



# **Mapping Sex Offender Addresses: The Utility of the Alaska Sex Offender Registry as a Research Data Base**

Report to the  
Bureau of Justice Statistics

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This research project was supported by Grant No. 1999-RU-RX-K006 awarded by the Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice. All content within, including any errors or omissions, remains the responsibility of the author.

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## **Mapping Sex Offender Addresses: The Utility of the Alaska Sex Offender Registry as a Research Data Base**

In 1999 the Alaska State Troopers approached the Alaska Statistical Analysis Center (SAC) for assistance in improving the Alaska Sex Offender Registry, increasing its utility and making it more accessible.

In response, the Alaska SAC proposed to assess the quality of the location data in the Sex Offender Registry, find ways to increase the accuracy of the data and then use the data to explore a spatial justice thesis. Essentially the Center's efforts to improve data accuracy would also extend the utility of the registry as a research tool. The project was funded by a grant from the State Justice Statistics Program.

### **Background of the Project**

#### **Sex Offender Registration**

The registration of sex offenders was part of a nationwide effort to enhance public safety by permitting law enforcement officials to track the location of convicted sex offenders after their release. All fifty states have enacted legislation requiring persons convicted of various sex-related offenses to register with law enforcement agencies. Many states have begun to grant public access to their registries or to at least a portion of their registries. The first of these public access laws was passed in New Jersey in 1994 and was known as "Megan's Law" after a seven-year-old who had been raped and murdered by a neighbor who was a registered sex offender. The legislature believed that if Megan's parents had had access to the registry, they might have been able to prevent contact with the neighbor.

Currently, only five states do not have some form of community notification. Nineteen states have statutes allowing law enforcement agencies to notify the public regarding the release or escape of a sex offender; twelve states have statutes which permit law enforcement agencies to notify specific persons at risk (i.e., prior victims); and fourteen states grant individuals or organizations actual access to certain portions of the state registry.

The federal government has strongly endorsed the development of both the registration of sex offenders and the move towards community notification. In 1994, Congress passed the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, which encouraged the development of state registries, and in 1996 Congress also passed a federal version of "Megan's Law," urging states to adopt community notification legislation. Further, in 1996,

President Clinton and Attorney General Janet Reno committed the Department of Justice to develop the National Sex Offender Registry, seeking to link the individual state registries. Subsequently, 42 U.S.C. 14072 was amended to require that states maintain their sex-offender registries, and 42 U.S.C. 14071 was amended to make full Byrne grant funding conditional upon participation in the Federal Sex Offender Registry.

### **Alaska's Registration Policy**

In 1994, the Alaska Legislature granted the public access to a portion of the state's sex offender registry, finding that: "(1) sex offenders pose a high risk of reoffending after release from custody, (2) protecting the public from sex offenders is a primary governmental interest, (3) the privacy interests of persons convicted of sex offenses are less important than the government's interest in public safety, and (4) release of certain information about sex offenders to public agencies and the general public will assist in protecting the public safety." AS 12.63.010 mandated that the Alaska Department of Public Safety must maintain a central registry of those sex offenders required to register under the act, and AS 18.65.087 required the department to make available to the public the following information from the registry:

- Name(s)
- Address of residence
- Photograph
- Place of employment
- Date of birth
- Crime for which convicted
- Date of conviction
- Court of conviction
- Length of sentence

(An unfunded portion of this project would have addressed public access by establishing an interactive website where interested citizens could find their streets on maps and assess the presence of sex offenders in the neighborhood.)

The registration law in Alaska applied to anyone convicted of a sex offense, unless convicted of only one offense and unconditionally discharged before July 1, 1984. A recent federal appeals court decision found requiring registration of persons convicted before 1994 violated the *ex post facto* clause of the U.S. Constitution. This has changed some of the rules governing registration. An offender must register within 7 days after being released from incarceration (or conviction, if not incarcerated), or within 14 days of arrival within the state if not a resident. The initial registration must be done in person with the nearest police authority (trooper post, municipal police department, etc.). Subsequently, the offender must re-register annually (within 30 days of his birthday) or upon a change of address. The re-registration may be done either by mail or in-person. The registration

requirement may end 15 years after unconditional release from probation, if the person was convicted of only one sex offense, but those convicted of “aggravated” sex offenses must register for life.

Compliance with the law has been an issue. Of course, probationers and parolees had to comply or they would violate their conditions, but there has been no ongoing program that held accountable other persons to whom the law applied. Thus, the database contains data that, in many cases, are unverified. To address this situation, beginning in July 1999 the Alaska State Troopers began an audit program, each month verifying the registry data for 2 per cent of the offenders. The Center’s efforts have built on that verification effort by: (1) improving the location information within the database; (2) geocoding the corrected information; and (3) using the validated data to study the spatial distribution of registrants in Anchorage.

## **Spatial Justice Research**

The utility of the Alaska Sex Offender Registry as a research platform was explored from a spatial justice theoretical perspective. Rengert (1989) suggested that spatial justice requires that residents of one community should be placed at no higher risk of victimization than residents of any other community. His concern was the extent to which public policy decisions contribute to unequal risk. In general, however, justice system policies do not dictate where released offenders may live, although zoning laws may make housing in some neighborhoods more accessible to low-wage ex-convicts. The focus of the current study was to assess relative risk among neighborhoods of coming into contact with registered sex offenders.

## **Research Methodology**

Research for this project involved receiving the addresses of registered sex offenders from the Alaska Department of Public Safety (which has legislative responsibility for maintaining the registry), assessing and correcting completeness and accuracy of location data, geocoding the location information for the city of Anchorage, and assessing the distribution of these addresses under a specific theoretical framework.

Although the registry is statewide, for this preliminary assessment geocoding efforts were directed at Anchorage. Anchorage, a city of 270,000, has precise street names and house numbers and is therefore ideally suited for preliminary geocoding and mapping. (Many rural Alaska communities have no street names or house numbers. The project provided hand-held GPS (Global Positioning Satellite) units to the Alaska State Troopers so they could capture precise latitude and longitude readings for these non-mappable locations.) Even in Anchorage, however, several problems were encountered that made correcting and geocoding difficult. An exploration of these problems and their solutions is instructive.

The Department of Public Safety, through the State Trooper Division, provided sex offender registry data on compact disks for the months of June and July 2000 and the month of February

2001. The data did not appear to change greatly from month to month, so the research focused on the most recent data.

Each CD contained four files: one for public viewing; confidential files not available to the public; a confidential file of “noncompliant” registrants; and a list of unregistered sex offenders. The February 2001 CD contained the 3,459 records in the statewide registry.

The Anchorage data consisted of 1,289 records, but many individuals in the registry had multiple records stemming from multiple convictions. Since this project sought to map individual registrants, the multiple records for those registrants with multiple convictions were collapsed into single records containing all of the registrant’s conviction charges.

Geocoding is a procedure that uses mapping software to locate addresses on digital maps. For this project, the mapping software used was ArcView, and the digital map was a map of Anchorage entitled “Roadnet” created and distributed by the Municipality of Anchorage. Once the address is geocoded, it can be displayed on the “Roadnet” map of Anchorage by the ArcView software.

### **Geocoding in Anchorage**

While many of the Anchorage addresses in the Sex Offender Registry could easily be located on the digital map, a substantial number of addresses required at least minimal “cleaning,” and some could not be geocoded without considerable investigative effort. A shapefile created by ArcView indicates which addresses were mapped (geocoded) and which were not, making it fairly easy to identify those addresses which required further investigation.

In a first pass at the data, 85.9 percent of the 825 records were successfully geocoded. Addresses which were not initially geocoded failed to geocode for one of three reasons: inaccuracies in the registry’s address, inaccuracies in the “Roadnet” map file, or generic mapping complications. Many of these problems were remedied with some degree of confidence, but 39 addresses (4.73% of the total 825) could not be remediated.

Address errors occurred when addresses were incomplete, incorrectly entered, misspelled, or inaccurate; map errors occurred when street names or street numbers were incorrect in the digital map; and generic mapping complications usually related to multi-family housing units or non-residences—e.g., post office boxes. Each of these problem types merits further discussion.

#### *Address Errors*

The research team encountered several types of address errors, including misspelled street names, incomplete addresses, non-existent addresses, and missing or overly-vague location references. Only some of these could be remedied.

It should be noted that remedying these errors increased the number of geocoded addresses and introduces a degree of likelihood that a new error would be created in the process. For this reason, it is important that both the original addresses as well as the revised and geocoded addresses be retained in the data set and made available to anyone using the map to locate offenders. Further,



anyone using the map should always be cautioned as to the less-than-certain aspects of this mapping process and informed as to the meanings of the various fields and the means by which the map was produced.

Misspelled street names typically were identified by examining the addresses which failed to geocode, and then comparing street atlases to the shapefile table associated with the map being used (sorted on the address field) to establish whether there was a more appropriate spelling. For example, the data contained a street named Thimbleberry and a street atlas confirmed that spelling, but the map's shapefile designated the street as Thimble Berry, so we changed the spelling of the address in the data file. Note that we could have changed the name of the street in the map's shapefile instead, but that entails a permanent change to the map and probably should be done only when the misspelling causes repeated problems during geocoding.

Another example comprised three misspellings of the street name *Baronoff*: *Barnoff*, *Baranof*, and *Banoff*, none of which geocoded. Because it is always possible that changing the spelling of an address can introduce another type of error, caution is recommended when making corrections to the data. In this case, confirmatory elements such as the street number portion of the address and the zip code were examined carefully prior to enacting any spelling changes.

