

HOUSE BILL NO. 97

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/31/97

Referred: Health, Education and Social Services, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to juvenile delinquency proceedings and to the disclosure and
2 confidentiality of juvenile records and information; providing for the dual
3 sentencing of minors who commit certain felony offenses; relating to violations
4 of municipal ordinances by minors and to civil penalties for violation of
5 municipal ordinances by minors; relating to an amendment to the Interstate
6 Compact on Juveniles; amending Delinquency Rules 3, 21, and 27; and providing
7 for an effective date."

8 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

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

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

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

12 (b) The municipality or an aggrieved person may institute a civil action against
13 a person, including a minor as provided in AS 47.12.280, who violates an ordinance.

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

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

8 (e) The municipality shall provide written notice to the commissioner of health
 9 and social services or to the commissioner's designee of the commencement of a civil
 10 enforcement action for the violation of an ordinance under (b) of this section against
 11 a minor. Unless the commissioner and the municipality negotiate an agreement
 12 making other arrangements for the municipality to provide the notice required by this
 13 subsection, the municipality shall provide notice by mailing a copy of the citation or
 14 other document setting out the notice of the commencement of the civil enforcement
 15 action. This subsection applies to home rule and general law municipalities.

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

17 * **Sec. 4.** AS 47.10.092(a) is amended to read:

18 (a) Notwithstanding AS 47.10.090 and 47.10.093, a parent or legal guardian
 19 of a minor subject to a proceeding under AS 47.10.010 - 47.10.142 may disclose
 20 confidential or privileged information about the minor, including information that has
 21 been lawfully obtained from agency or court files, to the governor, the lieutenant
 22 governor, a legislator, the ombudsman appointed under AS 24.55, the attorney general,
 23 and the commissioners of health and social services, administration, or public safety,
 24 or an employee of these persons, for review or use in their official capacities. **The**
 25 **department may disclose additional confidential or privileged information and**
 26 **make available for inspection documents about the minor to these state officials**
 27 **or employees for review or use in their official capacities.** A person to whom
 28 disclosure is made under this section may not disclose confidential or privileged
 29 information about the minor to a person not authorized to receive it.

30 * **Sec. 5.** AS 47.12.010 is repealed and reenacted to read:

31 **Sec. 47.12.010. Goal and purposes of chapter.** (a) The goal of this chapter

1 is to promote a balanced juvenile justice system in the state to protect the community,
2 impose accountability for violations of law, and equip juvenile offenders with the skills
3 needed to live responsibly and productively.

4 (b) The purposes of this chapter are to

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

7 (A) prevention of repeated criminal behavior;

8 (B) restoration of the community and victim;

9 (C) protection of the public; and

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

11 (2) protect citizens from juvenile crime;

12 (3) hold each juvenile offender directly accountable for the offender's
13 conduct;

14 (4) provide swift and consistent consequences for crimes committed by
15 juveniles;

16 (5) make the juvenile justice system more open, accessible, and
17 accountable to the public;

18 (6) require parental or guardian participation in the juvenile justice
19 process;

20 (7) create an expectation that parents will be held responsible for the
21 conduct and needs of their children;

22 (8) ensure that victims, witnesses, parents, guardians, juvenile offenders,
23 and all other interested parties are treated with dignity, respect, courtesy, and
24 sensitivity throughout all legal proceedings;

25 (9) provide due process through which juvenile offenders, victims,
26 parents, and guardians are assured fair legal proceedings during which constitutional
27 and other legal rights are recognized and enforced;

28 (10) divert juveniles from the formal juvenile justice process through
29 early intervention as warranted, when consistent with the protection of the public;

30 (11) provide an early, individualized assessment and action plan for each
31 juvenile offender, in order to prevent further criminal behavior through the

1 development of appropriate skills in the juvenile offender, so that the juvenile is more
2 capable of living productively and responsibly in the community;

3 (12) ensure that victims and witnesses of crimes committed by juveniles
4 are afforded the same rights as victims and witnesses of crimes committed by adults;

5 (13) encourage and provide opportunities for local communities and
6 groups to play an active role in the juvenile justice process in ways that are culturally
7 relevant; and

8 (14) regularly and independently review and evaluate the effectiveness
9 of programs and services under this chapter.

