

HOUSE BILL NO. 5

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES KELLY, Ogan

Introduced: 1/13/97

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to prosecution of minors for criminal violations; and amending**
2 **Rule 3(a), Alaska Rules of Criminal Procedure."**

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

4 *** Section 1.** AS 12.80.020 is amended by adding a new subsection to read:

5 (b) Each of the following may prepare and sign a criminal complaint charging
6 a minor with an offense described in AS 47.12.030(b)(6) or (7):

7 (1) a truant officer or school official;

8 (2) the parent of the minor;

9 (3) a person who was at least 18 years of age at the time the offense
10 was committed and who was the victim of the offense; or

11 (4) the parent or guardian of a person who was the victim of the
12 offense if the person was not at least 18 years of age at the time the offense was
13 committed.

14 *** Sec. 2.** AS 47.12.030(b) is amended to read:

1 (b) When a minor is accused of violating a statute specified in this subsection,
 2 other than a statute the violation of which is a felony, this chapter and the Alaska
 3 Delinquency Rules do not apply and the minor accused of the offense shall be charged,
 4 prosecuted, and sentenced in the district court in the same manner as an adult. If [
 5 IF] a minor is charged, prosecuted, and sentenced for an offense under this subsection,
 6 the minor's parent, guardian, or legal custodian shall be present at all proceedings. The
 7 [THE] provisions of this subsection apply when a minor is accused of violating

8 (1) a traffic statute or regulation, or a traffic ordinance or regulation of
 9 a municipality;

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

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

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

15 (5) AS 04.16.050, relating to possession, control, or consumption of
 16 alcohol;

17 (6) an offense against property set out in this paragraph, limited
 18 to

19 (A) theft in the third degree under AS 11.46.140 when the
 20 value of the property or services does not exceed \$300;

21 (B) theft in the fourth degree under AS 11.46.150;

22 (C) concealment of merchandise under AS 11.46.220(c)(2)
 23 or (3) when the value of the merchandise does not exceed \$300;

24 (D) criminal trespass under AS 11.46.320 or 11.46.330;

25 (E) criminal mischief in the third degree under AS 11.46.484
 26 when the damage to the property of another does not exceed \$300; or

27 (F) criminal mischief in the fourth degree under
 28 AS 11.46.486; or

29 (7) AS 11.51.130(a)(1), relating to contributing to the delinquency
 30 of a minor.

31 * Sec. 3. Rule 3(a), Alaska Rules of Criminal Procedure, is amended to read:

1 (a) The complaint is a written statement of the essential facts constituting the
2 offense charged. A citation issued for the commission of a misdemeanor or a violation
3 shall have the same force and effect as a complaint and shall be filed as a complaint;
4 provided, that the citation satisfies the requirements of a valid complaint as provided
5 by these rules. A complaint or citation shall be made upon oath or affirmation before
6 any judge or magistrate, except that the following complaints and citations may be
7 signed before any person authorized by law to administer oaths or affirmations, or
8 signed with a certification under penalty of perjury that the complaint or citation is
9 true:

10 (1) A citation for an offense for which a bail forfeiture amount has
11 been established by supreme court order or for which a fine amount has been
12 established in a fine schedule adopted by municipal ordinance under AS 28.05.151 or
13 AS 29.25.070(a).

14 (2) A complaint or citation for a misdemeanor where arrest has been
15 made without a warrant.

16 (3) A citation which the defendant has signed thereby promising to
17 appear.

18 **(4) A complaint filed by a person under AS 12.80.020(b).**