

**SENATE BILL NO. 267**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY SENATORS PEARCE, Phillips

Introduced: 2/7/96

Referred: Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to court hearings involving minors; and amending Rule 3(c),  
2 Alaska Delinquency Rules."

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

4 \* **Section 1.** AS 47.10.070 is amended to read:

5           Sec. 47.10.070. HEARINGS. (a) The court may conduct the hearing on the  
6 petition in an informal manner in the courtroom or in chambers. The [A] hearing  
7 may be held before a young adult advisory panel in accordance with AS 47.10.075.  
8 The court shall give notice of the hearing to the department and the department [IT]  
9 may send a representative to the hearing. The court shall also transmit a copy of the  
10 petition to the department. The representative of the department may also be heard at  
11 the hearing. [THE PUBLIC SHALL BE EXCLUDED FROM THE HEARING, BUT  
12 THE COURT, IN ITS DISCRETION, MAY PERMIT INDIVIDUALS TO ATTEND  
13 A HEARING, IF THEIR ATTENDANCE IS COMPATIBLE WITH THE BEST  
14 INTERESTS OF THE MINOR. NOTHING IN THIS SECTION MAY BE APPLIED

1 IN SUCH A WAY AS TO DENY A CHILD'S RIGHTS TO A PUBLIC TRIAL AND  
2 TO A TRIAL BY JURY.]

3 (b) **The** [NOTWITHSTANDING (a) OF THIS SECTION, THE] victim of an  
4 offense that a minor is alleged to have committed, or the designee of the victim, has  
5 a right to be present at all hearings **based on a petition to adjudicate a minor a**  
6 **delinquent that are** held under this section. If the minor is found to have committed  
7 the offense, the victim may at the disposition hearing give sworn testimony or make  
8 an unsworn oral presentation concerning the offense and its effect on the victim. If  
9 there are numerous victims of a minor's offense, the court may limit the number of  
10 victims who may give sworn testimony or make an unsworn oral presentation, but the  
11 court may not limit the right of a victim to attend a hearing.

12 \* **Sec. 2.** AS 47.10.070 is amended by adding new subsections to read:

13 (c) In a hearing held under this section on a petition to find the minor a child  
14 in need of aid, the court shall exclude the public from the hearing. However, the  
15 court, in its discretion, may permit an individual to attend a hearing if the attendance  
16 of the individual is compatible with the best interests of the minor.

17 (d) In a hearing held under this section on a petition to adjudicate a minor a  
18 delinquent based on a criminal offense that the minor is alleged to have committed,  
19 the public may attend the hearing. However, on application by a party, the court may  
20 exclude the public from the hearing or a portion of it. Before issuing an order  
21 excluding the public from the hearing or a portion of it, the court shall consider  
22 possible alternatives to ensure that the closure order is no broader than necessary to  
23 accomplish the court's purpose in requiring the closure, and shall place its reasons for  
24 ordering the closure or partial closure on the record. The court may order a closure  
25 or partial closure to exclude the public from the hearing

26 (1) if the court determines that a closure or partial closure is necessary  
27 to protect the minor or the victim of the offense from physical harm or from severe  
28 emotional harm;

29 (2) to maintain order in the courtroom;

30 (3) to ensure truthful testimony; or

31 (4) to meet any other interest of a party or of the court that the court

1 finds to be compelling.

2 (e) Nothing in this section may be applied in such a way as to deny a minor's  
3 rights to a public trial and to a jury trial.

4 \* **Sec. 3.** AS 47.10.070(d), added by sec. 2 of this Act, has the effect of amending Rule  
5 3(c), Alaska Delinquency Rules, by establishing a presumption that court hearings on  
6 delinquency proceedings will be open to the public except when ordered closed by the court.

7 \* **Sec. 4.** This Act takes effect only if sec. 3 of this Act receives the two-thirds vote of  
8 each house required by art. IV, sec. 15, Constitution of the State of Alaska.