

CS FOR HOUSE BILL NO. 45(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 2/14/97

Referred: Rules

Sponsor(s): REPRESENTATIVES KELLY, Ogan

SENATORS Halford, Taylor, Leman, Sharp, Pearce, Wilken, Mackie, Donley, Green, Phillips, Miller

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to runaway and missing minors; and providing for an effective
2 date."

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

4 * **Section 1.** AS 47.10.141(b) is amended to read:

5 (b) A peace officer shall take into protective custody a minor described in (a)
6 of this section if the minor is not otherwise subject to arrest or detention. Unless (c)
7 of this section applies, when a peace officer takes a minor into protective custody
8 under this subsection,

9 (1) the peace officer shall

10 (A) return the minor to the minor's parent or guardian at the
11 parent's or guardian's residence if the residence is in the same community
12 where the minor was found and if the [MINOR AND THE] minor's parent or
13 guardian **consents** [CONSENT] to the return, except that the officer may not
14 use this option if the officer has reasonable cause to believe that the minor has

1 experienced physical or sexual abuse in the parent's or guardian's household;

2 (B) take the minor to a nearby location agreed to by the minor's
3 parent or guardian if the parent or guardian does not consent to return of the
4 minor under (A) of this paragraph and the officer does not have reasonable
5 cause to believe that the minor has experienced physical or sexual abuse in the
6 parent's or guardian's household; or

7 (C) if disposition of the minor is not made under (A) or (B) of
8 this paragraph, take the minor to

9 (i) an office specified by the Department of Health and
10 Social Services;

11 (ii) a program for runaway minors licensed by the
12 department under AS 47.10.310;

13 (iii) a shelter for runaways that has a permit from the
14 department under AS 47.35.085 that agrees to shelter the minor;

15 (iv) a facility or contract agency of the department; or

16 (v) another suitable location and promptly notify the
17 department if an office specified by the department, a licensed program
18 for runaway minors, a shelter for runaways that will accept the minor,
19 or a facility or contract agency of the department does not exist in the
20 community;

21 (2) if the peace officer plans to take the minor to an office, program,
22 shelter, or facility under (1)(C) of this subsection, the peace officer shall give the
23 highest priority to taking the minor to an office, program, shelter, or facility that is
24 semi-secure;

25 (3) a minor under protective custody may not be housed in a jail or
26 other detention facility but may be housed in a semi-secure portion of an office,
27 program, shelter, or other facility under (1)(C) of this subsection;

28 (4) the peace officer, immediately upon taking a minor into protective
29 custody, shall

30 (A) advise the minor of available mediation services and of the
31 right to social services under AS 47.10.142(b); and

1 (B) if the identity of the minor's parent or guardian is known,
2 advise the minor's parent or guardian that the minor has been taken into
3 protective custody and that counseling services for the minor's parent or
4 guardian and the minor's household may be available under AS 47.10.142(b).

5 * **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).