

SENATE CS FOR CS FOR HOUSE BILL NO. 16(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 4/28/98
Referred: Finance

Sponsor(s): REPRESENTATIVES KELLY, Kemplen

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to delinquent minors, to the taking of action based on the
2 alleged criminal misconduct of certain minors, to the services to be provided to
3 the victims of criminal misconduct of minors, and to agency records involving
4 minors alleged to be delinquent based on their criminal misconduct; providing for
5 the dual sentencing of minors who commit certain felony offenses; relating to
6 violations of municipal ordinances by minors and to civil penalties for violation
7 of municipal ordinances by minors; relating to semi-secure residential child care
8 facilities and secure residential psychiatric treatment centers; relating to programs
9 and shelters for runaways; relating to placement of children in need of aid and
10 delinquent minors in secure residential psychiatric treatment centers; amending
11 the Interstate Compact on Juveniles to which the state is a party; allowing use
12 of hearsay evidence at temporary detention hearings in juvenile delinquency

1 proceedings; and amending Rules 3, 10(c), 21, and 27 and repealing Rules 6 and
2 7, Alaska Delinquency Rules; and providing for an effective date."

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

4 * **Section 1.** AS 29.10.200 is amended by adding a new paragraph to read:

5 (54) AS 29.25.070(e) (notices of certain civil actions).

6 * **Sec. 2.** AS 29.25.070(b) is amended to read:

7 (b) The municipality or an aggrieved person may institute a civil action against
8 a person, **including a minor as provided in AS 29.25.072**, who violates an ordinance.

9 In addition to injunctive and compensatory relief, a civil penalty not to exceed \$1,000
10 may be imposed for each violation. An action to enjoin a violation may be brought
11 notwithstanding the availability of any other remedy. On application for injunctive
12 relief and a finding of a violation or a threatened violation, the superior court shall
13 grant the injunction. Each day that a violation of an ordinance continues constitutes
14 a separate violation.

15 * **Sec. 3.** AS 29.25.070 is amended by adding new subsections to read:

16 (e) The municipality shall provide written notice to the commissioner of health
17 and social services or to the commissioner's designee of the commencement of a civil
18 enforcement action for the violation of an ordinance under (b) of this section against
19 a minor. Unless the commissioner and the municipality have negotiated an agreement
20 making other arrangements for the municipality to provide the notice required by this
21 subsection, the municipality shall provide the notice by mailing a copy of the citation
22 or other document setting out the notice of the commencement of the civil enforcement
23 action. This subsection applies to home rule and general law municipalities.

24 (f) In this section, "minor" means a person under 18 years of age.

25 * **Sec. 4.** AS 29.25 is amended by adding a new section to read:

26 **Sec. 29.25.072. Civil penalties for violation of municipal ordinances by**
27 **minors.** (a) Except as otherwise provided in this section, the enforcement under
28 AS 29.25.070(b) of a civil penalty against a minor for violation of a municipal
29 ordinance shall be heard in the district court in the same manner as for similar

1 allegations brought against an adult, except that the minor's parent, guardian, or legal
 2 custodian shall be present at all proceedings unless the court excuses the parent,
 3 guardian, or legal custodian from attendance for good cause.

4 (b) If provision is made by ordinance for use of a hearing officer to decide
 5 enforcement of a civil penalty under AS 29.25.070(b), allegations against a minor for
 6 a civil penalty under a municipal ordinance may be assigned to a hearing officer for
 7 the municipality for decision.

8 (c) An action for a civil penalty filed against a minor under this section does
 9 not give rise to the right to a trial by jury or to counsel appointed at public expense.

10 * **Sec. 5.** AS 33.30.901(12) is amended to read:

11 (12) "prisoner"

12 (A) means a person held under authority of state law in official
 13 detention as defined in AS 11.81.900(b);

14 (B) includes a **minor** [JUVENILE] committed to the custody
 15 of the commissioner when,

16 (i) under AS 47.12.030, 47.12.065, or 47.12.100, the
 17 **minor** [JUVENILE] has been charged, prosecuted, or convicted as an
 18 adult; **or**

19 (ii) under AS 47.12.160(e), the minor has been
 20 ordered transferred to the custody of the commissioner;

21 * **Sec. 6.** AS 44.23 is amended by adding a new section to read:

22 **Sec. 44.23.070. Victim/witness assistance program.** If the Department of
 23 Law maintains a victim/witness assistance program, subject to sufficient appropriations
 24 for the purpose, the services of that program shall be extended to victims of criminal
 25 offenses committed by persons under 18 years of age so that victims of these offenses
 26 may exercise the rights provided to them by law.

27 * **Sec. 7.** AS 47.10 is amended by adding a new section to read:

28 **Sec. 47.10.087. Placement in secure residential psychiatric treatment**
 29 **centers.** (a) The court may authorize the department to place a child who is in the
 30 custody of the department under AS 47.10.080(c)(1) or (3) or 47.10.142 in a secure
 31 residential psychiatric treatment center if the court finds, based on the testimony of a

1 mental health professional, that

2 (1) the child is gravely disabled or is suffering from mental illness and,
3 as a result, is likely to cause serious harm to the child or to another person;

4 (2) there is no reasonably available, appropriate, and less restrictive
5 alternative for the child's treatment or that less restrictive alternatives have been tried
6 and have failed; and

7 (3) there is reason to believe that the child's mental condition could be
8 improved by the course of treatment or would deteriorate if untreated.

9 (b) A court shall review a placement made under this section at least once
10 every 90 days. The court may authorize the department to continue the placement of
11 the child in a secure residential psychiatric treatment center if the court finds, based
12 on the testimony of a mental health professional, that the conditions or symptoms that
13 resulted in the initial order have not ameliorated to such an extent that the child's
14 needs can be met in a less restrictive setting and that the child's mental condition
15 could be improved by the course of treatment or would deteriorate if untreated.

16 (c) The department shall transfer a child from a secure residential psychiatric
17 treatment center to another appropriate placement if the mental health professional
18 responsible for the child's treatment determines that the child would no longer benefit
19 from the course of treatment or that the child's treatment needs could be met in a less
20 restrictive setting. The department shall notify the child, the child's parents or
21 guardian, and the child's guardian ad litem of a determination and transfer made under
22 this subsection.

23 (d) In this section, "likely to cause serious harm" has the meaning given in
24 AS 47.30.915.

25 * **Sec. 8.** AS 47.10.300 is amended to read:

26 **Sec. 47.10.300. Powers and duties of the department.** The department shall

27 (1) review, inspect, and approve or disapprove for licensing proposed
28 or established programs for runaway minors to ensure the health and safety of minors
29 in the program;

30 (2) maintain a register of licensed programs for runaway minors;

31 (3) award nonprofit corporations or municipalities grants for the

1 establishment or operation of licensed programs for runaway minors;

2 (4) [REPEALED

3 (5)] adopt regulations for the administration of AS 47.10.300 -
4 47.10.390, including regulations providing for the coordination of services to be
5 provided by licensed programs for runaway minors and by the department.

