

SENATE CS FOR CS FOR HOUSE BILL NO. 105(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 5/18/21

Referred: Today's Calendar

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

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 **the right to representation by the Public Defender Agency; relating to the duties of the**
4 **commissioner of corrections; relating to the detention of minors; relating to minors**
5 **subject to adult courts; relating to the placement of minors in adult correctional**
6 **facilities; relating to terms used in juvenile justice; relating to mandatory reporters of**
7 **child abuse or neglect; relating to sexual assault in the third degree; relating to sexual**
8 **assault in the fourth degree; repealing a requirement for administrative revocation of a**
9 **minor's driver's license, permit, privilege to drive, or privilege to obtain a license for**
10 **consumption or possession of alcohol or drugs; and providing for an effective date."**

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

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

(b) A state agency or its agents, including a person working in or responsible for the operation of a foster **home, as defined in AS 47.32.900, juvenile treatment facility, juvenile detention facility** [, RECEIVING, OR DETENTION HOME], or **treatment** [CHILDREN'S] institution, is not liable for the acts of unemancipated minors in its charge or custody. A state agency or an agent of a state agency, including a nonprofit corporation that designates shelters for runaways under AS 47.10.392 - 47.10.399 and employees of or volunteers with that corporation, is not liable for the acts of a minor sheltered in a shelter for runaways, as defined in AS 47.10.399. **In this subsection,**

(1) "juvenile detention facility" has the meaning given in AS 47.12.990;

(2) "juvenile treatment facility" has the meaning given in AS 47.12.990; and

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

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

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

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

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

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

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

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

(3) "legal guardian" means a person who is under a duty to exercise general supervision over a minor or other person committed to the custody of the Department of Health and Social Services under AS 47.10 or AS 47.12 as a result of a

1 court order, statute, or regulation, and includes Department of Health and Social
 2 Services employees, foster parents, and staff members and other employees of
 3 **treatment institutions**, group homes, or youth facilities where the minor or other
 4 person is placed as a result of a court order or the action of the Department of Health
 5 and Social Services, and police officers, **juvenile and adult** probation officers, and
 6 social workers when those persons are exercising custodial control over a minor or
 7 other person;

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

9 (5) "position of authority" means **one of the following, or a person in**
 10 **a substantially similar position**; an employer, youth leader, scout leader, coach,
 11 teacher, counselor, school administrator, religious leader, doctor, nurse, psychologist,
 12 guardian ad litem, babysitter, [OR A SUBSTANTIALLY SIMILAR POSITION,
 13 AND A] police officer, **correctional employee, juvenile facility staff, staff member**
 14 **of a treatment institution**, or **juvenile or adult** probation officer other than when the
 15 officer **or staff member** is exercising custodial control over a minor;

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

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

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

19 * **Sec. 8.** AS 11.61.123(e)(2) is amended to read:

20 (2) "private exposure" means that a person has exposed the person's
 21 body or part of the body in a place, and under circumstances, that the person
 22 reasonably believed would not result in the person's body or body parts being (A)
 23 viewed by the defendant; or (B) produced in a picture; "private exposure" does not
 24 include the exposure of a person's body or body parts in a law enforcement facility,
 25 correctional facility, **treatment institution**, designated treatment facility, **juvenile**
 26 **treatment facility**, or a juvenile detention facility; in this paragraph,

27 **(A)** "correctional facility" has the meaning given in
 28 AS 33.30.901;

29 **(B)** [,] "designated treatment facility" has the meaning given in
 30 AS 47.30.915;

31 **(C)** [, AND] "juvenile detention facility" **and "juvenile**

1 treatment facility" have [HAS] the meanings [MEANING] given in
 2 AS 47.12.990;

3 (D) "treatment institution" has the meaning given in
 4 AS 47.14.990.

5 * **Sec. 9.** AS 14.07.020(a) is amended to read:

6 (a) The department shall

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

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

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

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

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

24 (6) accredit those public schools that meet accreditation standards
 25 prescribed by regulation by the department; these regulations shall be adopted by the
 26 department and presented to the legislature during the first 10 days of any regular
 27 session, and become effective 45 days after presentation or at the end of the session,
 28 whichever is earlier, unless disapproved by a resolution concurred in by a majority of
 29 the members of each house;

30 (7) prescribe by regulation, after consultation with the state fire
 31 marshal and the state sanitarian, standards that will ensure healthful and safe

1 conditions in the public and private schools of the state, including a requirement of
 2 physical examinations and immunizations in pre-elementary schools; the standards for
 3 private schools may not be more stringent than those for public schools;

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

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

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

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

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

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

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

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

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

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

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

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

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

* **Sec. 10.** AS 14.30.186(a) is amended to read:

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

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

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

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

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

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

* **Sec. 11.** AS 17.37.070(6) is amended to read:

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

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

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

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

and

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

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

* **Sec. 12.** AS 18.20.499(2) is amended to read:

(2) "health care facility" means a private, municipal, or state hospital; independent diagnostic testing facility; primary care outpatient facility; skilled nursing facility; kidney disease treatment center, including freestanding hemodialysis units; intermediate care facility; ambulatory surgical facility; Alaska Pioneers' Home or Alaska Veterans' Home administered by the Department of Health and Social Services under AS 47.55; correctional facility owned or administered by the state; private, municipal, or state facility employing one or more public health nurses; long-term care facility; psychiatric hospital; residential psychiatric treatment center, as defined in AS 18.07.111 or AS 47.32.900; secure residential psychiatric treatment center under

AS 47.12.990; a juvenile detention facility [; JUVENILE DETENTION HOME, JUVENILE WORK CAMP,] or juvenile treatment facility, as those terms are defined in AS 47.12.990; or a treatment institution as that term is defined in AS 47.14.990;

* **Sec. 13.** AS 18.85.100(a) is amended to read:

(a) An indigent person who is under formal charge of having committed a serious crime and the crime has been the subject of an initial appearance or subsequent proceeding, or is being detained under a conviction of a serious crime, or is on probation or parole, or is entitled to representation under the Supreme Court Delinquency or Child in Need of Aid Rules or at a review hearing under AS 47.12.105(d), or is isolated, quarantined, or required to be tested under an order issued under AS 18.15.355 - 18.15.395, or against whom commitment proceedings for mental illness have been initiated, is entitled

(1) to be represented, in connection with the crime or proceeding, by an attorney to the same extent as a person retaining an attorney is entitled; and

(2) to be provided with the necessary services and facilities of this representation, including investigation and other preparation.

* **Sec. 14.** AS 33.30.011(a) is amended to read:

(a) The commissioner shall

(1) establish, maintain, operate, and control correctional facilities suitable for the custody, care, and discipline of persons charged or convicted of offenses against the state or held under authority of state law; each correctional facility operated by the state shall be established, maintained, operated, and controlled in a manner that is consistent with AS 33.30.015;

(2) classify prisoners;

(3) for persons committed to the custody of the commissioner, establish programs, including furlough programs that are reasonably calculated to

(A) protect the public and the victims of crimes committed by prisoners;

(B) maintain health;

(C) create or improve occupational skills;

(D) enhance educational qualifications;

(E) support court-ordered restitution; and

(F) otherwise provide for the rehabilitation and reformation of prisoners, facilitating their reintegration into society;

(4) provide necessary

(A) medical services for prisoners in correctional facilities or who are committed by a court to the custody of the commissioner, including examinations for communicable and infectious diseases;

(B) psychological or psychiatric treatment if a physician or other health care provider, exercising ordinary skill and care at the time of observation, concludes that

(i) a prisoner exhibits symptoms of a serious disease or injury that is curable or may be substantially alleviated; and

(ii) the potential for harm to the prisoner by reason of delay or denial of care is substantial; and

(C) assessment or screening of the risks and needs of offenders who may be vulnerable to harm, exploitation, or recidivism as a result of fetal alcohol syndrome, fetal alcohol spectrum disorder, or another brain-based disorder;

(5) establish minimum standards for sex offender treatment programs offered to persons who are committed to the custody of the commissioner;

(6) provide for fingerprinting in correctional facilities in accordance with AS 12.80.060;

(7) establish a program to conduct assessments of the risks and needs of offenders sentenced to serve a term of incarceration of 90 days or more; the program must include a requirement for an assessment before a prisoner's release on parole, furlough, or electronic monitoring from a correctional facility;

(8) establish a procedure that provides for each prisoner required to serve an active term of imprisonment of 90 days or more a written case plan that

(A) takes effect and is provided to the prisoner within 90 days after sentencing;

1 (B) is based on the results of the assessment of the prisoner's
2 risks and needs under (7) of this subsection;

3 (C) includes a requirement to follow the rules of the institution;

4 (D) is modified when necessary for changes in classification,
5 housing status, medical or mental health, and resource availability;

6 (E) includes participation in programming that addresses the
7 needs identified in the assessment;

8 (9) establish a program to begin reentry planning with each prisoner
9 serving an active term of imprisonment of 90 days or more; reentry planning must
10 begin at least 90 days before release on furlough or probation or parole; the reentry
11 program must include

12 (A) a written reentry plan for each prisoner completed upon
13 release on furlough or probation or parole that includes information on the
14 prisoner's proposed

15 (i) residence;

16 (ii) employment or alternative means of support;

