



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 133

"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 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."

Definition Reference Document

HB 133 repeals five, amends two, and creates three definitions that cover six titles of Alaska statute. Due to the nature of this bill, many, if not most of the sections are merely references to updated, amended, or repealed terminology. The table below categorizes and lists every change in terminology proposed by HB 133, lists affected statutes by term, and lists the reasons for the proposed changes.

Table Key:	Repealed terminology	Amended Terminology	New definitions	Any change in terminology	References change in relevant areas of state statute
Summary:	1. "Youth Counselors" 2. Juvenile Detention Home" 3. "Youth Detention Facility" 4. "Juvenile Work Camp" 5. "Correctional School"	1. "Juvenile Detention Facility" 2. "Minor"	1. "Juvenile Treatment Facility" 2. "Temporary secure juvenile holding area" 3. "Juvenile Probation Officers"		

Term	Change Under HB133	Section	Affected Statute	Explanation
“Youth Counselors”	Repeals definition and powers	24	AS 47.12.270: Relating to juvenile probation officers	The duties described under this section, such as “exercising the duties of a probation officer” and “have the powers of a peace officer” do not apply to facility staff but to probation officers. The department sees no need to retain a definition for this position elsewhere as the powers and duties do not warrant it.
“Juvenile Detention Home”, “Youth Detention Facility”, “Juvenile Work Camp”, and “Correctional School”	Repeals definitions and references	15	AS 47.10.990(20): Definitions	Changes the term “juvenile detention home” to “juvenile detention facility.”
		27	AS 47.12.990(7): Relating to definitions and institutions	Amends the definition of “juvenile detention facility” to be a secure facility for the detention of minors under DJJ’s custody.
		1	AS 09.65.255(b): Relating to civil liability for the actions of minors in state custody	Removes the terms “correctional school”, “juvenile work camp”, “juvenile detention home” and “youth detention facility.” DJJ does not operate, and never has operated work camps.
		10	AS 14.30.186(a): Relating to DJJ’s requirement to provide special education	For secure detention facilities, the department suggested using the term “juvenile detention facility” in place of “juvenile detention home” and “youth detention facility” for both accuracy and consistency.
		11	AS 17.37.070(6): Relating to medical marijuana	“correctional school” is also an outdated term. Juveniles in secure facilities continue to receive education, but the term “facility” better describes them.
12	AS 18.20.499(2): Relating to overtime for nurses			

Term	Change Under HB133	Section	Affected Statute	Explanation
		13	<p align="center">AS 47.10.141(c): Relating to runaways and missing minors</p>	Removes the terms “correctional school”, “juvenile work camp”, “juvenile detention home” and “youth detention facility.”
		18	<p align="center">AS 47.12.120(b): Deals with the placement of minors who have an adjudication order under AS 47.12.120(b)(1)</p>	<p>DJJ does not operate, and never has operated work camps.</p> <p>For secure detention facilities, the department suggested using the term “juvenile detention facility” in place of “juvenile detention home” and “youth detention facility” for both accuracy and consistency.</p>
		20	<p align="center">AS 47.12.240(a): Relating to placement of minors after a court commits them and before they are convicted</p>	“correctional school” is also an outdated term. Juveniles in secure facilities continue to receive education, but the term “facility” better describes them.
		21	<p align="center">AS 47.12.240(b): Relating to temporary holding of minors while awaiting transport</p>	
		30	<p align="center">AS 47.14.010: Relating to the powers of DHSS over DJJ</p>	
		31	<p align="center">AS 47.14.020: Relating to the duties of the department related to the custody of minors</p>	

Term	Change Under HB133	Section	Affected Statute	Explanation
		32	AS 47.14.040: Relating to the authority to maintain and operate facilities	
“Minor”	Amends the definition of minor in the context of juvenile justice, references amended definition in relevant state statute.	28	AS 47.12.990: Relating to definitions and institutions.	Amends the definition of minor to include a person who was under 18 at the time they committed an offense and is subject to the jurisdiction of the Division of Juvenile Justice. Individuals who commit offenses as minors but turn 18 while under DJJ custody are adjudicated as delinquents and treated as minors in regard to that offense. The amended definition clarifies this.
		36	AS 47.14.990(14): Relating to social services institutions and definitions	References updated definition of “minor”.
“Juvenile Detention Facility”	Amends definition and references updated term in relevant statute	27	AS 47.12.990(7): Relating to definitions and institutions	Amends the definition of “juvenile detention facility” to be a secure facility for the detention of minors under DJJ’s custody.
		35	AS 47.14.990(7): Relating to social services and institutions definitions	The current definition limits juvenile detention facilities to separate quarters within a city jail.
		1	AS 09.65.255(b): Relating to civil liability for the actions of minors in state custody.	References updated definition of “juvenile detention facility.”
		2	AS 11.41.425: Relating to sexual assault in the third degree.	

