

**CS FOR HOUSE BILL NO. 6(HES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 1/31/97

Referred: Judiciary

Sponsor(s): REPRESENTATIVES KELLY, Therriault, Vezey, Ogan, Dyson, Phillips, Ryan

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to minors and amending laws relating to the disclosure of  
2 information relating to 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 disclosure of the name of a minor is authorized by  
6 AS 47.12.310(b), the [THE] name or picture of a minor under the jurisdiction of the  
7 court may not be made public in connection with the minor's status as a delinquent  
8 unless authorized by order of the court.

9 \* **Sec. 2.** AS 47.12.300(f) if amended to read:

10 (f) A person who has been tried as an adult under AS 47.12.100(a) or a  
11 person whose records were made public under AS 47.12.315, or the department on  
12 the person's behalf, may petition the superior court to seal the records of all criminal  
13 proceedings, except traffic offenses, initiated against the person, and all punishments  
14 assessed against the person, while the person was a minor. A petition under this

1 subsection may not be filed until five years after the completion of the sentence  
 2 imposed for the offense for which the person was tried as an adult. If the superior  
 3 court finds that its order has had its intended rehabilitative effect and further finds that  
 4 the person has fulfilled all orders of the court entered under AS 47.12.120, the superior  
 5 court shall order the record of proceedings and the record of punishments sealed.  
 6 Sealing the records restores civil rights removed because of a conviction. A person  
 7 may not use these sealed records for any purpose except that the court may order their  
 8 use for good cause shown or may order their use by an officer of the court in making  
 9 a presentencing report for the court. The court may not, under this subsection, seal  
 10 records of a criminal proceeding

11 (1) initiated against a person if the court finds that the person has not  
 12 complied with a court order made under AS 47.12.120; or

13 (2) commenced under AS 47.12.030(a) unless the minor has been  
 14 acquitted of all offenses with which the minor was charged or unless the most serious  
 15 offense of which the minor was convicted was not an offense specified in  
 16 AS 47.12.030(a).

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

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

24 \* **Sec. 4.** AS 47.12.310(d) is amended to read:

25 (d) Upon request of a victim, the department shall make every reasonable  
 26 effort to notify the victim as soon as practicable, by telephone or in writing, when a  
 27 delinquent minor is to be released from placement in a juvenile facility under  
 28 AS 47.12.120(b)(1). The notice under this subsection must include the expected date  
 29 of the delinquent minor's release, the geographic area in which the delinquent minor  
 30 is required to reside, and other pertinent information concerning the delinquent minor's  
 31 conditions of release that may affect the victim.

1 \* **Sec. 5.** AS 47.12 is amended by adding a new section to read:

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

11                   (1) a felony; or

12                   (2) a misdemeanor when the agency has previously taken action under  
13 AS 47.12.040(a) affecting the minor based on the minor's alleged previous commission  
14 of an offense that was, at the time of the minor's alleged commission of the previous  
15 offense, punishable as a felony or as a misdemeanor; for purposes of this paragraph,  
16 a previous commission of an offense must have occurred after August 31, 1997.

17           (b) The Department of Health and Social Services shall publicly disclose the  
18 name of a minor, the name or names of the minor's parent, parents, or guardian, the  
19 offense, and the information contained in the court's dispositional order when the court  
20 has adjudicated the minor a delinquent based on the minor's commission of an offense  
21 punishable as

22                   (1) a felony; or

23                   (2) a misdemeanor when the minor has previously been adjudicated a  
24 delinquent based on the minor's previous commission of an offense that was, at the  
25 time of its commission, punishable as a felony or as a misdemeanor; for purposes of  
26 this paragraph, a previous commission of an offense must have occurred after  
27 August 31, 1997.