



# Representative Ivy Spohnholz

## House Health & Social Services Committee Chair

House District 16: College Gate, Russian Jack, Nunaka Valley, Reflection Lake & Wonder Park  
Committee Member: Education, Energy, Military & Veterans Affairs, Legislative Budget & Audit

### House Bill 351

*"An Act relating to care of juveniles and to juvenile justice; relating to employment of juvenile probation officers by the Department of Health and Social Services; Relating to terms used in juvenile justice; relating to mandatory reporters of child abuse or neglect; relating to adjudication of minor delinquency and the deoxyribonucleic acid identification registration system; relating to sexual assault in the third degree; relating to sexual assault in the fourth degree; repealing a requirement for administrative revocation of a minor's driver's license, permit, privilege to drive, or privilege to obtain a license for consumption or possession of alcohol or drugs; and providing for an effective date."*

### Sectional Analysis

Section	Section Summary	Section Changes
Section 1	AS 09.65.255(b): Deals with indemnity of civil liability for the actions of minors in state custody	<i>Adds foster home, definition reference for foster home, juvenile treatment facilities, juvenile detention facility, and treatment institution. Adds references for the definitions of juvenile treatment facility and treatment institutions</i>
Section 2	AS 11.41.425(b)(1): Deals with sexual assault in the third degree	<i>Adds staff who work in juvenile detention facilities and juvenile treatment facilities to definition of sexual assault in the third degree</i>
Section 3	AS 11.41.425(b)(2): Deals with sexual assault in the third degree	<i>Updates the definition of juvenile probation officer.</i>
Section 4	AS 11.41.427(b)(2): Deals with sexual assault in the 4 <sup>th</sup> degree.	<i>Updates definition of juvenile probation officer</i>
Section 5	AS 11.41.470(3): Deals with crimes by legal guardians	<i>Adds employees of juvenile treatment institutions and juvenile and adult probation officers to list of legal guardians</i>

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Section 6	AS 11.41.470(5): Deals with crimes against persons committed by a person in a position of authority	<i>Adds correctional employee, juvenile facility staff, and staff members of juvenile treatment institutions as people in positions of authority</i>
Section 7	AS 11.41.470: Deals with crimes against persons committed by a person in a position of authority	<i>Adds definitions for juvenile facility staff and treatment institutions</i>
Section 8	AS 11.56.760(a): Deals with orders to submit to DNA testing	<i>Clarifies that those who have been “adjudicated delinquent” may have to submit DNA samples</i>
Section 9	AS 11.61.123(e): Deals with Indecent Viewing or Photography	<i>Adds treatment institutions and juvenile treatment facilities to list of included facilities. Provides references to definitions of those terms</i>
Section 10	AS 14.07.020(a): deals with providing public education services	<i>Includes juvenile detention facilities and juvenile treatment facilities as places where public education must be provided. Provides references to definitions of those terms</i>
Section 11	AS 14.30.186(a): Deals with providing special education	<i>Includes treatment institutions, juvenile detention facilities, or juvenile treatment facilities as places where special education must be provided. Adds references to definitions for those terms</i>
Section 12	AS 17.37.070(6): Deals with medical marijuana	<i>Includes juvenile treatment facilities as facilities operated by the state which are not required to provide medical marijuana</i>
Section 13	AS 18.20.499(2): Deals with overtime for nurses	<i>Adds “juvenile” treatment facilities and treatment institutions to describe</i>

		<i>facilities operated by Division of Juvenile Justice</i>
Section 14	AS 47.10.141(c): Deals with Runaways and Missing Minors	<i>Updates terms used to describe juvenile detention facilities operated by the Division of Juvenile Justice and inappropriate emergency placement for minors.</i>
Section 15	AS 47.10.141(j): Deals with Runaways and Missing Minors	<i>Creates new definition for “temporary secure juvenile holding area” where delinquent minors may be kept while awaiting transportation to a juvenile detention facility or pending a court order in AS 47.10.990</i>
Section 16	AS 47.10.990(20): Deals with Runaways and Missing Minors	<i>Updates the definition used to describe facilities operated by the Division of Juvenile justice for the temporary secure detention of minors.</i>
Section 17	AS 47.12.025(c): Arrest procedure for juveniles	<i>Clarifies that the described duties apply to juvenile probation officers, not adult probation officer. Updates language used to describe juvenile facilities and other areas where delinquent minor may be held.</i>
Section 18	AS 47.12.120(b): Deals with the placement of minors who have an adjudication order under AS 47.12.120(b)(1)	<i>Updates terms of facilities where minors can be placed</i>
Section 19	AS 47.12.120: Deals with DNA submission for minors	<i>Adds a new subsection to clarify that minors 16 or older may be ordered to submit a DNA sample if adjudicated for certain crimes</i>
Section 20	AS 47.12.240(a): Deals with placement of minors after court commits them and before they are convicted	<i>Makes conforming and clarifying amendments to the conditions under which a</i>

