



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

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."

Sectional Analysis

Key

New, amended, and repealed definitions	Policy changes and clarifications, codified best practices	Conforming language and references to updated terminology in relevant statute
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Section	Section Summary	Section Changes
1	AS 09.65.255(b): Relating to civil liability for the actions of minors in state custody	Adds foster home, juvenile treatment facilities, juvenile detention facility, and treatment institution to the list of facilities not held liable for acts of unemancipated minors in their custody. Adds references for the definitions of foster home, juvenile treatment facility and treatment institutions.
2	AS 11.41.425: Relating to sexual assault in the third degree	(b)(1) Applies updated definition of “juvenile detention facility or juvenile treatment facility,” (section 27), clearly describing the list of individuals to which sexual assault in the third degree by engaging in sexual penetration with a person within their custody applies.
3		(b)(2) Repeals an outdated definition of “juvenile probation officer”, which defines officers as individuals assigned to supervising committed individuals 18 or 19 years of age.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, (section 24).
4	AS 11.41.427(b)(2): Relating to sexual assault in the fourth degree	Inserts updated definition of juvenile probation officer.
5	AS 11.41.470 Relating to crimes by legal guardians and relating to	(3) Clarifies that employees of juvenile treatment institutions and juvenile and adult probation officers qualify as legal guardians.

Section	Section Summary	Section Changes
6	crimes against persons committed by a person in a position of authority	(5) Adds correctional employees, juvenile facility staff, and staff members of juvenile treatment institutions to the list of individuals defined as being in a “position of authority” over a minor. This section clarifies that the above staff members are classified as being in a position of authority over the minors they work with, and makes them liable for potential charges of sexual abuse of a minor in the 1 st , 2 nd , and 4 th degree.
7		References definitions for juvenile facility staff and treatment institutions.
8	AS 11.61.123(e): Relating to indecent viewing or photography	“Private exposure” occurs when an individual exposes their body or part of their body under circumstances where they would reasonably believe that they would not be viewed or photographed. Under AS 11.61.123(e), this does not include the exposure of a person’s body or body parts in a law enforcement facility, correctional facility, designated treatment facility, or juvenile detention facility. Section 8 adds treatment institutions and juvenile treatment facilities to list of facilities excluded from the definition of “private exposure,” and references updated definitions of those facilities.
9	AS 14.07.020(a): Relating to providing public education services	Includes juvenile detention facilities and juvenile treatment facilities as places where public education must be provided. The division is already providing these services. Provides references to definitions of those terms.
10	AS 14.30.186(a): Relating to providing special education	Amends statute requiring DJJ to provide special education to conform with updated terminology referring to treatment institutions, juvenile detention facilities, and juvenile treatment facilities. Adds references to definitions for those terms.
11	AS 17.37.070(6): Relating to medical marijuana	Inserts conforming language in statute excluding DJJ facilities from requirements to provide medical marijuana with updated terminology referring to DJJ’s facilities. Removes the terms “juvenile detention home” and “juvenile work camp.”
12	AS 18.20.499(2): Relating to overtime for nurses	Amends the definition of “health care facility,” to remove the terms “juvenile detention home” and “juvenile work camp” and replaces them with updated terminology. Adds references to definitions for those terms.
13	AS 47.10.141: Relating to runaways and missing minors	(c) Updates terms used to describe juvenile detention facilities operated by DJJ and inappropriate emergency placement for minors.

Section	Section Summary	Section Changes
14		(j) References new definition for "temporary secure juvenile holding area," (section 29), where delinquent minors may be kept while awaiting transportation to a juvenile detention facility or pending a court order in AS 47.10.990.
15	AS 47.10.990(20): Definitions	Repeals the term and definition for, "juvenile detention home," and replaces it with the term "juvenile detention facility." References the existing definition under AS 47.12.990(8). The referenced definition is identical to the removed language and does not change the definition in any way.
16	AS 47.12.025(c): Arrest procedure for juveniles	Clarifies that the described duties of filing petitions, notices of investigation, etc. on behalf of a delinquent apply to juvenile probation officers, not adult probation officers. Updates language used to describe juvenile facilities and other areas where delinquent minors may be held.
17	AS 47.12.040(a): relating to Investigation and petition	Clarifies that DJJ may file amended or supplemental petitions, and that the court may authorize an amended or supplemental petition if additional facts are determined.
18	AS 47.12.120(b): Deals with the placement of minors who have an adjudication order under AS 47.12.120(b)(1)	Updates terms of facilities where minors can be placed.
19	AS 47.12.140: Relating to court dispositional orders	Updates terms of facilities where minors can be committed into the department's custody to prevent further harm to the public.
20	AS 47.12.240(a): Relating to placement of minors after a court commits them and before they are convicted	Makes conforming and clarifying amendments to the conditions under which a minor may be held in a facility housing adult prisoners and the language used to describe facilities operated by DJJ.
21	AS 47.12.240(b): Relating to temporary holding of minors while awaiting transport	Updates language used to describe conditions under which a minor may be held in a facility housing adult prisoners and the language used to describe facilities operated by DJJ.

