

SB91 Detention of Minors- Scenarios (3-31-21)

Detention Scenarios	Practice	Status Offender	Delinquent Minor	Waived Minor
Can a peace officer arrest a minor?	Current	Yes. Under court order under AS 47.10.141(c).	Yes, as per AS 47.12.250	YES, under adult criminal arrest statute and waiver statute.
	SB91	Sections 2-3 add additional court findings and time restrictions.		AS 47.12.250 is amended to clarify the ultimate detention location for waived minors.
After initial arrest, can the minor be held in adult jail or lockup pending transport to long term holding facility?	Current	Never. AS 47.10.141(c)	Allowed temporarily with sight and sound separation, under the restrictions of AS 47.12.240.	Allowed, no restrictions.
	SB91			Allowed temporarily with sight and sound separation, under the restrictions of AS 47.12.240.
Does the Peace officer transport the minor to a juvenile justice facility for detention if needed?	Current	Yes. AS 47.10.141(c)	Yes. As per AS 47.12.250	No, peace officers can transport directly to adult jail or lockup.
	SB91			YES. AS 47.12.250 is amended to clarify the ultimate detention location for waived minors.
When is sight and sound separation necessary when a minor attends adult court proceedings?	Current	Not applicable to status offenders	Not applicable to delinquent minors	Never. Sight and sound separation is not necessary.
	SB91			Sight and sound separation is necessary after 4 hours under AS 47.12.105(b), unless specially allowed under court order in AS 47.12.105(c).
Can a minor be held in an adult correctional facility for long term?	Current	No, never allowed	No, never allowed. Update to AS 47.12.240(a) reinforce this.	Yes, without restrictions.
	SB91			Not allowed, except with court ruling in AS 47.12.105(c), reviewed every 30 days.