10 * **Sec. 6.** AS 47.12 is amended by adding a new section to read:

11 **Sec. 47.12.035. Dual sentencing provisions.** (a) The department or an entity
12 designated by the department shall refer to a district attorney a criminal matter
13 involving a minor who is subject to the jurisdiction of this chapter if the minor

14 (1) was at least 13 years of age but had not reached 16 years of age at
15 the time of the offense and the offense is

16 (A) an unclassified felony or a class A felony and, if the minor
17 had been at least 16 years of age at the time of the offense, AS 47.12.030(a)
18 would have made this chapter and the Alaska Delinquency Rules inapplicable;
19 or

20 (B) sexual assault in the second degree; or

21 (2) was 16 years of age or older at the time of the offense and the
22 offense is

23 (A) a felony that is a crime against a person and the minor has
24 previously been adjudicated a delinquent under the laws of this state or
25 substantially similar laws of another jurisdiction for a felony offense that is a
26 crime against a person; or

27 (B) sexual abuse of a minor in the second degree.

28 (b) If a criminal matter is referred under (a) of this section, the district attorney
29 may elect to seek imposition of a dual sentence in the case to further the goal and
30 purposes of this chapter as set out in AS 47.12.010. If the district attorney seeks
31 imposition of a dual sentence, the district attorney shall present the case to the grand

1 jury for indictment. If the grand jury returns a true bill, the district attorney shall file
2 a petition under AS 47.12.040(b) with the court.

3 (c) If the district attorney decides not to seek imposition of a dual sentence
4 under (b) of this section or if the grand jury does not return a true bill, the criminal
5 matter shall proceed under the remaining provisions of this chapter.

6 * **Sec. 7.** AS 47.12.040(a) is amended to read:

7 (a) **Except as provided in AS 47.12.035, whenever** [WHENEVER]
8 circumstances subject a minor to the jurisdiction of this chapter, the court shall

9 (1) provide, under procedures adopted by court rule, that, for a minor
10 who is alleged to be a delinquent minor under AS 47.12.020, **the department or an**
11 **entity designated by the department** [A STATE AGENCY] shall make a preliminary
12 inquiry to determine if any action is appropriate and may take appropriate action to
13 adjust the matter without a court hearing; if, under this paragraph,

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

26 (B) the **department** [AGENCY] concludes that the matter may
27 not be adjusted without a court hearing, the **department** [AGENCY] may file
28 a petition under (2) of this subsection setting 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 an agency to make a preliminary inquiry and to report to
 2 it, then upon the receipt of the report, the court may informally adjust the matter
 3 without a hearing, or it may authorize the department [THE PERSON HAVING
 4 KNOWLEDGE OF THE FACTS OF THE CASE] to file with the court a petition
 5 setting out the facts; if the court informally adjusts the matter, the minor may not be
 6 detained or taken into the custody of the court as a condition of the adjustment, and
 7 the matter shall be closed by the court upon adjustment.

8 * **Sec. 8.** AS 47.12.110(a) is amended to read:

9 (a) The court shall conduct a hearing on the petition. The court shall give
 10 notice of the hearing to the department, and the department shall send a representative
 11 to the hearing. The representative of the department may also be heard at the hearing.
 12 **Except as provided in (b) of this section, the** [THE] public shall be excluded from
 13 the hearing, but the court, in its discretion, may permit individuals to attend a hearing,
 14 if their attendance is compatible with the best interests of the minor. Nothing in this
 15 section may be applied in such a way as to deny a minor's rights to a public trial and
 16 to a trial by jury.

