

SENATE BILL NO. 269

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY SENATOR SALO BY REQUEST

Introduced: 2/7/96
Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to court records concerning children in need of aid and
2 delinquent minors."

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

4 * **Section 1.** AS 47.10.090(d) is amended to read:

5 (d) Unless authorized by order of the court, the [THE] name or picture of
6 a minor under the jurisdiction of the court may not be made public in connection with

7 (1) the minor's status as a delinquent child

8 (A) if the minor is under 13 years of age at the time the
9 minor committed the offense on which a petition is filed under this
10 chapter; or

11 (B) if the minor is 13 years of age or older at the time the
12 minor committed the offense and the petition is filed on the basis of the
13 minor's commission of an offense punishable as a misdemeanor; or

14 (2) the minor's status as a child in need of aid [UNLESS

1 AUTHORIZED BY ORDER OF THE COURT].

2 * **Sec. 2.** AS 47.10.090(e) is amended to read:

3 (e) The court's official records under this chapter **that relate to or that are**
4 **based on a petition filed under this chapter for a minor alleged to be a child in**
5 **need of aid are confidential and** may be inspected only with the court's permission
6 and only by persons having a legitimate interest in them. [A PERSON WITH A
7 LEGITIMATE INTEREST IN THE INSPECTION OF AN OFFICIAL RECORD
8 MAINTAINED BY THE COURT INCLUDES A VICTIM WHO SUFFERED
9 PHYSICAL INJURY OR WHOSE REAL OR PERSONAL PROPERTY WAS
10 DAMAGED AS A RESULT OF AN OFFENSE THAT WAS THE BASIS OF AN
11 ADJUDICATION OR MODIFICATION OF DISPOSITION. IF THE VICTIM
12 KNOWS THE IDENTITY OF THE MINOR, IDENTIFIES THE MINOR OR THE
13 OFFENSE TO THE COURT, AND CERTIFIES THAT THE INFORMATION IS
14 BEING SOUGHT TO CONSIDER OR SUPPORT A CIVIL ACTION AGAINST THE
15 MINOR OR AGAINST THE MINOR'S PARENTS OR GUARDIANS UNDER
16 AS 34.50.020, THE COURT SHALL, SUBJECT TO AS 12.61.110 AND 12.61.140,
17 ALLOW THE VICTIM TO INSPECT AND USE THE FOLLOWING RECORDS
18 AND INFORMATION IN CONNECTION WITH THE CIVIL ACTION:

19 (1) A PETITION FILED UNDER AS 47.10.010(a)(1) SEEKING TO
20 HAVE THE COURT DECLARE THE MINOR A DELINQUENT;

21 (2) A PETITION FILED UNDER AS 47.10.080 SEEKING TO HAVE
22 THE COURT MODIFY OR REVOKE THE MINOR'S PROBATION;

23 (3) A PETITION FILED UNDER AS 47.10.060 REQUESTING THE
24 COURT TO FIND THAT A MINOR IS NOT AMENABLE TO TREATMENT
25 UNDER THIS CHAPTER AND THAT RESULTS IN CLOSURE OF A CASE
26 UNDER AS 47.10.060(a); AND

27 (4) A COURT JUDGMENT OR ORDER ENTERED UNDER
28 AS 47.10.010 - 47.10.142 THAT DISPOSES OF A PETITION IDENTIFIED IN (1) -
29 (3) OF THIS SUBSECTION.]

30 * **Sec. 3.** AS 47.10.090 is amended by adding a new subsection to read:

31 (f) The court's official records under this chapter that relate to or that are

1 based on a petition filed under this chapter for a minor alleged to be a delinquent
2 minor

3 (1) when the minor is under 13 years of age at the time of the offense
4 on which the petition for adjudication is filed, or is 13 years of age or older at the time
5 of the offense on which the petition for adjudication is filed if the petition for
6 adjudication is based on the minor's commission of an offense punishable as a
7 misdemeanor, are confidential and may be inspected only with the court's permission
8 and only by persons having a legitimate interest in them; a person with a legitimate
9 interest in the inspection of the record includes a victim who suffered physical injury
10 or whose real or personal property was damaged as a result of an offense that was the
11 basis of an adjudication or modification of disposition; if the victim knows the identity
12 of the minor, identifies the minor or the offense to the court, and certifies that the
13 information is being sought to consider or support a civil action against the minor or
14 against the minor's parents or guardians under AS 34.50.020, the court shall, subject
15 to AS 12.61.110 and 12.61.140, allow the victim to inspect and use the following
16 records and information in connection with the civil action:

17 (A) a petition filed under AS 47.10.010(a)(1) seeking to have
18 the court declare the minor a delinquent;

19 (B) a petition filed under AS 47.10.080 seeking to have the court
20 modify or revoke the minor's probation;

21 (C) a petition filed under AS 47.10.060 requesting the court to
22 find that a minor is not amenable to treatment under this chapter and that
23 results in closure of a case under AS 47.10.060(a); and

24 (D) a court judgment or order entered under AS 47.10.010 -
25 47.10.142 that disposes of a petition identified in (A) - (C) of this paragraph;

26 (2) are, as to a minor other than a minor described in (1) of this
27 subsection, open to inspection and copying by the public.