Incomplete addresses frequently were missing an N/S/E/W (North/South/ East/West) designation when its use was required, and some did not contain the appropriate street type abbreviation (Ave., St., Ct., Ln., Cir., Hwy., etc.). When the digital map and its associated shapefile contains these abbreviations, it is necessary that the address to be geocoded contain the same abbreviation. These addresses will not geocode if abbreviations are spelled out. Other incomplete address errors were those missing one or more digits from the street number and those missing a complete unit/apartment/ space number. Typically, the lack of any of these elements frustrates the attempt to geocode the address or produces an inaccurate result.

Occasionally, it was possible to extrapolate from a given address the appropriate additional information. For example, when a street address require an E(ast) or W(est) to geocode, it may be possible to derive that information using the street number. If an examination of the street atlas shows that the number is valid for only the E(ast) portion of that street, then the 'E' could be added to the address with a fair degree of confidence. But again, a possibility does exist that this alteration will introduce a new error. This further underscores the need to insure that those using the map understand how the map was created and the meanings of the various fields of information contained in the data set, particularly the distinction between the addresses originally supplied and the addresses revised for geocoding.

Nonexistent addresses accounted for 41 percent of the 39 addresses in the registry which could not be geocoded (n=16). These addresses appear to be complete, but contain one or more of the following problems: street numbers which do not correspond to any existing range of numbers for the street, non-existent streets, and/or a street type (Ave., St., Ct., Ln., Cir., Hwy., etc.) that does not exist for the street name. These addresses could not be remedied since we had no way of determining what the corrected version should be.

For example, the data contained a Cope Ct. address, a street not referenced in the local maps

or atlases used by the research team. There was a Cope St., but the number ranges for that street did not correspond to the Cope Ct. address, so there was no way to correct this address. Had the address number been appropriate for Cope St. the change could have been made with some degree of confidence, but it would then be one of those instances in which any future users of this map should be cautioned to take note of the discrepancy between the given address and the geocoded address.

Nonexistent addresses are harder to remedy than other types of errors due to the types of inferences necessary to geocode these addresses. For example, the address number may be 3 digits in length, but the street actually has only 4-digit numbers. While an educated guess might be made in this case, given the 3 known digits and knowledge of the 4-digit number ranges valid for the street, it is still very unlikely that this ‘guess’ could produce a geocode match with any real degree of certainty. Attempting to geocode sensitive and potentially charged data such as these necessitates a cautious approach.

Addresses which are missing or too vague to geocode constituted 59 percent of the non-geocoded addresses (n=23 of 39). Of these, 10 merely stated “unknown” for the address, 8 indicated homelessness, either stating “homeless” or an address such as “streets of Anchorage”, and 5 can only be described as “too vague” (i.e. “End of Bernie Ave.” or “7th and Ingra”) to be geocoded with any degree of confidence.

### *Map Errors*

The types of map-related errors encountered by the research team include: inaccurate address number ranges, misnamed streets, and missing streets. These types of errors required alterations to the map’s shapefile in order to geocode valid addresses. The errors were discovered through an examination of an Anchorage-area atlas.

There were two variations of errors involving number ranges; one involved errors in the ranges contained in the map’s shapefile, and the other consisted of missing range information in the shapefile. The first type of error typically involved a range of numbers attached to a line segment in the map which failed to include all of the valid street numbers for that portion of the street. These errors were confirmed by examination of an Anchorage area atlas, and then the map’s shapefile was edited to change numbers in the ‘from’ and ‘to’ columns to reflect the true range of numbers for the street.

The missing ranges were discovered and resolved in a similar fashion, but involved alterations to all four of the ‘from’ and ‘to’ columns for both odd and even numbers. Note that while the team could have just dealt with the side of the street containing the non-geocoded address, the fact that this map will be used in future projects led the team to make as many revisions as feasible during the course of this work. Every time a street segment number range was researched, the team incorporated new findings into the map. Any map, but particularly a city street map, probably contains a variety of inaccuracies; if it is to be used in future projects, refinements should be ongoing.

Map errors which involved misnamed streets also had two variations. In some cases, the street

name in the shapefile was wrong, but in the other instances the incorrect street names resulted when the street segments were not actually unique segments, but were mistakenly incorporated into other line segments, usually a street segment at right angles to the ‘missing’ segment.

In the first instance, the remedy involved correcting the street name field in the map’s shapefile. In the second instance, it became necessary to ‘break’ the line segment of the missing street into two or more segments, and then editing the map’s shapefile so that the new segments had the appropriate street names and address ranges.

The last type of map errors encountered by the research team was missing streets. These were streets which should have been on the map, but weren’t. This error necessitated drawing a new line segment on the map, and then editing that segment’s new record in the shapefile to include the applicable street name and address range information.

### *Mapping Complications*

With a sensitive data set such as the sex offender registry it is critical that every data point be mapped as accurately as possible. But, regardless of the degree to which care is taken to obtain and map residential street and address information, there are a variety of problematic issues which must be confronted in an effort to geocode and then display such addresses. These complications include: trailer park addresses, mailing addresses which differ from the street addresses for the same residence, multiple offenders who share a residence, residence addresses which do not actually represent the subject’s residence(s), duplicate records due to multiple convictions, and short-term or homeless residents.

Trailer parks constituted a formidable geocoding challenge because a substantial portion of the registry’s addresses are located in such parks, yet other than the street addresses of the parks themselves, there were typically no street addresses with which to geocode the locations of residences within the parks. One very large park did have named streets, but the number ranges did not follow the odd/even schema needed for geocoding. A little jury-rigging of the street number ranges in the shapefile resulted in the eight registrants residing in the park being mapped fairly accurately.

For the remaining trailer parks, research team members could have been dispatched to the park with a hand-held GPS to establish the location within the park of the registrants’ residences. But the alternative—clustering registrants on the main street address for the park—was analogous to the solution for multiple offenders residing within a large apartment complex. In those instances, the street address identified only the location of the mailing address for the complex, not the registrant’s residential location within the complex. Determining where in the complex the offender actually resided requires examination of the complete address information attached to the map, which included any pertinent apartment numbers or trailer space numbers. Thus, the proximate nature of the street-side address of trailer parks to the actual location of the residences within the trailer parks was deemed adequate.

In a few instances, the research team found discrepancies between the street address for a location and the mailing address representing the same location. As the team investigated addresses

which had not geocoded, it discovered that addresses on both sides of a frontage road adjacent to a highway had mailing addresses which used the name of the highway itself, even though the frontage road has its own street name with signs.

We speculate that these addresses may have been ‘grandfathered’ in some fashion from a time when the highway was a two-lane road, and may have run where the frontage road now exists. Again, this underscores the need for the offender data file associated with the map to contain both the original ‘given’ residence address as well as the address necessary for accurate mapping. In this instance, the original registry address accurately cited the mailing address for the location, but another address using the frontage street name had to be used in order to accurately place the offender’s residence on the map.

A major decision involved how to display locations at which more than one of the registrants geocoded at the same location on the digital map. This was problematic, because whether there was one offender or 33 at a single location, the map would contain a single dot to represent that geocoded location. In this instance, the team found 35 percent of the offenders in the registry had provided a residence address which geocoded at the same location as other registrants, with one location having 33 offenders in “residence” (Table 1). These locations typically were homeless shelters, half-way houses, trailer parks and apartments. And, while addresses for the trailer parks and apartments frequently include a specific number designating where the offender resided on the premises, neither the shelters nor the half-way houses contained such information.

**Table 1. Locations  
with Multiple  
Registrants**

<b>Number of sites</b>	<b>Number of registrants</b>
42	2
17	3
9	4
3	5
2	6
2	7
1	10
1	13
1	14
1	33

As discussed in the preceding section on mapping trailer park residents, map users could display detailed registrant information for all registrants at a particular location, but two issues confounded this type of use. The first involved the manner in which maps display geocoded locations with a single dot, resulting in maps which did not visually discriminate between a location with one registrant and another with thirty-three. The second issue stemmed from those locations which, as noted above, had multiple registrants but no specific indication of where the registrant actually resided at the location.

To address the first issue, we established a ‘count’ variable indicating how many registrants resided at a given location and then used different symbols to represent sites with: one registrant,

two to three registrants, or four or more registrants. The second issue could not be remedied, since it is a function of the manner in which the registration process itself has been implemented.

A related complication was the extent to which the address of residence given by the registrant actually represented the registrant's residence location. This complication has potentially "lethal" implications for the entire SOR mapping initiative. This problem arose from the fact that there were many registrants whose addresses in the registry could not possibly be classified as a residence (i.e. Bean's Café – a non-residential homeless services facility was given as the place of residence by five registrants). As a result, the registry obviously contains mailing addresses in lieu of a place of residence for some proportion of the registrants.

Because there is an unknown number of non-residence addresses contained in the registry, as well as an unknown number of outdated addresses, a map based on the registry's addresses can be of only limited utility. It is impossible for the map user to discriminate between addresses where registrants are frequently in residence and those where the registrants may actually never be. Put another way, a map based on addresses which may or may not represent locations frequented by the registrants cannot be relied upon to represent with any degree of certainty the geographical locations and distributions of registrants. There can be no real utility to a map based on the registry's residence data when the actual nature of the relationships between the registrants' current place of residence and the registry's addresses of residence are essentially unknown.

