

HB 116:

**DIVISION OF
JUVENILE JUSTICE
CLEAN-UP BILL**

Representative Ivy
Spohnholz

32nd Legislature



McLaughlin Youth Center, Anchorage

1. *Closes a loophole for sexual abuse of minors*

- **Daniel Carey case in 2017**
 - DJJ staff sustained an inappropriate sexual relationship with a juvenile under DJJ supervision.
 - Carey was acquitted because a judge found that *sexual abuse of a minor* statute does not explicitly list *DJJ staff as "being in a position of authority" over DJJ youth.*
- **Section 6**
 - Clarifies that DJJ staff are in a position of authority over minors in their custody.



2. Updates Definitions

- **Repeals**
 - Youth Counselors
 - Juvenile Detention Home
 - Youth Detention Facility
 - Correctional School
 - Juvenile Work Camp
 - Juvenile Probation Officers
 - Correctional School
- **Amends**
 - Juvenile Detention Facility
 - Minor
- **New Definitions**
 - Juvenile Treatment Facility
 - Temporary Secure Juvenile Holding Area
 - Juvenile Probation Officers

Repeals

- “Youth Counselors,” **Section 26**
 - The position of “Youth Counselors” has not existed within DJJ since 2003. The duties described under this section do not apply to facility staff but to probation officers.
- “Juvenile Probation Officers,” **Section 3**
 - Inaccurate definition limiting to officers with individuals 18 or 19 years of age in their custody
 - Corrected with new definition in Section 26.
- “Juvenile Detention Home,” “Youth Detention Facility,” “Correctional School,” “An Institution” and “Juvenile Work Camp,” **Sections 1, 10, 11, 12, 13, 19, 20, 32 and 34**
 - All are repealed and replaced with “*juvenile detention facility*” and “*juvenile treatment facility*” for accuracy and consistency.

Amended Definitions

- “Minor,” **Section 30**
 - 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 DJJ.
 - If a minor commits an offense then turns 18 after, they will remain in DJJ’s custody.
- “Juvenile Detention Facility,” **Sections 29 and 37**
 - Corrects the definition to be a secure facility for the detention of delinquent minors under DJJ custody.
 - The current definition limits it to separate quarters within a city jail, some communities do not have such a jail suitable for juveniles and use other facilities.



3. Codified Best Practices

- **Section 5:** Clarifies that employees of juvenile treatment institutions and juvenile and adult probation officers qualify as legal guardians.
- **Sections 16 and 18:** Provides juvenile probation officers with the authority to file amended and supplemental petitions, and clarifies that for juveniles this duty falls upon juvenile probation officers, not adult probation officers.
- **Sections 24-25:** Clarifies that the authority to arrest and detain minors rests with juvenile, not adult, probation officers.



3. Codified Best Practices

- **Section 27:** Adds “secure residential psychiatric treatment centers” to the list of facilities from which, when a juvenile is released, victims will receive notification.
- **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 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 revocation of juvenile driver licenses for offenses involving a controlled substance that were handled informally by the division.

*In
Summary,
HB 116:*

1. Closes a loophole of the sexual abuse of minors

2. Updates terms and definitions pertaining to DJJ facilities and staff

3. Codifies best practices to improve the division's ability to complete their mission



QUESTIONS?