



# Representative Ivy Spohnholz

House Labor & Commerce Committee Chair

House Health & Social Services Committee Vice Chair

House Energy Committee Vice Chair

*Serving House District 16: College Gate, Russian Jack, Nunaka Valley, & Reflection Lake*

## Sponsor Statement

House Bill 133 v. M

*"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."*

HB 133 updates terminology in state statute which refers to the facilities operated by the Division of Juvenile Justice, (DJJ), and clarifies the authorities and responsibilities of DJJ staff. Although HB 133 does not substantively change DJJ operations, the updated definitions, clarifications, and codified best practices will:

- provide clarity for law enforcement,
- give the division the authority needed to oversee juvenile cases in court, and
- close loopholes for sexual abuse of a minor in the 1<sup>st</sup>, 2<sup>nd</sup>, and 4<sup>th</sup> degree as exhibited by the Carey case in 2017.

In 2013, Daniel Carey, staff at a Juvenile Justice Facility, had an inappropriate sexual relationship with a 17-year-old girl in the custody of DJJ. Carey was acquitted in 2017 due to the following inconsistencies in state statute.

- 1) The current definition of "juvenile parole officer" is limited to "a person assigned to supervise another person 18 or 19 years of age who is committed to the probationary supervision of the Department of Health and Social Services" (AS 11.41.427(b)(2)). This definition is inaccurate as DJJ staff regularly supervise 16 and 17 years old juveniles.
- 2) Carey was also acquitted on the grounds that DJJ staff are not clearly listed as being in a "position of authority" over those in their custody (AS 11.41.470(5)).

HB 133 closes both loopholes so that if such inappropriate behavior with minors in custody were to occur again, DJJ staff could be prosecuted.

HB 133 enhances DJJ's ability to operate, develop clear regulations and policy, and codifies best practices to ensure safe and secure treatment of juveniles in Alaska. I urge your support.

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