6 * **Sec. 9.** AS 47.10.310(b) is amended to read:

7 (b) The department may license a program for runaway minors under
8 AS 47.10.300 - 47.10.390 only if the program

9 (1) is operated by a corporation [ORGANIZED UNDER AS 10.20] or
10 a municipality; and

11 (2) meets the requirements of (c) of this section.

12 * **Sec. 10.** AS 47.10.392 is amended to read:

13 **Sec. 47.10.392. Certificate required.** A private residence may not be held
14 out publicly as a shelter for runaway minors unless the residence

15 (1) is designated a shelter for runaways by a [NONPROFIT]
16 corporation that is licensed to make the designation under AS 47.35.085; and

17 (2) has a valid permit from the department signifying that designation.

18 * **Sec. 11.** AS 47.10.398(a) is amended to read:

19 (a) A person in a shelter for runaways, or in a home for which an application
20 to be designated a shelter for runaways is being considered by a [NONPROFIT]
21 corporation licensed for that purpose by the department, that is operated in a manner
22 that is consistent with AS 47.10.392 - 47.10.399 and regulations adopted under those
23 sections is not criminally liable under AS 11.51.130(a)(4).

24 * **Sec. 12.** AS 47.10.398(b) is amended to read:

25 (b) Except as provided in (c) of this section, the provider of a shelter for
26 runaways, or of a home for which an application to be designated a shelter for
27 runaways is being considered by a [NONPROFIT] corporation approved for that
28 purpose by the department, that is operated in a manner that is consistent with
29 AS 47.10.392 - 47.10.399 and regulations adopted under those sections [,] and the
30 members of the provider's household, other than a runaway minor, are not liable for
31 civil damages as a result of an act or omission

1 (1) in admitting or refusing to admit a runaway minor to the shelter or
2 home; or

3 (2) by a runaway minor who is sheltered in the shelter or home.

4 * **Sec. 13.** AS 47.10.399(2) is amended to read:

5 (2) "shelter for runaways" or "shelter for runaway minors" means a
6 private residence whose legal occupant agrees to shelter, with or without compensation,
7 a runaway minor accepted into the residence by the legal occupant and that

8 (A) is not simultaneously licensed under AS 47.10.310 as a
9 program for runaway minors;

10 (B) has been designated a shelter for runaways by a
11 [NONPROFIT] corporation licensed for that purpose under AS 47.35.085; and

12 (C) has a permit issued by the department under AS 47.35.085.

13 * **Sec. 14.** AS 47.10.990 is amended by adding new paragraphs to read:

14 (8) "gravely disabled" has the meaning given in AS 47.30.915;

15 (9) "mental health professional" has the meaning given in
16 AS 47.30.915;

17 (10) "mental illness" has the meaning given in AS 47.30.915;

18 (11) "secure residential psychiatric treatment center" has the meaning
19 given in AS 47.35.900.

20 * **Sec. 15.** AS 47.12.010 is repealed and reenacted to read:

21 **Sec. 47.12.010. Goal and purposes of chapter.** (a) The goal of this chapter
22 is to promote a balanced juvenile justice system in the state to protect the community,
23 impose accountability for violations of law, and equip juvenile offenders with the skills
24 needed to live responsibly and productively.

25 (b) The purposes of this chapter are to

26 (1) respond to a juvenile offender's needs in a manner that is consistent
27 with

28 (A) prevention of repeated criminal behavior;

29 (B) restoration of the community and victim;

30 (C) protection of the public; and

31 (D) development of the juvenile into a productive citizen;

- 1 (2) protect citizens from juvenile crime;
- 2 (3) hold each juvenile offender directly accountable for the offender's
- 3 conduct;
- 4 (4) provide swift and consistent consequences for crimes committed by
- 5 juveniles;
- 6 (5) make the juvenile justice system more open, accessible, and
- 7 accountable to the public;
- 8 (6) require parental or guardian participation in the juvenile justice
- 9 process;
- 10 (7) create an expectation that parents will be held responsible for the
- 11 conduct and needs of their children;
- 12 (8) ensure that victims, witnesses, parents, guardians, juvenile offenders,
- 13 and all other interested parties are treated with dignity, respect, courtesy, and
- 14 sensitivity throughout all legal proceedings;
- 15 (9) provide due process through which juvenile offenders, victims,
- 16 parents, and guardians are assured fair legal proceedings during which constitutional
- 17 and other legal rights are recognized and enforced;
- 18 (10) divert juveniles from the formal juvenile justice process through
- 19 early intervention as warranted when consistent with the protection of the public;
- 20 (11) provide an early, individualized assessment and action plan for
- 21 each juvenile offender in order to prevent further criminal behavior through the
- 22 development of appropriate skills in the juvenile offender so that the juvenile is more
- 23 capable of living productively and responsibly in the community;
- 24 (12) ensure that victims and witnesses of crimes committed by juveniles
- 25 are afforded the same rights as victims and witnesses of crimes committed by adults;
- 26 (13) encourage and provide opportunities for local communities and
- 27 groups to play an active role in the juvenile justice process in ways that are culturally
- 28 relevant; and
- 29 (14) review and evaluate regularly and independently the effectiveness
- 30 of programs and services under this chapter.

31 * **Sec. 16.** AS 47.12.030(a) is amended to read:

1 (a) When a minor who was at least 16 years of age at the time of the offense
 2 is **charged by complaint, information, or indictment with** [ARRAIGNED ON A
 3 CHARGE FOR] an offense specified in this subsection, this chapter and the Alaska
 4 Delinquency Rules do not apply to the offense for which the minor is **charged**
 5 [ARRAIGNED] or to any additional offenses joinable to it under the applicable rules
 6 of court governing criminal procedure. The minor shall be charged, **held, released on**
 7 **bail**, prosecuted, [AND] sentenced, **and incarcerated** [IN THE SUPERIOR COURT]
 8 in the same manner as an adult. **If** [UNLESS] the minor is convicted of **an** [SOME]
 9 offense other than an offense specified in this subsection, [IN WHICH EVENT] the
 10 minor may attempt to prove, by a preponderance of the evidence, that the minor is
 11 amenable to treatment under this chapter. If the court finds that the minor is amenable
 12 to treatment under this chapter, the minor shall be treated as though the charges had
 13 been heard under this chapter, and the court shall order disposition of the charges of
 14 which the minor is convicted under AS 47.12.120(b). The provisions of this
 15 subsection apply when the minor is **charged by complaint, information, or**
 16 **indictment with an offense** [ARRAIGNED ON A CHARGE]

17 (1) that is an unclassified felony or a class A felony and the felony is
 18 a crime against a person;

19 (2) of arson in the first degree; or

20 (3) that is a class B felony and the felony is a crime against a person
 21 in which the minor is alleged to have used a deadly weapon in the commission of the
 22 offense and the minor was previously adjudicated as a delinquent or convicted as an
 23 adult, in this or another jurisdiction, as a result of an offense that involved use of a
 24 deadly weapon in the commission of a crime against a person or an offense in another
 25 jurisdiction having elements substantially identical to those of a crime against a person,
 26 and the previous offense was punishable as a felony; in this paragraph, "deadly
 27 weapon" has the meaning given in AS 11.81.900(b).

