

**HOUSE BILL NO. 351**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE SPOHNHOLZ

Introduced: 2/16/18

Referred: Health and Social Services, Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to care of juveniles and to juvenile justice; relating to employment of  
2 juvenile probation officers by the Department of Health and Social Services; relating to  
3 terms used in juvenile justice; relating to mandatory reporters of child abuse or neglect;  
4 relating to adjudication of minor delinquency and the deoxyribonucleic acid  
5 identification registration system; relating to sexual assault in the third degree; relating  
6 to sexual assault in the fourth degree; repealing a requirement for administrative  
7 revocation of a minor's driver's license, permit, privilege to drive, or privilege to obtain  
8 a license for consumption or possession of alcohol or drugs; and providing for an  
9 effective date."

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

11 \* **Section 1.** AS 09.65.255(b) is amended to read:

12 (b) A state agency or its agents, including a person working in or responsible

1 for the operation of a foster **home, as defined in AS 47.32.900, juvenile treatment**  
 2 **facility, juvenile detention facility** [, RECEIVING, OR DETENTION HOME], or  
 3 **treatment** [CHILDREN'S] institution, is not liable for the acts of unemancipated  
 4 minors in its charge or custody. A state agency or an agent of a state agency, including  
 5 a nonprofit corporation that designates shelters for runaways under AS 47.10.392 -  
 6 47.10.399 and employees of or volunteers with that corporation, is not liable for the  
 7 acts of a minor sheltered in a shelter for runaways, as defined in AS 47.10.399. **In this**  
 8 **subsection, "juvenile treatment facility" and "juvenile detention facility" have**  
 9 **the meanings given in AS 47.12.990 and "treatment institution" has the meaning**  
 10 **given in AS 47.14.990.**

11 \* **Sec. 2.** AS 11.41.425(b)(1) is amended to read:

12 (1) "juvenile facility staff" means a person employed in a juvenile  
 13 detention **facility** or **juvenile** treatment facility **as those terms are defined in**  
 14 **AS 47.12.990;**

15 \* **Sec. 3.** AS 11.41.425(b)(2) is amended to read:

16 (2) "juvenile probation officer" **has the meaning given in**  
 17 **AS 47.12.990** [MEANS A PERSON ASSIGNED TO SUPERVISE ANOTHER  
 18 PERSON 18 OR 19 YEARS OF AGE WHO IS COMMITTED TO THE  
 19 PROBATIONARY SUPERVISION OF THE DEPARTMENT OF HEALTH AND  
 20 SOCIAL SERVICES];

21 \* **Sec. 4.** AS 11.41.427(b)(2) is amended to read:

22 (2) "juvenile probation officer" has the meaning given in **AS 47.12.990**  
 23 [AS 11.41.425];

24 \* **Sec. 5.** AS 11.41.470(3) is amended to read:

25 (3) "legal guardian" means a person who is under a duty to exercise  
 26 general supervision over a minor or other person committed to the custody of the  
 27 Department of Health and Social Services under AS 47.10 or AS 47.12 as a result of a  
 28 court order, statute, or regulation, and includes Department of Health and Social  
 29 Services employees, foster parents, and staff members and other employees of  
 30 **treatment institutions,** group homes, or youth facilities where the minor or other  
 31 person is placed as a result of a court order or the action of the Department of Health

1 and Social Services, and police officers, **juvenile and adult** probation officers, and  
 2 social workers when those persons are exercising custodial control over a minor or  
 3 other person;

4 \* **Sec. 6.** AS 11.41.470(5) is amended to read:

5 (5) "position of authority" means an employer, youth leader, scout  
 6 leader, coach, teacher, counselor, school administrator, religious leader, doctor, nurse,  
 7 psychologist, guardian ad litem, babysitter, or a substantially similar position, and a  
 8 police officer, **correctional employee, juvenile facility staff, staff member of a**  
 9 **treatment institution,** or **juvenile or adult** probation officer other than when the  
 10 officer **or staff member** is exercising custodial control over a minor;

11 \* **Sec. 7.** AS 11.41.470 is amended by adding new paragraphs to read:

12 (9) "juvenile facility staff" has the meaning given in AS 11.41.425(b);

13 (10) "treatment institution" has the meaning given in AS 47.14.990.

