



# 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*

## Questions and Answers Document

House Bill 133:

*Division of Juvenile Justice Cleanup*

**Does the new terminology prevent the Division from creating new or different facilities in the future? For example, we are removing the terms “correctional school” and “juvenile work camp” from the facilities operated by the Division in state statute. Does this restrict the Division from operating a correctional school or work camp in the future?**

The updated terminology presented in HB 133, “juvenile detention facility,” “juvenile treatment facility,” and “temporary secure holding area,” is broader and less restrictive than existing language used to describe DJJ facilities.

The updated terminology does not restrict DJJ from making changes to their facilities or having a work camp in the future.

**How is the current language interfering with DJJ operations? Can you provide an example of how the existing terminology is a problem for DJJ or law enforcement?**

Inconsistencies between state statute and actual DJJ operations have led to confusion amongst law enforcement working with juveniles. For example, DJJ reports having to explain to law enforcement that there is no detention home to bring minors to, and that they should bring them to one of DJJ’s detention facilities. Law enforcement is simply working with the direction provided to them by state statute, which can be confusing when the facilities operated by DJJ are not accurately and clearly reflected in state statute.

**Regarding the Carey case, is there any other state statute that needs revising to fully address the issue? Did the prosecutor miss any provisions under existing law?**

No, there is no other state statute that needs to be amended to close the loophole presented by the Carey case. HB 133 fully prevents a similar defendant from being acquitted in the future.

Session (January-April):  
State Capitol  
Juneau, AK 99801  
Phone (907) 465-2095  
Fax (907) 465-3766

Rep.Ivy.Spohnholz@akleg.gov  
www.repivyspohnholz.com  
Toll-Free (866) 465-4940

Interim (May-December):  
1500 W Benson Blvd  
Anchorage, AK 99503  
Phone (907) 269-0123  
Fax (907) 269-0124

**Are DJJ staff trained to identify signs of child abuse or neglect? Are we potentially putting staff in a position to be prosecuted for not reporting when they didn't know any better?**

DJJ staff are trained to identify signs of child abuse and neglect, and it is standard practice for DJJ staff to file reports to the Office of Children's Services (OCS). Youth committed to the custody of DHSS frequently disclose abuse to DJJ staff. DJJ facility and probation staff make an average of nearly 80 protective services reports to OCS annually; adding DJJ staff to the list of mandatory reports merely aligns state statute with existing best practices for the division and will not result in substantial changes in DJJ operations.

**Why does the bill repeal the revocation of juvenile driver licenses for offenses involving a controlled substance?**

Section 39 of HB 133 repeals revocation of juvenile driver licenses for non-driving offenses involving a controlled substance in cases handled informally by the division to resolve the existing discrepancy between informal juvenile cases and those adjudicated delinquent.

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. As a result of the requirement, juveniles in possession of controlled substances could lose their privilege to hold a driver's license in the future, regardless of whether the juvenile committed a driving offense. SB 165 repealed revocation for adjudicated delinquents but failed to repeal revocation for offenses informally handled by the division, creating an issue of equal protection as this resulted in harsher penalties for a cases in which there is no proven guilt.

**How does this bill impact VPSO's?**

DJJ regularly trains local law enforcement, including VPSO's, to properly detain juvenile offenders. HB 133 does not impact the ability of VPSO's to work with juveniles, however, it does clarify that DJJ operates "temporary secure juvenile holding areas" for the temporary detention of juveniles. Current statute allows the use of "juvenile detention facilities" for the temporary detention of juveniles, which is an issue given that juvenile detention facilities are currently defined as separate quarters within a city jail. In many rural communities, there either isn't a city jail, or the city jail is insufficient for the holding of juveniles because it does not meet standard requirements of sight and sound separation from adult prisoners.

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.

HB 133 creates and defines the terminology for temporary secure holding areas to more accurately reflect the diverse array of holding areas used by DJJ staff across the state.

**Can adult probation officers arrest juveniles?**

Sections 16, 22, and 23 of the bill clarify that the authority to arrest a minor under the jurisdiction of DJJ rests with juvenile, not adult probation officers for violations of conditions of release.

However, AS 47.12.245(a) provides that a peace officer may arrest for criminal offenses which are handled as though the minor were an adult due to their severity.

Further questions may be directed to Megan Holland at 465-4940.