

SENATE BILL NO. 26

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATORS DONLEY, Kelly

Introduced: 1/16/95

Referred: JUD, FIN

A BILL

FOR AN ACT ENTITLED

1 "An Act providing for automatic waiver of juvenile jurisdiction and prosecution
2 of minors as adults for certain violations of laws by minors who use firearms
3 to commit criminal offenses and relating to the sealing of the records of those
4 minors."

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

6 * **Section 1.** AS 47.10.010(e) is amended to read:

7 (e) When a minor who was at least [16 YEARS] of the age **specified in this**
8 **subsection** at the time of the offense is arraigned on a charge for an offense specified
9 in this subsection, AS 47.10.020 - 47.10.090 and the Alaska Delinquency Rules do not
10 apply to the offense for which the minor is arraigned or to any additional offenses
11 joinable to it under the applicable rules of court governing criminal procedure. The
12 minor shall be charged, prosecuted, and sentenced in the superior court in the same
13 manner as an adult unless the minor is convicted of some offense other than an offense
14 specified in this subsection, in which event the minor may attempt to prove, by a

1 preponderance of the evidence, that the minor is amenable to treatment under this
2 chapter. If the court finds that the minor is amenable to treatment under this chapter,
3 the minor shall be treated as though the charges had been heard under AS 47.10.010
4 - 47.10.142, and the court shall order disposition of the charges of which the minor is
5 convicted under AS 47.10.080(b). The provisions of this subsection apply when

6 (1) the minor was at least 16 years of age and is arraigned on a
7 charge

8 (A) [(1)] that is an unclassified felony or a class A felony and
9 the felony is a crime against a person; or

10 (B) [(2)] of arson in the first degree; or

11 (2) the minor was at least 14 years of age, is charged with an
12 offense, is alleged to have used a firearm in the commission of the offense, and
13 was previously adjudicated as a delinquent or convicted as an adult, in this or
14 another jurisdiction, as a result of an offense that involved use of a firearm in the
15 commission of the offense; in this paragraph, "firearm" has the meaning given
16 in AS 11.81.900.

17 * **Sec. 2.** AS 47.10.060(e) is amended to read:

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

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

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

7 * **Sec. 3. APPLICABILITY.** This Act applies to offenses committed on or after the
8 effective date of this Act.