14 \* **Sec. 8.** AS 11.56.760(a) is amended to read:

15 (a) A person commits the crime of violating an order to submit to DNA testing  
 16 if, when requested by a health care professional acting on behalf of the state to provide  
 17 a blood sample, oral sample, or both, or when requested by a juvenile or adult  
 18 correctional, probation, or parole officer or a peace officer to provide an oral sample,  
 19 the person refuses to provide the sample or samples and the person

20 (1) has been ordered to submit to DNA testing as part of a sentence  
 21 imposed under AS 12.55.015;

22 (2) has been convicted of **or adjudicated delinquent for** an offense  
 23 that requires DNA testing under the provisions of AS 44.41.035; or

24 (3) is required to register as a sex offender or child kidnapper under  
 25 AS 12.63.

26 \* **Sec. 9.** AS 11.61.123(e) is amended to read:

27 (e) In this section,

28 (1) "picture" means a film, photograph, negative, slide, book,  
 29 newspaper, or magazine, whether in print, electronic, magnetic, or digital format; and

30 (2) "private exposure" means that a person has exposed the person's  
 31 body or part of the body in a place, and under circumstances, that the person

1 reasonably believed would not result in the person's body or body parts being (A)  
 2 viewed by the defendant; or (B) produced in a picture; "private exposure" does not  
 3 include the exposure of a person's body or body parts in a law enforcement facility,  
 4 correctional facility, **treatment institution**, designated treatment facility, **juvenile**  
 5 **treatment facility**, or a juvenile detention facility; in this paragraph, "correctional  
 6 facility" has the meaning given in AS 33.30.901, "designated treatment facility" has  
 7 the meaning given in AS 47.30.915, [AND] "juvenile detention facility" **and**  
 8 **"juvenile treatment facility" have** [HAS] the **meanings** [MEANING] given in  
 9 AS 47.12.990; **and "treatment institution" has the meaning given in AS 47.14.990.**

10 \* **Sec. 10.** AS 14.07.020(a) is amended to read:

11 (a) The department shall

12 (1) exercise general supervision over the public schools of the state  
 13 except the University of Alaska;

14 (2) study the conditions and needs of the public schools of the state,  
 15 adopt or recommend plans, administer and evaluate grants to improve school  
 16 performance awarded under AS 14.03.125, and adopt regulations for the improvement  
 17 of the public schools; the department may consult with the University of Alaska to  
 18 develop secondary education requirements to improve student achievement in college  
 19 preparatory courses;

20 (3) provide advisory and consultative services to all public school  
 21 governing bodies and personnel;

22 (4) prescribe by regulation a minimum course of study for the public  
 23 schools; the regulations must provide that, if a course in American Sign Language is  
 24 given, the course shall be given credit as a course in a foreign language;

25 (5) establish, in coordination with the Department of Health and Social  
 26 Services, a program for the continuing education of children who are held in **juvenile**  
 27 **detention facilities or juvenile treatment facilities, as those terms are defined in**  
 28 **AS 47.12.990**, in the state during the period of detention **or treatment**;

29 (6) accredit those public schools that meet accreditation standards  
 30 prescribed by regulation by the department; these regulations shall be adopted by the  
 31 department and presented to the legislature during the first 10 days of any regular

1 session, and become effective 45 days after presentation or at the end of the session,  
2 whichever is earlier, unless disapproved by a resolution concurred in by a majority of  
3 the members of each house;

4 (7) prescribe by regulation, after consultation with the state fire  
5 marshal and the state sanitarian, standards that will ensure healthful and safe  
6 conditions in the public and private schools of the state, including a requirement of  
7 physical examinations and immunizations in pre-elementary schools; the standards for  
8 private schools may not be more stringent than those for public schools;

9 (8) exercise general supervision over pre-elementary schools that  
10 receive direct state or federal funding;

11 (9) exercise general supervision over elementary and secondary  
12 correspondence study programs offered by municipal school districts or regional  
13 educational attendance areas; the department may also offer and make available to any  
14 Alaskan through a centralized office a correspondence study program;

15 (10) accredit private schools that request accreditation and that meet  
16 accreditation standards prescribed by regulation by the department; nothing in this  
17 paragraph authorizes the department to require religious or other private schools to be  
18 licensed;

19 (11) review plans for construction of new public elementary and  
20 secondary schools and for additions to and major rehabilitation of existing public  
21 elementary and secondary schools and, in accordance with regulations adopted by the  
22 department, determine and approve the extent of eligibility for state aid of a school  
23 construction or major maintenance project; for the purposes of this paragraph, "plans"  
24 include educational specifications, schematic designs, projected energy consumption  
25 and costs, and final contract documents;