Section	Section Summary	Section Changes
22	AS 47.12.245(b): Relating to parole officers arresting minors	Clarifies that the authority to arrest a minor rests with juvenile, not adult, probation officers.
23	AS 47.12.250(a): Relating to temporary detention/detention hearings	Clarifies that the authority to detain a minor rests with “juvenile,” not adult, probations officers. Adds “temporary secure juvenile holding areas,” (as defined in section 29), to the list of approved placed to hold juveniles.
24	AS 47.12.270: Relating to juvenile probation officers	Repeals the definition and duties for “youth counselors,” replaces with the updated definition and duties of “juvenile probation officers.”
25	AS 47.12.310(d): Relating to notifying victims of crimes	Adds “secure residential psychiatric treatment centers” to the list of facilities from which, when a juvenile is released, victims will receive notification. Updates the list of secure facilities DJJ operates.
26	AS 47.12.315(c): Relating to public disclosure of information in department records relating to certain minors	Corrects language authorizing the department to disclose confidential information related to an adjudicated offense, rather than the offense the minor was “alleged to have committed.”
27		(7) Amends the definition of juvenile detention facility. The current definition limits this to separate quarters within a city jail.
28	AS 47.12.990: Relating to definitions and institutions	(12) Amends the definition of minor to include persons who were under 18 years of age at the time of committing an offense and subject to the jurisdiction of the court under juvenile justice statute.
29		References the new definitions for juvenile probation officers, (section 24). Defines juvenile treatment facility, and temporary secure juvenile holding area.
30	AS 47.14.010: Relating to the powers of DHSS over DJJ	Updates the language used to describe juvenile facilities operated by the department. Removes the terms “detention homes” and “juvenile work camps.” Adds the terms “juvenile detention facilities,” “juvenile treatment facilities,” and “temporary secure juvenile holding areas.”

Section	Section Summary	Section Changes
31	AS 47.14.020: Relating to the duties of the department related to the custody of minors	Updates the language used to describe juvenile facilities operated by the department. Removes the terms “detention homes” and “juvenile work camps.” Adds the terms “juvenile detention facilities,” “juvenile treatment facilities,” and “temporary secure juvenile holding areas.”
32	AS 47.14.040: Relating to the authority to maintain and operate facilities	
33	AS 47.14.050(a): Requires the department to adopt standards and regulations	Repeals and reenacts this section to conform language used to describe juvenile facilities. Removes language referring to “juvenile work camps.”
34	AS 47.14.050(b): Relating to operation of homes and facilities	Conforming language, changes “cities” to “municipalities.”
35	AS 47.14.990(7): Relating to social services and institutions definitions	References the definition of “juvenile detention facility,” (AS 47.12.990(7)).
36	AS 47.14.990(14): Relating to social services institutions and definitions	Repeals the old definition of minor and references the updated definition of minor, (section 28).
37	AS 47.14.990: Relating to social services institutions and definitions	References new definitions for “juvenile probation officer,” “juvenile treatment facility,” and “temporary secure juvenile holding area.”
38	AS 47.14.020(a): Relating to mandatory reporting of child abuse and neglect	Adds juvenile probation officers, DJJ office staff, and staff of juvenile facilities to the list of mandatory reporters of child abuse or neglect.

Section	Section Summary	Section Changes
39	AS 47.28.15.176: Repealers	<p>Repeals definitions for the terms “juvenile detention home,” “juvenile work camp,” and “treatment facility.”</p> <p>Repeals revocation of juvenile driver licenses for offenses involving a controlled substance that were handled informally by the division.</p> <p>In 2016 the requirement to revoke drivers licenses for adjudicated delinquents was repealed by SB 165, as the revocation was a result of possession, not driving related offenses. It failed to repeal revocation for offenses informally handled by the division, creating a harsher penalty for a case in which there is no proven guilt.</p>
40	AS 11.41.425(b)(1) Applicability section	Adds a new section to uncodified law to clarify that changes in offenses under title 11 apply only after the act takes effect.
41	Authorizes the department to adopt regulations to implement the changes of the legislation.	
42	Immediate effective date for adopting regulations.	