

HOUSE BILL NO. 6

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES KELLY, Therriault, Vezey, Ogan, Dyson, Phillips, Ryan

Introduced: 1/13/97

Referred: Health, Education and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act amending laws relating to the disclosure of information relating to
2 certain minors."

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

4 * **Section 1.** AS 47.12.300(c) is amended to read:

5 (c) Except when required by AS 47.12.305, the [THE] name or picture of
6 a minor under the jurisdiction of the court may not be made public in connection with
7 the minor's status as a delinquent unless authorized by order of the court.

8 * **Sec. 2.** AS 47.12 is amended by adding a new section to read:

9 **Sec. 47.12.305. Public disclosure of information in court record relating**
10 **to minor adjudicated delinquent.** (a) The court shall publicly disclose the name of
11 a minor, the name or names of the minor's parent, parents, or guardian, the offense,
12 and the court's dispositional order when the court has adjudicated the minor a
13 delinquent based on the minor's commission of an offense punishable as

14 (1) a felony; or

1 (2) a misdemeanor when the minor has previously been adjudicated a
 2 delinquent based on the minor's previous commission of an offense that was, at the
 3 time of its commission, punishable as a felony or as a misdemeanor.

4 (b) The court may publicly disclose information in a record maintained by the
 5 court as may be necessary to protect the safety of the public.

6 * **Sec. 3.** AS 47.12.310(a) is amended to read:

7 (a) Except as specified in **AS 47.12.315**, AS 47.12.320, and (b) - (g) of this
 8 section, all information and social records pertaining to a minor who is subject to this
 9 chapter or AS 47.17 prepared by or in the possession of a federal, state, or municipal
 10 agency or employee in the discharge of the agency's or employee's official duty,
 11 including driver's license actions under AS 28.15.185, are privileged and may not be
 12 disclosed directly or indirectly to anyone without a court order.

13 * **Sec. 4.** AS 47.12.310(c) is amended to read:

14 (c) A state or municipal law enforcement agency

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

18 (2) **shall, when a minor has been arrested for the commission of an**
 19 **offense, disclose to the public the name of a minor, the name or names of the**
 20 **minor's parent, parents, or guardian, and the nature of the offense for which the**
 21 **minor was arrested when the minor is arrested for the commission of an offense**
 22 **that is**

23 (A) **a felony; or**

24 (B) **a misdemeanor and the minor was previously arrested**
 25 **by a state or municipal law enforcement agency for committing an offense**
 26 **that was, at the time of the minor's previous arrest, punishable as a felony**
 27 **or as a misdemeanor;**

28 (3) **shall, when a minor is arrested for the commission of an**
 29 **offense, disclose to the victim and to the victim's insurance company the name of**
 30 **the arrested minor and the name or names of the minor's parent, parents, or**
 31 **guardian;**

1 (4) may disclose to the public information regarding a criminal offense
2 in which a minor is a suspect, victim, or witness if the minor is not identified by the
3 disclosure;

4 (5) [(3)] may disclose to school officials **and to a teacher possessing**
5 **a valid teaching certificate employed in a school**

6 **(A) the arrest record of a minor enrolled in the school; and**

7 **(B)** information regarding a case as may be necessary to protect
8 the safety of school students and staff;

9 (6) [(4)] may disclose to the public information regarding a case as may
10 be necessary to protect the safety of the public; and

11 (7) [(5)] may disclose to a victim **and to the victim's insurance**
12 **company** information **about the arrest of a minor or an investigation regarding a**
13 **case involving a minor**, including copies of reports, as necessary for civil litigation
14 or insurance claims pursued by or against the victim.

15 * **Sec. 5.** AS 47.12.310(d) is amended to read:

16 (d) **The** [UPON REQUEST OF A VICTIM, THE] department shall make
17 every reasonable effort to notify the victim as soon as practicable, **by telephone or** in
18 writing, when a delinquent minor is to be released from placement in a juvenile facility
19 under AS 47.12.120(b)(1). The notice under this subsection must include the expected
20 date of the delinquent minor's release, the geographic area in which the delinquent
21 minor is required to reside, and other pertinent information concerning the delinquent
22 minor's conditions of release that may affect the victim.

23 * **Sec. 6.** AS 47.12.310(g) is amended to read:

24 (g) The department and affected law enforcement agencies shall work with
25 school districts and private schools to develop procedures for the disclosure of
26 information to school officials under (b)(3) [AND (c)(3)] of this section **and to school**
27 **officials and teachers under (c)(5) of this section**. The procedures must provide a
28 method for informing the principal or the principal's designee of the school the student
29 attends as soon as it is reasonably practicable.

30 * **Sec. 7.** AS 47.12.310(h) is amended to read:

31 (h) Notwithstanding **(c)(5)** [(c)(3)] of this section, a state or municipal law

1 enforcement agency is not required to notify the appropriate school official of a school
 2 district or school or a teacher under (c) of this section if the agency determines that
 3 notice would jeopardize an ongoing investigation.

4 * **Sec. 8.** AS 47.12 is amended by adding a new section to read:

5 **Sec. 47.12.315. Public disclosure of information in agency records relating**
 6 **to certain minors.** Notwithstanding AS 47.12.310, when an agency takes action under
 7 AS 47.12.040(a)(1) to adjust a matter, or when under AS 47.12.040(a)(2) the court
 8 directs the agency to adjust the matter, the agency shall disclose to the public the name
 9 of a minor, the name or names of the parent, parents, or guardian of the minor, the
 10 action required by the agency to be taken by the minor under AS 47.12.060 to adjust
 11 the matter, and information about the offense exclusive of information that identifies
 12 the victim of the offense if exercise of agency jurisdiction is based on the minor's
 13 alleged commission of an offense that is

14 (1) a felony; or

15 (2) a misdemeanor when the agency has previously taken action under
 16 AS 47.12.040(a) affecting the minor based on the minor's alleged previous commission
 17 of an offense that was, at the time of the minor's alleged commission of the previous
 18 offense, punishable as a felony or as a misdemeanor.

19 * **Sec. 9.** AS 47.12.320(a) is amended to read:

20 (a) Notwithstanding AS 47.12.300 and 47.12.310, a parent or legal guardian
 21 of a minor subject to a proceeding under this chapter may disclose **to the public**
 22 confidential or privileged information about the minor [, INCLUDING
 23 INFORMATION THAT HAS BEEN LAWFULLY OBTAINED FROM AGENCY OR
 24 COURT FILES, TO THE GOVERNOR, THE LIEUTENANT GOVERNOR, A
 25 LEGISLATOR, THE OMBUDSMAN APPOINTED UNDER AS 24.55, THE
 26 ATTORNEY GENERAL, AND THE COMMISSIONERS OF HEALTH AND
 27 SOCIAL SERVICES, ADMINISTRATION, OR PUBLIC SAFETY, OR AN
 28 EMPLOYEE OF THESE PERSONS, FOR REVIEW OR USE IN THEIR OFFICIAL
 29 CAPACITIES. A PERSON TO WHOM DISCLOSURE IS MADE UNDER THIS
 30 SECTION MAY NOT DISCLOSE CONFIDENTIAL OR PRIVILEGED
 31 INFORMATION ABOUT THE MINOR TO A PERSON NOT AUTHORIZED TO

1 RECEIVE IT].

2 * **Sec. 10.** AS 47.12.320(c) is repealed.