26 (12) provide educational opportunities in the areas of vocational  
27 education and training, and basic education to individuals over 16 years of age who  
28 are no longer attending school; the department may consult with businesses and labor  
29 unions to develop a program to prepare students for apprenticeships or internships that  
30 will lead to employment opportunities;

31 (13) administer the grants awarded under AS 14.11;

1 (14) establish, in coordination with the Department of Public Safety, a  
2 school bus driver training course;

3 (15) require the reporting of information relating to school disciplinary  
4 and safety programs under AS 14.33.120 and of incidents of disruptive or violent  
5 behavior;

6 (16) establish by regulation criteria, based on low student performance,  
7 under which the department may intervene in a school district to improve instructional  
8 practices, as described in AS 14.07.030(14) or (15); the regulations must include

9 (A) a notice provision that alerts the district to the deficiencies  
10 and the instructional practice changes proposed by the department;

11 (B) an end date for departmental intervention, as described in  
12 AS 14.07.030(14)(A) and (B) and (15), after the district demonstrates three  
13 consecutive years of improvement consisting of not less than two percent  
14 increases in student proficiency on standards-based assessments in language  
15 arts and mathematics, as provided in AS 14.03.123(f)(1)(A); and

16 (C) a process for districts to petition the department for  
17 continuing or discontinuing the department's intervention;

18 (17) notify the legislative committees having jurisdiction over  
19 education before intervening in a school district under AS 14.07.030(14) or redirecting  
20 public school funding under AS 14.07.030(15).

21 \* **Sec. 11.** AS 14.30.186(a) is amended to read:

22 (a) Special education and related services shall be provided by

23 (1) a borough or city school district for a child with a disability  
24 residing within the district;

25 (2) the board of a regional educational attendance area operating a  
26 school in the area for a child with a disability residing in the area served by the school;

27 (3) the borough, city school district, or regional educational attendance  
28 area in which a **treatment institution, as that term is defined in AS 47.14.990,**  
29 **juvenile detention facility or juvenile** treatment facility, **as those terms are defined**  
30 **in AS 47.12.990,** or a correctional [OR YOUTH DETENTION] facility is located for  
31 a child with a disability placed at the facility;

1 (4) a state boarding school established under AS 14.16 for a child with  
2 a disability enrolled at a state boarding school; or

3 (5) a school district that provides a statewide correspondence study  
4 program for a child with a disability who is enrolled in the program.

5 \* **Sec. 12.** AS 17.37.070(6) is amended to read:

6 (6) "facility monitored by the department or the Department of  
7 Administration" means an institution, building, office, or home operated by the  
8 department or the Department of Administration, funded by the department or the  
9 Department of Administration, under contract with the department or the Department  
10 of Administration, inspected by the department or the Department of Administration,  
11 designated by the department or the Department of Administration, or licensed by the  
12 department or the Department of Administration, for the care of

13 (A) juveniles; for the purposes of this subparagraph,  
14 "institution" includes a foster home and a group home, and a juvenile detention  
15 facility [, A JUVENILE DETENTION HOME, A JUVENILE WORK  
16 CAMP,] and a juvenile treatment facility, as those terms are defined in  
17 AS 47.12.990;

18 (B) the elderly; for the purposes of this subparagraph,  
19 "institution" includes

20 (i) an assisted living home as defined in AS 47.33.990;

21 and

22 (ii) the Alaska Pioneers' Home or the Alaska Veterans'  
23 Home, operated under AS 47.55;

24 (C) the mentally ill; for the purposes of this subparagraph,  
25 "institution" includes a designated treatment facility and an evaluation facility,  
26 as those terms are defined in AS 47.30.915;

27 \* **Sec. 13.** AS 18.20.499(2) is amended to read:

28 (2) "health care facility" means a private, municipal, or state hospital;  
29 independent diagnostic testing facility; primary care outpatient facility; skilled nursing  
30 facility; kidney disease treatment center, including freestanding hemodialysis units;  
31 intermediate care facility; ambulatory surgical facility; Alaska Pioneers' Home or

