

**SENATE CS FOR CS FOR SS FOR HOUSE BILL NO. 104(HES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 2/26/96

Referred: JUD, FIN

Sponsor(s): REPRESENTATIVES KOTT, Bunde, Green, Ogan, Rokeberg

**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 47.10.090(e) is amended to read:

4 (e) The court's official records under this chapter **that relate to or that are**  
5 **based on a petition filed under this chapter for a minor alleged to be a child in**  
6 **need of aid are confidential and** may be inspected only with the court's permission  
7 and only by persons having a legitimate interest in them. [A PERSON WITH A  
8 LEGITIMATE INTEREST IN THE INSPECTION OF AN OFFICIAL RECORD  
9 MAINTAINED BY THE COURT INCLUDES A VICTIM WHO SUFFERED  
10 PHYSICAL INJURY OR WHOSE REAL OR PERSONAL PROPERTY WAS  
11 DAMAGED AS A RESULT OF AN OFFENSE THAT WAS THE BASIS OF AN  
12 ADJUDICATION OR MODIFICATION OF DISPOSITION. IF THE VICTIM  
13 KNOWS THE IDENTITY OF THE MINOR, IDENTIFIES THE MINOR OR THE  
14 OFFENSE TO THE COURT, AND CERTIFIES THAT THE INFORMATION IS  
15 BEING SOUGHT TO CONSIDER OR SUPPORT A CIVIL ACTION AGAINST THE

1 MINOR OR AGAINST THE MINOR'S PARENTS OR GUARDIANS UNDER  
2 AS 34.50.020, THE COURT SHALL, SUBJECT TO AS 12.61.110 AND 12.61.140,  
3 ALLOW THE VICTIM TO INSPECT AND USE THE FOLLOWING RECORDS  
4 AND INFORMATION IN CONNECTION WITH THE CIVIL ACTION:

5 (1) A PETITION FILED UNDER AS 47.10.010(a)(1) SEEKING TO  
6 HAVE THE COURT DECLARE THE MINOR A DELINQUENT;

7 (2) A PETITION FILED UNDER AS 47.10.080 SEEKING TO HAVE  
8 THE COURT MODIFY OR REVOKE THE MINOR'S PROBATION;

9 (3) A PETITION FILED UNDER AS 47.10.060 REQUESTING THE  
10 COURT TO FIND THAT A MINOR IS NOT AMENABLE TO TREATMENT  
11 UNDER THIS CHAPTER AND THAT RESULTS IN CLOSURE OF A CASE  
12 UNDER AS 47.10.060(a); AND

13 (4) A COURT JUDGMENT OR ORDER ENTERED UNDER  
14 AS 47.10.010 - 47.10.142 THAT DISPOSES OF A PETITION IDENTIFIED IN (1) -  
15 (3) OF THIS SUBSECTION.]

16 \* **Sec. 2.** AS 47.10.090 is amended by adding new subsections to read:

17 (f) Except as provided in (g) of this section, the court's official records under  
18 this chapter that relate to or that are based on a petition filed under this chapter for a  
19 minor alleged to be a delinquent minor are confidential and may be inspected only  
20 with the court's permission and only by persons having a legitimate interest in them.  
21 A person with a legitimate interest in the inspection of the record includes a victim  
22 who suffered physical injury or whose real or personal property was damaged as a  
23 result of an offense that was the basis of an adjudication or modification of disposition.  
24 If the victim knows the identity of the minor, identifies the minor or the offense to the  
25 court, and certifies that the information is being sought to consider or support a civil  
26 action against the minor or against the minor's parents or guardians under  
27 AS 34.50.020, the court shall, subject to AS 12.61.110 and 12.61.140, allow the victim  
28 to inspect and use the following records and information in connection with the civil  
29 action:

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

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

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

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

8 (g) Upon request, the court's official records described in this subsection that  
9 relate to or that are based on a petition filed under this chapter for a minor alleged to  
10 be a delinquent minor based on the minor's commission of an offense on or after the  
11 effective date of this Act that would be a felony if committed by an adult shall be  
12 disclosed unless the court determines that release of the records would compromise the  
13 safety of the minor. The provisions of this subsection apply only to

14 (1) the court order entered under AS 47.10.060(a) closing the case after  
15 determining that the minor is not amenable to treatment and may be prosecuted as an  
16 adult;

17 (2) the court order entered under AS 47.10.080(e) that dismisses the case;  
18 or

19 (3) the court's disposition order, based on its judgment that the minor is  
20 delinquent, entered under AS 47.10.080(b) indicating disposition of the case following  
21 that judgment.

22 \* **Sec. 3.** AS 47.10.093(c) is amended to read:

23 (c) A state or municipal law enforcement agency

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

27 (2) may disclose to the public **upon request but may not report to the**  
28 **Department of Public Safety under AS 12.62.120**

29 **(A) the following information about a minor when the minor**  
30 **has been arrested for commission of an offense that would have been a**  
31 **felony if committed by an adult:**

32 **(i) the minor's name;**

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- (ii) the name of the minor’s parent or parents;
- (iii) the date and place of the offense; and
- (iv) a description of the nature of the offense; and

(B) information regarding a criminal offense other than an offense for which a disclosure may be made under (A) of this paragraph in which a minor is a suspect, victim, or witness if the minor is not identified by the disclosure;

(3) may disclose to school officials information regarding a case as may be necessary to protect the safety of school students and staff;

(4) may disclose to the public information regarding a case as may be necessary to protect the safety of the public; and

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