

**SENATE BILL NO. 289**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

**BY SENATORS FRANK, Miller, Phillips, Halford**

**Introduced: 2/12/96**

**Referred: Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to runaway minors and their families or legal custodians."**

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

3 **\* Section 1.** AS 11.51.130(a) is amended to read:

4 (a) A person commits the crime of contributing to the delinquency of a minor  
5 if, being 19 years of age or older or being under 19 years of age and having the  
6 disabilities of minority removed for general purposes under AS 09.55.590, the person  
7 aids, induces, causes, or encourages a child

8 (1) under 18 years of age to do any act prohibited by state law unless  
9 the child's disabilities of minority have been removed for general purposes under  
10 AS 09.55.590;

11 (2) under 18 years of age to enter or remain in the same room in a  
12 building where the unlawful sale of a drug occurs unless the child's disabilities of  
13 minority have been removed for general purposes under AS 09.55.590;

14 (3) under 16 years of age to be repeatedly absent from school, without  
15 just cause; or

1 (4) under 18 years of age to be absent from the custody of a parent,  
2 guardian, or custodian without **the permission of the parent, guardian, or custodian**  
3 [JUST CAUSE], unless the child's disabilities of minority have been removed for  
4 general purposes under AS 09.55.590 or the person has immunity under AS 47.10.350  
5 or 47.10.398(a); **it is an affirmative defense to a prosecution under this paragraph**  
6 **that, at the time of the alleged offense, the defendant**

7 (A) **reasonably believed that the child's health or welfare**  
8 **was in imminent danger;**

9 (B) **determined, after using reasonable efforts, that there**  
10 **was no immediate space available in the community at an office of the**  
11 **Department of Health and Social Services, a program for runaway minors**  
12 **licensed under AS 47.10.310, a shelter for runaways with a permit under**  
13 **AS 47.35.085, or a facility or contract agency of the Department of Health**  
14 **and Social Services; and**

15 (C) **within 12 hours after taking the actions comprising the**  
16 **alleged offense, notified the Department of Health and Social Services of**  
17 **the name of the child and the child's location.**

18 \* Sec. 2. AS 47.10.141(b) is amended to read:

19 (b) A peace officer shall take into protective custody a minor described in (a)  
20 of this section if the minor is not otherwise subject to arrest or detention. Unless (c)  
21 of this section applies, the peace officer shall [EXERCISE THE OFFICER'S  
22 DISCRETION AND] (1) return the minor to the legal custodian **at the legal**  
23 **custodian's residence or place of employment** if the legal custodian consents to the  
24 return except that the officer may not use this option if the officer has reasonable cause  
25 to suspect that the minor has experienced physical or sexual abuse in the legal  
26 custodian's household; (2) take the minor to a nearby location agreed to by [THE  
27 MINOR AND] the legal custodian **if the legal custodian does not consent to return**  
28 **of the minor under (1) of this subsection or the officer is precluded from using**  
29 **that option because of a reasonable cause to suspect that the minor has**  
30 **experienced physical or sexual abuse in the legal custodian's household;** or (3) **if**  
31 **disposition of the minor is not made under (1) or (2) of this subsection,** take the

1 minor to an office specified by the Department of Health and Social Services, a  
2 program for runaway minors licensed by the department under AS 47.10.310, a shelter  
3 for runaways that has a permit from the department under AS 47.35.085 that agrees  
4 to shelter the minor, or a facility or contract agency of the department. **If the peace**  
5 **officer plans to take the minor to an office, program, shelter, or facility under (3)**  
6 **of this subsection, the peace officer shall give the highest priority to taking the**  
7 **minor to an office, program, shelter, or facility that is secure and shall give the**  
8 **next highest priority to taking the minor to an office, program, shelter, or facility**  
9 **this is semi-secure.** If an office specified by the department, a licensed program for  
10 runaway minors, a shelter for runaways that will accept the minor, or a facility or  
11 contract agency of the department does not exist in the community, the officer shall  
12 take the minor to another suitable location and promptly notify the department. A  
13 minor under protective custody may not be housed in a jail or other detention facility  
14 **but may be housed in a secure or semi-secure portion of an office, program,**  
15 **shelter, or other facility under (3) of this subsection.** Immediately upon taking a  
16 minor into protective custody, the officer shall advise the minor orally and in writing  
17 of the right to social services under AS 47.10.142(b), and, if known, the officer shall  
18 advise the legal custodian that the minor has been taken into protective custody and  
19 that counseling services for the custodian and the minor's household may be available  
20 under AS 47.10.142(b).

