a fee;
  - Prostitution enterprise has no definition in this draft, but Mr. Skidmore testified that the definition in the previous draft would include two sex workers doing a duo.
  - Place of prostitution does not include the modifier in the current statute that a person must receive money from another persons prostitution to be charged.
- Prostitution in the 2nd degree, Class C Felony, third prostitution offense for clients. Oppose.
- The rest is just moving the existing prostitution statutes lower

Section 39: Housekeeping.

Section 40: Definition of place of prostitution.

Section 41: Creates a definition of "fee" in relation to a prostitution exchange to clarify that sex in exchange for housing is not prostitution. WTF

Section 42-43: adds human (labor) trafficking to some sentencing statutes.

Section 44: definitions:

- new definition of "adult entertainment" includes dancers excludes porn, phone sex, etc.
- "Commercial sex act" stays the same
- "Services resources or assistance"
- "Sexual act" as distinct from sexual conduct even though it seems to mean the same thing - sexual conduct is used in prostitution statutes and sexual act in sex trafficking.
- "Victim of sex trafficking" means someone induced or caused

Section 45: Housekeeping and adding sex trafficking to prosecutorial time limitations.

Section 46: Housekeeping in the wiretapping statutes

Section 47: Repeat of sex trafficking victims rights to privacy. Support.

Section 48: Loss of business licenses for sex and labor trafficking.

Section 49: Housekeeping and adding labor trafficking to fines.

Section 50 - 53: Sentencing, mostly housekeeping.

Section 54: no less than 72hr incarceration for second conviction for clients

Section 55: "most serious felony" definition

Section 56: "sexual felony" adds all degrees of trafficking and patron of a victim.

Section 57: changes "sexual offense" to "sex offense"

Section 58: definition of "sex offense"

Section 59: withholding publication of the names of victims of sex offenses

Section 60: definition of "sex offense" again

Section 61-62: more definitions

Section 63: vacation of judgment of prostitution by petition that the person was a victim of trafficking. Burden of proof is on the victim. Oppose in support of vacation of all prostitution convictions.

Section 64: education - sex ed does not include sexual violence ed, including sex trafficking

Section 65: sex trafficking training required for teachers

Section 66: sex traffickers cannot be teachers

Section 67: requires schools to teach about sex trafficking

Section 68: more sex trafficking training in schools

Section 69: housekeeping

Section 70: new definition of notice to parents/guardians

Section 71: housekeeping related to section 64

Section 72: convicted traffickers may not be teachers

Section 73: takes away privacy rights granted above to sex trafficking victims if they are charged with a crime

Section 74-79: more housekeeping and definitions related to privacy of sex trafficking victims and their counselors

Section 80: if a person is injured or killed due to their involvement in a commercial sexual act the VCCB may order payment of compensation. Does this include if a client has a heart attack?

Section 81-82: housekeeping

Section 83: licensure of school bus drivers including exclusion for felony prostitution convictions

Section 84-86: housekeeping

Section 87: Administrative subpoenas for suspected sex trafficking

Section 88: definition of "sexual abuse"

Section 89-92: housekeeping

Section 93: applicability

