

HOUSE BILL NO. 423

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE DAVIES

Introduced: 1/16/96

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

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to disclosures by a court to public and private school officials**
2 **of information about certain minors."**

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

4 *** Section 1.** AS 12.55 is amended by adding a new section to read:

5 Sec. 12.55.149. NOTICE OF CONVICTION CONCERNING CERTAIN
6 MINORS. When a minor has been tried and convicted as an adult under
7 AS 47.10.010(e) or 47.10.060 of an offense described in AS 47.10.090(f)(1), the clerk
8 of the court in which the record of the minor's conviction is entered shall transmit a
9 copy of the record of the minor's conviction to the principal of the school that the
10 minor attends.

11 *** Sec. 2.** AS 14.30 is amended by adding a new section to read:

12 ARTICLE 1A. STUDENT EDUCATIONAL RECORDS.

13 Sec. 14.30.051. CONTENT OF STUDENT EDUCATIONAL RECORDS. In
14 addition to records that, by regulation adopted by the state Board of Education under

1 AS 14.07.020 and 14.07.060, a school district is required to keep and maintain for the
2 students who attend its schools, a school district, or a person acting for the school
3 district, that maintains the student educational records shall have the custody of the
4 copy of a record transmitted under AS 12.55.149 or AS 47.10.090(f) and shall
5 maintain the copy as a permanent part of the student's cumulative record.

6 * **Sec. 3.** AS 14.45.130 is amended by adding a new subsection to read:

7 (c) In addition to a record that a religious or other private school is required
8 to keep under (a) of this section, the chief administrative officer of the school shall
9 have the custody of the copy of a record transmitted under AS 12.55.149 or
10 AS 47.10.090(f) and shall maintain the copy as a part of the permanent records of the
11 student.

12 * **Sec. 4.** AS 47.10.060(e) is amended to read:

13 (e) A person who has been tried as an adult under this section, or the
14 department on the person's behalf, may petition the superior court to seal the records
15 of all criminal proceedings, except traffic offenses, initiated against the person, and all
16 punishments assessed against the person, while the person was a minor. A petition
17 under this subsection may not be filed until five years after the completion of the
18 sentence imposed for the offense for which the person was tried as an adult. If the
19 superior court finds that the punishment assessed against the person has had its
20 intended rehabilitative effect and further finds that the person has fulfilled all orders
21 of the court entered under AS 47.10.080(b), the superior court shall order the record
22 of proceedings and the record of punishments sealed. Sealing the records restores civil
23 rights removed because of a conviction. A person may not use these sealed records
24 for any purpose except that the court may order their use for good cause shown or may
25 order their use by an officer of the court in making a presentencing report for the
26 court. The court may not, under this subsection, seal records of a criminal proceeding

27 (1) **if the record is a record described in AS 47.10.090(f)(1) that has**
28 **been disclosed under that subsection;**

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

31 (3) [(2)] commenced under AS 47.10.010(e) unless the minor has been

1 acquitted of all offenses with which the minor was charged or unless the most serious
2 offense of which the minor was convicted was not an offense specified in
3 AS 47.10.010(e)(1) or (2).

4 * **Sec. 5.** AS 47.10.090(c) is amended to read:

5 (c) Within 30 days of the date of a minor's 18th birthday or, if the court
6 retains jurisdiction of a minor past the minor's 18th birthday, within 30 days of the
7 date on which the court releases jurisdiction over the minor, the court shall order all
8 the court's official records pertaining to that minor, **except the records that are**
9 **described in (f)(1) of this section that have been disclosed under that subsection,**
10 **sealed. The court order directing that the records be sealed must include the [,**
11 **AS WELL AS]** records of all driver's license proceedings under AS 28.15.185, **of all**
12 **criminal proceedings against the minor except the records of criminal proceedings**
13 **that are described in (f)(1) of this section that have been disclosed under that**
14 **subsection,** and **of all** punishments assessed against the minor, **except records of**
15 **punishments that are described in (f)(1) of this section that have been disclosed**
16 **under that subsection.** A person may not use these sealed records for any purpose
17 except that the court may order their use for good cause shown or may order their use
18 by an officer of the court in making a presentencing report for the court. The
19 provisions of this subsection relating to the sealing of records do not apply to records
20 of traffic offenses.

21 * **Sec. 6.** AS 47.10.090(d) is amended to read:

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

26 * **Sec. 7.** AS 47.10.090 is amended by adding a new subsection to read:

27 (f) If a minor who has been adjudicated delinquent is enrolled in school, the
28 clerk of the court in which the adjudication order is entered

29 (1) shall transmit a copy of the court's adjudication order to the
30 principal of the minor's school if the minor has been adjudicated delinquent for
31 committing one or more of the following acts that, if committed by an adult, would

1 be a violation of

2 (A) an offense that is an unclassified felony;

3 (B) AS 11.41 and the violation is punishable as a felony; or

4 (C) AS 11.46.400; and

5 (2) shall maintain a record of the adjudication order released to the
6 principal under this subsection and the basis for its release.