

Alaska State Legislature

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Representative Fred Dyson

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House Passes Underage Sexual Abuse Bill **HB 243 Would End the "... But She Said She Was 16!" Defense**

(JUNEAU) – Sexual criminals who prey on children will have a harder time claiming ignorance of their victims' age as a defense, under [House Bill 243](#), which the House of Representatives passed unanimously today.

Sponsored by Rep. Dyson (R-Eagle River), HB 243 would require those defending themselves on a charge of sexual abuse of a minor by claiming they weren't sure of their victim's age, to show that they made a reasonable effort to find out whether their victim was above the age of consent.

"Many people try to defend themselves against these horrific charges on the flimsy grounds that they didn't know their victim was under age, or that the victim claimed to be old enough to give their consent," Dyson said. House Bill 243 would set a higher standard than "reasonable belief," and require evidence that the perpetrator took some action to verify their assumption.

"I am frankly sorry that such a bill is even necessary," Dyson said. "But today it's far too likely that fathers of babies born to teen mothers are significantly older than the mothers. There seems to be strong evidence that many teen pregnancies are the result of non-voluntary sexual activity." State public health statistics show that teen mothers age 17 and under reported that 36 percent of their male partners were 21 or older, he said.

According to a state assistant attorney general responsible for criminal prosecutions, HB 243 could apply to several dozen cases of child sexual abuse each year. Dyson also pointed out that the bill addresses sexual abuse of a minor, and not sexual assault; and that the state's existing law covering minors having sex with other minors whose ages are within three years will still apply.

"We need to protect Alaska's youngsters from predatory adults, and this bill will be an important element in that effort," Dyson said.

HB 243 moves next to the Senate for consideration.

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