

SENATE BILL NO. 102

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATORS SALO, Pearce

Introduced: 3/1/95

Referred: JUD, FIN

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the use of the court records of minors that have been**
2 **ordered sealed."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 47.10.060(e) is amended to read:

5 (e) A person who has been tried as an adult under this section, or the
6 department on the person's behalf, may petition the superior court to seal the records
7 of all criminal proceedings, except traffic offenses, initiated against the person, and all
8 punishments assessed against the person, while the person was a minor. A petition
9 under this subsection may not be filed until five years after the completion of the
10 sentence imposed for the offense for which the person was tried as an adult. If the
11 superior court finds that the punishment assessed against the person has had its
12 intended rehabilitative effect and further finds that the person has fulfilled all orders
13 of the court entered under AS 47.10.080(b), the superior court shall order the record
14 of proceedings and the record of punishments sealed. Sealing the records restores civil

1 rights removed because of a conviction. A person may not use these sealed records for
2 any purpose. **However,**

3 **(1) any court in this state may have access to the sealed records**
4 **under AS 47.10.094;**

5 **(2) [EXCEPT THAT] the court may order the [THEIR] use of the**
6 **sealed records** for **other** good cause shown or may order their use by an officer of the
7 court in making a presentencing report for the court; **and**

8 **(3) the** [. THE] court may not, under this subsection, seal records of
9 a criminal proceeding

10 **(A)** [(1)] initiated against a person if the court finds that the
11 person has not complied with a court order made under AS 47.10.080(b); or

12 **(B)** [(2)] commenced under AS 47.10.010(e) unless the minor
13 has been acquitted of all offenses with which the minor was charged or unless
14 the most serious offense of which the minor was convicted was not an offense
15 specified in AS 47.10.010(e)(1) or (2).

16 * **Sec. 2.** AS 47.10.090(c) is amended to read:

17 (c) Within 30 days of the date of a minor's 18th birthday or, if the court
18 retains jurisdiction of a minor past the minor's 18th birthday, within 30 days of the
19 date on which the court releases jurisdiction over the minor, the court shall order all
20 the court's official records pertaining to that minor sealed, as well as records of all
21 driver's license proceedings under AS 28.15.185, criminal proceedings against the
22 minor, and punishments assessed against the minor. A person may not use these sealed
23 records for any purpose. **However,**

24 **(1) any court in this state may have access to the sealed records**
25 **under AS 47.10.094;**

26 **(2) [EXCEPT THAT] the court may order the [THEIR] use of the**
27 **sealed records** for **other** good cause shown or may order their use by an officer of the
28 court in making a presentencing report for the court; **and**

29 **(3) the** [. THE] provisions of this subsection relating to the sealing of
30 records do not apply to records of traffic offenses.

31 * **Sec. 3.** AS 47.10 is amended by adding a new section to read:

1 Sec. 47.10.094. AVAILABILITY OF SEALED RECORDS. (a) The
2 provisions of this section apply to the court records of a person that, under
3 AS 47.10.060(e) or 47.10.090(c), have been previously ordered sealed if the person is
4 charged with committing a criminal offense. A court in this state may have access to
5 the sealed records and use the sealed records to determine

6 (1) whether, under AS 12.30.020, the person charged with commission
7 of the offense may be released before trial and the conditions of that release;

8 (2) the appropriate sentence to be imposed under AS 12.55 on the
9 person following the person's conviction.

10 (b) In addition to access to a previously sealed record under (a) of this section,
11 when a person described in (a) of this section has been charged with the commission
12 of an offense, the prosecutor or the person's attorney may apply to the court before
13 which the offense shall be prosecuted for an order directing that the records of the
14 person previously ordered sealed be made available to the court, the prosecution, and
15 the person's attorney for use by the parties in the criminal prosecution. The court may
16 not unreasonably refuse to enter an order based on an application made under this
17 subsection.

18 (c) The disclosure of previously sealed records under this section does not set
19 aside the civil rights of the person previously restored under AS 47.10.060(e).