Term	Change Under HB133	Section	Affected Statute	Explanation
		9	<p>AS 14.07.020(a): Relating to providing public education services</p>	References updated definition of “juvenile detention facility.”
		10	<p>AS 14.30.186(a): Relating to providing special education</p>	
		13	<p>AS 47.10.141: Relating to runaways and missing minors</p>	
		15	<p>AS 47.10.990(20): Definitions</p>	
		16	<p>AS 47.12.025(c): Arrest procedure for juveniles</p>	
		19	<p>AS 47.12.140: Relating to court dispositional orders</p>	
		20	<p>AS 47.12.240(a): Relating to placement of minors after a court commits them and before they are convicted</p>	

Term	Change Under HB133	Section	Affected Statute	Explanation
		21	AS 47.12.240(b): Relating to temporary holding of minors while awaiting transport	References updated definition of “juvenile detention facility.”
		30	AS 47.14.010: Relating to the powers of DHSS over DJJ	
		31	AS 47.14.020: Relating to the duties of the department related to the custody of minors	
		32	AS 47.14.040: Relating to the authority to maintain and operate facilities	
“Juvenile Treatment Facility”	Creates and defines the term “juvenile treatment facility”, references definition in relevant statute	29	AS 47.12.990: Relating to definitions and institutions	<p>Defines “juvenile treatment facility” as “a secure facility for treatment of minors adjudicated delinquent and committed by a court to the care and custody of the department under a (b)1 order.</p> <p>Current statute refers to “juvenile treatment institutions”, however the Division of Juvenile Justice feels that this terminology is not reflective of the facilities they operate. Treatment institutions are different than the facilities they currently operate and carry an inaccurate connotation.</p> <p>Throughout the bill, the language “juvenile treatment institution” and “institution” is replaced with “facility.” Where necessary, “secure residential psychiatric center” is explicitly mentioned as a separate facility.</p>

Term	Change Under HB133	Section	Affected Statute	Explanation
		1	<p style="text-align: center;">AS 09.65.255(b): Relating to civil liability for the actions of minors in state custody</p>	Inserts updated terminology of “juvenile treatment facility”.
		2	<p style="text-align: center;">AS 11.41.425: Relating to sexual assault in the third degree</p>	
		5	<p style="text-align: center;">AS 11.41.470 Relating to crimes by legal guardians and relating to crimes against persons committed by a person in a position of authority</p>	
		8	<p style="text-align: center;">AS 11.61.123(e): Relating to indecent viewing or photography</p>	
		9	<p style="text-align: center;">AS 14.07.020(a): Relating to providing public education services</p>	Inserts updated terminology of “juvenile treatment facility”.

Term	Change Under HB133	Section	Affected Statute	Explanation
		10	AS 14.30.186(a): Relating to providing special education	Inserts updated terminology of “juvenile treatment facility”.
		11	AS 17.37.070(6): Relating to medical marijuana	
		12	AS 18.20.499(2): Relating to overtime for nurses	
		16	AS 47.12.025(c): Arrest procedure for juveniles	
		19	AS 47.12.140: Relating to court dispositional orders	
		30	AS 47.14.010: Relating to the powers of DHSS over DJJ	
		31	AS 47.14.020: Relating to the duties of the department related to the custody of minors	