28 * **Sec. 17.** AS 47.12.040(a) is amended to read:

29 (a) Whenever circumstances subject a minor to the jurisdiction of this chapter,
 30 the court shall

31 (1) **require, in conformance with this section** [PROVIDE, UNDER

1 PROCEDURES ADOPTED BY COURT RULE], that, for a minor who is alleged to
2 be a delinquent minor under AS 47.12.020, **the department or an entity selected by**
3 **it** [A STATE AGENCY] shall make a preliminary inquiry to determine if any action
4 is appropriate and may take appropriate action to adjust the matter without a court
5 hearing; **the department or an entity selected by it may arrange to interview the**
6 **minor, the minor's parents or guardian, and any other person having relevant**
7 **information; at or before the interview, the minor and the minor's parents or**
8 **guardian, if present, must be advised that any statement may be used against the**
9 **minor and of the following rights of the minor: to have a parent or guardian**
10 **present at the interview; to remain silent; to have retained or appointed counsel**
11 **at all stages of the proceedings, including the initial interview; if a petition is filed,**
12 **to have an adjudication hearing before a judge or jury with compulsory process**
13 **to compel the attendance of witnesses; and the opportunity to confront and cross-**
14 **examine witnesses;** if, under this paragraph,

15 (A) the **department or an entity selected by it** [STATE
16 AGENCY] makes a preliminary inquiry and takes appropriate action to adjust
17 the matter without a court hearing, the minor may not be detained or taken into
18 custody as a condition of the adjustment and, subject to AS 47.12.060, the
19 matter shall be closed by the **department or an entity selected by it**
20 [AGENCY] if the minor successfully completes all that is required of the minor
21 by the **department or an entity selected by it** [AGENCY] in the adjustment;
22 in a municipality or municipalities in which a youth court has been established
23 under AS 47.12.400, adjustment of the matter under this paragraph may include
24 referral to the youth court;

25 (B) the **department or an entity selected by it** [AGENCY]
26 concludes that the matter may not be adjusted without a court hearing, the
27 **department** [AGENCY] may file a petition under (2) of this subsection setting
28 out the facts; or

29 (2) appoint a competent person or agency to make a preliminary inquiry
30 and report for the information of the court to determine whether the interests of the
31 public or of the minor require that further action be taken; if, under this paragraph, the

1 court appoints a person or agency to make a preliminary inquiry and to report to it,
 2 then upon the receipt of the report, the court may informally adjust the matter without
 3 a hearing, or it may authorize the person having knowledge of the facts of the case to
 4 file with the court a petition setting out the facts; if the court informally adjusts the
 5 matter, the minor may not be detained or taken into the custody of the court as a
 6 condition of the adjustment, and the matter shall be closed by the court upon
 7 adjustment.

8 * **Sec. 18.** AS 47.12.060 is amended to read:

9 **Sec. 47.12.060. Informal action [BY DEPARTMENT] to adjust matter.**

10 (a) The provisions of this section apply to a minor who is alleged to be a delinquent
 11 minor under AS 47.12.020 and for whom **the department or an entity selected by**
 12 **it** [AN AGENCY] has [, UNDER APPLICABLE COURT RULE,] made a preliminary
 13 inquiry [BEFORE TAKING APPROPRIATE ACTION] as **required** [AUTHORIZED]
 14 by **AS 47.12.040(a)(1)** [AS 47.12.040(a)]. Following the preliminary inquiry,

15 (1) [UNLESS] the **department or the entity selected by it may**
 16 **dismiss the matter with or without prejudice; or**

17 (2) [AGENCY DETERMINES THAT THE MATTER SHOULD BE
 18 DISMISSED,] the **department or the entity selected by it** [AGENCY] may take
 19 informal action to adjust the matter.

20 (b) When the **department or the entity selected by it** [AGENCY] decides to
 21 **make** [THAT] an informal adjustment of a matter **under (a)(2) of this section**
 22 [SHOULD BE MADE], that informal adjustment may not be made without the
 23 agreement or consent of the minor and the minor's parents or **guardian**
 24 [GUARDIANS] to the terms and conditions of the adjustment. An informal action to
 25 adjust a matter is not successfully completed unless, among other factors that the
 26 **department or the entity selected by it** [AGENCY] considers, as to the victim of the
 27 act of the minor that is the basis of the delinquency allegation, the minor pays
 28 restitution in the amount set by the **department or the entity selected by it**
 29 [AGENCY] or agrees as a term or condition set by the **department or the entity**
 30 **selected by it** [AGENCY] to pay the restitution.

31 * **Sec. 19.** AS 47.12 is amended by adding a new section to read:

1 **Sec. 47.12.065. Dual sentencing provisions.** (a) The department or the entity
 2 selected by it may refer to the appropriate district attorney the circumstances involving
 3 a minor who is subject to the provisions of this section because the minor is alleged
 4 to have violated a criminal law of the state. The department or the entity selected by
 5 it may make the referral if the minor was 16 years of age or older at the time of the
 6 offense, and the offense is

7 (1) a felony that is a crime against a person and the minor has
 8 previously been adjudicated a delinquent under the laws of this state or substantially
 9 similar laws of another jurisdiction for a felony offense that is a crime against a
 10 person; or

11 (2) sexual abuse of a minor in the second degree.

12 (b) If a referral is made under (a) of this section, the district attorney may elect
 13 to seek imposition of a dual sentence in the case to further the goal and purposes of
 14 this chapter as set out in AS 47.12.010. If the district attorney seeks imposition of a
 15 dual sentence, the district attorney shall present the case to the grand jury for
 16 indictment. If the grand jury returns an indictment, the district attorney shall file with
 17 the court under AS 47.12.040(a) a petition seeking the minor's adjudication as a
 18 delinquent.

19 (c) If the district attorney decides not to seek imposition of a dual sentence
 20 under (b) of this section or if the grand jury does not return an indictment, the case
 21 shall proceed under the remaining provisions of this chapter.