1 Alaska Veterans' Home administered by the Department of Health and Social Services  
 2 under AS 47.55; correctional facility owned or administered by the state; private,  
 3 municipal, or state facility employing one or more public health nurses; long-term care  
 4 facility; psychiatric hospital; residential psychiatric treatment center, as defined in  
 5 AS 18.07.111 or AS 47.32.900; secure residential psychiatric treatment center under  
 6 AS 47.12.990; a juvenile detention facility [; JUVENILE DETENTION HOME,  
 7 JUVENILE WORK CAMP,] or juvenile treatment facility, as those terms are  
 8 defined in AS 47.12.990; or a treatment institution as that term is defined in  
 9 AS 47.14.990;

10 \* **Sec. 14.** AS 47.10.141(c) is amended to read:

11 (c) A minor may be taken into emergency protective custody by a peace  
 12 officer and placed into temporary detention in a juvenile detention facility [HOME] in  
 13 the local community if there has been an order issued by a court under a finding of  
 14 probable cause that (1) the minor is a runaway in wilful violation of a valid court order  
 15 issued under AS 47.10.080(c)(1), 47.10.142(f), AS 47.12.120(b)(1) or (3), or  
 16 47.12.250(d), (2) the minor's current situation poses a severe and imminent risk to the  
 17 minor's life or safety, and (3) no reasonable placement alternative exists within the  
 18 community. A minor detained under this subsection shall be brought before a court on  
 19 the day the minor is detained, or if that is not possible, within 24 hours after the  
 20 detention for a hearing to determine the most appropriate placement in the best  
 21 interests of the minor. A minor taken into emergency protective custody under this  
 22 subsection may not be detained for more than 24 hours, except as provided under  
 23 AS 47.12.250. Emergency protective custody may not include placement of a minor in  
 24 an adult correctional facility, an adult [A] jail or a temporary secure juvenile  
 25 holding area [SECURE FACILITY OTHER THAN A JUVENILE DETENTION  
 26 HOME], nor may an order for protective custody be enforced against a minor who is  
 27 residing in a licensed program for runaway minors, as defined in AS 47.10.390.

28 \* **Sec. 15.** AS 47.10.141(j) is amended by adding a new paragraph to read:

29 (3) "temporary secure juvenile holding area" has the meaning given in  
 30 AS 47.12.990.

31 \* **Sec. 16.** AS 47.10.990(20) is amended to read:

1 (20) "juvenile detention **facility** [HOME]" **has the meaning given in**  
 2 **AS 47.12.990** [IS A SEPARATE ESTABLISHMENT, EXCLUSIVELY DEVOTED  
 3 TO THE DETENTION OF MINORS ON A SHORT-TERM BASIS AND NOT A  
 4 PART OF AN ADULT JAIL];

5 \* **Sec. 17.** AS 47.12.025(c) is amended to read:

6 (c) If a person who is subject to the jurisdiction of this chapter due solely to  
 7 AS 47.12.020(b) has been arrested by a peace officer or a **juvenile** probation officer  
 8 under AS 47.12.245, detained under AS 47.12.250, or committed to the custody or  
 9 supervision of the department under AS 47.12.120(b) or 47.12.240, the department,  
 10 after consulting the peace officer or **juvenile** probation officer if appropriate, shall  
 11 make arrangements for the detention, placement, or supervision of the person. In the  
 12 discretion of the department, the person may be detained or placed in a juvenile  
 13 **detention facility, juvenile treatment facility, temporary secure juvenile holding**  
 14 **area,** or in an adult correctional facility.

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

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

18 (1) order the minor committed to the department for a period of time  
 19 not to exceed two years or in any event extend past the day the minor becomes 19  
 20 years of age, except that the department may petition for and the court may grant in a  
 21 hearing (A) two-year extensions of commitment that do not extend beyond the minor's  
 22 19th birthday if the extension is in the best interests of the minor and the public; and  
 23 (B) an additional one-year period of supervision past age 19 if continued supervision  
 24 is in the best interests of the person and the person consents to it; the department shall  
 25 place the minor in the juvenile facility that the department considers appropriate and  
 26 that may include a juvenile [CORRECTIONAL SCHOOL, JUVENILE WORK  
 27 CAMP,] treatment facility, **juvenile** [DETENTION HOME, OR] detention facility, **or**  
 28 **secure residential psychiatric treatment center;** the minor may be released from  
 29 placement or detention and placed on probation on order of the court and may also be  
 30 released by the department, in its discretion, under AS 47.12.260;

31 (2) order the minor placed on probation, to be supervised by the

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

6 (A) two-year extensions of supervision that do not extend  
7 beyond the minor's 19th birthday if the extension is in the best interests of the  
8 minor and the public; and

