

AMENDMENT

OFFERED IN THE SENATE

BY SENATOR MCGUIRE

TO: CSSB 30(JUD), Draft Version "S"

Page 1, line 9, following "**options;**":

Insert "**relating to delinquent minors;**"

Page 32, line 16, following "\$300.":

Insert "The court may reduce the fine to \$50 for a defendant under 18 years of age if the defendant supplies proof of completion of a state-approved marijuana education or treatment program to the court within six months."

Page 33, line 9, following "AS 17.38.220 - 17.38.240.":

Insert "The supreme court, in establishing scheduled amounts of bail under this section, may not allow for disposition of an offense without court appearance for a person under 18 years of age who is cited for a violation of AS 17.38.220."

Page 76, following line 26:

Insert a new bill section to read:

"* Sec. 137. AS 40.25.120(a) is amended to read:

(a) Every person has a right to inspect a public record in the state, including public records in recorders' offices, except

(1) records of vital statistics and adoption proceedings, which shall be treated in the manner required by AS 18.50;

(2) records pertaining to juveniles unless disclosure is authorized by law; **a record of a conviction of a person under 18 years of age under**

AS 17.38.220 is a juvenile record under this paragraph;

- 1 (3) medical and related public health records;
- 2 (4) records required to be kept confidential by a federal law or
3 regulation or by state law;
- 4 (5) to the extent the records are required to be kept confidential under
5 20 U.S.C. 1232g and the regulations adopted under 20 U.S.C. 1232g in order to secure
6 or retain federal assistance;
- 7 (6) records or information compiled for law enforcement purposes, but
8 only to the extent that the production of the law enforcement records or information
- 9 (A) could reasonably be expected to interfere with enforcement
10 proceedings;
- 11 (B) would deprive a person of a right to a fair trial or an
12 impartial adjudication;
- 13 (C) could reasonably be expected to constitute an unwarranted
14 invasion of the personal privacy of a suspect, defendant, victim, or witness;
- 15 (D) could reasonably be expected to disclose the identity of a
16 confidential source;
- 17 (E) would disclose confidential techniques and procedures for
18 law enforcement investigations or prosecutions;
- 19 (F) would disclose guidelines for law enforcement
20 investigations or prosecutions if the disclosure could reasonably be expected to
21 risk circumvention of the law; or
- 22 (G) could reasonably be expected to endanger the life or
23 physical safety of an individual;
- 24 (7) names, addresses, and other information identifying a person as a
25 participant in the Alaska Higher Education Savings Trust under AS 14.40.802 or the
26 advance college tuition savings program under AS 14.40.803 - 14.40.817;
- 27 (8) public records containing information that would disclose or might
28 lead to the disclosure of a component in the process used to execute or adopt an
29 electronic signature if the disclosure would or might cause the electronic signature to
30 cease being under the sole control of the person using it;
- 31 (9) reports submitted under AS 05.25.030 concerning certain collisions,

1 accidents, or other casualties involving boats;

2 (10) records or information pertaining to a plan, program, or procedures
3 for establishing, maintaining, or restoring security in the state, or to a detailed
4 description or evaluation of systems, facilities, or infrastructure in the state, but only to
5 the extent that the production of the records or information

6 (A) could reasonably be expected to interfere with the
7 implementation or enforcement of the security plan, program, or procedures;

8 (B) would disclose confidential guidelines for investigations or
9 enforcement and the disclosure could reasonably be expected to risk
10 circumvention of the law; or

11 (C) could reasonably be expected to endanger the life or
12 physical safety of an individual or to present a real and substantial risk to the
13 public health and welfare;

14 (11) the written notification regarding a proposed regulation provided
15 under AS 24.20.105 to the Department of Law and the affected state agency and
16 communications between the Legislative Affairs Agency, the Department of Law, and
17 the affected state agency under AS 24.20.105;

18 (12) records that are

19 (A) proprietary, privileged, or a trade secret in accordance with
20 AS 43.90.150 or 43.90.220(e);

21 (B) applications that are received under AS 43.90 until notice is
22 published under AS 43.90.160;

23 (13) information of the Alaska Gasline Development Corporation
24 created under AS 31.25.010 or a subsidiary of the Alaska Gasline Development
25 Corporation that is confidential by law or under a valid confidentiality agreement;

26 (14) information under AS 38.05.020(b)(11) that is subject to a
27 confidentiality agreement under AS 38.05.020(b)(12)."

28
29 Renumber the following bill sections accordingly.

30
31 Page 77, following line 31:

1 Insert a new bill section to read:

2 **"* Sec. 139.** AS 47.12.030(b) is amended to read:

3 (b) When a minor is accused of violating a statute specified in this subsection,
4 other than a statute the violation of which is a felony, this chapter and the Alaska
5 Delinquency Rules do not apply and the minor accused of the offense shall be
6 charged, prosecuted, and sentenced in the district court in the same manner as an
7 adult; if a minor is charged, prosecuted, and sentenced for an offense under this
8 subsection, the minor's parent, guardian, or legal custodian shall be present at all
9 proceedings; the provisions of this subsection apply when a minor is accused of
10 violating

11 (1) a traffic statute or regulation, or a traffic ordinance or regulation of
12 a municipality;

13 (2) AS 11.76.105, relating to the possession of tobacco by a person
14 under 19 years of age;

15 (3) a fish and game statute or regulation under AS 16;

16 (4) a parks and recreational facilities statute or regulation under
17 AS 41.21;

18 (5) AS 04.16.050, relating to possession, control, or consumption of
19 alcohol, except for conduct constituting habitual minor consuming or in possession or
20 control under AS 04.16.050(d); [AND]

21 (6) a municipal curfew ordinance, whether adopted under AS 29.35.085
22 or otherwise, unless the municipality provides for enforcement of its ordinance under
23 AS 29.25.070(b) by the municipality; in place of any fine imposed for the violation of
24 a municipal curfew ordinance, the court shall allow a defendant the option of
25 performing community work; the value of the community work, which may not be
26 lower than the amount of the fine, shall be determined under AS 12.55.055(c); in this
27 paragraph, "community work" includes the work described in AS 12.55.055(b) or
28 work that, on the recommendation of the municipal or borough assembly, city council,
29 or traditional village council of the defendant's place of residence, would benefit
30 persons within the municipality or village who are elderly or disabled; **and**

31 **(7) AS 17.38.220, relating to misconduct involving marijuana in the**

1 **third degree.**"

2

3 Renumber the following bill sections accordingly.