22 * **Sec. 20.** AS 47.12.110(a) is amended to read:

23 (a) The court shall conduct a hearing on the petition. The court shall give
 24 notice of the hearing to the department, and the department shall send a representative
 25 to the hearing. The representative of the department may also be heard at the hearing.
 26 The public shall be excluded from the hearing, but the court, in its discretion, may
 27 permit individuals to attend a hearing [,] if their attendance is compatible with the best
 28 interests of the minor. Nothing in this section may be applied in such a way as to
 29 deny a minor's rights to **confront adverse witnesses, to** a public trial, and to a trial
 30 by jury.

31 * **Sec. 21.** AS 47.12.110(b) is amended to read:

1 (b) Notwithstanding (a) of this section **or an order prohibiting or limiting**
 2 **the public made under (e) of this section**, the victim of an offense that a minor is
 3 alleged to have committed, or the designee of the victim, has a right to be present at
 4 all hearings or proceedings held under this section at which the minor has a right to
 5 be present. If the minor is found to have committed the offense, the victim may at the
 6 disposition hearing give sworn testimony or make an unsworn oral presentation
 7 concerning the offense and its effect on the victim. If there are numerous victims of
 8 a minor's offense, the court may limit the number of victims who may give sworn
 9 testimony or make an unsworn oral presentation, but the court may not limit the right
 10 of a victim to attend a hearing even if the victim is likely to be a witness in a hearing
 11 concerning the minor's alleged offense.

12 * **Sec. 22.** AS 47.12.110 is amended by adding a new subsection to read:

13 (e) Notwithstanding (a) of this section, a court proceeding shall be open to the
 14 public, except as prohibited or limited by order of the court, when the district attorney
 15 has elected to seek imposition of a dual sentence and a petition has been filed under
 16 AS 47.12.065, or when a minor agrees as part of a plea agreement to be subject to
 17 dual sentencing.

18 * **Sec. 23.** AS 47.12.120(b) is amended to read:

19 (b) If **the minor is not subject to (j) of this section and** the court finds that
 20 the minor is delinquent, it shall

21 (1) order the minor committed to the department for a period of time
 22 not to exceed two years or in any event extend past the day the minor becomes 19
 23 **years of age**, except that the department may petition for and the court may grant in
 24 a hearing (A) two-year extensions of commitment that do not extend beyond the
 25 **minor's** [CHILD'S] 19th birthday if the extension is in the best interests of the minor
 26 and the public; and (B) an additional one-year period of supervision past age 19 if
 27 continued supervision is in the best interests of the person and the person consents to
 28 it; the department shall place the minor in the juvenile facility that the department
 29 considers appropriate and that may include a juvenile correctional school, juvenile
 30 work camp, treatment facility, detention home, or detention facility; the minor may be
 31 released from placement or detention and placed on probation on order of the court

1 and may also be released by the department, in its discretion, under AS 47.12.260;

2 (2) order the minor placed on probation, to be supervised by the
3 department, and released to the minor's parents, guardian, or a suitable person; if the
4 court orders the minor placed on probation, it may specify the terms and conditions
5 of probation; the probation may be for a period of time, not to exceed two years and
6 in no event extend past the day the minor becomes 19 **years of age**, except that the
7 department may petition for and the court may grant in a hearing

8 (A) two-year extensions of supervision that do not extend
9 beyond the **minor's** [CHILD'S] 19th birthday if the extension is in the best
10 interests of the minor and the public; and

11 (B) an additional one-year period of supervision past age 19 if
12 the continued supervision is in the best interests of the person and the person
13 consents to it;

14 (3) order the minor committed to the department and placed on
15 probation, to be supervised by the department [,] and released to the minor's parents,
16 guardian, other suitable person, or suitable nondetention setting such as **with a relative**
17 **or in a foster home or residential** [A FAMILY HOME, GROUP CARE FACILITY,
18 OR] child care facility, whichever the department considers appropriate to implement
19 the treatment plan of the predisposition report; if the court orders the minor placed on
20 probation, it may specify the terms and conditions of probation; the department may
21 transfer the minor, in the minor's best interests, from one of the probationary
22 placement settings listed in this paragraph to another, and the minor, the minor's
23 parents or guardian, and the minor's attorney are entitled to reasonable notice of the
24 transfer; the probation may be for a period of time [,] not to exceed two years and in
25 no event extend past the day the minor becomes 19 **years of age**, except that the
26 department may petition for and the court may grant in a hearing

27 (A) two-year extensions of commitment that do not extend
28 beyond the **minor's** [CHILD'S] 19th birthday if the extension is in the best
29 interests of the minor and the public; and

30 (B) an additional one-year period of supervision past age 19 if
31 the continued supervision is in the best interests of the person and the person

1 consents to it;

2 (4) order the minor and the minor's parent to make suitable restitution
3 in lieu of or in addition to the court's order under (1), (2), or (3) of this subsection;
4 under this paragraph,

5 (A) except as provided in (B) of this paragraph, the court may
6 not refuse to make an order of restitution to benefit the victim of the act of the
7 minor that is the basis of the delinquency adjudication; and

8 (B) the court may not order payment of restitution by the parent
9 of a minor who is a runaway or missing minor for an act of the minor that was
10 committed by the minor after the parent has made a report to a law
11 enforcement agency, as authorized by AS 47.10.141(a), that the minor has run
12 away or is missing; for purposes of this subparagraph, "runaway or missing
13 minor" means a minor who a parent reasonably believes is absent from the
14 minor's residence for the purpose of evading the parent or who is otherwise
15 missing from the minor's usual place of abode without the consent of the
16 parent;

17 (5) order the minor committed to the department for placement in an
18 adventure based education program established under AS 47.21.020 with conditions
19 the court considers appropriate concerning release upon satisfactory completion of the
20 program or commitment under (1) of this subsection if the program is not satisfactorily
21 completed;

22 (6) in addition to an order under (1) - (5) of this subsection, [IF THE
23 DELINQUENCY FINDING IS BASED ON THE MINOR'S VIOLATION OF
24 AS 11.71.030(a)(3) OR 11.71.040(a)(4),] order the minor to perform [50 HOURS OF]
25 community service; for purposes of this paragraph, "community service" includes work

26 (A) defined as community service under AS 33.30.901; or

27 (B) that, on the recommendation of the city council or
28 traditional village council, would benefit persons within the city or village who
29 are elderly or disabled; or

30 (7) in addition to an order under (1) - (6) of this subsection, order the
31 minor's parent or guardian to comply with orders made under AS 47.12.155, including

1 participation in treatment under AS 47.12.155(b)(1).

