

**SPONSOR SUBSTITUTE FOR SENATE BILL NO. 102**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

**BY SENATORS SALO, Pearce**

**Introduced: 3/30/95**

**Referred: JUD, FIN**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the use of the court records of minors that have been**  
2 **ordered sealed."**

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

4 **\* Section 1.** AS 47.10.060(e) is amended to read:

5 (e) A person who has been tried as an adult under this section, or the  
6 department on the person's behalf, may petition the superior court to seal the records  
7 of all criminal proceedings, except traffic offenses, initiated against the person, and all  
8 punishments assessed against the person, while the person was a minor. A petition  
9 under this subsection may not be filed until five years after the completion of the  
10 sentence imposed for the offense for which the person was tried as an adult. If the  
11 superior court finds that the punishment assessed against the person has had its  
12 intended rehabilitative effect and further finds that the person has fulfilled all orders  
13 of the court entered under AS 47.10.080(b), the superior court shall order the record  
14 of proceedings and the record of punishments sealed. Sealing the records restores civil

1 rights removed because of a conviction. A person may not use these sealed records for  
2 any purpose. **However,**

3 **(1) a state court may have access to the sealed records under**  
4 **AS 47.10.094;**

5 **(2) [EXCEPT THAT] the court may order the [THEIR] use of the**  
6 **sealed records** for **other** good cause shown or may order their use by an officer of the  
7 court in making a presentencing report for the court; **and**

8 **(3) the** [. THE] court may not, under this subsection, seal records of  
9 a criminal proceeding

10 **(A)** [(1)] initiated against a person if the court finds that the  
11 person has not complied with a court order made under AS 47.10.080(b); or

12 **(B)** [(2)] commenced under AS 47.10.010(e) unless the minor  
13 has been acquitted of all offenses with which the minor was charged or unless  
14 the most serious offense of which the minor was convicted was not an offense  
15 specified in AS 47.10.010(e)(1) or (2).

16 \* **Sec. 2.** AS 47.10.090(c) is amended to read:

17 (c) Within 30 days of the date of a minor's 18th birthday or, if the court  
18 retains jurisdiction of a minor past the minor's 18th birthday, within 30 days of the  
19 date on which the court releases jurisdiction over the minor, the court shall order all  
20 the court's official records pertaining to that minor sealed, as well as records of all  
21 driver's license proceedings under AS 28.15.185, criminal proceedings against the  
22 minor, and punishments assessed against the minor. A person may not use these sealed  
23 records for any purpose. **However,**

24 **(1) a state court may have access to the sealed records under**  
25 **AS 47.10.094;**

26 **(2) [EXCEPT THAT] the court may order the [THEIR] use of the**  
27 **sealed records** for **other** good cause shown or may order their use by an officer of the  
28 court in making a presentencing report for the court; **and**

29 **(3) the** [. THE] provisions of this subsection relating to the sealing of  
30 records do not apply to records of traffic offenses.

31 \* **Sec. 3.** AS 47.10 is amended by adding a new section to read:

1           Sec. 47.10.094. AVAILABILITY OF SEALED RECORDS. (a) The  
2 provisions of this section apply to the court records of a person that, under  
3 AS 47.10.060(e) or 47.10.090(c), have been previously ordered sealed if the person is  
4 charged with committing a criminal offense. A state court may have access to the  
5 sealed records and use the sealed records to determine

6                   (1) whether, under AS 12.30.020, the person charged with commission  
7 of the offense may be released before trial and the conditions of that release;

8                   (2) the appropriate sentence to be imposed under AS 12.55 on the  
9 person following the person's conviction.

10           (b) The disclosure of previously sealed records under this section does not set  
11 aside the civil rights of the person previously restored under AS 47.10.060(e).