



ALASKA

Legal System	Constitution	Bill of Rights	Form of Government
Common Law Statutory Law	Written	Yes	Republic

A. Criminal Statutes

1. Human Trafficking and Related Offenses

a. Alaska Stat. Ann. § 11.41.360 (2012) – Human Trafficking in the First Degree

i. Summary

- (1) Under Alaska’s anti-trafficking statute, “[a] person commits the crime of human trafficking in the first degree if the person compels or induces another person to come to this state to engage in sexual conduct, adult entertainment, or labor in the state by force or threat of force against any person, or by deception.” Alaska Stat. Ann. § 11.41.360(a).
- (2) “Adult entertainment” means: (1) removing clothes or other items that clothe or hide the person’s body; (2) dancing or in any other manner exhibiting the individual’s body in a completely or almost completely unclothed state; (3) participating in an actual or simulated illegal, indecent, or lewd exhibition, act, or practice including (A) sexual penetration, (B) the lewd exhibition or touching of a person’s genitals, anus, or breast, or (C) bestiality. Alaska Stat. Ann. §§ 11.41.360(b)(1), 23.10.350(f)(1)–(3).
- (3) “Deception” means to knowingly: (A) create or confirm another’s false impression that the defendant does not believe to be true, including false impressions as to law or value and false impressions as to intention or other state of mind; (B) fail to correct another’s false impression that the defendant previously has created or confirmed; (C) prevent another from acquiring information pertinent to the disposition of the property or service involved; (D) sell or otherwise transfer or encumber property and fail to disclose a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether or not that impediment is a matter of official record; or (E) promise performance that the defendant does not intend to perform or knows will not be performed. Alaska St. Ann. §§ 11.41.360(b)(3); 11.46.180(A)–(E).
- (4) “Sexual conduct” is defined as “genital or anal intercourse, cunnilingus, fellatio, or masturbation of one person by another person.” Alaska Stat. Ann. §§ 11.41.360(b)(3), 11.66.150.

ii. Sentencing

Human trafficking in the first degree is a Class A felony. Alaska Stat. Ann. § 11.41.360(c). A defendant convicted of a Class A felony in Alaska may be sentenced to imprisonment for not more than 20 years. Alaska Stat. Ann. § 12.55.125(c). Alaska’s sentencing statute also provides presumptive sentencing ranges that depend on the number of prior felony convictions and the circumstances of the offense. Alaska Stat. Ann. § 12.55.125(c)(1)–(4). The defendant may also be ordered to pay a fine. Alaska Stat. Ann. § 12.55.035(a).

Unless the victim expressly declines, a convicted defendant must pay restitution. Alaska Stat. Ann. § 12.55.045. A restitution order does not limit the defendant’s civil liability. Alaska Stat. Ann. § 12.55.045(b).

iii. Statute of Limitations

Prosecution for human trafficking in the first degree may be commenced at any time. Alaska Stat. Ann. § 12.10.010(a)(9).

b. Alaska Stat. Ann. § 11.41.365 (2006) – Human Trafficking in the Second Degree

i. Summary

Under Alaska’s anti-human trafficking statute, “[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 [acts constituting human trafficking in the first degree], with reckless disregard that the benefit is a result of the trafficking.” Alaska Stat. Ann. § 11.41.365(a).

ii. Sentencing

Human trafficking in the second degree is a Class B felony. Alaska Stat. Ann. § 11.41.365(b). A defendant convicted of a Class B felony may be sentenced to imprisonment for not more than 10 years. Alaska Stat. Ann. § 12.55.125(d). Alaska’s sentencing statute also provides presumptive sentencing ranges that depend on the number of prior felony convictions and the circumstances of the offense. Alaska Stat. Ann. § 12.55.125(d)(1)–(4). The defendant may also be ordered to pay a fine. Alaska Stat. Ann. § 12.55.035(a).

Unless the victim expressly declines, the convicted defendant must pay restitution. Alaska Stat. Ann. § 12.55.045. A restitution order will not limit the defendant’s civil liability. Alaska Stat. Ann. § 12.55.045(b).

iii. Statute of Limitations

Prosecution for human trafficking in the second degree may be commenced at any time. Alaska Stat. Ann. § 12.10.010(a)(9).

c. Alaska Stat. Ann. § 11.66.110 (2016) – Sex Trafficking in the First Degree

i. Summary

(a) A person is criminally liable for sex trafficking in the first degree “if the person (1) induces or causes another person to engage in prostitution through the use of force; (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 (3) induces or causes a person in that person’s legal custody to engage in prostitution.” Alaska Stat. Ann. § 11.66.110(a).

(b) In a prosecution under part (2), 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. Alaska Stat. Ann. § 11.66.110(b).

ii. Sentencing

Sex trafficking in the first degree is usually a Class A felony. Alaska Stat. Ann. § 11.66.110(c).

A person convicted of sex trafficking in the first degree because 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” is guilty of an unclassified felony. Alaska Stat. Ann. § 11.66.110(d).

