

ALASKA STATE OBSCENITY & LIBRARY/SCHOOL FILTERING STATUTES

(Last Updated Summer 2012)

Alaska Stat. § 11.61.123. Indecent viewing or photography

- (a) A person commits the crime of indecent viewing or photography if, in the state, the person knowingly views, or produces a picture of, the private exposure of the genitals, anus, or female breast of another person and the view or production is without the knowledge or consent of
- (1) the parent or guardian of the person viewed, or who is shown in the picture, if the person who is viewed or shown is under 16 years of age; and
 - (2) the person viewed or shown in the picture, if the person viewed or shown is at least 13 years of age.
- (b) Each viewing of a person, and each production of a picture of a person, whose genitals, anus, or female breast are viewed or are shown in a picture constitutes a separate violation of this section.
- (c) This section does not apply to viewing or photography conducted by a law enforcement agency for a law enforcement purpose.
- (d) In a prosecution under this section, it is an affirmative defense that the viewing or photography was conducted as a security surveillance system, notice of the viewing or photography was posted, and any viewing or use of pictures produced is done only in the interest of crime prevention or prosecution.
- (e) In this section,
- (1) "picture" means a film, photograph, negative, slide, book, newspaper, or magazine, whether in print, electronic, magnetic, or digital format; and
 - (2) "private exposure" means that a person has exposed the person's body or part of the body in a place, and under circumstances, that the person reasonably believed would not result in the person's body or body parts being
 - (A) viewed by the defendant; or
 - (B) produced in a picture; "private exposure" does not include the exposure of a person's body or body parts in a law enforcement facility, correctional facility, designated treatment facility, or a juvenile detention facility; in this paragraph, "correctional facility" has the meaning given in AS 33.30.901, "designated treatment facility" has the meaning given in AS 47.30.915, and "juvenile detention facility" has the meaning given in AS 47.12.990.
- (f) Indecent viewing or photography is a
- (1) class C felony if the person viewed or shown in a picture was, at the time of the viewing or production of the picture, a minor;
 - (2) class A misdemeanor if the person viewed or shown in a picture was, at the time of the viewing or production of the picture, an adult.

Sec. 11.61.125. Distribution of child pornography

- (a) A person commits the crime of distribution of child pornography if the person distributes in this state or advertises, promotes, solicits, or offers to distribute in this state any material that is proscribed under AS 11.61.127.
- (b) This section does not apply to acts that are an integral part of the exhibition or performance of a motion picture if the acts are performed within the scope of employment by a motion picture operator or projectionist employed by the owner or manager of a theater or other place for the showing of motion pictures, unless the motion picture operator or projectionist
- (1) has a financial interest in the theater or place in which employed; or

Compiled by **Morality In Media**. A project of the War on Illegal Pornography
For more information on Obscenity laws, visit www.WarOnIllegalPornography.com

ALASKA STATE OBSCENITY & LIBRARY/SCHOOL FILTERING STATUTES

(Last Updated Summer 2012)

- (2) causes the performance or motion picture to be performed or exhibited without the consent of the manager or owner of the theater or other place of showing.
- (c) The possession of 100 or more films, audio, video, electronic, or electromagnetic recordings, photographs, negatives, slides, books, newspapers, magazines, or other materials, including a combination of these items totaling 100 or more, is prima facie evidence of distribution and intent to distribute under (a) of this section.
- (d) In this section, "distribution" includes the following, whether or not for monetary or other consideration: delivering, selling, renting, leasing, lending, giving, circulating, exhibiting, presenting, providing, exchanging, placing on a computer network or computer system, and providing billing collection, or other ancillary services for or otherwise supporting these activities.
- (e) Distribution of child pornography is a
 - (1) class B felony; or
 - (2) class A felony if the person has been previously convicted of distribution of child pornography in this jurisdiction or a similar crime in this or another jurisdiction.

Sec. 11.61.127. Possession of child pornography

- (a) A person commits the crime of possession of child pornography if the person knowingly possesses or knowingly accesses on a computer with intent to view any material that visually depicts conduct described in AS 11.41.455(a) knowing that the production of the material involved the use of a child under 18 years of age who engaged in the conduct or a depiction of a part of an actual child under 18 years of age who, by manipulation, creation, or modification, appears to be engaged in the conduct.
- (b) This section does not apply to persons providing plethysmograph assessments in the course of a sex offender treatment program that meets the minimum standards under AS 33.30.011(5).
- (c) Each film, audio, video, electronic, or electromagnetic recording, photograph, negative, slide, book, newspaper, magazine, or other material that visually or aurally depicts conduct described in AS 11.41.455(a) that is possessed or accessed in violation of (a) of this section is a separate violation of this section.
- (d) In a prosecution under (a) of this section, it is an affirmative defense that the person
 - (1) possessed or accessed fewer than three depictions described in (a) of this section; and
 - (2) without allowing any person other than a law enforcement agency to view the depictions, either took reasonable steps to destroy the depictions, or reported the matter to a law enforcement agency and allowed the agency access to the depictions.
- (e) In a prosecution under (a) of this section, the prosecution is not required to prove the identity of a minor depicted or that the defendant knew the identity of a minor depicted.
- (f) In this section, "computer" has the meaning given in AS 11.46.990.
- (g) Possession of child pornography is a class C felony.

