

CS FOR HOUSE BILL NO. 3(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 2/21/97

Referred: Rules

Sponsor(s): REPRESENTATIVES KOTT, Kelly, Cowdery, Ogan

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to disclosures of information about certain minors."

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

3 * **Section 1.** AS 47.12.310(c) is amended to read:

4 (c) A state or municipal law enforcement agency

5 (1) shall disclose information regarding a case that is needed by the
6 person or agency charged with making a preliminary investigation for the information
7 of the court under this chapter;

8 (2) may disclose to the public **upon request but may not report to**
9 **the Department of Public Safety under AS 12.62.120**

10 **(A) information about a minor, limited to the minor's name,**
11 **the name of the minor's parent or parents, the date and place of the**
12 **offense, and a description of the nature of the offense, when the minor has**
13 **been arrested for commission of an offense, the minor allegedly committed**
14 **the offense on or after the effective date of this Act, and the offense that**
15 **the minor is alleged to have committed is**

1 (i) a crime against a person that is punishable as a
 2 felony;

3 (ii) an offense in which the minor employed a deadly
 4 weapon, as that term is defined in AS 11.81.900(b), in committing
 5 the crime;

6 (iii) arson under AS 11.46.400 - 11.46.410;

7 (iv) burglary under AS 11.46.300 - 11.46.310;

8 (v) distribution of child pornography under
 9 AS 11.61.125;

10 (vi) promoting prostitution in the first degree under
 11 AS 11.66.110; or

12 (vii) misconduct involving a controlled substance
 13 under AS 11.71 involving the delivery of a controlled substance or
 14 the possession of a controlled substance with intent to deliver, other
 15 than an offense under AS 11.71.050; and

16 (B) information regarding a criminal offense, other than an
 17 offense for which a disclosure may be made under (A) of this paragraph,
 18 in which a minor is a suspect, victim, or witness if the minor is not identified
 19 by the disclosure;

20 (3) may disclose to school officials information regarding a case as may
 21 be necessary to protect the safety of school students and staff;

22 (4) may disclose to the public information regarding a case as may be
 23 necessary to protect the safety of the public; and

24 (5) may disclose to a victim information regarding the minor's arrest,
 25 including copies of reports [, AS NECESSARY FOR CIVIL LITIGATION OR
 26 INSURANCE CLAIMS PURSUED BY OR AGAINST THE VICTIM].

27 * **Sec. 2.** AS 47.12.320(a) is amended to read:

28 (a) A person to whom disclosure is made under this section may not
 29 disclose confidential or privileged information about the minor to a person not
 30 authorized to receive it. Notwithstanding AS 47.12.300 and 47.12.310,

31 (1) a parent or legal guardian of a minor subject to a proceeding under

1 this chapter may disclose confidential or privileged information about the minor,
2 including information that has been lawfully obtained from agency or court files, to
3 the governor, the lieutenant governor, a legislator, the ombudsman appointed under
4 AS 24.55, the attorney general, and the commissioners of health and social services,
5 administration, or public safety, or an employee of these persons, for review or use in
6 their official capacities;

7 (2) a victim to whom confidential or privileged information
8 regarding a minor is disclosed under AS 47.12.310(c)(5) may disclose the
9 information to the victim's insurance company as may be necessary for civil
10 litigation or insurance claims pursued by or against the victim. [A PERSON TO
11 WHOM DISCLOSURE IS MADE UNDER THIS SECTION MAY NOT DISCLOSE
12 CONFIDENTIAL OR PRIVILEGED INFORMATION ABOUT THE MINOR TO A
13 PERSON NOT AUTHORIZED TO RECEIVE IT.]

14 * **Sec. 3.** AS 47.12.320(b) is amended to read:

15 (b) The disclosure right under (a)(1) [(a)] of this section is in addition to, and
16 not in derogation of, the rights of a parent or legal guardian of a minor.