2 * **Sec. 24.** AS 47.12.120(d) is amended to read:

3 (d) A minor found to be delinquent is a ward of the state while committed to
 4 the department or while the department has the power to supervise the minor's actions.
 5 The court shall review an order made under (b) of this section annually, and may
 6 review the order more frequently to determine if continued placement, probation, or
 7 supervision, as it is being provided, is in the best interest of the minor and the public.
 8 [IF ANNUAL REVIEW UNDER THIS SUBSECTION WOULD ARISE WITHIN 90
 9 DAYS OF THE HEARING REQUIRED UNDER (g) OF THIS SECTION, THE
 10 COURT MAY POSTPONE REVIEW UNDER THIS SUBSECTION UNTIL THE
 11 TIME SET FOR THE HEARING.] The department, the minor, the minor's parents,
 12 guardian, or custodian are entitled, when good cause is shown, to a review on
 13 application. If the application is granted, the court shall afford these parties and their
 14 counsel reasonable notice in advance of the review and hold a hearing where these
 15 parties and their counsel shall be afforded an opportunity to be heard. The minor shall
 16 be afforded the opportunity to be present at the review.

17 * **Sec. 25.** AS 47.12.120 is amended by adding new subsections to read:

18 (i) When, under (a) of this section, the court enters judgment finding that a
 19 minor is delinquent, the court may order the minor temporarily detained pending entry
 20 of its dispositional order if the court finds that detention is necessary

21 (1) to protect the minor or the community; or

22 (2) to ensure the minor's appearance at a subsequent court hearing.

23 (j) If, in a case in which a district attorney has elected to seek imposition of
 24 a dual sentence under AS 47.12.065, the court finds that the minor is delinquent for
 25 committing an offense in the circumstances set out in AS 47.12.065, or if the minor
 26 agrees as part of a plea agreement to be subject to dual sentencing, the court shall

27 (1) enter one or more orders under (b) of this section; and

28 (2) pronounce a sentence for the offense in accordance with the
 29 provisions of AS 12.55; however, the sentence pronounced under this paragraph must
 30 include some period of imprisonment that is not suspended by the court.

31 * **Sec. 26.** AS 47.12.140 is amended to read:

1 **Sec. 47.12.140. Court dispositional order.** In making its dispositional order
2 under AS 47.12.120(b)(1) - (3) and (5) and (j), the court shall

3 (1) consider both the best interests of the minor and the interests of the
4 public, and, in doing so, the court shall take into account

5 (A) the seriousness of the minor's delinquent act [,] and the
6 attitude of the minor and the minor's parents toward that act;

7 (B) the minor's culpability as indicated by the circumstances of
8 the particular case;

9 (C) the age of the minor;

10 (D) the minor's prior criminal or juvenile record [,] and the
11 success or failure of any previous orders, dispositions, or placements imposed
12 on the minor;

13 (E) the effect of the dispositional order to be imposed in
14 deterring the **minor** [CHILD] from committing other delinquent acts;

15 (F) the need to commit the minor to the department's custody
16 or to detain the minor in an institution or other suitable place in order to
17 prevent further harm to the public;

18 (G) the interest of the public in securing the minor's
19 rehabilitation; and

20 (H) the ability of the state to take custody of and to care for the
21 minor; and

22 (2) order the least restrictive alternative disposition for the minor; for
23 purposes of this paragraph, the "least restrictive alternative disposition" means that
24 disposition that is no more restrictive than is, in the judgment of the court, most
25 conducive to the minor's rehabilitation taking into consideration the interests of the
26 public.

27 * **Sec. 27.** AS 47.12.160 is amended by adding new subsections to read:

28 (d) The department may petition the court for imposition of sentence
29 pronounced under AS 47.12.120(j)(2) if the offender is still subject to the jurisdiction
30 of the court and if the offender, after pronouncement of sentence under
31 AS 47.12.120(j)(2),

- 1 (1) commits a subsequent felony offense;
- 2 (2) commits a subsequent offense against a person that is a
3 misdemeanor and involves injury to a person or the use of a deadly weapon;
- 4 (3) fails to comply with the terms of a restitution order;
- 5 (4) fails to engage in or satisfactorily complete a rehabilitation program
6 ordered by a court or required by a facility or juvenile probation officer; or
- 7 (5) escapes from a juvenile correctional facility.

8 (e) If a petition is filed under (d) of this section and if the court finds by a
9 preponderance of the evidence that the minor has committed a subsequent felony
10 offense that is a crime against a person or is the crime of arson, the court shall impose
11 the adult sentence previously pronounced under AS 47.12.120(j) and transfer custody
12 of the minor to the Department of Corrections. If the court finds by a preponderance
13 of the evidence that any of the other circumstances set out in (d)(1) - (5) of this
14 section exist, the court shall impose the adult sentence previously pronounced and
15 transfer custody of the minor to the Department of Corrections unless the minor proves
16 by preponderance of the evidence that mitigating circumstances exist that justify a
17 continuance in the stay of the adult sentence and the minor is amenable to further
18 treatment under this chapter. The court shall make written findings to support its
19 order.

20 * **Sec. 28.** AS 47.12.180(a) is amended to read:

21 (a) Except as provided by **AS 47.12.160(d) and (e) and** AS 47.12.170, an
22 adjudication under this chapter upon the status of a minor

23 (1) may not operate to impose any of the civil disabilities ordinarily
24 imposed by conviction upon a criminal charge;

25 (2) does not operate to permit a minor afterward to be considered a
26 criminal by the adjudication; and

27 (3) does not operate to permit the adjudication to be afterward
28 **considered** [DEEMED] a conviction, nor may a minor be charged with or convicted
29 of a crime in a court [,] except as provided in this chapter.

30 * **Sec. 29.** AS 47.12.210(b) is amended to read:

31 (b) **Except as provided by AS 47.12.310(b)(1), fingerprint** [FINGERPRINT]

1 records taken under this section are not subject to AS 47.12.310.

2 * **Sec. 30.** AS 47.12.240(c) is amended to read:

3 (c) Notwithstanding (a) of this section, a minor may be incarcerated in a
4 correctional facility

5 (1) if the minor is the subject of a petition filed with the court under
6 this chapter seeking adjudication of the minor as a delinquent minor or if the minor
7 is in official detention pending the filing of that petition; however, detention in a
8 correctional facility under this paragraph may not exceed the lesser of

9 (A) six hours; or

10 (B) the time necessary to arrange the minor's transportation to
11 a juvenile detention home or comparable facility for the detention of minors;

12 (2) if, in response to a petition of delinquency filed under this chapter,
13 the court has entered an order closing the case under AS 47.12.100(a), allowing the
14 minor to be prosecuted as an adult; [OR]

15 (3) if the incarceration constitutes a protective custody detention of the
16 minor that is authorized by AS 47.37.170(b); or

17 **(4) if the minor is at least 16 years of age and the court has entered**
18 **an order under AS 47.12.160(e) imposing an adult sentence and transferring**
19 **custody of the minor to the Department of Corrections.**

20 * **Sec. 31.** AS 47.12 is amended by adding a new section to read:

21 **Sec. 47.12.245. Arrest.** (a) A peace officer may

22 (1) arrest a minor

23 (A) for the commission of an act that subjects the minor to the
24 provisions of this chapter under the same circumstances and in the same
25 manner as would apply to the arrest of an adult for violation of a criminal law
26 of the state or a municipality of the state;

27 (B) if the peace officer reasonably believes the minor is a
28 fugitive from justice;

29 (C) if the peace officer has probable cause to believe that the
30 minor has violated a condition of the minor's release or probation; or

31 (D) if the peace officer reasonably believes that the minor has

1 been adjudicated a delinquent and has escaped from an institution or absconded
2 from probation, parole, or the jurisdiction of a court;

3 (2) continue the lawful arrest of a minor that is made by a citizen.