17 * **Sec. 9.** AS 47.12.110(b) is amended to read:

18 (b) Notwithstanding (a) of this section,

19 **(1) when a district attorney has elected to seek imposition of a dual**
 20 **sentence, and a petition has been filed, under AS 47.12.035, or when a minor**
 21 **agrees as part of a plea agreement to be subject to dual sentencing, all court**
 22 **proceedings shall be open to the public except as prohibited or limited by order**
 23 **of the court;**

24 **(2) for a minor who is 16 years of age or older at the time of the**
 25 **charged offense and who is found by the court to have committed a felony offense**
 26 **against the person or, after having been previously adjudicated a delinquent for**
 27 **a felony offense, is found by the court to have committed the offense of burglary**
 28 **in the first degree, all further court proceedings shall be open to the public except**
 29 **as prohibited or limited by order of the court; and**

30 **(3) the victim of an offense that a minor is alleged to have committed,**
 31 **or the designee of the victim, has a right to be present at all hearings held under this**

1 section; if[. IF] the minor is found to have committed the offense, the victim may at
2 the disposition hearing give sworn testimony or make an unsworn oral presentation
3 concerning the offense and its effect on the victim; if[. IF] there are numerous victims
4 of a minor's offense, the court may limit the number of victims who may give sworn
5 testimony or make an unsworn oral presentation, but the court may not limit the right
6 of a victim to attend a hearing.

7 * **Sec. 10.** AS 47.12.120 is repealed and reenacted to read:

8 **Sec. 47.12.120. Judgments and orders.** (a) The court, at the conclusion of
9 the hearing, or thereafter as the circumstances of the case may require, shall find and
10 enter a judgment that the minor is or is not delinquent.

11 (b) If the court finds that the minor is delinquent and is not subject to (c) of
12 this section, it shall

13 (1) order the minor committed to the department for a period of time
14 not to exceed two years or in any event extend past the day the minor becomes 19,
15 except that the department may petition for and the court may grant in a hearing (A)
16 two-year extensions of commitment that do not extend beyond the child's 19th
17 birthday if the extension is in the best interests of the minor and the public; and (B)
18 an additional one-year period of supervision past age 19 if continued supervision is in
19 the best interests of the person and the person consents to it; the department shall place
20 the minor in the juvenile facility that the department considers appropriate and that
21 may include a juvenile correctional school, juvenile work camp, treatment facility,
22 detention home, or detention facility; the minor may be released from placement or
23 detention and placed on probation on order of the court and may also be released by
24 the department, in its discretion, under AS 47.12.200;

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

31 (A) two-year extensions of supervision that do not extend

1 beyond the child's 19th birthday if the extension is in the best interests of the
2 minor and the public; and

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

6 (3) order the minor committed to the department and placed on
7 probation, to be supervised by the department, and released to the minor's parents,
8 guardian, other suitable person, or suitable nondetention setting such as a relative or
9 in a foster home or residential child care facility, whichever the department considers
10 appropriate to implement the treatment plan of the predisposition report; if the court
11 orders the minor placed on probation, it may specify the terms and conditions of
12 probation; the department may transfer the minor, in the minor's best interests, from
13 one of the probationary placement settings listed in this paragraph to another, and the
14 minor, the minor's parents or guardian, and the minor's attorney are entitled to
15 reasonable notice of the transfer; the probation may be for a period of time, not to
16 exceed two years and in no event extend past the day the minor becomes 19, except
17 that the department may petition for and the court may grant in a hearing

18 (A) two-year extensions of commitment that do not extend
19 beyond the child's 19th birthday if the extension is in the best interests of the
20 minor and the public; and

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

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

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

30 (B) the court may not order payment of restitution by the parent
31 of a minor who is a runaway or missing minor for an act of the minor that was

