



Representative Ivy Spohnholz

Chair, House Ways and Means Committee

Co-Chair, House Labor and Commerce Committee

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

Sectional Analysis

House Bill 116 v. A

"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."

Sections 1-2: Conforming language inserting references to updated terminology relating to the Division of Juvenile Justice (DJJ) in relevant statute.

Section 3: Repeals an outdated definition of "juvenile probation officer," which defines officers as individuals assigned to supervising committed individuals 18 or 19 years of age.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 the updated definition found in section 26 of the bill.

Section 4: Conforming language referencing the updated definition of a juvenile probation officer in relevant statute.

Section 5: Clarifies that employees of juvenile treatment institutions and juvenile and adult probation officers qualify as legal guardians.

Section 6: Adds correctional employees, DJJ staff, juvenile probation officers and adult probation officers to the list of individuals defined as being in a "position of authority" over a minor.

This section clarifies that the above staff are liable for potential charges of sexual abuse of minors in their custody.

Section 7: References updated definitions for DJJ staff and facilities in relevant statute.

Section 8: Adds treatment institutions and juvenile treatment facilities to the list of facilities excluded from the definition of "private exposure," and references updated definitions of those facilities.

Section 9: 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.

Sections 10 – 14: Conforming language inserting references to updated terminology relating to DJJ in relevant statute.

Section 15: 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.

Section 16: Clarifies that the authority to arrest and detain delinquents belongs to juvenile probation officers, not adult probation officers.

Section 17: Clarifies that minors who violate possession, consumption, and control of alcohol laws will be prosecuted in the district court and their parent or legal guardian must be present.

Section 18: 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.

Sections 19 - 20: Conforming language inserting references to updated terminology relating to DJJ in relevant statute.

Section 21: Clarifies that the department enters a relationship of legal custody with the minors who are committed in one of their facilities.

Sections 22 - 23: Conforming language inserting references to updated terminology relating to DJJ in relevant statute.

Section 24: Clarifies that the authority to arrest a minor rests with juvenile, not adult probation officers. Removes the terms “conditions of release” and replaces with “conditions of conduct” to accurately reflect terminology used by both the courts and the division for juvenile violations.

Section 25: Clarifies that the authority to detain a minor rests with juvenile, not adult probation officers. Adds “temporary secure juvenile holding areas,” to the list of approved placed to hold juveniles.

Section 26: Repeals the definition and duties for “youth counselors,” replaces with the updated definition and duties of “juvenile probation officers.”

Section 27: 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.

Section 28: 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.”

Section 29: Amends the definition of juvenile detention facility. The current definition limits this to separate quarters within a city jail.

Section 30: Amends DJJ’s 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.

Section 31: Updates the terminology and definitions for DJJ facilities in state statute. This section provides new definitions for juvenile treatment facilities, and temporary secure juvenile holding areas.

Sections 32 - 39: Conforming language inserting references to updated terminology relating to DJJ in relevant statute.

Section 40: Adds juvenile probation officers, DJJ office staff, and staff of juvenile facilities to the list of mandatory reporters of child abuse or neglect.

Section 41: Repeals outdated definitions for “juvenile detention home,” “juvenile work camp,” and “treatment facility.”

Repeals revocation of juvenile driver licenses for offenses involving a controlled substance that was handled informally by the division.

Section 42: Establishes applicability language for offenses committed on or after effective date for Section 2 through Section 8 and 17 of this Act.

Section 43: Adds transition language authorizing the department to adopt regulations to implement the changes made under this legislation.

Section 44: Establishes an immediate effective date.