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

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

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

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

31 (4) order the minor and the minor's parent to make suitable restitution

1 in lieu of or in addition to the court's order under (1), (2), or (3) of this subsection;  
2 under this paragraph,

3 (A) except as provided in (B) of this paragraph, the court may  
4 not refuse to make an order of restitution to benefit the victim of the act of the  
5 minor that is the basis of the delinquency adjudication; under this  
6 subparagraph, the court may require the minor to use the services of a  
7 community dispute resolution center that has been recognized by the  
8 commissioner under AS 47.12.450(b) to resolve any dispute between the minor  
9 and the victim of the minor's offense as to the amount of or manner of payment  
10 of the restitution;

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

20 (C) at the request of the department, the Department of Law,  
21 the victims' advocate, or on its own motion, the court shall, at any time, order  
22 the minor and the minor's parent, if applicable, to submit financial information  
23 on a form approved by the Alaska Court System to the court, the department,  
24 and the Department of Law for the purpose of establishing the amount of  
25 restitution or enforcing an order of restitution under AS 47.12.170; the form  
26 must include a warning that submission of incomplete or inaccurate  
27 information is punishable as unsworn falsification in the second degree under  
28 AS 11.56.210;

29 (5) order the minor committed to the department for placement in an  
30 adventure-based education program established under AS 47.21.020 with conditions  
31 the court considers appropriate concerning release upon satisfactory completion of the

1 program or commitment under (1) of this subsection if the program is not satisfactorily  
2 completed;

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

6 (A) on a project identified in AS 33.30.901; or

7 (B) that, on the recommendation of the city council or  
8 traditional village council, would benefit persons within the city or village who  
9 are elderly or disabled; or

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

13 \* **Sec. 19.** AS 47.12.120 is amended by adding a new subsection to read:

14 (l) The court shall order a minor who is adjudicated as a delinquent in this  
15 state for an act committed when the minor was 16 years of age or older that would be  
16 a crime against a person or a felony under AS 11 or AS 28.35 if committed by an adult  
17 or for an act that would violate a law or ordinance with elements similar to a crime  
18 against a person or a felony under AS 11 or AS 28.35 if committed by an adult to  
19 submit to the collection of a blood sample, oral sample, or both for the  
20 deoxyribonucleic acid identification registration system under AS 44.41.035. The  
21 minor shall submit to the collection of

22 (1) the sample or samples when requested by a health care professional  
23 acting on behalf of the state to provide the sample or samples; or

24 (2) an oral sample when requested by a juvenile probation officer,  
25 juvenile facility staff, or peace officer.

26 \* **Sec. 20.** AS 47.12.240(a) is amended to read:

27 (a) When the court commits a minor to the custody of the department, the  
28 department shall arrange to place the minor in a **juvenile detention facility**  
29 [DETENTION HOME, WORK CAMP,] or another suitable place that the department  
30 designates for that purpose. Except **under the conditions described in** [WHEN  
31 DETENTION IN A CORRECTIONAL FACILITY IS AUTHORIZED BY] (c) of this

1 section, the minor may not be **detained** [INCARCERATED] in a correctional facility  
2 that houses adult prisoners.

3 \* **Sec. 21.** AS 47.12.240(c) is amended to read:

4 (c) Notwithstanding (a) of this section, a minor may be **detained**  
5 [INCARCERATED] in **an adult** [A] correctional facility, **an adult jail, or a**  
6 **temporary secure juvenile holding area only if the minor is not in sight or sound**  
7 **of adult prisoners, and one of the following applies:**

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 **detained or** in official detention pending the filing of that petition; however,  
11 detention in **an adult** [A] correctional facility, **an adult jail, or a temporary secure**  
12 **juvenile holding area** under this paragraph may not exceed the lesser of

13 (A) six hours, except under the criteria listed in (e) of this  
14 section; or

15 (B) the time necessary to arrange the minor's transportation to a  
16 juvenile detention **facility** [HOME] or comparable facility for the detention of  
17 minors;

18 (2) [IF,] in response to a petition of delinquency filed under this  
19 chapter, the court has entered an order closing the case under AS 47.12.100(a),  
20 allowing the minor to be prosecuted as an adult; or

21 (3) [IF] the minor is at least 16 years of age and the court has entered  
22 an order under AS 47.12.160(e) imposing an adult sentence and transferring custody  
23 of the minor to the Department of Corrections.