Sec. 11.61.128. Distribution of indecent material to minors

- (a) A person commits the crime of distribution of indecent material to minors if

Compiled by Morality In Media. A project of the War on Illegal Pornography
For more information on Obscenity laws, visit www.WarOnIllegalPornography.com

ALASKA STATE OBSCENITY & LIBRARY/SCHOOL FILTERING STATUTES

(Last Updated Summer 2012)

- (1) the person, being 18 years of age or older, knowingly distributes to another person any material that depicts the following actual or simulated conduct:
 - (A) sexual penetration;
 - (B) the lewd touching of a person's genitals, anus, or female breast;
 - (C) masturbation;
 - (D) bestiality;
 - (E) the lewd exhibition of a person's genitals, anus, or female breast; or
 - (F) sexual masochism or sadism;
 - (2) the material is harmful to minors; and
 - (3) either
 - (A) the other person is a child under 16 years of age; or
 - (B) the person believes that the other person is a child under 16 years of age.
- (b) In this section, it is not a defense that the victim was not actually under 16 years of age.
- (c) In this section, "harmful to minors" means
 - (1) the average individual, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest in sex for persons under 16 years of age;
 - (2) a reasonable person would find that the material, taken as a whole, lacks serious literary, artistic, educational, political, or scientific value for persons under 16 years of age; and
 - (3) the material depicts actual or simulated conduct in a way that is patently offensive to the prevailing standards in the adult community as a whole with respect to what is suitable for persons under 16 years of age.
- (d) Except as provided in (e) of this section, distribution of indecent material to minors is a class C felony.
- (e) Distribution of indecent material to minors is a class B felony if the defendant was, at the time of the offense, required to register as a sex offender or child kidnapper under AS 12.63 or a similar law of another jurisdiction.

Sec. 11.61.129. Forfeiture of property used in indecent viewing or photography or child pornography

- (a) Property used to aid a violation of AS 11.61.123 -- 11.61.128 or to aid the solicitation of, attempt to commit, or conspiracy to commit a violation of AS 11.61.123 -- 11.61.128 may be forfeited to the state upon the conviction of the offender.
- (b) In this section, "property" has the meaning given in AS 11.41.468.

Sec. 11.41.455. Unlawful exploitation of a minor

- (a) A person commits the crime of unlawful exploitation of a minor if, in the state and with the intent of producing a live performance, film, audio, video, electronic, or electromagnetic recording, photograph, negative, slide, book, newspaper, magazine, or other material that visually or aurally depicts the conduct listed in (1) -- (7) of this subsection, the person knowingly induces or employs a child under 18 years of age to engage in, or photographs, films, records, or televises a child under 18 years of age engaged in, the following actual or simulated conduct:
- (1) sexual penetration;
 - (2) the lewd touching of another person's genitals, anus, or breast;

Compiled by Morality In Media. A project of the War on Illegal Pornography
For more information on Obscenity laws, visit www.WarOnIllegalPornography.com

ALASKA STATE OBSCENITY & LIBRARY/SCHOOL FILTERING STATUTES

(Last Updated Summer 2012)

- (3) the lewd touching by another person of the child's genitals, anus, or breast;
 - (4) masturbation;
 - (5) bestiality;
 - (6) the lewd exhibition of the child's genitals; or
 - (7) sexual masochism or sadism.
- (b) A parent, legal guardian, or person having custody or control of a child under 18 years of age commits the crime of unlawful exploitation of a minor if, in the state, the person permits the child to engage in conduct described in (a) of this section knowing that the conduct is intended to be used in producing a live performance, film, audio, video, electronic, or electromagnetic recording, photograph, negative, slide, book, newspaper, magazine, or other material that visually or aurally depicts the conduct.
- (c) Unlawful exploitation of a minor is a
- (1) class B felony; or
 - (2) class A felony if the person has been previously convicted of unlawful exploitation of a minor in this jurisdiction or a similar crime in this or another jurisdiction.
- (d) In this section, "audio recording" means a nonbook prerecorded item without a visual component, and includes a record, tape, cassette, and compact disc.

Sec. 11.41.458. Indecent exposure in the first degree

- (a) An offender commits the crime of indecent exposure in the first degree if the offender violates AS 11.41.460(a), the offense occurs within the observation of a person under 16 years of age, and
- (1) while committing the act constituting the offense, the offender knowingly masturbates; or
 - (2) the offender has been previously convicted under
 - (A) this section;
 - (B) AS 11.41.460(a); or
 - (C) a law or ordinance of this or another jurisdiction with elements similar to a crime listed under (A) or (B) of this paragraph.
- (b) Indecent exposure in the first degree is a class C felony.

Sec. 11.41.460. Indecent exposure in the second degree

- (a) An offender commits the crime of indecent exposure in the second degree if the offender knowingly exposes the offender's genitals in the presence of another person with reckless disregard for the offensive, insulting, or frightening effect the act may have.
- (b) Indecent exposure in the second degree before a person under 16 years of age is a class A misdemeanor. Indecent exposure in the second degree before a person 16 years of age or older is a class B misdemeanor.

Sec. 11.41.468. Forfeiture of property used in sexual offense

- (a) Property used to aid a violation of AS 11.41.410 -- 11.41.458 or to aid the solicitation of, attempt to commit, or conspiracy to commit a violation of AS 11.41.410 -- 11.41.458 may be forfeited to the state upon the conviction of the offender.

ALASKA STATE OBSCENITY & LIBRARY/SCHOOL FILTERING STATUTES

(Last Updated Summer 2012)

(b) In this section, "property" means computer equipment, telecommunications equipment, photography equipment, video or audio equipment, books, magazines, photographs, videotapes, audiotapes, and any equipment or device, regardless of format or technology employed, that can be used to store, create, modify, receive, transmit, or distribute digital or analog information, including images, motion pictures, and sounds.