

**SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 104**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES KOTT, Bunde, Green**

**Introduced: 2/10/95**

**Referred: Health, Education and Social Services, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to disclosures of information about certain minors."**

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

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

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

1 order their use by an officer of the court in making a presentencing report for the  
2 court. The court may not, under this subsection, seal records of a criminal proceeding

3 (1) **that are subject to disclosure under AS 47.10.090(f);**

4 (2) initiated against a person if the court finds that the person has not  
5 complied with a court order made under AS 47.10.080(b); or

6 (3) [(2)] commenced under AS 47.10.010(e) unless the minor has been  
7 acquitted of all offenses with which the minor was charged or unless the most serious  
8 offense of which the minor was convicted was not an offense specified in  
9 AS 47.10.010(e)(1) or (2).

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

11 (c) Within 30 days of the date of a minor's 18th birthday or, if the court  
12 retains jurisdiction of a minor past the minor's 18th birthday, within 30 days of the  
13 date on which the court releases jurisdiction over the minor, the court shall order all  
14 the court's official records pertaining to that minor, **except the records that are**  
15 **subject to disclosure under (f) of this section,** sealed. **The court order directing**  
16 **that the records be sealed must include the** [, AS WELL AS] records of all driver's  
17 license proceedings under AS 28.15.185, **of all** criminal proceedings against the minor  
18 **except the records of criminal proceedings that are subject to disclosure under (f)**  
19 **of this section,** and **of all** punishments assessed against the minor, **except records of**  
20 **punishments that are subject to disclosure under (f) of this section.** A person may  
21 not use these sealed records for any purpose except that the court may order their use  
22 for good cause shown or may order their use by an officer of the court in making a  
23 presentencing report for the court. The provisions of this subsection relating to the  
24 sealing of records do not apply to records of traffic offenses.

25 \* **Sec. 3.** AS 47.10.090(d) is amended to read:

26 (d) **Except as provided by (f) of this section, the** [THE] name or picture of  
27 a minor under the jurisdiction of the court may not be made public in connection with  
28 the minor's status as a delinquent child or a child in need of aid unless authorized by  
29 order of the court.

30 \* **Sec. 4.** AS 47.10.090(e) is amended to read:

31 (e) The court's official records **that,** under this chapter, **are required to be**

1 confidential or that have been sealed may be inspected only with the court's  
2 permission and only by persons having a legitimate interest in them. A person with  
3 a legitimate interest in the inspection of an official record maintained by the court  
4 includes a victim who suffered physical injury or whose real or personal property was  
5 damaged as a result of an offense that was the basis of an adjudication or modification  
6 of disposition. If the victim knows the identity of the minor, identifies the minor or  
7 the offense to the court, and certifies that the information is being sought to consider  
8 or support a civil action against the minor or against the minor's parents or guardians  
9 under AS 34.50.020, the court shall, subject to AS 12.61.110 and 12.61.140, allow the  
10 victim to inspect and use the following records and information in connection with the  
11 civil action:

12 (1) a petition filed under AS 47.10.010(a)(1) seeking to have the court  
13 declare the minor a delinquent;

14 (2) a petition filed under AS 47.10.080 seeking to have the court  
15 modify or revoke the minor's probation;

16 (3) a petition filed under AS 47.10.060 requesting the court to find that  
17 a minor is not amenable to treatment under this chapter and that results in closure of  
18 a case under AS 47.10.060(a); and

19 (4) a court judgment or order entered under AS 47.10.010 - 47.10.142  
20 that disposes of a petition identified in (1) - (3) of this subsection.

21 \* **Sec. 5.** AS 47.10.090 is amended by adding a new subsection to read:

22 (f) Unless otherwise prohibited by court order, if a minor has been adjudicated  
23 delinquent, the clerk of the court in which the adjudication order is entered may  
24 disclose to the public the following information regarding the adjudication of the minor  
25 as a delinquent if the minor was 14 years of age or older at the time of the  
26 adjudication and the adjudication was based upon the minor's commission of an  
27 offense that would be a felony if committed by an adult:

28 (1) the name of the minor:

29 (2) the address of the minor; and

30 (3) the offense that the minor committed.

31 \* **Sec. 6.** AS 47.10.093(a) is amended to read:

1 (a) The [EXCEPT AS SPECIFIED IN AS 47.10.092 AND (b) - (f) OF THIS  
2 SECTION, ALL] information and social records pertaining to a minor who is subject  
3 to this chapter or AS 47.17 prepared by or in the possession of a federal, state, or  
4 municipal agency or employee in the discharge of the agency's or employee's official  
5 duty, including driver's license actions under AS 28.15.185, are privileged and may  
6 not be disclosed directly or indirectly to anyone without a court order. **However, the**  
7 **provisions of this subsection do not apply to**

8 **(1) the parental right to disclose information about a minor**  
9 **authorized by AS 47.10.092;**

10 **(2) disclosures of information authorized by (b) - (f) and (h) of this**  
11 **section.**

12 \* Sec. 7. AS 47.10.093(c) is amended to read:

13 (c) A state or municipal law enforcement agency

14 (1) shall disclose information regarding a case that is needed by the  
15 person or agency charged with making a preliminary investigation for the information  
16 of the court under AS 47.10.020;

17 (2) may disclose to the public information regarding a criminal offense  
18 in which a minor is a suspect, victim, or witness if the minor is not identified by the  
19 disclosure;

20 (3) **as to a school that is attended by a minor who is subject to**  
21 **AS 47.10.010 - 47.10.142,**

22 **(A) shall notify the principal of the school attended by the**  
23 **minor and [MAY] disclose to that school official information about an**  
24 **incident occurring within the agency's jurisdiction if the law enforcement**  
25 **agency has probable cause to believe that the minor has committed an**  
26 **offense that would be a crime against a person under AS 11.41 if**  
27 **committed as an adult; and**

28 **(B) may notify the principal of the school attended by the**  
29 **minor and disclose to that school official other [OFFICIALS] information**  
30 **regarding a case as may be necessary to protect the safety of school students**  
31 **and staff;**

1 (4) may, when authorized by a court order, disclose to the public  
2 information regarding a case involving a minor and a picture of the minor, as may  
3 be necessary to protect the safety of the public; and

4 (5) may disclose to a victim information, including copies of reports,  
5 as necessary for civil litigation or insurance claims pursued by or against the victim.

6 \* **Sec. 8.** AS 47.10.093 is amended by adding new subsections to read:

7 (h) When information or a record is disclosed to a school principal under  
8 (c)(3) of this section, the school principal may disclose the information only to persons  
9 employed by that school district or to the chief administrative officer of a school  
10 district to which the minor transfers.

11 (i) Notwithstanding (c)(3) of this section, a state or municipal law enforcement  
12 agency is not required to notify the principal of a school under (c) of this section if  
13 the agency determines that notice would jeopardize an ongoing investigation.

14 (j) In this section, "school" means a public or private elementary or secondary  
15 school.