Another difficulty arising from the contents of the registry involved the multiple lines of data it contained for some respondents. These lines appeared to indicate that a series of convictions had required an offender to maintain multiple sex offender registrations. For the team to establish a one-to-one correspondence between a particular registrant and an address of residence for mapping, it was necessary to reduce each respondent's data to a single record of data.

However, this procedure spawned another complication, since those with multiple convictions frequently were convicted on different charges. The team then had to capture all of the registrant's conviction charges in one data field intended to reflect the charge(s) for which they were registered. (Note that this solution, which resulted in the data's current state, still did not tally the number of counts associated with each of the different crimes for which the registrant had been convicted.) Since the registry doesn't begin with the charge field, it does not always contain a full and accurate accounting of the offender's conviction history.

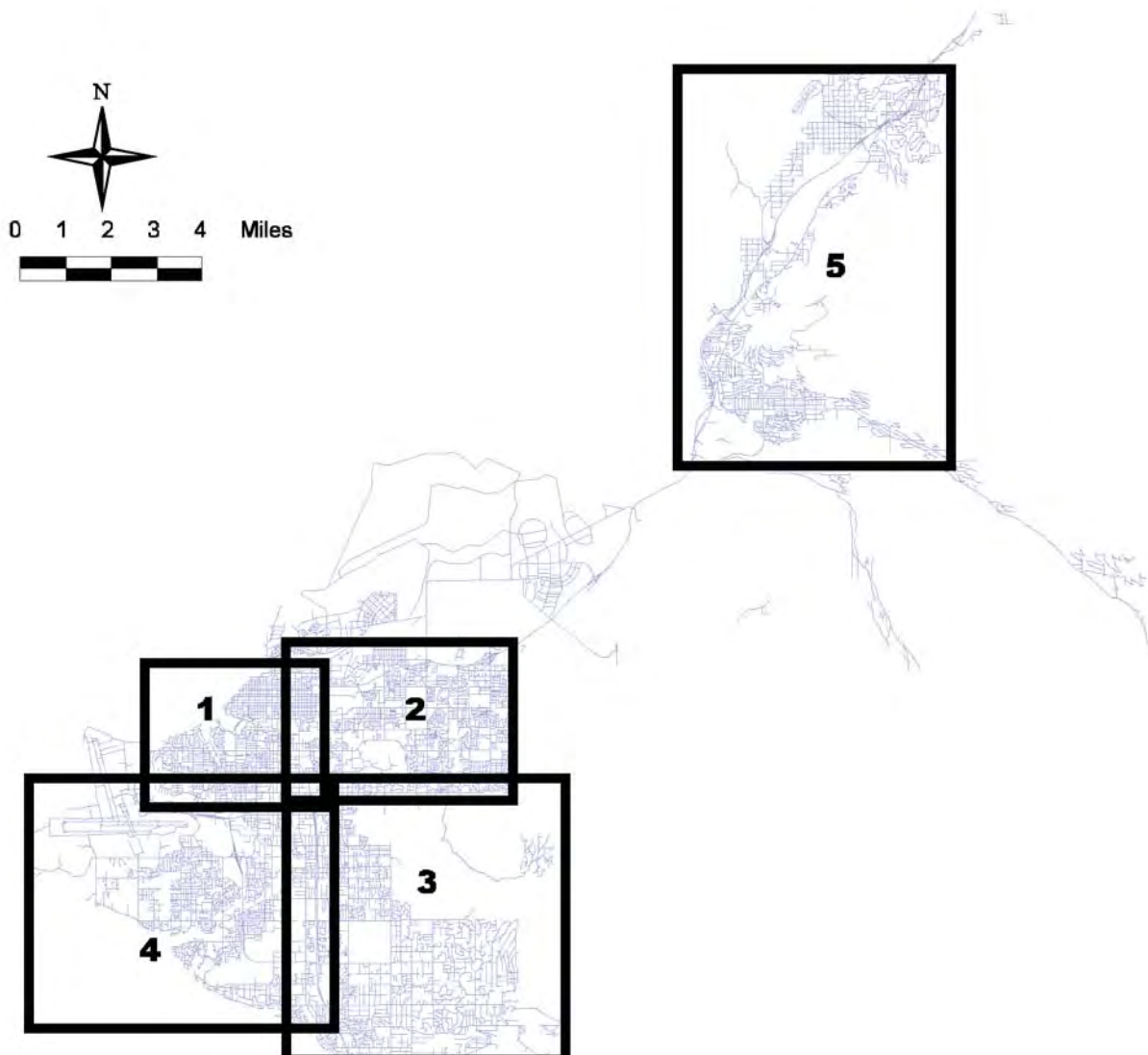
The final complication, alluded to previously, involves homeless registrants. Many of the addresses which could not be geocoded were those given by the obviously homeless (e.g., "Camping Behind K-Mart on Dimond"). However, it should be noted that many of the geocoded addresses also represent homeless individuals. Locations such as "Bean's Café", "Brother Francis Shelter", and even "Econo Lodge room #211" all were highly unlikely to represent a true address of residence. This underscores misgivings regarding the extent to which the map generated using the registry's data accurately portrays the geographic distribution of the residences of the offenders.

## Results

Maps of the addresses listed in the Sex Offender Registry were produced using ArcView. The first map (Map A) shows the Municipality of Anchorage, which is large and spread out (the Eagle River section is more than 20 miles from midtown Anchorage). In order to make the address mapping meaningful, we have divided the city into regions as indicated in Map A. These smaller maps allow more street definition in greater detail and are, therefore, much more useful. In them we also have coded the addresses to identify sites with multiple offenders. Small dots indicate the address of a single registrant. Large dots indicate two to three offenders at a single address, and large dots with hollow centers indicate four or more offenders registered at a single address.

Map 1 shows the northwest section of the city. This section of the city includes high income

Map A. Municipality of Anchorage: Index of Sex Offender Registrant Maps



neighborhoods along the edge of Cook Inlet as well as the downtown section of Anchorage and the very densely populated neighborhood of Fairview, which is located between 1st Avenue on the north and the Chester Creek greenbelt on the south (20th Avenue) and N Street on the west to Merrill Field airport on the east. (Much of Fairview is in the overlap between Maps 1 and 2.) This area contains 137 registrant addresses. It also has the largest number of multiple registrant locations (four or more). The two overlapping dots on 3rd Avenue are Bean's Café and the Brother Francis Shelter. Both of these agencies serve the homeless and were used as addresses for several registrants: six listed Bean's Café as their address; 33 listed the Brother Francis Shelter.

Other addresses listed by multiple registrants are apartment complexes, mobile home parks, and halfway houses. On Map 1, there are several locations with multiple registrants. One, on 9th Avenue between C and E streets, is a halfway house housing 13 registrants. Another, off 36th Avenue between Arctic Boulevard and C Street, is a mobile home park with four registrants.

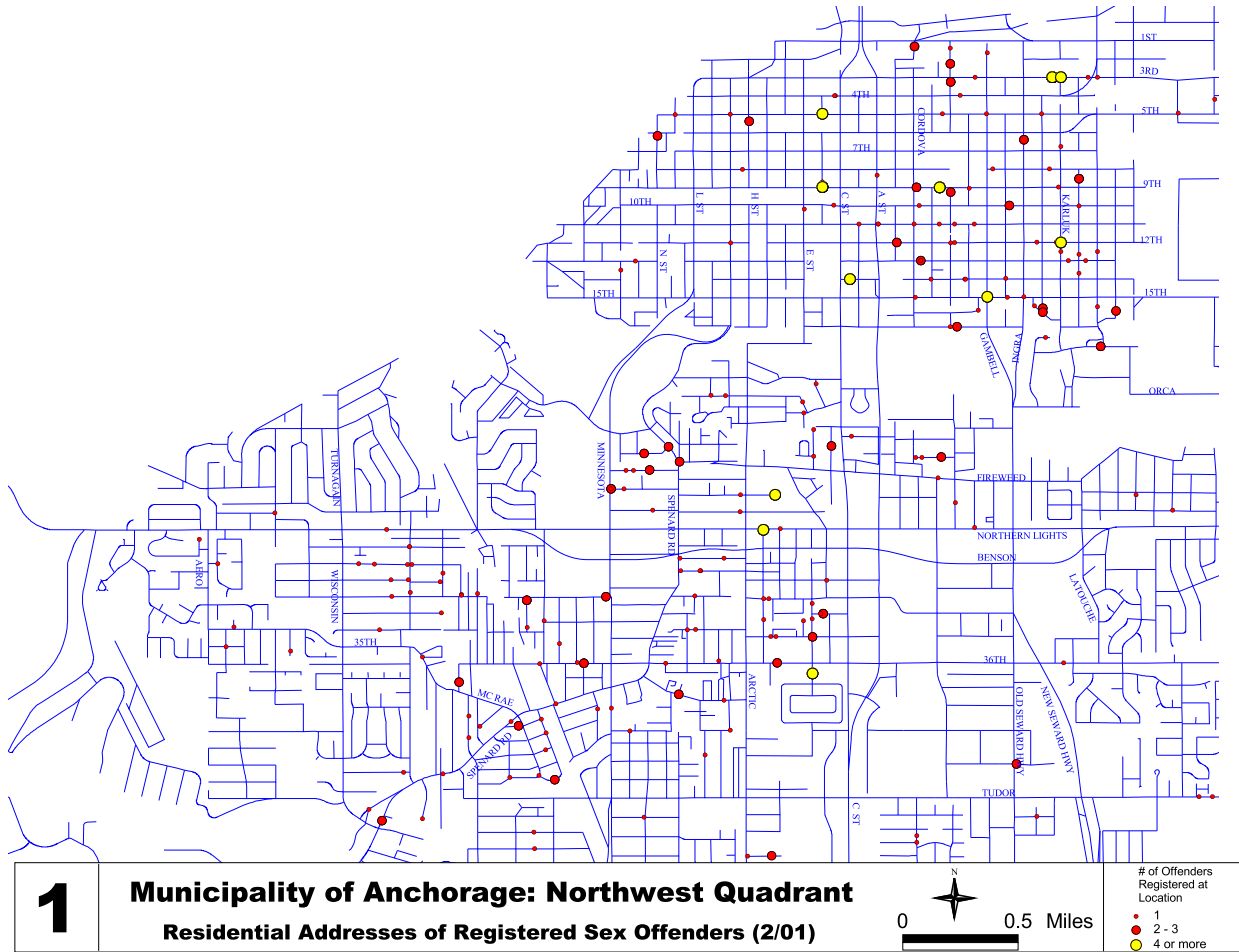
Apartment complexes and mobile home parks fall into the lower range of this icon (4 or 5). Two locations, each with seven registrants, are at the intersections of 14th Avenue and C Street and 9th Avenue and Denali Street. In part because of the multiple registrant locations, the area covered by Map 1 has 336 registered sex offenders in residence.