24 \* **Sec. 22.** AS 47.12.245(b) is amended to read:

25 (b) A **juvenile** probation officer may arrest a minor if the **juvenile** probation  
26 officer has probable cause to believe that the minor has violated conditions of the  
27 minor's release or probation.

28 \* **Sec. 23.** AS 47.12.250(a) is amended to read:

29 (a) A peace officer or a **juvenile** probation officer who has arrested, or a peace  
30 officer who has continued the arrest of, a minor under AS 47.12.245 may

31 (1) have the minor detained in a juvenile detention facility **or**

1        **temporary secure juvenile holding area** if, in the opinion of the peace officer  
 2        making or continuing the arrest, it is necessary to do so to protect the minor or the  
 3        community; however, the department may direct that a minor who was arrested or  
 4        whose arrest was continued be released from detention before the hearing required by  
 5        (c) of this section;

6                    (2) before taking the minor to a juvenile detention facility **or**  
 7        **temporary secure juvenile holding area**, release the minor to the minor's parents or  
 8        guardian if detention is not necessary to

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

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

11        \* **Sec. 24.** AS 47.12.270 is repealed and reenacted to read:

12                    **Sec. 47.12.270. Juvenile probation officers.** (a) The department shall  
 13        employ juvenile probation officers. A juvenile probation officer shall exercise the  
 14        duties of a probation officer and shall prepare preliminary investigations and assist and  
 15        advise the court in the furtherance of the welfare and control of a minor under the  
 16        court's jurisdiction. A juvenile probation officer shall also carry out other duties in the  
 17        care and treatment of minors that are consistent with the intent of this chapter.

18                    (b) A juvenile probation officer has the powers of a peace officer with respect  
 19        to the service of process and arresting a minor when

20                    (1) a court has issued an arrest warrant;

21                    (2) there is probable cause to believe the minor has violated conditions  
 22        of release or probation; or

23                    (3) probable cause exists for believing that the minor has escaped from  
 24        or unlawfully evaded a placement made under AS 47.12.120(b)(1).

25        \* **Sec. 25.** AS 47.12.310(d) is amended to read:

26                    (d) Upon request of a victim, the department shall make every reasonable  
 27        effort to notify the victim as soon as practicable, by telephone or in writing, when a  
 28        delinquent minor is to be released from placement [IN A JUVENILE FACILITY]  
 29        under AS 47.12.120(b)(1). The notice under this subsection must include the expected  
 30        date of the delinquent minor's release, the geographic area in which the delinquent  
 31        minor is required to reside, and other pertinent information concerning the delinquent

1 minor's conditions of release that may affect the victim.

2 \* **Sec. 26.** AS 47.12.315(c) is amended to read:

3 (c) When required by this section to disclose information, the department may  
4 disclose only the name of the minor, the name of each legal parent or guardian, the  
5 specific offense **for which the minor was adjudicated delinquent** [ALLEGED TO  
6 HAVE BEEN COMMITTED IN THE PETITION], and the final outcome of the court  
7 proceedings relating to the offense. Before the disclosure, the department shall delete  
8 the information that identifies the victim of the offense.

9 \* **Sec. 27.** AS 47.12.990(7) is amended to read:

10 (7) "juvenile detention facility" means **a secure facility** [SEPARATE  
11 QUARTERS WITHIN A CITY JAIL USED] for the detention of delinquent minors **in**  
12 **the custody of the department under AS 47.12.240 or 47.12.250;**

13 \* **Sec. 28.** AS 47.12.990(12) is amended to read:

14 (12) "minor" means a person **who is**  
15 **(A) under 18 years of age at the time the person commits an**  
16 **offense; and**  
17 **(B) subject to the jurisdiction of the court under this**  
18 **chapter;**

19 \* **Sec. 29.** AS 47.12.990 is amended by adding new paragraphs to read:

20 (17) "juvenile probation officer" means an officer described in  
21 AS 47.12.270;

22 (18) "juvenile treatment facility" means a secure facility for treatment  
23 of minors adjudicated delinquent and committed by a court to the care and custody of  
24 the department under AS 47.12.120(b)(1);

25 (19) "residential child care facility" has the meaning given in  
26 AS 47.32.900;

27 (20) "temporary secure juvenile holding area" means separate quarters  
28 that are used for the temporary detention of delinquent minors pending a court order or  
29 transportation to a juvenile detention facility and that are not within sight or sound of  
30 any adult prisoners.