1 committed by the minor after the parent has made a report to a law
2 enforcement agency, as authorized by AS 47.10.141(a), that the minor has run
3 away or is missing; for purposes of this subparagraph, "runaway or missing
4 minor" means a minor who a parent reasonably believes is absent from the
5 minor's residence for the purpose of evading the parent or who is otherwise
6 missing from the minor's usual place of abode without the consent of the
7 parent;

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

13 (6) in addition to an order under (1) - (5) of this subsection, order the
14 minor to perform community service; for purposes of this paragraph, "community
15 service" includes work

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

17 (B) that, on the recommendation of the city council or
18 traditional village council, would benefit persons within the city or village who
19 are elderly or disabled; or

20 (7) in addition to an order under (1) - (6) of this subsection, order the
21 minor's parent or guardian to comply with orders made under AS 47.12.155, including
22 participation in treatment under AS 47.12.155(b)(1).

23 (c) If the case is one in which a district attorney has elected to seek imposition
24 of a dual sentence under AS 47.12.035 and the court finds that the minor is delinquent
25 for committing an offense in the circumstances set out in AS 47.12.035, or if the
26 minor agrees as part of a plea agreement to be subject to dual sentencing, the court
27 shall impose a juvenile disposition in accordance with (b) of this section and shall also
28 pronounce an adult sentence for the offense in accordance with the provisions of
29 AS 12.55. The adult sentence, however, must include some period of imprisonment
30 that is not suspended by the court.

31 (d) If the court finds that the minor is not delinquent, it shall immediately

1 order the minor released from the department's custody and returned to the minor's
2 parents, guardian, or custodian, and dismiss the case.

3 (e) 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) or (c) of this section annually, and
6 may review the order more frequently to determine if continued placement, probation,
7 or supervision, as it is being provided, is in the best interest of the minor and the
8 public. If annual review under this subsection would arise within 90 days of the
9 hearing required under (h) of this section, the court may postpone review under this
10 subsection until the time set for the hearing. The department, the minor, the minor's
11 parents, guardian, or custodian are entitled, when good cause is shown, to a review on
12 application. If the application is granted, the court shall afford these parties and their
13 counsel reasonable notice in advance of the review and hold a hearing where these
14 parties and their counsel shall be afforded an opportunity to be heard. The minor shall
15 be afforded the opportunity to be present at the review.

16 (f) The department shall pay all court costs incurred in all proceedings in
17 connection with the adjudication of delinquency under this chapter, including hearings
18 that result in the release of the minor.

19 (g) A minor, the minor's parents or guardian acting on the minor's behalf, or
20 the department may appeal a judgment or order, or the stay, modification, setting aside,
21 revocation, or enlargement of a judgment or order issued by the court under this
22 chapter.

23 (h) Within 18 months after the date a child is initially taken into custody by
24 the department under (b)(3) of this section, the court shall hold a hearing to review the
25 placement and services provided and to determine the future status of the minor. The
26 court shall make appropriate written findings, including findings related to the
27 following:

- 28 (1) whether the child should be returned to the parent;
29 (2) whether the child should remain in out-of-home care for a specified
30 period;
31 (3) whether the child should remain in out-of-home care on a

1 permanent or long-term basis because of special needs or circumstances;

2 (4) whether the child should be placed for adoption or legal
3 guardianship.

4 (i) Within 60 days after the date a child is removed from the child's home by
5 the department, the department shall notify the appropriate local citizen out-of-home
6 care review panel established under AS 47.14.220.

7 * **Sec. 11.** AS 47.12.140(a) is amended to read:

8 (a) In making its dispositional order under AS 47.12.120(b)(1) - (3) and (5)
9 and (c), the court shall

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

12 (A) the seriousness of the minor's delinquent act, and the
13 attitude of the minor and the minor's parents toward that act;

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

16 (C) the age of the minor;

17 (D) the minor's prior criminal or juvenile record, and the
18 success or failure of any previous orders, dispositions, or placements imposed
19 on the minor;

20 (E) the effect of the dispositional order to be imposed in
21 deterring the child from committing other delinquent acts;

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

25 (G) the interest of the public in securing the minor's
26 rehabilitation; and

27 (H) the ability of the state to take custody of and to care for the
28 minor; and

29 (2) order the least restrictive alternative disposition for the minor; for
30 purposes of this paragraph, the "least restrictive alternative disposition" means that
31 disposition that is no more restrictive than is, in the judgment of the court, most

1 conducive to the minor's rehabilitation taking into consideration the interests of the
2 public.

