

CS FOR SENATE BILL NO. 26(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/12/95

Referred: Rules

Sponsor(s): SENATORS DONLEY, Kelly, Pearce, Leman, Green, Miller, Taylor, Phillips, Halford

REPRESENTATIVES Sanders, James, Phillips, B.Davis

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 deadly
3 weapons to commit offenses that are crimes against a person, and relating to the
4 sealing of the records of those 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 that is a crime against a person, is alleged to have used a deadly weapon
13 in the commission of the offense, and was previously adjudicated as a delinquent
14 or convicted as an adult, in this or another jurisdiction, as a result of an offense
15 that involved use of a deadly weapon in the commission of a crime against a
16 person or a crime in another jurisdiction having elements substantially identical
17 to those of a crime set out in AS 11.41; in this paragraph, "deadly weapon" has
18 the meaning given in AS 11.81.900.

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

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

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

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