31 \* **Sec. 30.** AS 47.14.010 is amended to read:

1                   **Sec. 47.14.010. General powers of department over juvenile facilities and**  
 2 **institutions.** The department may

3                   (1) purchase, lease, or construct buildings or other facilities for the  
 4 care, detention, rehabilitation, and education of children in need of aid or delinquent  
 5 minors;

6                   (2) adopt plans for construction of juvenile **detention facilities**  
 7 [HOMES, JUVENILE WORK CAMPS], juvenile **treatment** [DETENTION]  
 8 facilities, and other juvenile institutions;

9                   (3) adopt standards and regulations for the design, construction, repair,  
 10 maintenance, and operation of all juvenile detention **facilities, juvenile treatment**  
 11 [HOMES, WORK CAMPS,] facilities, and institutions;

12                   (4) inspect periodically each juvenile detention **facility, juvenile**  
 13 **treatment** [HOME, WORK CAMP,] facility, or other institution to ensure that the  
 14 standards and regulations adopted are being maintained;

15                   (5) reimburse **municipalities** [CITIES] maintaining and operating  
 16 juvenile detention [HOMES, WORK CAMPS, AND] facilities;

17                   (6) enter into contracts and arrangements with cities and state and  
 18 federal agencies to carry out the purposes of AS 47.10, AS 47.12, and this chapter;

19                   (7) do all acts necessary to carry out the purposes of AS 47.10,  
 20 AS 47.12, and this chapter;

21                   (8) adopt the regulations necessary to carry out AS 47.10, AS 47.12,  
 22 and this chapter;

23                   (9) accept donations, gifts, or bequests of money or other property for  
 24 use in construction of juvenile [HOMES, WORK CAMPS,] institutions, [OR]  
 25 detention facilities, **or juvenile treatment facilities**;

26                   (10) operate juvenile **detention facilities** [HOMES] when  
 27 municipalities are unable to do so;

28                   (11) receive, care for, and place in a juvenile detention **facility**  
 29 [HOME], the minor's own home, a foster home, [OR] a **juvenile treatment facility**  
 30 [CORRECTIONAL SCHOOL, WORK CAMP], or treatment institution all minors  
 31 committed to its custody under AS 47.10, AS 47.12, and this chapter.

1 \* **Sec. 31.** AS 47.14.020 is amended to read:

2 **Sec. 47.14.020. Duties of department.** The department shall

3 (1) accept all minors committed to the custody of the department and  
4 all minors who are involved in a written agreement under AS 47.14.100(c), and  
5 provide for the welfare, control, care, custody, and placement of these minors in  
6 accordance with this chapter;

7 (2) require and collect statistics on juvenile offenses and offenders in  
8 the state;

9 (3) conduct studies and prepare findings and recommendations on the  
10 need, number, type, construction, maintenance, and operating costs of juvenile  
11 **detention facilities, juvenile treatment** [HOMES, WORK CAMPS,] facilities, and  
12 [THE] other institutions, and adopt and submit a plan for construction of the  
13 [HOMES, WORK CAMPS,] facilities [,] and institutions when needed, together with  
14 a plan for financing the construction programs;

15 (4) examine, where possible, all facilities, institutions, [WORK  
16 CAMPS,] and places of juvenile detention **and treatment** in the state and inquire into  
17 their methods and the management of juveniles in them.

18 \* **Sec. 32.** AS 47.14.040 is amended to read:

19 **Sec. 47.14.040. Authority to maintain and operate temporary secure**  
20 **juvenile holding area, juvenile detention facility, or juvenile treatment** [HOME,  
21 **WORK CAMP, OR] facility. (a) A municipality or entity [CITY] may maintain  
22 and operate a **temporary secure juvenile holding area** [JUVENILE DETENTION  
23 FACILITY], and a **municipality** [CITY] or a nonprofit corporation may maintain and  
24 operate a juvenile detention **facility or juvenile treatment facility** [HOME OR A  
25 JUVENILE WORK CAMP].**

26 (b) The **municipality** [CITY] or nonprofit corporation may receive grants-in-  
27 aid from the state for costs of operation of the **temporary secure juvenile holding**  
28 **area or facility** [HOMES, WORK CAMPS, OR FACILITIES] maintained and  
29 operated under (a) of this section.

