

CS FOR HOUSE BILL NO. 6(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 2/21/97
Referred: Finance

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 or
6 required by this chapter, the [THE] name or picture of a minor under the jurisdiction
7 of the court may not be made public in connection with the minor's status as a
8 delinquent unless authorized by order of the court.

9 * **Sec. 2.** AS 47.12.310(a) is amended to read:

10 (a) Except as specified in AS 47.12.315, 47.12.320, [AS 47.12.320] and (b) -
11 (g) of this section, all information and social records pertaining to a minor who is
12 subject to this chapter or AS 47.17 prepared by or in the possession of a federal, state,
13 or municipal agency or employee in the discharge of the agency's or employee's
14 official duty, including driver's license actions under AS 28.15.185, are privileged and

1 may not be disclosed directly or indirectly to anyone without a court order.

2 * **Sec. 3.** AS 47.12.310(d) is amended to read:

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

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

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

19 (1) the minor's alleged commission of an offense, and the minor has
20 failed, without good cause,

21 (A) to comply with the terms of a restitution plan or order
22 entered against the minor in a previous criminal sentence, adjudication of
23 delinquency, or informal adjustment following a preliminary inquiry;

24 (B) to engage in a rehabilitation program ordered by a court or
25 required by a facility or juvenile probation officer; or

26 (C) to comply with a court ordered or probation officer required
27 placement plan; or

28 (2) the minor's alleged commission of

29 (A) a crime against a person that is punishable as a felony;

30 (B) a crime in which the minor employed a deadly weapon, as
31 that term is defined in AS 11.81.900(b), in committing the crime;

- 1 (C) arson under AS 11.46.400 - 11.46.410;
- 2 (D) burglary under AS 11.46.300 - 11.46.310;
- 3 (E) distribution of child pornography under AS 11.61.125;
- 4 (F) promoting prostitution in the first degree under
- 5 AS 11.66.110; or
- 6 (G) misconduct involving a controlled substance under
- 7 AS 11.71 involving the delivery of a controlled substance or the possession of
- 8 a controlled substance with intent to deliver, other than an offense under
- 9 AS 11.71.050.
- 10 (b) The department shall publicly disclose the name of a minor, the name or
- 11 names of the minor's parent, parents, or guardian, and the alleged offense, and, when
- 12 available, the outcome of proceedings before the court if, under AS 47.12.040(a)(1)(B)
- 13 or AS 47.12.040(a)(2), the department files with the court a petition seeking
- 14 adjudication of the minor as a delinquent based on
- 15 (1) the minor's alleged commission of an offense, and the minor has
- 16 failed, without good cause,
- 17 (A) to comply with the terms of a restitution plan or order
- 18 entered against the minor in a previous criminal sentence, adjudication of
- 19 delinquency, or informal adjustment following a preliminary inquiry;
- 20 (B) to engage in a rehabilitation program ordered by a court or
- 21 required by a facility or juvenile probation officer; or
- 22 (C) to comply with a court ordered or probation officer required
- 23 placement plan;
- 24 (2) the minor's alleged commission of
- 25 (A) a crime against a person that is punishable as a felony;
- 26 (B) a crime in which the minor employed a deadly weapon, as
- 27 that term is defined in AS 11.81.900(b), in committing the crime;
- 28 (C) arson under AS 11.46.400 - 11.46.410;
- 29 (D) burglary under AS 11.46.300 - 11.46.310;
- 30 (E) distribution of child pornography under AS 11.61.125;
- 31 (F) promoting prostitution in the first degree under

1 AS 11.66.110; or

2 (G) misconduct involving a controlled substance under
3 AS 11.71 involving the delivery of a controlled substance or the possession of
4 a controlled substance with intent to deliver, other than an offense under
5 AS 11.17.050; or

6 (3) the minor's alleged commission of a felony and the minor was 16
7 years of age or older at the time of commission of the offense when the minor has
8 previously been convicted or adjudicated a delinquent minor based on the minor's
9 commission of an offense that is a felony.

10 (c) If, under AS 47.12.060(a), the agency determines that a matter should be
11 dismissed or if, under AS 47.12.120(c), the court finds that a minor is not delinquent
12 and dismisses the case against the minor, the minor may request the department to
13 disclose information about the matter or the case to the public. If the minor makes a
14 request under this subsection, the department shall disclose to the public information
15 about the disposition of the matter or case under AS 47.12.060(a) or 47.12.120(c), as
16 appropriate, exclusive of information that identifies the victim of the alleged offense.

17 (d) When required by this section to disclose information,

18 (1) the department or other agency may not disclose the name of an
19 out-of-home care provider, as that term is defined in AS 47.14.299, with whom the
20 minor was living at the time the minor was alleged to have committed the offense if
21 the minor had been placed in out-of-home care with that provider on other than a
22 permanent or long-term basis;

23 (2) if the department or other agency maintains the information to be
24 disclosed by electronic means that can be recovered from a computer data base, the
25 department or agency may disclose the information in that medium.

26 (e) The authority to release information under this section is limited to five
27 years from the date the department or other agency is first required or authorized to
28 make the disclosure, but this limitation operates only if the department or other agency
29 determines that the minor

30 (1) has good cause for not complying with restitution payments or has
31 made all restitution payments required of the minor by AS 47.12.060(b) or

1 47.12.120(b)(4); and
2 (2) has not committed any other crime punishable as a felony during
3 the five-year period.