Term	Change Under HB133	Section	Affected Statute	Explanation
<p>“Temporary secure juvenile holding area”</p>	<p>Creates a new definition for “temporary secure juvenile holding areas”, references definition in relevant statute</p>	29	<p>AS 47.12.990: Relating to definitions and institutions.</p>	<p>Creates the term “temporary secure juvenile holding area” and defines it as separate quarters used for temporary detention of a delinquent pending a court order or transportation to a juvenile detention facility.</p> <p>In some communities in Alaska, jails with separate quarters not within sight or sound of adult prisoners do not exist. DJJ already operates with a list of temporary secure holding areas in various communities throughout the state, however the language and authority for operating these temporary facilities does not exist under state statute.</p> <p>This term was created and defined under this legislation to more accurately reflect the diverse array of holding areas used by DJJ staff across the state.</p>
		13	<p>AS 47.10.141: Relating to runaways and missing minors</p>	<p>Clarifies that emergency protective custody of a runaway minor may not include placement of a minor in a temporary secure juvenile holding area.</p>
		14	<p>AS 47.10.141: Relating to runaways and missing minors</p>	<p>Refers to the definition of “temporary secure juvenile holding area” under AS 47.12.990.</p>
		16	<p>AS 47.12.025(c): Arrest procedure for juveniles</p>	<p>Clarifies that juveniles may be detained in temporary secure juvenile holding areas.</p>

Term	Change Under HB133	Section	Affected Statute	Explanation
		21	<p align="center">AS 47.12.240(b): Relating to temporary holding of minors while awaiting transport</p>	<p>Refers to the definition of “temporary secure juvenile holding area” under AS 47.12.990.</p> <p>Clarifies that juveniles may be detained in temporary secure juvenile holding areas.</p>
		23	<p align="center">AS 47.12.250(a): Relating to temporary detention/ detention hearings</p>	
		32	<p>AS 47.14.040: Relating to the authority to maintain and operate facilities</p>	<p>Clarifies that the Division of Juvenile Justice has the authority to maintain and operate temporary secure juvenile holding areas.</p>
“Juvenile Probation Officers”	Repeals outdated definition, creates updated definition and references definition in relevant statute	24	<p>AS 47.12.270: Relating to juvenile probation officers</p>	<p>There is no accurate definition for “juvenile probation officers” under current statute. Section 24 repeals the definition for “youth counselors” and replaces it with an updated definition for “juvenile probation officers”, affording them powers of a probation officer and describing their duties.</p>
		3	<p>AS 11.41.425: Relating to sexual assault in the third degree</p>	<p>Repeals an outdated definition of “juvenile probation officer”, which defines officers as individuals assigned to supervising committed individuals 18 or 19 years of age. Inserts reference to updated definition.</p>

Term	Change Under HB133	Section	Affected Statute	Explanation
		4	<p style="text-align: center;">AS 11.41.427(b)(2): Relating to sexual assault in the 4th degree</p>	References updated definition of juvenile probation officer.
		5	<p style="text-align: center;">AS 11.41.470(3): Relating to crimes by legal guardians</p>	Clarifies that employees of juvenile treatment institutions and juvenile and adult probation officers qualify as legal guardians.
		6	<p style="text-align: center;">AS 11.41.470(5): Relating to crimes against persons committed by a person in a position of authority.</p>	Adds juvenile probation officers to the list of individuals defined as being in a “position of authority” over a minor.
		16	<p style="text-align: center;">AS 47.12.025(c): Arrest procedure for juveniles</p>	Clarifies that arrest, and arrangements for detention, placement, or supervision of a juvenile apply to juvenile probation officers, not adult probation officers.
		22	<p style="text-align: center;">AS 47.12.245(b): Relating to parole officers arresting minors</p>	Clarifies that the authority to arrest a minor rests with juvenile, not adult, probation officers.
		23	<p style="text-align: center;">AS 47.12.250(a): Relating to temporary detention/ detention hearings</p>	Clarifies that the authority to detain a minor rests with “juvenile,” not adult, probations officers.
		29	<p style="text-align: center;">AS 47.12.990: Relating to definitions of institutions</p>	References updated definition for juvenile probation officers.
		37	<p style="text-align: center;">AS 47.14.990: Relating to social services institutions and definitions</p>	References updated definition for juvenile probation officer.

Term	Change Under HB133	Section	Affected Statute	Explanation
		38	AS 47.14.020(a): Relating to mandatory reporting of child abuse and neglect	Adds juvenile probation officers to the list of mandatory reporters of child abuse or neglect.