30 \* **Sec. 33.** AS 47.14.050(a) is repealed and reenacted to read:

31 (a) The department shall adopt standards and regulations for the operation of

1 juvenile detention facilities and juvenile treatment facilities in the state.

2 \* **Sec. 34.** AS 47.14.050(b) is amended to read:

3 (b) The department may enter into contracts with **municipalities** [CITIES]  
4 and other governmental agencies for the detention of juveniles before and after  
5 commitment by juvenile authorities. A contract may not be made for longer than one  
6 year.

7 \* **Sec. 35.** AS 47.14.990(7) is amended to read:

8 (7) "juvenile detention facility" **has the meaning given in**  
9 **AS 47.12.990** [MEANS SEPARATE QUARTERS WITHIN A CITY JAIL USED  
10 FOR THE DETENTION OF DELINQUENT MINORS];

11 \* **Sec. 36.** AS 47.14.990(10) is amended to read:

12 (10) "minor" **has the meaning given in AS 47.12.990** [MEANS A  
13 PERSON UNDER 18 YEARS OF AGE];

14 \* **Sec. 37.** AS 47.14.990 is amended by adding new paragraphs to read:

15 (12) "juvenile probation officer" has the meaning given in  
16 AS 47.12.990;

17 (13) "juvenile treatment facility" has the meaning given in  
18 AS 47.12.990;

19 (14) "temporary secure juvenile holding area" has the meaning given  
20 in AS 47.12.990.

21 \* **Sec. 38.** AS 47.17.020(a) is amended to read:

22 (a) The following persons who, in the performance of their occupational  
23 duties, their appointed duties under (8) of this subsection, or their volunteer duties  
24 under (9) of this subsection, have reasonable cause to suspect that a child has suffered  
25 harm as a result of child abuse or neglect shall immediately report the harm to the  
26 nearest office of the department:

27 (1) practitioners of the healing arts;

28 (2) school teachers and school administrative staff members, including  
29 athletic coaches, of public and private schools;

30 (3) peace officers and officers of the Department of Corrections;

31 (4) administrative officers of institutions;

1 (5) child care providers;

2 (6) paid employees of domestic violence and sexual assault programs,  
3 and crisis intervention and prevention programs as defined in AS 18.66.990;

4 (7) paid employees of an organization that provides counseling or  
5 treatment to individuals seeking to control their use of drugs or alcohol;

6 (8) members of a child fatality review team established under  
7 AS 12.65.015(e) or 12.65.120 or the multidisciplinary child protection team created  
8 under AS 47.14.300;

9 (9) volunteers who interact with children in a public or private school  
10 for more than four hours a week;

11 **(10) juvenile probation officers, juvenile probation office staff, and**  
12 **staff of juvenile detention facilities and juvenile treatment facilities, as those**  
13 **terms are defined in AS 47.12.990.**

14 \* **Sec. 39.** AS 28.15.176; AS 47.12.060(b)(5), 47.12.990(8), 47.12.990(9), 47.12.990(15);  
15 AS 47.14.990(8) and 47.14.990(9) are repealed.

16 \* **Sec. 40.** The uncodified law of the State of Alaska is amended by adding a new section to  
17 read:

18 APPLICABILITY. AS 11.41.425(b)(1), as amended by sec. 2 of this Act,  
19 AS 11.41.425(b)(2), as amended by sec. 3 of this Act, AS 11.41.427(b)(2), as amended by  
20 sec. 4 of this Act, AS 11.41.470(3), as amended by sec. 5 of this Act, AS 11.41.470(5), as  
21 amended by sec. 6 of this Act, AS 11.41.470(9) and (10), enacted by sec. 7 of this Act,  
22 AS 11.56.760(a), as amended by sec. 8 of this Act, AS 11.61.123(e), as amended by sec. 9 of  
23 this Act, and AS 47.12.120(l), enacted by sec. 19 of this Act, apply to offenses committed on  
24 or after the effective date of secs. 2 - 9 and 19 of this Act.

25 \* **Sec. 41.** The uncodified law of the State of Alaska is amended by adding a new section to  
26 read:

27 TRANSITION: REGULATIONS. The Department of Health and Social Services may  
28 adopt regulations necessary to implement the changes made by this Act. The regulations take  
29 effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the  
30 relevant provision of this Act implemented by the regulation.

31 \* **Sec. 42.** Section 41 of this Act takes effect immediately under AS 01.10.070(c).