

**CS FOR HOUSE BILL NO. 6(FIN) am**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTIETH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE FINANCE COMMITTEE**

Amended: 4/17/97

Offered: 3/24/97

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

**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 the  
19 minor was, under AS 47.12.020, previously alleged to be a delinquent minor on the  
20 basis of the minor's commission of at least one offense and, on the basis of that  
21 allegation, a state agency has, under AS 47.12.040(a), been asked to make a  
22 preliminary inquiry to determine if any action on that matter is appropriate, and, if the  
23 minor is alleged to be a delinquent minor on the basis of the minor's commission of  
24 another offense, exercise of agency jurisdiction is based on the minor's alleged  
25 commission of that other offense, and that other offense is one of the following:

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

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

29 (C) arson under AS 11.46.400 - 11.46.410;

30 (D) burglary under AS 11.46.300, but only if

31 (i) the minor has previously been arrested for or has been

1 previously alleged to have committed a burglary under AS 11.46.300;

2 or

3 (ii) the complaint, indictment, information, or other  
4 document charging the minor with the commission of burglary under  
5 AS 11.46.300 sets out multiple counts of burglary in the first degree;

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

7 (F) promoting prostitution in the first degree under  
8 AS 11.66.110; or

9 (G) misconduct involving a controlled substance under  
10 AS 11.71 involving the delivery of a controlled substance or the possession of  
11 a controlled substance with intent to deliver, other than an offense under  
12 AS 11.71.040 or 11.71.050; and

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

19 (b) The department shall publicly disclose the name of a minor, the name or  
20 names of the minor's parent, parents, or guardian, and the alleged offense exclusive  
21 of information that identifies the victim of the offense, and, when available, the  
22 outcome of proceedings before the court if, under AS 47.12.040(a)(1)(B) or  
23 AS 47.12.040(a)(2), the department files with the court a petition seeking adjudication  
24 of the minor as a delinquent based on

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

29 (2) the minor's alleged commission of

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

31 (B) a crime in which the minor employed a deadly weapon, as

1 that term is defined in AS 11.81.900(b), in committing the crime;

2 (C) arson under AS 11.46.400 - 11.46.410;

3 (D) burglary under AS 11.46.300;

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

5 (F) promoting prostitution in the first degree under  
6 AS 11.66.110; or

7 (G) misconduct involving a controlled substance under  
8 AS 11.71 involving the delivery of a controlled substance or the possession of  
9 a controlled substance with intent to deliver, other than an offense under  
10 AS 11.71.040 or 11.71.050; or

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

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

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

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

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

31 (e) The department or an agency may not release information about a minor

1 under this section if the offense allegedly committed by the minor on which the  
2 information is based occurred before August 1, 1997. The authority to release  
3 information under this section is limited to five years from the date the department or  
4 other agency is first required or authorized to make the disclosure. However, the  
5 limitation of this section does not apply if the department or other agency determines  
6 that during the five-year period the minor

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

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

10 (f) When disclosure is required under this section, the department may petition  
11 the court for an order prohibiting the disclosure. The court may grant the petition if,  
12 on the basis of information presented in the petition or at an in camera hearing held  
13 on the petition, the court finds that

14 (1) the crime was an isolated incident and the minor does not present  
15 any further danger to the public; or

16 (2) the victim agrees that disclosure is inappropriate.

17 \* **Sec. 5. APPLICABILITY.** In AS 47.12.315, added by sec. 4 of this Act, when  
18 disclosure of information is dependent on the minor's previous conviction or adjudication as  
19 a delinquent, or on the minor's failure to comply with all terms and conditions required of or  
20 imposed on the minor, the Department of Health and Social Services or other agency required  
21 to make the disclosure shall consider the minor's previous conviction or delinquency  
22 adjudication, or a term or condition required or imposed on the minor, that occurred before  
23 the effective date of this Act, but may not consider a conviction or adjudication that occurred  
24 or a term or condition that was required or imposed earlier than five years before the effective  
25 date of this Act.