Map 2 covers the northeast section of the city. This area contains numerous low income rental units, and it is apparent that recently released prisoners rent rather than own. One section of this area that is very densely populated is Mountain View, which is located between the Glenn Highway on the south and McPhee on the north. Mountain View has 45 single registrant addresses and six addresses with two or three registrants for a total of 57 to 65 sex offender registrants in a geographically small but densely populated neighborhood. This area has a relatively low median income and has been the subject of considerable police interest. The area was the target of a pilot program for the Anchorage Police Department to devise a new community policing approach.

The northeast map overlaps the northwest one and includes much of the Fairview neighborhood, including the multiple registrants at the Brother Francis Shelter and Bean's Café. With these overlapping portions of Fairview included, the area contains 406 registrants; with the overlap excluded, the area contains 268 registrants. The multiple registrant locations on this map (4 or more) include the Anchorage Rescue Mission on Tudor Road with 14 registrants; and trailer parks at Muldoon and 6th Avenue (6 registrants) and at Muldoon and Wildbrook (10 registrants). The trailer park at the intersection of Penland Parkway and Airport Heights could be geocoded by individual spaces because of the kinds of addresses provided. Had there been only one address, as with most trailer parks, it would show eight registrants.

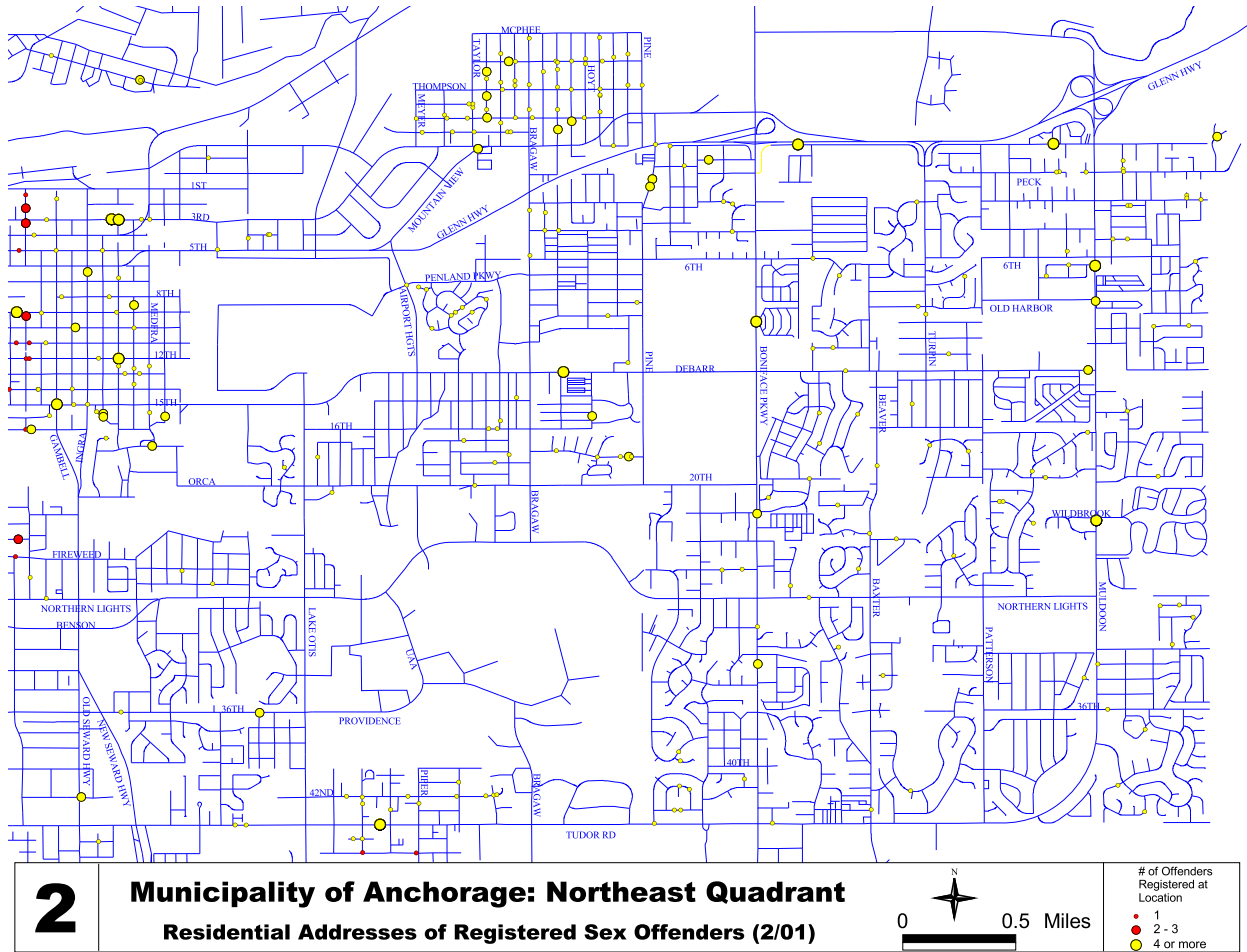
Areas on Maps 3 and 4 tend to be less densely populated and residents tend to have a higher median income. These two maps cover the southern portion of Anchorage and contain many of the most upscale neighborhoods in the city. Concentrations of registrants in small areas tend to be in high density multifamily housing. Map 3 includes small mobile home parks—one is located just north of Dowling Street and another near the New Seward Highway south of Dimond Street. There are also some apartment complexes in the area covered by Map 3. There is a concentration of registrants in an apartment complex at Abbott and O'Malley east of the New Seward Highway.

