

HOUSE BILL NO. 380

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE PORTER

Introduced: 12/29/95

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

A BILL

FOR AN ACT ENTITLED

1 **"An Act transferring to the Department of Corrections custody of the records**
2 **related to juveniles who are alleged to be delinquent minors."**

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

4 *** Section 1.** AS 44.28.020 is amended by adding a new subsection to read:

5 (b) The Department of Corrections shall have the custody of and the duty to
6 preserve the records, papers, files, and communications of the Department of Health
7 and Social Services that relate to proceedings under AS 47.10.010 - 47.10.142 for
8 juveniles who, under AS 47.10.010(a)(1), are alleged to be delinquent minors as a
9 result of violating a criminal law of the state or a municipality of the state.

10 *** Sec. 2.** AS 47.10.093(a) is amended to read:

11 (a) **The provisions of this section apply to** [EXCEPT AS SPECIFIED IN
12 AS 47.10.092 AND (b) - (f) AND (g) OF THIS SECTION,] all information and social
13 records pertaining to a minor who is subject to this chapter or AS 47.17 prepared by
14 or in the possession of a federal, state, or municipal agency or employee in the

1 discharge of the agency's or employee's official duty;

2 **(1) the Department of Health and Social Services shall**

3 **(A) make records pertaining to a minor on all cases arising**
4 **under this chapter or AS 47.17 of which it is notified; and**

5 **(B) have the custody of and the duty to preserve the records**
6 **pertaining to a minor on all cases arising under AS 47.17 or under this**
7 **chapter except the records that relate to proceedings under AS 47.10.010 -**
8 **47.10.142 for a juvenile who, under AS 47.10.010(a)(1), is alleged to be a**
9 **delinquent minor;**

10 **(2) the Department of Corrections shall have the custody of and the**
11 **duty to preserve the records pertaining to proceedings under AS 47.10.010 -**
12 **47.10.142 for a minor who, under AS 47.10.010(a)(1), is alleged to be a delinquent**
13 **minor;**

14 **(3) except as specified in AS 47.10.092 and (b) - (g) of this section,**
15 **records described in this subsection,** including driver's license actions under
16 AS 28.15.185, are privileged and may not be disclosed directly or indirectly to anyone
17 without a court order.

18 * **Sec. 3.** AS 47.10.093(e) is amended to read:

19 (e) A person may authorize the **Department of Corrections** [DEPARTMENT]
20 to release information to the military or to a prospective employer about the existence
21 of a delinquency adjudication against that person under **AS 47.10.010 - 47.10.142**
22 [AS 47.10.010] and the offense on which it was based.

23 * **Sec. 4.** AS 47.10.265(f) is amended to read:

24 (f) The commissioner **of health and social services** shall make and **the**
25 **commissioner of corrections shall** keep records of all cases referred to a youth court.

26 The records of a youth court proceeding

27 (1) relating to a minor who complies with all requirements ordered by
28 the youth court as a part of sentence imposed on the minor shall be sealed by the
29 commissioner **of corrections** and may not be used for any purpose; and

30 (2) except as to a record described in (1) of this subsection, shall be
31 afforded at least the same protection and are subject to at least the same procedural

1 safeguards in matters relating to access, use, and security as they would be under
2 AS 47.10.093.