



Senate Bill 91 (Version 32-GS1576\A)
Detention of Minors
Sectional Analysis

Section 1: Amends AS 33.30.011(a) *Duties of commissioner* to expand the duties of the Commissioner of the Department of Corrections to enter into agreements with the Department of Health and Social Services for the detention and care of minors who are waived into the adult criminal justice system.

Section 2: Amends AS 47.10.141(c) *Runaway and missing minors* to reference a new subsection that adds new requirements for court findings related to holding non-delinquent minors in secure juvenile facilities.

Section 3: Amends AS 47.10.141 *Runaway and missing minors* to add a new subsection to include expanded requirements for court findings before a non-delinquent minor can be held in a secure juvenile facility.

Section 4: Amends AS 47.12.020 *Jurisdiction* to add a new subsection related to the jurisdiction of the Division of Juvenile Justice to detain and care for minors under Department of Corrections custody.

Section 5: Amends AS 47.12.022 *Applicability; inclusion of certain persons as minors* to make conforming amendments to include minors subject to the adult court processes in the definition of “minor” in delinquency statute.

Section 6: Amends AS 47.12.030(a) *Provisions inapplicable* to add a reference to the “autowaiver” statute the new practice of holding minors subject to adult court proceedings in secure juvenile facilities. The section also includes the term “transported” to the adult processes that apply to waived minors to reflect current practices.

Section 7: Amends AS 47.12.100(a) *Waiver of jurisdiction* to add a reference to the “discretionary waiver” statute the new practice of holding of minor offenders subject to adult court proceedings in secure juvenile facilities. The section also includes the list of adult court practices that apply to these offenders.

Section 8: Adds a new section 47.12.105 *Minor offenders subject to adult court* to describe the process, requirement, and exceptions for holding minor offenders in the custody of the Department of Corrections in secure Division of Juvenile Justice facilities until age 18. This section also describes the court process and findings that may allow for minors to be held in adult facilities in certain circumstances.

Section 9: Amends AS 47.12.150(a) *Legal custody, guardianship, and residual parental rights and responsibilities* to make conforming changes to clarify that minors in the custody of the Department of Corrections detained in Division of Juvenile Justice facilities are subject to the same residual parental rights as other minor offenders.

Section 10: Amends AS 47.12.160(e) *Retention of jurisdiction over minor* to make conforming changes to the dual sentencing provisions.

Section 11: Amends AS 47.12.240(a) *Detention of minors* to make conforming changes.

Sections 12-13: Amends AS 47.12.250(a) *Temporary Detention and Detention Hearing* to make conforming changes.

Section 14: Amends AS 47.12.310(a) *Agency Records* to apply the same confidentiality requirements for information about waived minors as other minors served by the Division of Juvenile Justice, unless otherwise allowed by statute.

Section 15: Amends AS 47.12.310(b) *Agency Records* to specifically allow information sharing between the Division of Juvenile Justice and the Department of Corrections about former juvenile offenders and minors in DOC custody held in secure juvenile facilities until age 18.

Section 16: Repeals sections for conforming purposes.

Section 17: Applicability clause applies to minors in Department of Corrections custody on or after the effective date.

Section 18: Revisor's instructions.

Section 19: Special effective date clause. This Act takes effect on July 1, 2021.