



**SB 91 Detention of Minors
Summary of Changes
(Version 32-GS1576/I)**

Version 32-GS1576I (Senate Health and Social Services Committee Substitute)

Section 1: Page 3, lines 20-23

Legislative drafting style change. Changed AS 47.12.030(a) to AS 47.12.030.

Section 2: Page 5, line 7

This change corrects a drafting error that left a reference to the delinquency statute in AS 47.10.141, dealing with the temporary secure detention of status offenders. This change replaces a reference to AS 47.12.250 *Temporary Detention* from the delinquency statute with the new subsection (k) that describes the process and findings a court must make before authorizing the detention of non-delinquent, status offenders.

Section 3: No Change

Section 4: No Change

Section 5: Page 6, line 8

Legislative drafting style change. Rather than listing sequentially AS 47.12.020(b) and AS 47.12.020(c), the drafting is changed to AS 47.12.020(b) or (c).

Section 6: Page 6, lines 16-17

Legislative drafting style change. Change from “**Except as provided in AS 47.12.105**” to “**Subject to the provisions of AS 47.12.105**”

Section 7: No Change

Section 8: Page 7, lines 18-31; Page 8, lines 1-29

This section has been rewritten to:

1. Clarify that this section applies only to “waived minors,” not delinquent minors or status offenders.
2. Define the term “waived minor.”
3. Clarify the expectation that the Department of Health and Social Services, under agreements with the Department of Corrections, will detain “waived” minors until age 18. The exceptions to this include: during initial transport to a juvenile facility upon arrest (AS 47.12.240), or for a period of less than four hours to attend court hearings (AS 47.12.105(b)), or when the department requests and a court issues an exception (AS 47.12.105(c) and (d)).
4. Specifically allow counsel to participate in court hearings related to any department request to have a waived minor moved to an adult correctional facility.

Section 9: Page 8, line 31

Legislative drafting style change.

Section 10: No Change

Section 11: No Change

Section 12: New Section

Amends AS 47.12.240(c) *Detention of Minors*. The changes to this section clarify that a “waived” minor may be held temporarily in an adult correctional facility during transport to a juvenile facility under the same standards and timelines that apply to a delinquent minor.

Section 13: New Section

Changes the statutory reference from AS 47.12.240(c)(1) to AS 47.12.240(c).

Section 14: New Section

Changes two statutory references from AS 47.12.240(c)(1) to AS 47.12.240(c).

Section 15: New Section

Changes the statutory reference from AS 47.12.240(c)(1)(B) to AS 47.12.240(c)(2)

Section 16: Same as Section 12 in Version A

Section 17: New Section

Creates a new subsection to AS 47.12.250 that clarifies that waived minors must be transported to a juvenile justice facility by law enforcement and may only be held temporarily in an adult facility during the transport under the conditions described in AS 47.12.240(c).

Section 18: Same as Section 15 in Version A

Section 19: Same as Section 17 in Version A

Section 20: Same as Section 19 in Version A

The following Sections in Version A were removed from Version I:

- Section 14: This section dealt with confidentiality requirements for information about waived minors. The section unintentionally placed restrictions on the Alaska Court System and the Department of Corrections on the public release of information about “waived” minors and was removed.
- Section 16: The repeal section is no longer necessary because the repeal of AS 47.12.240(c)(2) and AS 47.12.240(c)(3) are now amended as changes in Section 12
- Section 18: The revisors instruction is no longer necessary.