A defendant convicted of sex trafficking in the first degree may be sentenced to imprisonment for not more than 99 years. Presumptive ranges depend on the age of the victim, the number of prior felony convictions, and other circumstances of the offense. The range is subject to adjustment. Alaska Stat. Ann. § 12.55.125(i). The defendant may also be ordered to pay a fine. Alaska Stat. Ann. § 12.55.035(a).

Unless the victim expressly declines, a convicted defendant must pay restitution. Alaska Stat. Ann. § 12.55.045. A restitution order will not limit the defendant’s civil liability. Alaska Stat. Ann. § 12.55.045(b).

iii. Statute of Limitations

Prosecution for sex trafficking in the first degree may be commenced at any time if: (1) at the time of the offense, the victim was under 18 years of age, or (2) the offense is an unclassified, Class A, or Class B felony or is committed against a person who, at the time of the offense, was under 20 years of age. Alaska Stat. Ann. § 12.10.010(a)(5), (8). Otherwise, the general statute of limitations is five years. Alaska Stat. Ann. § 12.10.010(b)(2).

d. Alaska Stat. Ann. § 11.66.120 (2016) – Sex Trafficking in the Second Degree

i. Summary

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 travel. Alaska Stat. Ann. § 11.66.120(a).

“[C]ommercial sexual conduct” means sexual conduct for which anything of value is given or received by any person. *Id.*

ii. Sentencing

Sex trafficking in the second degree is a Class B felony. Alaska Stat. Ann. § 11.66.120(b). A defendant convicted of a Class B felony may be sentenced to imprisonment for not more than 10 years. Alaska Stat. Ann. § 12.55.125(d). The defendant may also be ordered to pay a fine. Alaska Stat. Ann. § 12.55.035(a).

Unless the victim expressly declines, a guilty defendant must pay restitution. Alaska Stat. Ann. § 12.55.045. A restitution order will not limit the defendant’s civil liability. Alaska Stat. Ann. § 12.55.045(b).

iii. Statute of Limitations

Prosecution for sex trafficking in the second degree may be commenced at any time if: (1) at the time of the offense, the victim was under 18 years of age, or (2) the offense is an unclassified, Class A, or Class B felony or is committed against a person who, at the time of the offense, was under 20 years of age. Alaska Stat. Ann. § 12.10.010(a)(5), (8). Otherwise, the general statute of limitations is five years. Alaska Stat. Ann. § 12.10.010(b)(2).

e. Alaska Stat. Ann. § 11.66.130 (2017) – Sex Trafficking in the Third Degree

i. Summary

A person commits the crime of sex trafficking in the third degree if the person (1) receives compensation for prostitution 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 derived from prostitution; or (D) engages in conduct that institutes, aids, or facilitates a prostitution enterprise. Alaska Stat. Ann. § 11.66.130(a).

ii. Sentencing

Sex trafficking in the third degree is a Class C felony. Alaska Stat. Ann. § 11.66.130(c). A defendant convicted of a Class C felony in Alaska may be sentenced to imprisonment for not more than five years. Alaska Stat. Ann. § 12.55.125(c). Alaska’s sentencing statute also provides presumptive sentencing ranges that depend on the number

of prior felony convictions and the circumstances of the offense. Alaska Stat. Ann. § 12.55.125(c)(1)–(4). The defendant may also be ordered to pay a fine. Alaska Stat. Ann. § 12.55.035(a).

Unless the victim expressly declines, a convicted defendant must pay restitution. Alaska Stat. Ann. § 12.55.045. A restitution order will not limit the defendant’s civil liability. Alaska Stat. Ann. § 12.55.045(b).

iii. Statute of Limitations

Prosecution for sex trafficking in the third degree may be commenced at any time if: (1) at the time of the offense, the victim was under 18 years of age, or (2) the offense is an unclassified, Class A, or Class B felony or is committed against a person who, at the time of the offense, was under 20 years of age. Alaska Stat. Ann. § 12.10.010(a)(5), (8). Otherwise, the general statute of limitations is five years. Alaska Stat. Ann. § 12.10.010(b)(2).

f. Alaska Stat. Ann. § 11.66.135 (2017) – Sex Trafficking in the Fourth Degree

i. Summary

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 Alaska Stat. § 11.66.130(a)(2)(D). Alaska Stat. Ann. § 11.66.135(a).

ii. Sentencing

Sex trafficking in the fourth degree is a Class A misdemeanor. Alaska Stat. Ann. § 11.66.135(c). A Class A misdemeanor in Alaska is punishable by imprisonment for not more than one year and a fine of up to USD 25,000. Alaska Stat. Ann. §§ 12.55.035, 12.55.135.

Unless the victim expressly declines, a convicted defendant must pay restitution. Alaska Stat. Ann. § 12.55.045. A restitution order will not limit the defendant’s civil liability. Alaska Stat. Ann. § 12.55.045(b).

iii. Statute of Limitations

Prosecution for sex trafficking in the fourth degree may be commenced within five years after commission of the offense. Alaska Stat. Ann. § 12.10.010(b)(2).

g. Prostitution

A person may not be prosecuted for engaging in sexual conduct for a fee if the person “witnessed or was a victim of, and reported to law enforcement in good faith,” crimes including sex trafficking; evidence supporting the prosecution was obtained or discovered as a result; and the person cooperated with law enforcement personnel. Alaska Stat. Ann. § 11.66.100.