Map 1. Municipality of Anchorage: Northwest Quadrant

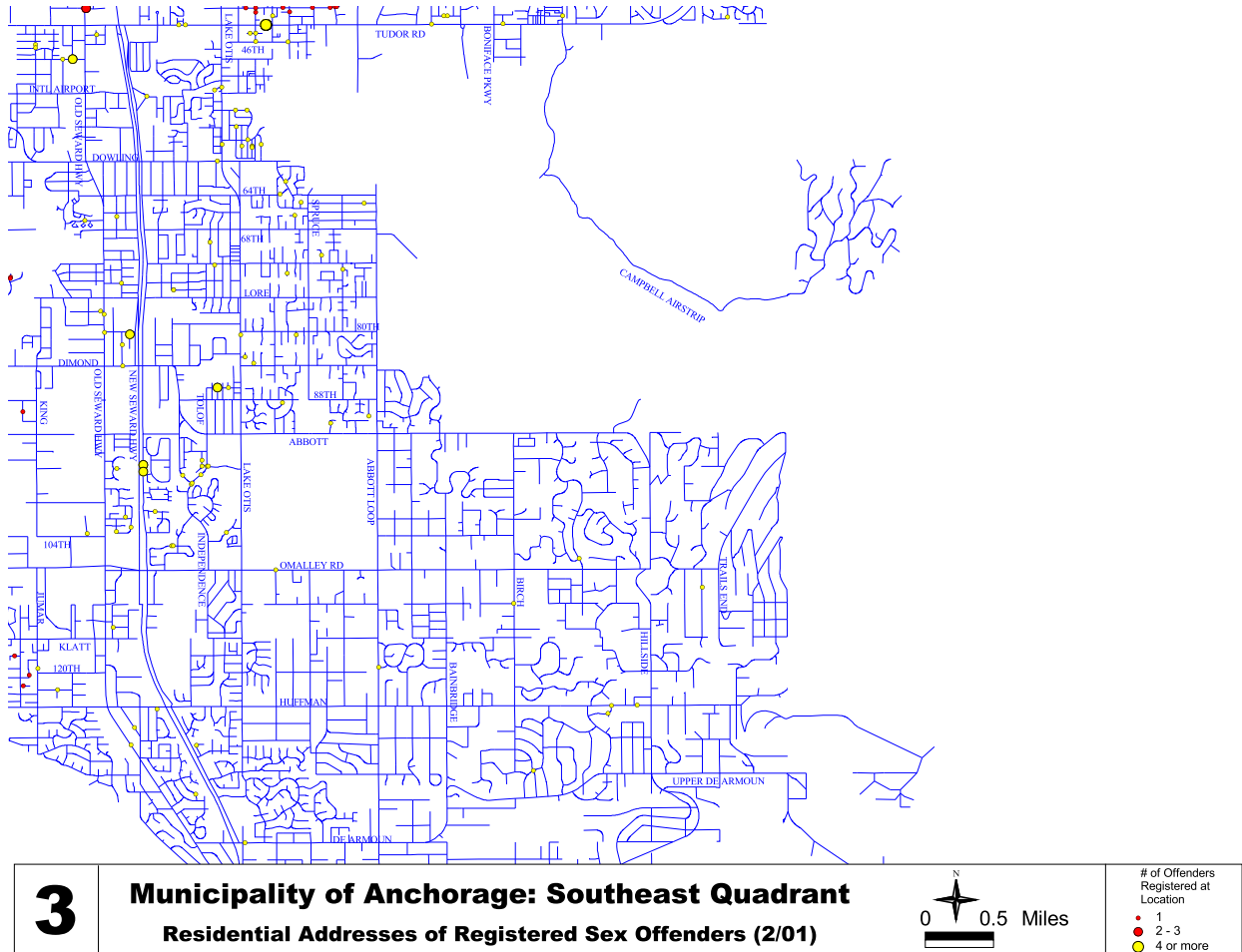




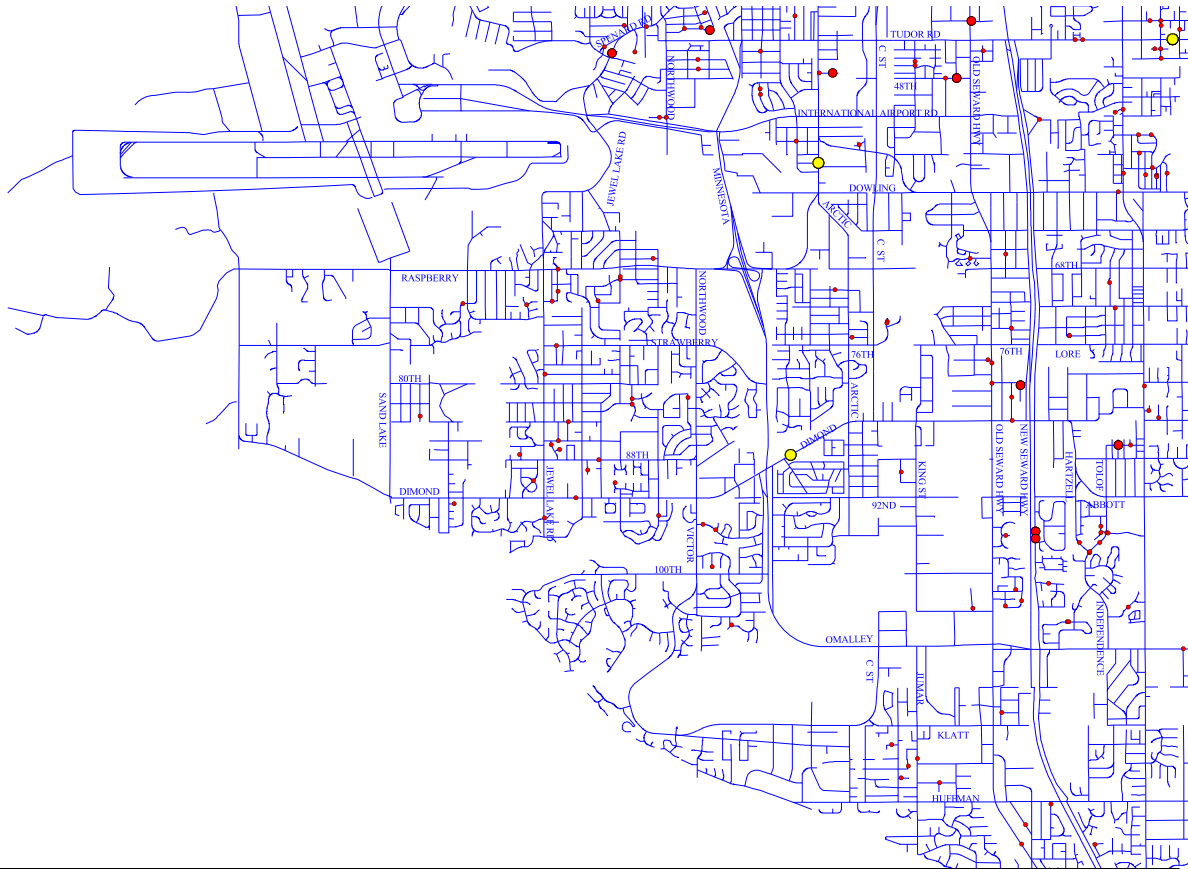
Map 2. Municipality of Anchorage: Northeast Quadrant



Map 3. Municipality of Anchorage: Southeast Quadrant

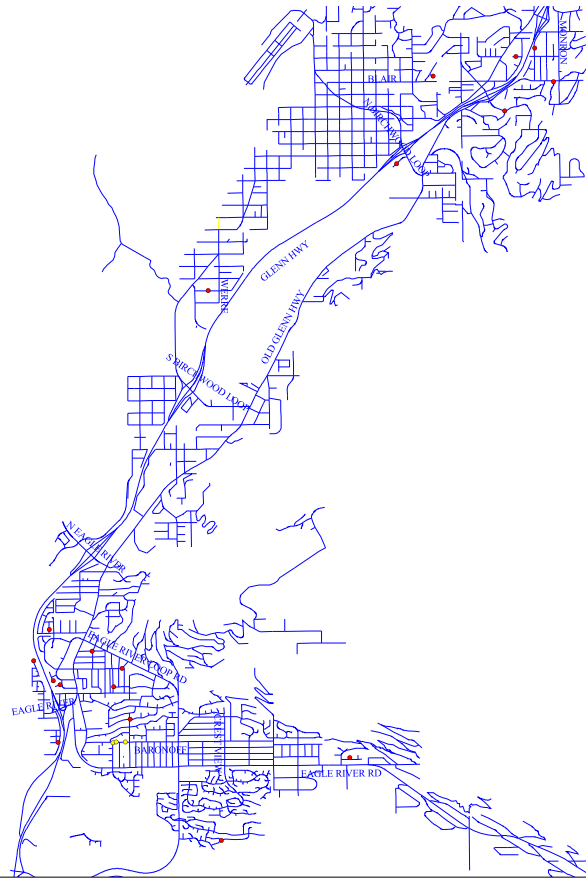


Map 4. Municipality of Anchorage: Southwest Quadrant



<b>4</b>	<b>Municipality of Anchorage: Southwest Quadrant</b> <b>Residential Addresses of Registered Sex Offenders (2/01)</b>		<b># of Offenders Registered at Location</b> • 1 • 2-3 • 4 or more
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Map 5. Municipality of Anchorage: Eagle River/Chugiak



<b>5</b>	<b>Municipality of Anchorage: Eagle River/Chugiak</b> Residential Addresses of Registered Sex Offenders (2/01)		<b># of Offenders Registered at Location</b> • 1 • 2 - 3 • 4 or more
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Map 4 includes Spenard, which is an old, mixed neighborhood. The cluster of registrant addresses on or near Spenard Road and the one just east of Northwood Drive are in apartment buildings. The concentration on Dimond Boulevard of four or more at a single location is at a large trailer park with a single address. There are four registrants in this trailer park.

The single cluster on or near Arctic Boulevard (between International Airport Road and Dowling Road) is something of an anomaly. There are five registrants in the apartments at that location. We are unaware of any community residential or treatment programs there, though this might explain this cluster.

Map 4 also shows a cluster of five registrant addresses in the Oceanview subdivision of South Anchorage. This is an upscale community of primarily single family homes, though there are condominiums and duplexes in the area. There is no apparent explanation for this grouping. A similar grouping is shown on Map 5.

Map 5 covers the suburban community of Eagle River, where many commuters reside, as well as the smaller communities of Birchwood and Chugiak. There are very few registrants in this area, but more than half of them are clustered at single addresses in “old” Eagle River, relatively close to the town center.

## **Utility: Spatial Justice Research**

Any attempt to use the Sex Offender Registry for research is problematic. The information in the registry may or may not be current, may or may not be accurate, and does not accurately identify those registrants whose presence in the community might be of concern to parents interested in protections intended by the original version of “Megan’s Law.” Mapping registrant addresses allows assessment of the distribution of addresses among neighborhoods. This might, if the data were accurate and offender mobility limited, allow us to assess distribution of risk, a small part of Rengert’s spatial justice thesis that risk should be equitably distributed.

The Alaska Sex Offender Registry casts a very broad net. A person is required to register if he or she has been convicted of: sexual assault in the first, second, third, or fourth degrees; sexual abuse of a minor in the first, second, third, or fourth degrees; incest; unlawful exploitation of a minor; and indecent exposure in the first degree if the exposure is before a person under 16 years of age and the offender has been previously convicted. (See Appendix A for full text of definitions.)

We have selected a subsample from the registry to test the utility of Alaska’s Sex Offender Registry as a research platform. An examination of this sample, registrants whose convictions included at least one instance of sexual abuse of a minor (SAM), would, in theory, test the registry’s relevance for protecting children, the original intent of “Megan’s Law” legislation. Broad definitions in the statutes make this subsample problematic. While pedophilia is covered under SAM statutes, so too is consensual sex between an immature 18-year-old and a mature 15-year-old.