3 * **Sec. 12.** AS 47.12.160 is amended by adding new subsections to read:

4 (d) The department may petition the court for imposition of an adult sentence
5 pronounced under AS 47.12.120(c) if the person is still subject to the jurisdiction of
6 the court and if the person

7 (1) commits a new felony offense;

8 (2) commits a new offense against a person that is a misdemeanor and
9 involves injury to a person or the use of a deadly weapon;

10 (3) fails to comply with the terms of a restitution order;

11 (4) fails to engage in or satisfactorily complete a rehabilitation program
12 ordered by a court or required by a facility or juvenile probation officer; or

13 (5) escapes from a juvenile correctional facility.

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

26 * **Sec. 13.** AS 47.12.180(a) is amended to read:

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

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

31 (2) does not operate to permit a minor afterward to be considered a

1 criminal by the adjudication; and

2 (3) does not operate to permit the adjudication to be afterward deemed
3 a conviction, nor may a minor be charged with or convicted of a crime in a court,
4 except as provided in this chapter.

5 * **Sec. 14.** AS 47.12.240(c) is amended to read:

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

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

12 (A) six hours; or

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

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

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

20 **(4) if, in response to a petition filed under AS 47.12.160(d), the**
21 **court has entered an order imposing an adult sentence and transferring custody**
22 **of the minor to the Department of Corrections.**

23 * **Sec. 15.** AS 47.12 is amended by adding a new section to article 1 to read:

24 **Sec. 47.12.280. Civil penalties for violation of municipal ordinances.** (a)
25 Except as otherwise provided in this section, the enforcement of a civil penalty under
26 AS 29.25.070(b) against a minor for violation of a municipal ordinance shall be heard
27 in the district court in the same manner as for similar allegations brought against an
28 adult, except that the minor's parent, guardian, or legal custodian shall be present at
29 all proceedings unless the court excuses the parent, guardian, or legal custodian from
30 attendance for good cause.

31 (b) Allegations against a minor for a civil penalty under a municipal ordinance

1 may be assigned to a hearing officer for the municipality for resolution, if provided for
2 by ordinance.

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

5 * **Sec. 16.** AS 47.12.300 is repealed and reenacted to read:

6 **Sec. 47.12.300. Court records.** (a) The court shall make and keep records of
7 all cases brought before it.

8 (b) The court shall forward a record of adjudication of a violation of an
9 offense listed in AS 28.15.185(a) to the Department of Public Safety if the court
10 imposes a license revocation under AS 28.15.185.

11 (c) When a district attorney has elected to seek imposition of a dual sentence,
12 and a petition has been filed, under AS 47.12.035, or when a minor agrees as part of
13 a plea agreement to be subject to dual sentencing, all court records shall be open to
14 the public except for predisposition reports, psychiatric and psychological reports, and
15 other documents that the court orders to be kept confidential because the release of the
16 documents could be harmful to the minor or could violate the constitutional rights of
17 the victim or other persons.

18 (d) For a minor who is 16 years of age or older at the time of the charged
19 offense and who either is charged with a felony offense against the person or, after
20 having been previously adjudicated a delinquent for a felony offense, is charged with
21 burglary in the first degree, all court records shall be open to the public except for
22 predisposition reports, psychiatric and psychological reports, and other documents that
23 the court orders to be kept confidential because the release of the documents could be
24 harmful to the minor or could violate the constitutional rights of the victim or other
25 persons.

