

**SENATE BILL NO. 29**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATORS DUNCAN, Salo, Zharoff

Introduced: 1/16/95

Referred: HES, JUD

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to disclosures to school officials of information about certain  
2 minors."

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

4 \* **Section 1.** AS 47.10.093(a) is amended to read:

5 (a) Except as specified in AS 47.10.092 and (b) - (f), (h), and (i) of this  
6 section, all information and social records pertaining to a minor who is subject to this  
7 chapter or AS 47.17 prepared by or in the possession of a federal, state, or municipal  
8 agency or employee in the discharge of the agency's or employee's official duty,  
9 including driver's license actions under AS 28.15.185, are privileged and may not be  
10 disclosed directly or indirectly to anyone without a court order.

11 \* **Sec. 2.** AS 47.10.093(c) is amended to read:

12 (c) A state or municipal law enforcement agency

13 (1) shall disclose information regarding a case that is needed by the  
14 person or agency charged with making a preliminary investigation for the information

1 of the court under AS 47.10.020;

2 (2) may disclose to the public information regarding a criminal offense  
3 in which a minor is a suspect, victim, or witness if the minor is not identified by the  
4 disclosure;

5 (3) as to a school that is attended by a minor who is subject to  
6 AS 47.10.010 - 47.10.142,

7 (A) shall notify the principal of the school attended by the  
8 minor and [MAY] disclose to that school official information about an  
9 incident occurring within the agency's jurisdiction if the law enforcement  
10 agency has probable cause to believe that the minor has committed an  
11 offense that would be a crime if committed as an adult and

12 (i) that the victim of the offense is a student or staff  
13 member of the school and that notice to the school is reasonably  
14 necessary for the protection of the victim; or

15 (ii) is an offense described in (h)(1)(B) of this section;

16 (B) may notify the principal of the school attended by the  
17 minor and disclose to that school official other [OFFICIALS] information  
18 regarding a case as may be necessary to protect the safety of school students  
19 and staff; and

20 (C) notwithstanding (A) and (B) of this paragraph, is not  
21 required to notify the principal of the school under this paragraph if the  
22 agency determines that notice would jeopardize an ongoing investigation;

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

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

27 \* **Sec. 3.** AS 47.10.093 is amended by adding new subsections to read:

28 (h) If a minor who has been adjudicated delinquent is enrolled in school, the  
29 department

30 (1) shall transmit a copy of the court's adjudication order to the  
31 principal of the minor's school if

1 (A) the minor has been adjudicated delinquent for committing  
2 an offense on the school's property; or

3 (B) if the minor has been adjudicated delinquent for committing  
4 one or more of the following acts that, if committed by an adult, would be a  
5 violation of

6 (i) AS 11.41 and the violation is punishable as a felony;

7 (ii) AS 11.46.100 - 11.46.490 and the violation is  
8 punishable as a felony;

9 (iii) AS 11.71 and the violation is punishable as a  
10 felony; or

11 (iv) a statute defining a criminal offense if the offense  
12 involved the possession or use of a deadly weapon, as that term is  
13 defined by AS 11.81.900(b);

14 (2) shall provide with the copy of the adjudication order a notice to  
15 the principal that

16 (A) the principal may obtain additional information about the  
17 minor from the department with the consent of the minor or the minor's  
18 parents, as applicable; and

19 (B) the copy of the order may not be disclosed except as  
20 provided in (i) of this section; and

21 (3) shall maintain a record of the adjudication order released to the  
22 principal under this subsection and the basis for its release.

23 (i) When information or a record is disclosed to a school principal under (c)(3)  
24 or (h) of this section, the school principal may disclose the information only to persons  
25 employed by that school district or to the chief administrative officer of a school  
26 district to which the minor transfers.

27 (j) In (c), (h), and (i) of this section, "school" means a public or private  
28 elementary or secondary school.