The SAM subsample included 512 registrants, 62.1 percent of all persons in the registry. The data do not provide victim age, so it isn’t possible to determine which convictions might be related

to pedophilia and therefore appropriate targets for a Megan’s law. Maps 6 through 10 show the distribution of addresses for those registrants with a SAM conviction. Also indicated on these maps is the location of schools. Elementary schools should be a primary focus of research related to Megan’s law (indicated on the maps by solid triangles).

If the information in the registry were complete and accurate, and if all SAMs were victimizers of young children, we would see that children in some schools appear to have a much greater likelihood of coming face-to-face with SAM registrants than do children from other schools risk thus being differentially distributed.

Students at Fairview Elementary School (Map 7) at 14th Avenue and Nelchina usually walk to school. They would appear to have more chances to meet registrant SAMs than do children at Rogers Park Elementary on Northern Lights (Map 7), who also usually walk to school. The registry has 13 registered SAMs located within a four-block radius of Fairview Elementary School; there is one in the entire Rogers Park attendance area. Elementary school students in Mountain View would also have more opportunities to come in contact with registered SAMs than do students in other areas. There are several registrant addresses within walking distance of this elementary school. There is also a cluster of SAMs on Map 8 near Abbott Loop Elementary School near Dowling Road on Lake Otis Boulevard.

It is possible, of course, that the more densely populated areas of the city have fewer SAMs per person than do other areas. We examined rates per 1000 for both the full sex offender registry and those registered for sexual abuse of a minor. To calculate the rate we used address data from the Alaska Permanent Fund applications database of 2000. There were 238,390 total PFD addresses in Anchorage, but only 201,292 were mapped (post office boxes were deleted). The results are displayed in Table 2. The areas overlap, so the numbers do as well. Nevertheless, it is clear that both the number and rate are greater in lower income, high rental neighborhoods. There are nearly 10 sex offender registrants for every 1000 residents in the area covered by Map 1. The population of this area, as measured by PFD applications, is the lowest of all city areas, although suburban the Eagle River area has a smaller population. Eagle River has the lowest number of registrant addresses and the lowest rate. (It is interesting to note that 80.9 percent of the 21 Eagle River registrants had SAM convictions.)

By all of our measures—numbers and rates of address locations for sex offenders and for a

**Table 2. Distribution of Sex Offender Registrants in Anchorage Map Areas**

Area	Population*	All sex offenders		Sexual abuse of a minor (SAM) offenders	
		N	Rate per 1000 population	N	Rate per 1000 population
1	34,893	336	9.6	212	6.1
2	61,901	406	6.2	227	3.7
3	48,772	122	2.5	83	1.7
4	54,032	131	2.4	83	1.5
5	17,543	21	1.2	17	1

\* Population based on applications in 2000 for the Alaska Permanent Fund Dividend.

subset of registrants convicted of sexual abuse of a minor—risks of encountering sex offenders are differentially distributed in the municipality of Anchorage. However, flaws in the address data make it impossible to be specific about either numbers or rates, and broad legal definitions make it impossible to identify with certainty the residences of those most likely to place young children at risk.

Even if the data were perfect, our arbitrary definition of risk—proximity of SAM registrant addresses to elementary schools – may not be grounded in reality. Registrants aren't at their residences all day. Those who have jobs may well be out of their neighborhoods during the times when children are walking to or from school, thus reducing the risk of a face-to-face meeting to zero.

While this demonstration project did not result in any useful conclusions, it was a worthwhile exercise in that it led us to confront several of the issues raised in the geocoding effort. The mapping process was, in itself, worthwhile since it enabled us to identify the numerous flawed aspects of the data which would otherwise not have been apparent.

All-in-all we must conclude that geocoding and mapping could have some utility for determining registrant address proximity to schools or parks or playgrounds, but only if the data are both accurate and detailed. Our extensive review of the data and our efforts to identify and rectify address problems lead to the conclusion that the Sex Offender Registry does not, at the present time, have a great deal of utility as a research platform.

## Appendices



## Appendix A. Alaska's Sex Offender Registration Law

### Alaska Statutes 12.63

#### Chapter 12.63. REGISTRATION OF SEX OFFENDERS

##### Sec. 12.63.010. Registration of sex offenders and related requirements.

(a) A sex offender or child kidnapper who is physically present in the state shall register as provided in this section. The sex offender or child kidnapper shall register

(1) within the 30-day period before release from an in-state correctional facility;

(2) by the next working day following conviction for a sex offense or child kidnapping if the sex offender is not incarcerated at the time of conviction; or

(3) by the next working day of becoming physically present in the state.

(b) A sex offender or child kidnapper required to register under (a) of this section shall register with the Department of Corrections if the sex offender or child kidnapper is incarcerated or in person at the Alaska state trooper post or municipal police department located nearest to where the sex offender or child kidnapper resides at the time of registration. To fulfill the registration requirement, the sex offender or child kidnapper shall

(1) complete a registration form that includes, at a minimum,

(A) the sex offender's or child kidnapper's name, address, place of employment, date of birth;

(B) each conviction for a sex offense or child kidnapping for which the duty to register has not terminated under AS 12.63.020, date of sex offense or child kidnapping convictions, place and court of sex offense or child kidnapping convictions, whether the sex offender or child kidnapper has been unconditionally discharged from the conviction for a sex offense or child kidnapping and the date of the unconditional discharge; if the sex offender or child kidnapper asserts that the offender or kidnapper has been unconditionally discharged, the offender or kidnapper shall supply proof of that discharge acceptable to the department;

(C) all aliases used;

(D) driver's license number;

(E) description, license numbers, and vehicle identification numbers of motor vehicles the sex offender or child kidnapper has access to regardless of whether that access is regular or not;

(F) any identifying features of the sex offender or child kidnapper;

(G) anticipated changes of address; and

(H) a statement concerning whether the offender or kidnapper has had treatment for a mental abnormality or personality disorder since the date of conviction for an offense requiring registration under this chapter;

(2) allow the Alaska state troopers, Department of Corrections, or municipal police to take a complete set of the sex offender's or child kidnapper's fingerprints and to take the sex offender's or child kidnapper's photograph.

(c) If a sex offender or child kidnapper changes residence after having registered under (a) of this section, the sex offender or child kidnapper shall provide written notice of the change by the next working day following the change to the Alaska state trooper post or municipal police department located nearest to the new residence or, if the residence change is out of state, to the central registry.

(d) A sex offender or child kidnapper required to register

(1) for 15 years under (a) of this section and AS 12.63.020 (a)(2) shall, annually, during the term of a duty to register under AS 12.63.020, on a date set by the department at the time of the sex offender's or child kidnapper's initial registration, provide written verification to the department, in the manner required by the department, of the sex offender's or child kidnapper's address and notice of any changes to the information previously provided under (b)(1) of this section;

(2) for life under (a) of this section and AS 12.63.020 (a)(1) shall, not less than quarterly, on a date set by the department, provide written verification to the department, in the manner required by the department, of the sex offender's or child kidnapper's address and any changes to the information previously provided under (b)(1) of this section.

(e) The registration form required to be submitted under (b) of this section and the annual or quarterly verifications must be sworn to by the offender or kidnapper and contain an admonition that a false statement shall subject the offender or kidnapper to prosecution for perjury.

(f) In this section, "correctional facility" has the meaning given in AS 33.30.901.

**Sec. 12.63.020. Duration of sex offender or child kidnapper duty to register.**

(a) The duty of a sex offender or child kidnapper to comply with the requirements of AS 12.63.010 for each sex offense or child kidnapping

(1) continues for the lifetime of a sex offender or child kidnapper convicted of

(A) one aggravated sex offense; or

(B) two or more sex offenses, two or more child kidnappings, or one sex offense and one child kidnapping; for purposes of this section, a person convicted of indecent exposure before a person under 16 years of age under AS 11.41.460 more than two times has been convicted of two or more sex offenses;

(2) ends 15 years following the sex offender's or child kidnapper's unconditional discharge from a conviction for a single sex offense that is not an aggravated sex offense or for a single child kidnapping if the sex offender or child kidnapper has supplied proof that is acceptable to the department of the unconditional discharge; the registration period under this paragraph

(A) is tolled for each year that a sex offender or child kidnapper

(i) fails to comply with the requirements of this chapter;

(ii) is incarcerated for the offense or kidnapping for which the offender or kidnapper is required to register or for any other offense;

(B) may include the time a sex offender or child kidnapper was absent from this state if the sex offender or child kidnapper has complied with any sex offender or child kidnapper registration requirements of the jurisdiction in which the offender or kidnapper was located and if the sex offender or child kidnapper provides the department with proof of the compliance while the sex offender or child kidnapper was absent from this state; and

(C) continues for a sex offender or child kidnapper who has not supplied proof acceptable to the department of the offender's or kidnapper's unconditional discharge for the sex offense or child kidnapping requiring registration.

(b) The department shall adopt, by regulation, procedures to notify a sex offender or child kidnapper who, on the registration form under AS 12.63.010, lists a conviction for a sex offense or child kidnapping that is a violation of a former law of this state or a law of another jurisdiction, of the duration of the offender's or kidnapper's duty under (a) of this section for that sex offense or child kidnapping. As a part of the regulations, the department shall require the offender or kidnapper to supply proof acceptable to the department of unconditional discharge and the date it occurred.

#### **Sec. 12.63.030. Notification of other jurisdictions.**

(a) If a sex offender or child kidnapper notifies the department that the sex offender or child kidnapper is moving from the state, the department shall notify the Federal Bureau of Investigation and the state where the sex offender or child kidnapper is moving of the sex offender's or child kidnapper's intended address.