2. Online Child Sexual Exploitation and Child Pornography Offenses

Alaska Stat. Ann. § 11.41.452 – Online Enticement of a Minor

Alaska Stat. Ann. § 11.41.455 – Unlawful Exploitation of a Minor

Alaska Stat. Ann. § 11.61.125 – Distribution of Child Pornography

Alaska Stat. Ann. § 11.61.127 – Possession of Child Pornography

Alaska Stat. Ann. § 11.61.129 – Forfeiture of Property Used in Indecent Viewing or Photography or Child Pornography

3. Alaska Stat. Ann. § 12.65.087 – Sex Offender Registration Act

The Alaska Sex Offender Registration Act requires everyone convicted of a sex offense or child kidnapping to register personal information, including place of employment and residential address, into a statewide public database. Alaska Stat. Ann. § 12.63.010. A “sex offense” for registration purposes includes the offenses of sexual abuse of a minor, enticement of a minor, unlawful exploitation of a minor, and certain sex trafficking offenses. Alaska Stat. Ann. § 12.63.100.

B. Civil Liability Statutes

1. Alaska Stat. Ann. § 09.10.065 (2013) – Commencement of Lawsuits for Acts Constituting Sexual Offenses

A person may bring a civil lawsuit to recover damages for (1) felony sexual abuse of a minor, (2) felony sexual assault, (3) unlawful exploitation of a minor, (4) felony sex trafficking, or (5) felony human trafficking. Alaska Stat. Ann. § 09.10.065.

2. Alaska Stat. Ann. § 09.55.650 (1998) – Claim Based on Sexual Abuse to a Minor Under 16 Years of Age

A person who, as a minor under 16 years of age, was the victim of sexual abuse may sue the perpetrator for damages. Alaska Stat. Ann. § 09.55.650(a).

“Sexual abuse” includes unlawful exploitation of a minor. Alaska Stat. Ann. § 09.55.650(c).

C. Additional Statutes Specific to Human Trafficking

1. Alaska Stat. Ann. § 12.61.140 (1991) – Disclosure of Victim’s Name

Alaska protects from public disclosure the names of victims of online enticement and unlawful exploitation of a minor.

2. Alaska Stat. Ann. § 18.67.101 (2017) – Violent Crimes Compensation Board

Victims of human trafficking in any degree, sex trafficking in the first degree, or sex trafficking for prostitution are eligible to apply for compensation through the Violent Crimes Compensation Board for personal injury or death that resulted from the offense. Alaska Stat. Ann. § 11.66.130(a)(2)(B).

3. Alaska Stat. Ann. § 23.10.110 (2015) – Alaska Wage and Hour Act

An employee may recover the amount of unpaid wages plus an equal amount in liquidated damages. The employee may bring a civil lawsuit or file a claim through the Department of Labor and Workforce Development. A prevailing employee may recover attorney’s fees and costs. Alaska Stat. Ann. § 23.10.110. Employers who fail to pay wages in accordance with the Act may also be subject to civil and criminal penalties. Alaska Stat. Ann. § 23.10.140.

More information is available at <https://labor.alaska.gov/lss/forms/wageclaim.PDF>.

D. Significant Cases

No significant cases regarding Alaska’s human trafficking statutes were found.

E. Academic Research/Papers

Victoria Sweet, *Extracting More than Resources: Human Security and Arctic Indigenous Women*, 37 SEATTLE U. L. REV. 1157 (2014).

F. Resources

Alaska Institute for Justice:

<https://www.akijp.org/immigration-legal-assistance/human-trafficking/>

Municipality of Anchorage Human Trafficking Working Group:

<http://www.muni.org/Departments/Mayor/FirstLady/Pages/HumanTrafficking.aspx>

National Human Trafficking Hotline (Alaska):

<https://humantraffickinghotline.org/state/alaska>

Shared Hope International, Alaska Report Card (2019):

http://sharedhope.org/PICframe9/reportcards/PIC_RC_2019_AK.pdf

Shared Hope International, Alaska Analysis and Recommendations (2019):

http://sharedhope.org/PICframe9/analysis/PIC_AR_2019_AK.pdf

State of Alaska Task Force on the Crimes of Human Trafficking, Promoting Prostitution, and Sex Trafficking:

http://www.law.alaska.gov/press/public_notice/101712-TaskForce.html

State of Alaska Task Force on the Crimes of Human Trafficking, Promoting Prostitution, and Sex Trafficking, *Final Report and Recommendations* (Feb. 2013):

<http://www.law.alaska.gov/pdf/admin/021513-TaskForceFinalReport.pdf>

U.S. Department of Health & Human Services, *Alaska: Efforts to Combat Human Trafficking* (2017):

https://www.acf.hhs.gov/sites/default/files/otip/alaska_profile_efforts_to_combat_human_trafficking.pdf

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