

HOUSE BILL NO. 358

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES HALCRO, Croft

Introduced: 2/9/00

Referred: Health, Education and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to youth courts; and relating to adjudication of certain minors
2 by youth courts and deferral of court proceedings related to those minors."

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

4 * **Section 1.** AS 12.45 is amended by adding a new section to read:

5 **Article 4. Referral of Minor to Youth Court for Certain Offenses.**

6 **Sec. 12.45.200. Referral of minor to youth court for certain offenses.** (a)

7 With the consent of the minor, a court may defer further proceedings against a minor
8 whose alleged act constitutes a violation of a provision listed in (c) of this section and
9 refer the minor to a youth court for disposition. A deferral under this section may not
10 be for a period of more than one year.

11 (b) The youth court shall prepare and deliver a report of the disposition of
12 each matter referred to it under this section. If the minor complies with all
13 requirements ordered by the youth court as part of the sentence imposed on the minor,
14 the court shall dismiss the charge against the minor. If a minor fails, without good

1 cause, to comply with all requirements ordered by the youth court as part of the
 2 sentence imposed on the minor, the youth court shall refer the minor back to the court
 3 that deferred action under this section. If a minor is referred back to the court for
 4 failure to comply with the requirements of the youth court or the minor fails to
 5 complete those requirements in the time set for a deferral under this section, the court
 6 shall continue with the proceedings against the minor as if the deferral had not
 7 occurred.

8 (c) This section applies to an alleged act that constitutes a violation of
 9 AS 04.16.050 or a municipal ordinance comparable to AS 04.16.050.

10 * **Sec. 2.** AS 47.12.400(a) is amended to read:

11 (a) The department may use youth courts to hear, determine, and dispose of
 12 cases involving a minor whose alleged act that brings the minor within the jurisdiction
 13 of AS 47.12.010 - 47.12.260 constitutes a violation of a state law that is a
 14 misdemeanor or a violation or [THAT] constitutes a violation of a municipal
 15 ordinance. **A youth court may also hear, determine, and dispose of cases referred**
 16 **to it by a court under AS 12.45.200** [THAT PRESCRIBES A PENALTY NOT
 17 EXCEEDING THE PENALTIES FOR A CLASS A MISDEMEANOR UNDER
 18 STATE LAW].

19 * **Sec. 3.** AS 47.12.400(c) is amended to read:

20 (c) A nonprofit corporation may obtain recognition from the commissioner to
 21 serve as a youth court. The corporation may exercise only the powers that are
 22 delegated to a youth court by the commissioner, and shall exercise those powers as
 23 authorized by the corporation's articles of incorporation and bylaws. The bylaws of
 24 the corporation must set out standards and procedures by which the corporation, in its
 25 capacity as a youth court,

26 (1) establishes a system by which the minor may be held accountable
 27 for the conduct that brings the minor within the jurisdiction of the youth court by
 28 being tried, represented, and adjudicated by the minor's peers, **or, in a community**
 29 **with a population of less than 7,500 people, by community elders, or by a**
 30 **traditional village sentencing panel;**

31 (2) guarantees the constitutional rights of the minor that are guaranteed

1 by the state and federal constitutions;

2 (3) may secure jurisdiction over a minor; the youth court may secure
3 jurisdiction over the minor only with the consent of the minor and the agreement of
4 the minor's legal custodian;

5 (4) sets out the process for disposing of matters referred to it for
6 resolution;

7 (5) provides a process for appeal of a verdict or sentence, and defines
8 the basis for appeals;

9 (6) reserves the right to refer to the department [,] under
10 AS 47.12.060(a), or to the referring court under AS 12.45.200, a matter transmitted
11 to the youth court for disposition in which the minor fails, without good cause, to
12 comply with all requirements ordered by the youth court as a part of the sentence
13 imposed on the minor; and

14 (7) prepares and delivers a report of the disposition of the matter
15 referred to it for resolution to the commissioner or the referring court, as
16 appropriate.