(b) If a sex offender or child kidnapper fails to register or to verify the sex offender's or child kidnapper's address and registration under this chapter, or the department does not know the location of a sex offender or child kidnapper required to register under this chapter, the department shall immediately notify the Federal Bureau of Investigation.

#### **Sec. 12.63.100. Definitions.**

In this chapter,

(1) "aggravated sex offense" means

(A) a crime under AS 11.41.100 (a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit a sexual offense, or a similar offense under the laws of the other jurisdiction; in this subparagraph, "sexual offense" has the meaning given in AS 11.41.100 (a)(3) [which states, "sexual offense" means an offense defined in AS 11.41.410 - 11.41.470"];

(B) a crime under AS 11.41.110 (a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit one of the following crimes, or a similar law of another jurisdiction:

- (i) sexual assault in the first degree;
- (ii) sexual assault in the second degree;
- (iii) sexual abuse of a minor in the first degree; or

(iv) sexual abuse of a minor in the second degree; or

(C) a crime, or an attempt, solicitation, or conspiracy to commit a crime, under AS 11.41.410, 11.41.434, or a similar law of another jurisdiction;

(2) “child kidnapping” means

(A) a crime under AS 11.41.100 (a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit kidnapping;

(B) a crime under AS 11.41.110 (a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit kidnapping if the victim was under 18 years of age at the time of the offense; or

(C) a crime, or an attempt, solicitation, or conspiracy to commit a crime, under AS 11.41.300 [kidnapping], or a similar law of another jurisdiction, if the victim was under 18 years of age at the time of the offense;

(3) “conviction” means that an adult, or a juvenile charged as an adult under AS 47.12 or a similar procedure in another jurisdiction, has entered a plea of guilty, guilty but mentally ill, or nolo contendere, or has been found guilty or guilty but mentally ill by a court or jury, of a sex offense or child kidnapping regardless of whether the judgment was set aside under AS 12.55.085 or a similar procedure in another jurisdiction or was the subject of a pardon or other executive clemency; “conviction” does not include a judgment that has been reversed or vacated by a court.

(4) “department” means the Department of Public Safety;

(5) “sex offender or child kidnapper” means a person convicted of a sex offense or child kidnapping in this state or another jurisdiction regardless of whether the conviction occurred before, after, or on January 1, 1999;

(6) “sex offense” means

(A) a crime under AS 11.41.100 (a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit a sexual offense, or a similar offense under the laws of the other jurisdiction; in this subparagraph, “sexual offense” has the meaning given in AS 11.41.100 (a)(3);

(B) a crime under AS 11.41.110 (a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit one of the following crimes, or a similar law of another jurisdiction:

(i) sexual assault in the first degree;

(ii) sexual assault in the second degree;

(iii) sexual abuse of a minor in the first degree; or

(iv) sexual abuse of a minor in the second degree;

(C) a crime, or an attempt, solicitation, or conspiracy to commit a crime, under the following statutes or a similar law of another jurisdiction:

(i) AS 11.41.410 - 11.41.438;

(ii) AS 11.41.440 (a)(2);

(iii) AS 11.41.450 - 11.41.458;

(iv) AS 11.41.460 if the indecent exposure is before a person under 16 years of age and the

offender has a previous conviction for that offense;

(v) AS 11.61.125 or 11.61.127 [distribution of child pornography or possession of child pornography, respectively];

(vi) AS 11.66.110 or 11.66.130(a)(2) [promoting prostitution] if the person who was induced or caused to engage in prostitution was 16 or 17 years of age at the time of the offense; or

(vii) former AS 11.15.120, former 11.15.134, or assault with the intent to commit rape under former AS 11.15.160 , former AS 11.40.110 , or former 11.40.200;

(7) “unconditional discharge” has the meaning given in AS 12.55.185.

## **Appendix B. Establishment of a Central Registry of Sex Offenders in Alaska**

Alaska Statutes 18.65.087

### **Sec. 18.65.087. Central registry of sex offenders.**

(a) The Department of Public Safety shall maintain a central registry of sex offenders and child kidnapers and shall adopt regulations necessary to carry out the purposes of this section and AS 12.63. A post of the Alaska state troopers or a municipal police department that receives registration or change of address information under AS 12.63.010 shall forward the information within five working days of receipt to the central registry of sex offenders and child kidnapers. Unless the sex offender or child kidnapper provides proof satisfactory to the department that the sex offender or child kidnapper is not physically present in the state or that the time limits described in AS 12.63.010 have passed, the Department of Public Safety may enter and maintain in the registry information described in AS 12.63.010 about a sex offender or child kidnapper that the department obtains from

- (1) the sex offender or child kidnapper under AS 12.63;
- (2) a post of the Alaska state troopers or a municipal police department under (a) of this section;
- (3) a court judgment under AS 12.55.148 ;
- (4) the Department of Corrections under AS 33.30.012 or 33.30.035;
- (5) the Federal Bureau of Investigation or another sex offender registration agency outside this state if the information indicates that a sex offender or child kidnapper is believed to be residing or planning to reside in the state or cannot be located;
- (6) a criminal justice agency in the state or another jurisdiction;
- (7) the department's central repository under AS 12.62; information entered in the registry from the repository is not subject to the requirements of AS 12.62.160 (c)(3) or (4); or
- (8) another reliable source as defined in regulations adopted by the department.

(b) Information about a sex offender or child kidnapper that is contained in the central registry, including sets of fingerprints, is confidential and not subject to public disclosure except as to the sex offender's or child kidnapper's name, aliases, address, photograph, physical description, description of motor vehicles, license numbers of motor vehicles, and vehicle identification numbers of motor vehicles, place of employment, date of birth, crime for which convicted, date of conviction, place and court of conviction, length and conditions of sentence, and a statement as to whether the offender or kidnapper is in compliance with requirements of AS 12.63 or cannot be located.

(c) Notwithstanding (b) of this section, if a sex offender has been convicted in this state or another jurisdiction of a sex offense identified as "incest," that offense may be disclosed under (b) of this section only as a "felony sexual abuse of a minor" conviction.

(d) The Department of Public Safety

(1) shall adopt regulations to

(A) allow a sex offender or child kidnapper to review sex offender or child kidnapper registration information that refers to that sex offender or child kidnapper, and if the sex offender or child kidnapper believes the information is inaccurate or incomplete, to request the department to correct the information; if the department finds the information is inaccurate or incomplete, the department shall correct or supplement the information;

(B) ensure the appropriate circulation to law enforcement agencies of information contained in the central registry;

(C) ensure the anonymity of members of the public who request information under this section;

(2) shall provide to the Department of Corrections and municipal police departments the forms and directions necessary to allow sex offenders and child kidnappers to comply with AS 12.63.010

(3) may adopt regulations to establish fees to be charged for registration under AS 12.63.010 and for information requests; the fee for registration shall be based upon the actual costs of performing the registration and maintaining the central registry but may not be set at a level whereby registration is discouraged; the fee for an information request may not be greater than \$10;

(4) shall remove from the central registry of sex offenders and child kidnappers under this section information about a sex offender or child kidnapper required to register under AS 12.63.020 (a)(2) at the end of the sex offender's or child kidnapper's duty to register if the offender or kidnapper has not been convicted of another sex offense or child kidnapping and the offender or kidnapper has supplied proof of unconditional discharge acceptable to the department; in this paragraph, "sex offense" and "child kidnapping" have the meanings given in AS 12.63.100 .

(e) The name, address, and other identifying information of a member of the public who makes an information request under this section is not a public record under AS 40.25.100 - 40.25.220.

(f) When a sex offender or child kidnapper registers under AS 12.63, the Department of Public Safety shall make reasonable attempts to verify that the sex offender or child kidnapper is residing at the registered address. Reasonable attempts at verifying an address include sending certified mail, return receipt requested, to the offender or kidnapper at the registered address. The department shall make reasonable efforts to locate an offender or kidnapper who cannot be located at the registered address.

(g) The department, at least quarterly, shall compile a list of those persons with a duty to register under AS 12.63.010 who have failed to register, whose addresses cannot be verified under (f) of this section, or who otherwise cannot be located. The department shall post this list on the Internet and request the public's assistance in locating these persons.

## **Appendix C. Definitions of Offenses for which Convicted Persons Must Register as Sex Offenders in Alaska**

Alaska Statutes 11.41.410–11.41.470

### **Sec. 11.41.410. Sexual assault in the first degree.**

- (a) An offender commits the crime of sexual assault in the first degree if
  - (1) the offender engages in sexual penetration with another person without consent of that person;
  - (2) the offender attempts to engage in sexual penetration with another person without consent of that person and causes serious physical injury to that person;
  - (3) the offender engages in sexual penetration with another person
    - (A) who the offender knows is mentally incapable; and
    - (B) who is in the offender's care
      - (i) by authority of law; or
      - (ii) in a facility or program that is required by law to be licensed by the state; or
  - (4) the offender engages in sexual penetration with a person who the offender knows is unaware that a sexual act is being committed and
    - (A) the offender is a health care worker; and
    - (B) the offense takes place during the course of professional treatment of the victim.
- (b) Sexual assault in the first degree is an unclassified felony and is punishable as provided in AS 12.55.