4 (b) A probation officer may arrest a minor if the probation officer has probable
5 cause to believe that the minor has violated conditions of the minor's release or
6 probation.

7 * **Sec. 32.** AS 47.12.250(a) is amended to read:

8 (a) A peace officer or a probation officer who has arrested or a peace
9 officer who has continued the arrest of [MAY ARREST] a minor under
10 AS 47.12.245 [WHO VIOLATES A LAW OR ORDINANCE IN THE PEACE
11 OFFICER'S PRESENCE, OR WHOM THE PEACE OFFICER REASONABLY
12 BELIEVES IS A FUGITIVE FROM JUSTICE. A PEACE OFFICER MAY
13 CONTINUE A LAWFUL ARREST MADE BY A CITIZEN. THE PEACE
14 OFFICER] may

15 (1) have the minor detained in a juvenile detention facility if in the
16 opinion of the peace officer making or continuing the arrest it is necessary to do so
17 to protect the minor or the community; however, the department may direct that a
18 minor who was arrested or whose arrest was continued be released from detention
19 before the hearing required by (c) of this section;

20 (2) before taking the minor to a juvenile detention facility, release
21 the minor to the minor's parents or guardian if detention is not necessary to

22 (A) protect the minor or the community; or

23 (B) ensure the minor's attendance at subsequent court
24 hearings.

25 * **Sec. 33.** AS 47.12.250(c) is amended to read:

26 (c) The court shall immediately, and in no event more than 48 hours later, hold
27 a hearing at which the minor and the minor's parents or guardian if they can be found
28 shall be present. The court shall determine whether probable cause exists for believing
29 the minor to be delinquent. The court shall inform the minor of the reasons alleged
30 to constitute probable cause and the reasons alleged to authorize the minor's detention.
31 The minor is entitled to counsel [AND TO CONFRONTATION OF ADVERSE

1 WITNESSES].

2 * **Sec. 34.** AS 47.12 is amended by adding a new section to read:

3 **Sec. 47.12.255. Placement in secure residential psychiatric treatment**
 4 **centers.** (a) The court may authorize the department to place a minor who is in the
 5 custody of the department under AS 47.12.120(b)(1) or (3) or 47.12.140 in a secure
 6 residential psychiatric treatment center if the court finds, based on the testimony of a
 7 mental health professional, that

8 (1) the minor is gravely disabled or is suffering from mental illness
 9 and, as a result, is likely to cause serious harm to the minor or to another person;

10 (2) there is no reasonably available, appropriate, and less restrictive
 11 alternative for the minor's treatment or that less restrictive alternatives have been tried
 12 and have failed; and

13 (3) there is reason to believe that the minor's mental condition could
 14 be improved by the course of treatment or would deteriorate if untreated.

15 (b) A court shall review a placement made under this section at least once
 16 every 90 days. The court may authorize the department to continue the placement of
 17 the minor in a secure residential psychiatric treatment center if the court finds, based
 18 on the testimony of a mental health professional, that the conditions or symptoms that
 19 resulted in the initial order have not ameliorated to such an extent that the minor's
 20 needs can be met in a less restrictive setting and that the minor's mental condition
 21 could be improved by the course of treatment or would deteriorate if untreated.

22 (c) The department shall transfer a minor from a secure residential psychiatric
 23 treatment center to another appropriate placement if the mental health professional
 24 responsible for the minor's treatment determines that the minor would no longer benefit
 25 from the course of treatment or that the minor's treatment needs could be met in a less
 26 restrictive setting. The department shall notify the minor, the minor's parents or
 27 guardian, and the minor's guardian ad litem of a determination and transfer made under
 28 this subsection.

29 (d) In this section, "likely to cause serious harm" has the meaning given in
 30 AS 47.30.915.

31 * **Sec. 35.** AS 47.12.300(c) is amended to read:

1 (c) Except when disclosure of the name of a minor is authorized or required
2 by this chapter **and except as provided in (g) of this section**, the name or picture of
3 a minor under the jurisdiction of the court may not be made public in connection with
4 the minor's status as a delinquent unless authorized by order of the court.

5 * **Sec. 36.** AS 47.12.300(d) is amended to read:

6 (d) **Except as provided in (f) of this section, within** [WITHIN] 30 days of
7 the date of a minor's 18th birthday or, if the court retains jurisdiction of a minor past
8 the minor's 18th birthday, within 30 days of the date on which the court releases
9 jurisdiction over the minor, the court shall order all the court's official records
10 pertaining to that minor in a proceeding under this chapter sealed, as well as records
11 of all driver's license proceedings under AS 28.15.185, criminal proceedings against
12 the minor, and punishments assessed against the minor. A person may not use these
13 sealed records for any purpose except that the court may order their use for good cause
14 shown or may order their use by an officer of the court in making a presentencing
15 report for the court. The provisions of this subsection relating to the sealing of records
16 do not apply to records of traffic offenses.

17 * **Sec. 37.** AS 47.12.300(e) is amended to read:

18 (e) The court's official records **prepared** under this chapter **and not made**
19 **public under this section are confidential and** may be inspected only with the
20 court's permission and only by persons having a legitimate interest in them. A person
21 with a legitimate interest in the inspection of **a confidential** [AN OFFICIAL] record
22 maintained by the court includes a victim who suffered physical injury or whose real
23 or personal property was damaged as a result of an offense that was the basis of an
24 adjudication or modification of disposition. If the victim knows the identity of the
25 minor, identifies the minor or the offense to the court, and certifies that the
26 information is being sought to consider or support a civil action against the minor or
27 against the minor's parents or **guardian** [GUARDIANS] under AS 34.50.020, the court
28 shall, subject to AS 12.61.110 and 12.61.140, allow the victim to inspect and use the
29 following records and information in connection with the civil action:

30 (1) a petition filed under AS 47.12.040(a) seeking to have the court
31 declare the minor a delinquent;

1 (2) a petition filed under AS 47.12.120 seeking to have the court
2 modify or revoke the minor's probation;

3 (3) a petition filed under AS 47.12.100 requesting the court to find that
4 a minor is not amenable to treatment under this chapter and that results in closure of
5 a case under AS 47.12.100(a); and

6 (4) a court judgment or order entered under this chapter that disposes
7 of a petition identified in (1) - (3) of this subsection.