		<i>minor may be held in a facility housing adult prisoners and the language used to describe facilities operated by the Division of Juvenile Justice</i>
Section 21	AS 47.12.240(b): Deals with temporary holding of minors while awaiting transport	<i>Updates language used to describe conditions under which a minor may be held in a facility housing adult prisoners and the language used to describe facilities operated by the Division of Juvenile Justice</i>
Section 22	AS 47.12.245(b): Deals with parole officers arresting minors	<i>Clarifies that the authority to arrest a minor rests with juvenile, not adult, probation officers.</i>
Section 23	AS 47.12.250(a): Deals with temporary detention/ detention hearings	<i>Clarifies that the authority to detain a minor rests with "juvenile," not adult, probations offices. Adds "temporary secure juvenile holding areas" to the list of approved placed to hold juveniles</i>
Section 24	AS 47.12.270: Deals with juvenile probation officers	<i>Updates the title and duties of juvenile probation officers.</i>
Section 25	AS 47.12.310(d): Deals with notifying victims of crimes	<i>Clarifies that the department has a duty to notify victims when a minor is released from any court ordered placement under AS 47.12.120(b)(1)</i>
Section 26	AS 47.12.315(c): Public disclosure of information in department records relating to certain minors	<i>Corrects language authorizing the department to disclose confidential information related to the offense when a minor has received an adjudication, rather than the offense the</i>

		<i>minor “alleged to have committed.”</i>
Section 27	AS 47.12.990(7): Deals with definitions and institutions	<i>Amends the definition of juvenile detention facility</i>
Section 28	AS 47.12.990(12): Deals with definitions and institutions	<i>Amends the definition of minor</i>
Section 29	AS 47.12.990: Deals with definitions of institutions	<i>Creates new definitions for juvenile probation officer, juvenile treatment facility, residential child care facility, temporary secure juvenile holding area</i>
Section 30	AS 47.14.010: Deals with the powers of DHSS over DJJ	<i>Updates language to describe juvenile facilities operated by the department</i>
Section 31	As 47.14.020: Deals with the duties of the department related to the custody of minors	<i>Updates the language used to describe juvenile facilities operated by the department</i>
Section 32	AS 47.14.040: Deals with the authority to maintain and operate facilities	<i>Updates the language used to describe places the department can operate juvenile facilities to reflect the diversity of Alaskan communities and entities, such as the need for airports that operate “temporary secure juvenile holding areas.”</i>
Section 33	AS 47.14.050(a): Deals with the operation of homes and facilities	<i>Repealed and reenacted to update the language used to describe juvenile facilities</i>
Section 34	AS 47.14.050(b): Deals with the operation of homes and facilities	<i>Updates language to reflect the diversity of Alaska communities that may be authorized to operate juvenile detention facilities</i>
Section 35	AS 47.14.990(7): Social Services and Institutions Definitions	<i>Updates the definition of juvenile detention facilities</i>

Section 36	AS 47.14.990(14): Deals with Social Services Institutions and Definitions	<i>Updates the definition of minor</i>
Section 37	AS 47.14.990: Deals with Social Services Institutions and Definitions	<i>Adds new definitions for juvenile probation officer, juvenile treatment facility, and temporary secure juvenile holding area</i>
Section 38	AS 47.14.020(a): Deals with mandatory reporting of child abuse and neglect	<i>Adds juvenile probation officer, office staff, and staff of juvenile facilities to the list of mandatory reporters</i>
Section 39	AS 47.28.15.176: Repealers	<i>Repeals revocation of juvenile driver licenses for offenses involving a controlled substance that were handled informally by the division. Repeals definitions for the terms “juvenile detention home” and “juvenile work camp” and “treatment facility”</i>
Section 40	AS 11.41.425(b)(1) Applicability section	<i>Applies to sections of the bill related to criminal offenses</i>
Section 41	Authorizes the department to adopt regulations to implement the changes of the legislation	
Section 42	Effective date for regulations. Immediately, allows DJJ to begin making changes	