### **Sec. 11.41.420. Sexual assault in the second degree.**

- (a) An offender commits the crime of sexual assault in the second degree if
  - (1) the offender engages in sexual contact with another person without consent of that person;
  - (2) the offender engages in sexual contact with a person
    - (A) who the offender knows is mentally incapable; and
    - (B) who is in the offender's care
      - (i) by authority of law; or
      - (ii) in a facility or program that is required by law to be licensed by the state;
  - (3) the offender engages in sexual penetration with a person who the offender knows is
    - (A) mentally incapable;
    - (B) incapacitated; or
    - (C) unaware that a sexual act is being committed; or



(4) the offender engages in sexual contact with a person who the offender knows is unaware that a sexual act is being committed and

(A) the offender is a health care worker; and

(B) the offense takes place during the course of professional treatment of the victim.

(b) Sexual assault in the second degree is a class B felony.

**Sec. 11.41.425. Sexual assault in the third degree.**

(a) An offender commits the crime of sexual assault in the third degree if the offender

(1) engages in sexual contact with a person who the offender knows is

(A) mentally incapable;

(B) incapacitated; or

(C) unaware that a sexual act is being committed;

(2) while employed in a state correctional facility or other placement designated by the commissioner of corrections for the custody and care of prisoners, engages in sexual penetration with a person who the offender knows is committed to the custody of the Department of Corrections to serve a term of imprisonment or period of temporary commitment; or

(3) engages in sexual penetration with a person 18 or 19 years of age who the offender knows is committed to the custody of the Department of Health and Social Services under AS 47.10 or AS 47.12 and the offender is the legal guardian of the person.

(b) Sexual assault in the third degree is a class C felony.

**Sec. 11.41.427. Sexual assault in the fourth degree.**

(a) An offender commits the crime of sexual assault in the fourth degree if

(1) while employed in a state correctional facility or other placement designated by the commissioner of corrections for the custody and care of prisoners, the offender engages in sexual contact with a person who the offender knows is committed to the custody of the Department of Corrections to serve a term of imprisonment or period of temporary commitment; or

(2) the offender engages in sexual contact with a person 18 or 19 years of age who the offender knows is committed to the custody of the Department of Health and Social Services under AS 47.10 or AS 47.12 and the offender is the legal guardian of the person.

(b) Sexual assault in the fourth degree is a class A misdemeanor.

**Sec. 11.41.430. Sexual assault in the third degree.** [Repealed, Sec. 10 ch 78 SLA 1983. For current law, see AS 11.41.420 (a)(2)].

Repealed or Renumbered

**Sec. 11.41.432. Defenses.**

(a) It is a defense to a crime charged under AS 11.41.410 (a)(3), 11.41.420(a)(2), 11.41.420(a)(3), or 11.41.425 that the offender is

(1) mentally incapable; or

(2) married to the person and neither party has filed with the court for a separation, divorce, or dissolution of the marriage.

(b) Except as provided in (a) of this section, in a prosecution under AS 11.41.410 or 11.41.420, it is not a defense that the victim was, at the time of the alleged offense, the legal spouse of the defendant.

**Sec. 11.41.434. Sexual abuse of a minor in the first degree.**

(a) An offender commits the crime of sexual abuse of a minor in the first degree if

(1) being 16 years of age or older, the offender engages in sexual penetration with a person who is under 13 years of age or aids, induces, causes, or encourages a person who is under 13 years of age to engage in sexual penetration with another person;

(2) being 18 years of age or older, the offender engages in sexual penetration with a person who is under 18 years of age, and the offender is the victim's natural parent, stepparent, adopted parent, or legal guardian; or

(3) being 18 years of age or older, the offender engages in sexual penetration with a person who is under 16 years of age, and

(A) the victim at the time of the offense is residing in the same household as the offender and the offender has authority over the victim; or

(B) the offender occupies a position of authority in relation to the victim.

(b) Sexual abuse of a minor in the first degree is an unclassified felony and is punishable as provided in AS 12.55.

**Sec. 11.41.436. Sexual abuse of a minor in the second degree.**

(a) An offender commits the crime of sexual abuse of a minor in the second degree if

(1) being 16 years of age or older, the offender engages in sexual penetration with a person who is 13, 14, or 15 years of age and at least three years younger than the offender, or aids, induces, causes or encourages a person who is 13, 14, or 15 years of age and at least three years younger than the offender to engage in sexual penetration with another person;

(2) being 16 years of age or older, the offender engages in sexual contact with a person who is under 13 years of age or aids, induces, causes, or encourages a person under 13 years of age to engage in sexual contact with another person;

(3) being 18 years of age or older, the offender engages in sexual contact with a person who is under 18 years of age, and the offender is the victim's natural parent, stepparent, adopted parent,

or legal guardian;

(4) being 16 years of age or older, the offender aids, induces, causes, or encourages a person who is under 16 years of age to engage in conduct described in AS 11.41.455 (a)(2) - (6); or

(5) being 18 years of age or older, the offender engages in sexual contact with a person who is under 16 years of age, and

(A) the victim at the time of the offense is residing in the same household as the offender and the offender has authority over the victim; or

(B) the offender occupies a position of authority in relation to the victim.

(b) Sexual abuse of a minor in the second degree is a class B felony.

**Sec. 11.41.438. Sexual abuse of a minor in the third degree.**

(a) An offender commits the crime of sexual abuse of a minor in the third degree if

(1) being 16 years of age or older, the offender engages in sexual contact with a person who is 13, 14, or 15 years of age and at least three years younger than the offender; or

(2) being 18 years of age or older, the offender engages in sexual penetration with a person who is 16 or 17 years of age and at least three years younger than the offender, and the offender occupies a position of authority in relation to the victim.

(b) Sexual abuse of a minor in the third degree is a class C felony.

C Sec. 11.41.440. Sexual abuse of a minor in the fourth degree.

(a) An offender commits the crime of sexual abuse of a minor in the fourth degree if

(1) being under 16 years of age, the offender engages in sexual penetration or sexual contact with a person who is under 13 years of age and at least three years younger than the offender; or

(2) being 18 years of age or older, the offender engages in sexual contact with a person who is 16 or 17 years of age and at least three years younger than the offender, and the offender occupies a position of authority in relation to the victim.

(b) Sexual abuse of a minor in the fourth degree is a class A misdemeanor.

**Sec. 11.41.443. Spousal relationship no defense.** [Repealed, Sec. 61 ch 50 SLA 1989. For current law, see AS 11.41.432 (b)].

Repealed or Renumbered

**Sec. 11.41.445. General provisions.**

(a) In a prosecution under AS 11.41.434 - 11.41.440 it is an affirmative defense that, at the time of the alleged offense, the victim was the legal spouse of the defendant unless the offense was committed without the consent of the victim.

(b) In a prosecution under AS 11.41.410 - 11.41.440, whenever a provision of law defining an offense depends upon a victim's being under a certain age, it is an affirmative defense that, at the time of the alleged offense, the defendant reasonably believed the victim to be that age or older, unless the victim was under 13 years of age at the time of the alleged offense.

**Sec. 11.41.450. Incest.**

(a) A person commits the crime of incest if, being 18 years of age or older, that person engages in sexual penetration with another who is related, either legitimately or illegitimately, as

- (1) an ancestor or descendant of the whole or half blood;
- (2) a brother or sister of the whole or half blood; or
- (3) an uncle, aunt, nephew, or niece by blood.

(b) Incest is a class C felony.

**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;
- (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 class B felony.

(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
- (1) the offender violates AS 11.41.460 (a);
  - (2) while committing the act constituting the offense, the offender knowingly masturbates;
- and
- (3) the offense occurs within the observation of a person under 16 years of age.
- (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. 11.41.470. Definitions.**

For purposes of AS 11.41.410 - 11.41.470, unless the context requires otherwise,

- (1) "health care worker" includes a person who is or purports to be an anesthesiologist, acupuncturist, chiropractor, dentist, health aide, hypnotist, massage therapist, mental health counselor, midwife, nurse, nurse practitioner, osteopath, naturopath, physical therapist, physical therapy assistant, physician, physician assistant, psychiatrist, psychologist, psychological associate, radiologist, religious healing practitioner, surgeon, x-ray technician, or a substantially similar position;
- (2) "incapacitated" means temporarily incapable of appraising the nature of one's own conduct or physically unable to express unwillingness to act;
- (3) "legal guardian" means a person who is under a duty to exercise general supervision over a minor or other person committed to the custody of the Department of Health and Social Services under AS 47.10 or AS 47.12 as a result of a court order, statute, or regulation, and includes Department of Health and Social Services employees, foster parents, and staff members and other employees of group homes or youth facilities where the minor or other person is placed as a result of a court order or the action of the Department of Health and Social Services, and police officers, probation officers, and social workers when those persons are exercising custodial control over a minor or other person.
- (4) "mentally incapable" means suffering from a mental disease or defect that renders the person incapable of understanding the nature or consequences of the person's conduct, including

the potential for harm to that person;

(5) “position of authority” means an employer, youth leader, scout leader, coach, teacher, counselor, school administrator, religious leader, doctor, nurse, psychologist, guardian ad litem, babysitter, or a substantially similar position, and a police officer or probation officer other than when the officer is exercising custodial control over a minor;

(6) “sexual act” means sexual penetration or sexual contact;

(7) “victim” means the person alleged to have been subjected to sexual assault in any degree or sexual abuse of a minor in any degree;

(8) “without consent” means that a person

(A) with or without resisting, is coerced by the use of force against a person or property, or by the express or implied threat of death, imminent physical injury, or kidnapping to be inflicted on anyone; or

(B) is incapacitated as a result of an act of the defendant.