8 * **Sec. 38.** AS 47.12.300(f) is amended to read:

9 (f) A person who has been tried as an adult under AS 47.12.100(a) **or a**
10 **person whose records have been made public under (g) of this section,** or the
11 department on the person's behalf, may petition the superior court to seal the records
12 of all criminal proceedings, except traffic offenses, initiated against the person, and all
13 punishments assessed against the person, while the person was a minor. A petition
14 under this subsection may not be filed until five years after the completion of the
15 sentence imposed for the offense for which the person was tried as an adult **or five**
16 **years after a disposition was entered for an offense for which the records were**
17 **made public under (g) of this section.** If the superior court finds that its order has
18 had its intended rehabilitative effect and further finds that the person has fulfilled all
19 orders of the court entered under AS 47.12.120, the superior court shall order the
20 record of proceedings and the record of punishments sealed. Sealing the records
21 restores civil rights removed because of a conviction. A person may not use these
22 sealed records for any purpose except that the court may order their use for good cause
23 shown or may order their use by an officer of the court in making a presentencing
24 report for the court. The court may not, under this subsection, seal records of a
25 criminal proceeding

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

28 (2) commenced under AS 47.12.030(a) unless the minor has been
29 acquitted of all offenses with which the minor was charged or unless the most serious
30 offense of which the minor was convicted was not an offense specified in
31 AS 47.12.030(a).

1 * **Sec. 39.** AS 47.12.300 is amended by adding new subsections to read:

2 (g) When a district attorney has elected to seek imposition of a dual sentence
3 and a petition has been filed under AS 47.12.065, or when a minor agrees as part of
4 a plea agreement to be subject to dual sentencing, all court records shall be open to
5 the public except for predisposition reports, psychiatric and psychological reports, and
6 other documents that the court orders to be kept confidential because the release of the
7 documents could be harmful to the minor or could violate the constitutional rights of
8 the victim or other persons.

9 (h) A person who discloses confidential information in violation of this section
10 is guilty of a class B misdemeanor.

11 * **Sec. 40.** AS 47.12.310(b) is amended to read:

12 (b) A state or municipal agency or employee

13 (1) shall disclose information regarding a case to a federal, state,
14 or municipal law enforcement agency for a specific investigation being conducted
15 by that agency; and

16 (2) may disclose information regarding a case to

17 (A) [(1)] a guardian ad litem appointed by the court or to a
18 citizen review board or local review panel for permanency planning authorized
19 by AS 47.14.200 - 47.14.220;

20 (B) [(2)] a person or an agency requested to provide
21 consultation or services for a minor who is subject to the jurisdiction of the
22 court under this chapter;

23 (C) [(3)] school officials as may be necessary to protect the
24 safety of the minor who is the subject of the case and the safety of school
25 students and staff or to enable the school to provide appropriate counseling and
26 supportive services to meet the needs of a minor about whom information is
27 disclosed;

28 (D) [(4)] a governmental agency as may be necessary to obtain
29 that agency's assistance for the department in its investigation or to obtain
30 physical custody of a minor;

31 (E) [(5)] a **federal**, state, or municipal law enforcement agency

1 as may be necessary [FOR A SPECIFIC INVESTIGATION BEING
2 CONDUCTED BY THAT AGENCY OR] for disclosures by that agency to
3 protect the public safety; and

4 **(F)** [(6)] a victim **or to the victim's insurance company** as
5 may be necessary to inform the victim **or the insurance company** about **the**
6 **arrest of the minor, including the minor's name and the names of the**
7 **minor's parents, copies of reports, or** the disposition or resolution of a case
8 involving a minor.

9 * **Sec. 41.** AS 47.12.310(g) is amended to read:

10 (g) The department and affected law enforcement agencies shall work with
11 school districts and private schools to develop procedures for the disclosure of
12 information to school officials under **(b)(2)(C)** [(b)(3)] and (c)(3) of this section. The
13 procedures must provide a method for informing the principal or the principal's
14 designee of the school the student attends as soon as it is reasonably practicable.

15 * **Sec. 42.** AS 47.12.320(a) is amended to read:

16 (a) Notwithstanding AS 47.12.300 and 47.12.310,

17 **(1)** a parent or legal guardian of a minor subject to a proceeding under
18 this chapter may disclose confidential or privileged information about the minor,
19 including information that has been lawfully obtained from agency or court files, to
20 the governor, the lieutenant governor, a legislator, the ombudsman appointed under
21 AS 24.55, the attorney general, and the commissioners of health and social services,
22 administration, or public safety, or an employee of these persons, for review or use in
23 their official capacities;

24 **(2)** **the department may disclose confidential or privileged**
25 **information about the minor and make available for inspection documents about**
26 **the minor to the state officials or employees identified in (1) of this subsection for**
27 **review or use in their official capacities; and**

28 **(3)** a [. A] person to whom disclosure is made under **(1) or (2) of this**
29 **subsection** [SECTION] may not disclose confidential or privileged information about
30 the minor to a person not authorized to receive it.

31 * **Sec. 43.** AS 47.12.320(b) is amended to read:

1 (b) The disclosure right under (a)(1) [(a)] of this section is in addition to, and
 2 not in derogation of, the rights of a parent or legal guardian of a minor.

3 * **Sec. 44.** AS 47.12 is amended by adding a new section to read:

4 **Sec. 47.12.988. Implementation of provisions by an entity selected by**
 5 **department.** In this chapter, when authority exercised by the department may also be
 6 exercised by an entity selected by the department, the entity that the department may
 7 select in order to exercise authority is limited to

8 (1) a municipality; or

9 (2) a corporation.

10 * **Sec. 45.** AS 47.12.990 is amended by adding new paragraphs to read:

11 (13) "gravely disabled" has the meaning given in AS 47.30.915;

12 (14) "mental health professional" has the meaning given in
 13 AS 47.30.915;

14 (15) "mental illness" has the meaning given in AS 47.30.915;

15 (16) "secure residential psychiatric treatment center" has the meaning
 16 given in AS 47.35.900.

17 * **Sec. 46.** AS 47.15.010 is amended by adding a new article to read:

18 **ARTICLE XVII**

19 **RENDITION**

20 (a) This article shall provide additional remedies and shall be binding only
 21 between those party states which specifically execute it.

