

CS FOR HOUSE BILL NO. 6(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 3/24/97

Referred: Rules

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

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

15 (1) shall disclose to the public the name of a minor, the name or names
16 of the parent, parents, or guardian of the minor, the action required by the agency to
17 be taken by the minor under AS 47.12.060 to adjust the matter, and information about
18 the offense exclusive of information that identifies the victim of the offense, if exercise
19 of agency jurisdiction is based on the minor's alleged commission of

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

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

23 (C) arson under AS 11.46.400 - 11.46.410;

24 (D) burglary under AS 11.46.300, but only if the minor has
25 previously been arrested for or has been previously alleged to have committed
26 a burglary under AS 11.46.300;

27 (E) distribution of child pornography under AS 11.61.125;

28 (F) promoting prostitution in the first degree under
29 AS 11.66.110; or

30 (G) misconduct involving a controlled substance under
31 AS 11.71 involving the delivery of a controlled substance or the possession of

1 a controlled substance with intent to deliver, other than an offense under
2 AS 11.71.040 or 11.71.050; and

3 (2) may disclose to the public the name of a minor, the name or names
4 of the parent, parents, or guardian of the minor, the action required by the agency to
5 be taken by the minor under AS 47.12.060 to adjust the matter, and information about
6 the offense exclusive of information that identifies the victim of the offense if the
7 minor has knowingly failed to comply with all terms and conditions required of the
8 minor by the agency to adjust the matter under AS 47.12.060(b).

9 (b) The department shall publicly disclose the name of a minor, the name or
10 names of the minor's parent, parents, or guardian, and the alleged offense, and, when
11 available, the outcome of proceedings before the court if, under AS 47.12.040(a)(1)(B)
12 or AS 47.12.040(a)(2), the department files with the court a petition seeking
13 adjudication of the minor as a delinquent based on

14 (1) the minor's alleged commission of an offense, and the minor has
15 knowingly failed to comply with all the terms and conditions required of the minor by
16 the department or imposed on the minor in a court order entered under
17 AS 47.12.040(a)(2) or 47.12.120;

18 (2) the minor's alleged commission of

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

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

22 (C) arson under AS 11.46.400 - 11.46.410;

23 (D) burglary under AS 11.46.300;

24 (E) distribution of child pornography under AS 11.61.125;

25 (F) promoting prostitution in the first degree under
26 AS 11.66.110; or

27 (G) misconduct involving a controlled substance under
28 AS 11.71 involving the delivery of a controlled substance or the possession of
29 a controlled substance with intent to deliver, other than an offense under
30 AS 11.71.040 or 11.71.050; or

31 (3) the minor's alleged commission of a felony and the minor was 16

1 years of age or older at the time of commission of the offense when the minor has
2 previously been convicted or adjudicated a delinquent minor based on the minor's
3 commission of an offense that is a felony.

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

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

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

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

20 (e) The department or an agency may not release information about a minor
21 under this section if the offense allegedly committed by the minor on which the
22 information is based occurred before August 1, 1997. The authority to release
23 information under this section is limited to five years from the date the department or
24 other agency is first required or authorized to make the disclosure. However, the
25 limitation of this section does not apply if the department or other agency determines
26 that during the five-year period the minor

27 (1) has knowingly failed to make all restitution payments required of
28 the minor by AS 47.12.060(b) or 47.12.120(b)(4); or

29 (2) has committed a crime punishable as a felony.