21 \* **Sec. 3.** AS 47.10.141(e) is amended to read:

22 (e) In this section,

23 (1) "law enforcement agency" has the meaning given in AS 12.36.090;

24 (2) **"secure" means having locking doors, locking windows, or a**  
25 **secured perimeter, designed and implemented to prevent a minor from leaving**  
26 **without permission;**

27 (3) **"semi-secure" means operated according to standards that may**  
28 **be established by the department in regulations that are designed to require a**  
29 **level of security that is less than secure but that will otherwise reasonably ensure**  
30 **that a minor will not be able to leave without permission.**

31 \* **Sec. 4.** AS 47.10.141 is amended by adding a new subsection to read:

1 (f) In the absence of gross negligence or intentional misconduct, an office,  
2 program, shelter, or facility, or an employee of an office, program, shelter, or facility,  
3 to which a minor is taken by a peace officer for secure or semi-secure custody is not  
4 subject to civil or criminal liability based on the minor's leaving the office, program,  
5 shelter, or facility without permission unless the office, program, shelter, or facility is  
6 not in compliance with the department's regulations that set standards for security or  
7 semi-security and the lack of compliance was a material factor in the minor's being  
8 able to leave without permission.

9 \* **Sec. 5.** AS 47.10.310(c) is amended to read:

10 (c) A program for runaway minors shall

11 (1) explain to a minor who seeks assistance from the program the legal  
12 rights and responsibilities of runaway minors and the services and assistance provided  
13 for runaway minors by the program and by the state or local municipality;

14 (2) **promptly upon admission of a minor to the program,** attempt  
15 to determine why **the** [A] minor [IN THE PROGRAM] is a runaway **and what**  
16 **services may be necessary or appropriate for reuniting the minor with the minor's**  
17 **family;**

18 (3) provide or help arrange for the provision of services necessary to  
19 promote the health and welfare of a minor in the program and, if appropriate, members  
20 of the minor's family; services may include, but are not limited to, the provision of  
21 food, shelter, clothing, medical care, and individual, **group,** or family counseling;

22 (4) **within 12 hours of admission,** [PROMPTLY] inform the  
23 department of a minor in the program

24 (A) who claims to be the victim of child abuse or neglect, as  
25 defined in AS 47.17.290;

26 (B) whom an employee of the program has cause to believe has  
27 been a victim of child abuse or neglect; or

28 (C) whom an employee of the program has reason to believe is  
29 evading the supervision of the department, the person to whom the department  
30 has entrusted supervision, or the minor's legal guardian;

31 (5) be operated with the goal of reuniting runaway minors with their

1 families, except in cases in which reunification is clearly contrary to the best interest  
2 of the minor; and

3 (6) maintain adequate staffing and accommodations to ensure physical  
4 security and to provide crisis services to minors residing in a facility operated by the  
5 program; **a program shall maintain secure and semi-secure portions of its facilities**  
6 **in a proportion that meets regulations established by the department;** residents  
7 under 18 years of age shall be segregated from residents who are 18 years of age or  
8 older.

9 \* **Sec. 6.** AS 47.10.390 is amended by adding new paragraphs to read:

10 (3) "secure" has the meaning given in AS 47.10.141(e);

11 (4) "semi-secure" has the meaning given in AS 47.10.141(e).

12 \* **Sec. 7.** AS 47.10.394(b) is amended to read:

13 (b) The provider of a shelter for runaways shall promptly, but within **12** [48]  
14 hours, inform the department of a runaway minor in the shelter

15 (1) who claims to be the victim of child abuse or neglect, as defined  
16 in AS 47.17.290;

17 (2) whom the provider has reasonable cause to suspect has been a  
18 victim of child abuse or neglect; or

19 (3) whom the provider has reason to believe is evading the supervision  
20 of the department, the person to whom the department has entrusted supervision, or the  
21 minor's legal guardian.