22 (b) All provisions and procedures of articles V and VI of the Interstate
 23 Compact on Juveniles shall be construed to apply to any juvenile charged with being
 24 a delinquent by reason of a violation of any criminal law. Any juvenile charged with
 25 being a delinquent by reason of violating any criminal law shall be returned to the
 26 requesting state upon a requisition to the state where the juvenile may be found. A
 27 petition in such a case shall be filed in a court of competent jurisdiction in the
 28 requesting state where the violation of criminal law is alleged to have been committed.
 29 The petition may be filed regardless of whether the juvenile has left the state before
 30 or after filing of the petition. The requisition described in article V of the compact
 31 shall be forwarded by the judge of the court in which the petition has been filed.

1 * **Sec. 47.** AS 47.35.010(a) is amended to read:

2 (a) The department may

3 (1) license and supervise foster homes, child care facilities, residential
4 child care facilities, semi-secure residential child care facilities, secure residential
5 psychiatric treatment centers, child placement agencies, and maternity homes;

6 (2) investigate applicants, licensees, and persons that the department
7 reasonably believes are operating a facility without a license in violation of this
8 chapter;

9 (3) adopt regulations to implement the provisions of this chapter,
10 including regulations establishing licensure and renewal procedures, standards, and
11 fees; establishing requirements for operation of facilities or agencies licensed under this
12 chapter; and distinguishing between types of child care facilities;

13 (4) enter into agreements with private entities, municipalities, or
14 individuals to investigate and make recommendations to the department for the
15 licensing and supervision of foster homes, child care facilities, residential child care
16 facilities, semi-secure residential child care facilities, secure residential psychiatric
17 treatment centers, child placement agencies, and maternity homes under procedures
18 and standards of operation established by the department.

19 * **Sec. 48.** AS 47.35.015(c) is amended to read:

20 (c) A person may not operate a residential child care facility, semi-secure
21 residential child care facility, or secure residential psychiatric treatment center
22 without a license issued under this chapter unless that facility is

23 (1) a juvenile facility operated by the state under AS 47.14.010;

24 (2) a medical facility licensed by the department under AS 18.20;

25 (3) a recreational camp providing recreational experiences of no more
26 than one month's duration for a child; or

27 (4) exempt from licensure for a reason set out in (b)(6) or (7) of this
28 section.

29 * **Sec. 49.** AS 47.35.017(a) is amended to read:

30 (a) Application for a license to operate a foster home, child care facility,
31 residential child care facility, semi-secure residential child care facility, secure

1 **residential psychiatric treatment center**, child placement agency, or maternity home
 2 [,] shall be made to the department on a form provided by the department [,] and shall
 3 be accompanied by any applicable fees established by the department under
 4 AS 47.35.010(a)(3).

5 * **Sec. 50.** AS 47.35.085 is amended to read:

6 **Sec. 47.35.085. Shelters for runaway minors.** (a) The department shall
 7 adopt regulations under which a [NONPROFIT] corporation may apply for a license
 8 to designate and supervise shelters for runaway minors.

9 (b) The department shall also adopt regulations setting health and safety
 10 standards for shelters for runaways. The regulations adopted under this subsection must

11 (1) involve less regulation than is required for programs for runaways
 12 licensed under AS 47.10.310 and foster homes licensed under this chapter;

13 (2) provide that private agencies approved by the department may
 14 recruit, evaluate, and monitor the shelters for runaways under procedures established
 15 by the department; and

16 (3) require that a [NONPROFIT] corporation licensed under (a) of this
 17 section inspect the shelters for runaways, perform criminal background checks of its
 18 residents, keep records, and meet other requirements only to the extent that they are
 19 necessary to reduce the risk to the health and safety of a runaway minor in the shelter.

20 (c) If a [NONPROFIT] corporation licensed under (a) of this section certifies
 21 to the department that a home meets the standards set under (b) of this section, the
 22 department shall issue the home a permit authorizing it to be a shelter for runaway
 23 minors. The permit may not be transferred to a different home or owner.

24 (d) Upon notice from a [NONPROFIT] corporation licensed under (a) of this
 25 section that a shelter for runaways is not in compliance with AS 47.10.392 - 47.10.399
 26 or the regulations of the department adopted under (b) of this section, the department
 27 may revoke a permit issued under this subsection or modify it to provisional status.
 28 The department shall give written notice of revocation or modification under this
 29 subsection at least 30 days before the effective date of the action. However, if the
 30 health or well-being of a child is in jeopardy, the revocation or modification action is
 31 effective immediately upon the issuance of written notice by the department.

1 * **Sec. 51.** AS 47.35.900 is amended by adding new paragraphs to read:

2 (20) "secure residential psychiatric treatment center" means a lockable,
3 physician-directed residential child care facility;

4 (21) "semi-secure" has the meaning given in AS 47.10.141;

5 (22) "semi-secure residential child care facility" means a residential
6 child care facility that is wholly or partially semi-secure.

7 * **Sec. 52.** Rule 10(c), Alaska Delinquency Rules, is amended to read:

8 (c) **Temporary Detention Hearing.** Hearsay **that** [WHICH] is not otherwise
9 admissible under the Evidence Rules **may be admitted under the standard stated in**
10 **paragraph (b) of this rule** [IS NOT ADMISSIBLE TO PROVE PROBABLE
11 CAUSE] at a temporary detention hearing. [HOWEVER, OTHERWISE
12 INADMISSIBLE HEARSAY MAY BE ADMITTED UNDER THE STANDARD
13 STATED IN PARAGRAPH (b) OF THIS RULE ON THE ISSUE OF WHETHER
14 THE MINOR SHOULD BE REMOVED FROM THE HOME OR DETAINED.]

15 * **Sec. 53.** Rules 6 and 7, Alaska Delinquency Rules, are repealed.

16 * **Sec. 54.** AS 47.12.110(c) and 47.12.120(g) are repealed.

17 * **Sec. 55.** AS 47.12.110(e), added by sec. 22 of this Act, has the effect of changing
18 Rules 3 and 21, Alaska Delinquency Rules, by reversing the presumption that the public shall
19 be excluded from hearings involving minors.

20 * **Sec. 56.** The provisions of AS 47.12.300(g), added by sec. 39 of this Act, have the effect
21 of changing Rule 27, Alaska Delinquency Rules, by making court records for certain juvenile
22 proceedings public documents in specified circumstances.

23 * **Sec. 57.** APPLICABILITY OF SECTIONS 1 - 6, 15 - 33, 35 - 44, and 52. Sections 1 -
24 6, 15 - 33, 35 - 44, and 52 of this Act apply to all offenses committed on or after the effective
25 date of this Act.

26 * **Sec. 58.** SCOPE AND APPLICABILITY OF SECTION 46. The juvenile rendition
27 amendment to the Interstate Compact on Juveniles is hereby enacted into law by sec. 46 of
28 this Act and entered into by this state with all other states legally joining therein in the form
29 substantially as set out in sec. 46 of this Act. Section 46 of this Act applies to offenses
30 committed before, on, or after the effective date of this Act.

31 * **Sec. 59.** This Act takes effect July 1, 1998.