

**CS FOR SENATE BILL NO. 270(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/25/96  
Referred: Finance

Sponsor(s): SENATORS HALFORD, Green, Phillips, Frank

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to juveniles; relating to the jurisdiction of juvenile courts; and  
2 relating to the release of juveniles."

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

4 \* **Section 1.** AS 47.10.010(b) is amended to read:

5 (b) When a minor is accused of violating a statute, regulation, or municipal  
6 ordinance specified in this subsection, other than a statute the violation of which is  
7 a felony, AS 47.10.020 - 47.10.090 and the Alaska Delinquency Rules do not apply  
8 and the minor accused of the offense shall be charged, prosecuted, and sentenced in  
9 the district court in the same manner as an adult. If a minor is charged, prosecuted,  
10 and sentenced for an offense under this subsection, the minor's parent, guardian, or  
11 legal custodian shall be present at all proceedings. The provisions of this subsection  
12 apply when a minor is accused of violating

13 (1) a traffic statute or regulation, or a traffic ordinance or regulation of  
14 a municipality;

1 (2) AS 11.76.105, relating to the possession of tobacco by a person  
2 under 19 years of age;

3 (3) a fish and game statute or regulation under AS 16;

4 (4) a parks and recreational facilities statute or regulation under  
5 AS 41.21; [AND]

6 (5) AS 04.16.050, relating to possession or consumption; **and**

7 **(6) a noncriminal offense under a municipal ordinance for which**  
8 **a conviction cannot result in incarceration or the loss of a valuable license and for**  
9 **which a fine schedule has been established under AS 29.25.070(a).**

10 \* **Sec. 2.** AS 47.10.040 is amended to read:

11 Sec. 47.10.040. RELEASE OF MINOR. A minor who is taken into custody  
12 may, in the discretion of the court and upon the written promise of the parent,  
13 guardian, or custodian to bring the minor before the court at a time specified by the  
14 court, be released to the care and custody of the parent, guardian, or custodian **if the**  
15 **court finds that the appearance of the minor is reasonably assured and that the**  
16 **minor will not pose a danger to other persons or the community. If the court**  
17 **finds that the release of the minor to a parent, guardian, or custodian will not**  
18 **reasonably assure the appearance of the minor or will pose a danger to other**  
19 **persons or the community, the court may (1) place restrictions on the travel,**  
20 **association, or place of abode of the minor, (2) require the minor to return to**  
21 **detention after daylight hours on designated conditions, (3) require the execution**  
22 **of an appearance bond in a specified amount and the deposit in the registry of the**  
23 **court, in cash or other security, a sum not to exceed 10 percent of the amount of**  
24 **the bond, the deposit to be returned upon the performance of the condition of**  
25 **release, (4) require the execution of a bail bond with sufficient solvent securities**  
26 **or the deposit of cash, (5) impose any other condition considered reasonably**  
27 **necessary to assure the minor's appearance as required and the safety of other**  
28 **persons and the community. If the court determines that the imposition of**  
29 **conditions will not reasonably assure the appearance of the minor or that the**  
30 **minor will continue to pose a danger to other persons or the community, the court**  
31 **shall detain the minor** [. THE MINOR, IF NOT RELEASED, SHALL BE

1           DETAINED] as provided by AS 47.10.140. The court may determine whether the  
2           father or mother or another person shall have the custody and control of the minor for  
3           the duration of the proceedings. If the minor is of sufficient age and intelligence to  
4           state desires, the court shall give consideration to the minor's desires.

5   \* **Sec. 3.** AS 47.10.040 is amended by adding a new subsection to read:

6                   (b) In determining the conditions under (a) of this section, the court shall take  
7           into account the factors identified in AS 12.30.020(c) relating to bail.

8   \* **Sec. 4.** AS 47.10.082 is amended to read:

9                   Sec. 47.10.082.     BEST INTERESTS OF CHILD AND OTHER  
10           CONSIDERATIONS. **(a)** In making its dispositional order under AS 47.10.080(b)  
11           the court shall consider the best interests of the child and the public. **The court shall**  
12           **also consider**

13                                   **(1) the seriousness of the minor's present offense in relation to**  
14           **other offenses;**

15                                   **(2) the prior criminal history of the minor and the minor's likely**  
16           **amenability to treatment;**

17                                   **(3) the need to confine the minor to prevent further harm to the**  
18           **public;**

19                                   **(4) the circumstances of the offense and the extent to which the**  
20           **offense harmed the victim or endangered the public safety or order;**

21                                   **(5) the effect of the disposition to be imposed in deterring the**  
22           **minor or other members of society from future delinquent or criminal conduct;**

23                                   **(6) the effect of the disposition to be imposed as a community**  
24           **condemnation of the minor's conduct and as a reaffirmation of societal norms;**  
25           **and**

26                                   **(7) the ability of the state to take custody and to care for the child**  
27           **to protect the child's best interests under AS 47.10.010 - 47.10.142.**

28                   (b) In making its dispositional order under AS 47.10.080(c) the court shall  
29           consider the

30                                   **(1) best interests of the child; and**

31                                   **(2) [ IN EITHER CASE THE COURT SHALL CONSIDER ALSO**

1 THE] ability of the state to take custody and to care for the child to protect the child's  
2 best interests under AS 47.10.010 - 47.10.142.

3 \* **Sec. 5.** AS 47.10.140(d) is amended to read:

4 (d) If the court finds that probable cause exists, it shall determine whether the  
5 minor should be detained pending the hearing on the petition or released **as provided**  
6 **in AS 47.10.040.** [IT MAY EITHER ORDER THE MINOR HELD IN DETENTION  
7 OR RELEASED TO THE CUSTODY OF A SUITABLE PERSON PENDING THE  
8 HEARING ON THE PETITION.] If the court finds no probable cause, it shall order  
9 the minor released and close the case.