

# EXHIBIT A

**TEXT OF AMENDED ACT**

**Sec. 11.61.128. Electronic distribution of indecent material to minors.**

- (a) A person commits the crime of distribution of indecent material to minors if
- (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) Except as provided in (d) of this section, distribution of indecent material to minors is a class C felony.
- (d) 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.
- (e) 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.