26 (e) Except as provided in (c) and (d) of this section, the name or picture of a
27 minor under the jurisdiction of the court may not be made public in connection with
28 the minor's status as a delinquent unless authorized by order of the court.

29 (f) Except as provided in (h) of this section, within 30 days of the date of a
30 minor's 18th birthday or, if the court retains jurisdiction of a minor past the minor's
31 18th birthday, within 30 days of the date on which the court releases jurisdiction over

1 the minor, the court shall order all the court's official records pertaining to that minor
2 in a proceeding under this chapter sealed, as well as records of all driver's license
3 proceedings under AS 28.15.185, criminal proceedings against the minor, and
4 punishments assessed against the minor. A person may not use these sealed records
5 for any purpose except that the court may order their use for good cause shown or may
6 order their use by an officer of the court in making presentencing report for the court.
7 The provisions of this subsection relating to the sealing of records do not apply to
8 records of traffic offenses.

9 (g) The court's official records prepared under this chapter and not made
10 public under this section are confidential and may be inspected only with the court's
11 permission and only by persons having a legitimate interest in them. A person with
12 a legitimate interest in the inspection of a confidential record maintained by the court
13 includes a victim who suffered physical injury or whose real or personal property was
14 damaged as a result of an offense that was the basis of an adjudication or modification
15 of disposition. If the victim knows the identity of the minor, identifies the minor or
16 the offense to the court, and certifies that the information is being sought to consider
17 or support a civil action against the minor or against the minor's parents or guardians
18 under AS 34.50.020, the court shall, subject to AS 12.61.110 and 12.61.140, allow the
19 victim to inspect and use the following records and information in connection with the
20 civil action:

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

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

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

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

30 (h) A person who has been tried as an adult under AS 47.12.100(a) or a person
31 whose records were made public under (c) or (d) of this section, or the department on

1 the person's behalf, may petition the superior court to seal the records of all criminal
 2 proceedings, except traffic offenses, initiated against the person, and all punishments
 3 assessed against the person, while the person was a minor. A petition under this
 4 subsection may not be filed until five years after the completion of the sentence
 5 imposed for the offense for which the person was tried as an adult or five years after
 6 a disposition was entered for an offense that the records were made public under (c)
 7 or (d) of this section. If the superior court finds that its order has had its intended
 8 rehabilitative effect and further finds that the person has fulfilled all orders of the court
 9 entered under AS 47.12.120, the superior court shall order the record of proceedings
 10 and the record of punishments sealed. Sealing the records restores civil rights removed
 11 because of a conviction. A person may not use these sealed records for any purpose
 12 except that the court may order their use for good cause shown or may order their use
 13 by an officer of the court in making a presentencing report for the court. The court
 14 may not, under this subsection, seal records of a criminal proceeding

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

17 (2) commenced under AS 47.12.030(a) unless the minor has been
 18 acquitted of all offenses with which the minor was charged or unless the most serious
 19 offense of which the minor was convicted was not an offense specified in
 20 AS 47.12.030(a).

21 (i) A person who discloses confidential information in violation of this section
 22 is guilty of a class B misdemeanor.

23 * **Sec. 17.** AS 47.12.320(a) is amended to read:

24 (a) Notwithstanding AS 47.12.300 and 47.12.310, a parent or legal guardian
 25 of a minor subject to a proceeding under this chapter may disclose confidential or
 26 privileged information about the minor, including information that has been lawfully
 27 obtained from agency or court files, to the governor, the lieutenant governor, a
 28 legislator, the ombudsman appointed under AS 24.55, the attorney general, and the
 29 commissioners of health and social services, administration, or public safety, or an
 30 employee of these persons, for review or use in their official capacities. **The**
 31 **department may disclose additional confidential or privileged information and**

- 1 all offenses committed on or after the effective date of this Act.
- 2 * **Sec. 23.** This Act takes effect July 1, 1997.