17 (iii) treatment options;

18 (iv) counseling services;

19 (v) education or job training services;

20 (B) any other requirements for successful transition back to the
21 community, including electronic monitoring or furlough for the period between
22 a scheduled parole hearing and parole eligibility;

23 (C) coordination with the Department of Labor and Workforce
24 Development to provide access, after release, to job training and employment
25 assistance; and

26 (D) coordination with community reentry coalitions or other
27 providers of reentry services if available;

28 (10) for offenders under electronic monitoring, establish

29 (A) minimum standards for electronic monitoring, which may
30 include the requirement of active, real-time monitoring using global
31 positioning systems; and

(B) procedures for oversight and approving electronic monitoring programs and systems provided by private contractors;

(11) assist a prisoner in obtaining a valid state identification card if the prisoner does not have a valid state identification card before the prisoner's release; the department shall pay the application fee for the identification card; [AND]

(12) provide to the legislature, by electronic means, by January 10 preceding the first regular session of each legislature, a report summarizing the findings and results of the program established under (7) of this subsection; the report must include

(A) the number of prisoners who were provided with written case plans under (8) of this subsection;

(B) the number of written case plans under (8) of this subsection initiated within the preceding year; and

(C) the number of written case plans under (8) of this subsection that were updated in the preceding year; **and**

(13) enter into an agreement with the Department of Health and Social Services, consistent with the provisions of AS 47.12.105, for the detention and care of a minor who is waived into adult court under AS 47.12.030 or 47.12.100.

* **Sec. 15.** AS 47.10.141(c) is amended to read:

(c) A minor may be taken into emergency protective custody by a peace officer and placed into temporary detention in a juvenile detention **facility** [HOME] in the local community if there has been an order issued by a court under **(k) of this section** [A FINDING OF PROBABLE CAUSE THAT (1) THE MINOR IS A RUNAWAY IN WILFUL VIOLATION OF A VALID COURT ORDER ISSUED UNDER AS 47.10.080(c)(1), 47.10.142(f), AS 47.12.120(b)(1) OR (3), OR 47.12.250(d), (2) THE MINOR'S CURRENT SITUATION POSES A SEVERE AND IMMINENT RISK TO THE MINOR'S LIFE OR SAFETY, AND (3) NO REASONABLE PLACEMENT ALTERNATIVE EXISTS WITHIN THE COMMUNITY]. A minor detained under this subsection shall be brought before a court on the day the minor is detained, or if that is not possible, within 24 hours after

the detention for a hearing to determine the most appropriate placement in the best interests of the minor. A minor taken into emergency protective custody under this subsection may not be detained for more than 24 hours, except as provided under **(k) of this section** [AS 47.12.250]. Emergency protective custody may not include placement of a minor in **an adult correctional facility, an adult** [A] jail, or **a temporary secure juvenile holding area**, [SECURE FACILITY OTHER THAN A JUVENILE DETENTION HOME,] nor may an order for protective custody be enforced against a minor who is residing in a licensed program for runaway minors, as defined in AS 47.10.390.

* **Sec. 16.** AS 47.10.141(j) is amended by adding a new paragraph to read:

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

* **Sec. 17.** AS 47.10.141 is amended by adding a new subsection to read:

(k) The court shall issue a written order if the court determines that a minor shall be placed in a juvenile detention facility as a result of violating a court order issued under AS 47.10.080(c)(1) or 47.10.142(f). An order issued under this subsection

(1) must include a finding of probable cause that the minor is a runaway in wilful violation of a court order and identify the court order the minor has violated;

(2) must specify the factual basis for determining that there is reasonable cause to believe that the minor has violated a court order;

(3) must describe how the minor's current situation poses a severe and imminent risk to the minor's life or safety;

(4) must include findings of fact to support a determination that there is not an appropriate, less restrictive alternative to placing the minor in a juvenile detention facility available, with due consideration to the best interests of the minor;

(5) must include a plan for the minor's release from the juvenile detention facility in the least amount of time necessary, not to exceed seven days unless otherwise specified by the court; and

(6) may not be renewed or extended.

1 * **Sec. 18.** AS 47.10.990(20) is amended to read:

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

6 * **Sec. 19.** AS 47.12.020 is amended by adding a new subsection to read:

7 (c) The provisions of this chapter apply to the detention and care of a person
 8 who is alleged to have committed a violation of a criminal law of the state or local
 9 government, subject to the provisions of AS 47.12.030(a), 47.12.100, and 47.12.105.

10 * **Sec. 20.** AS 47.12.022 is amended to read:

11 **Sec. 47.12.022. Applicability; inclusion of certain persons as minors.**
 12 Except as provided in AS 47.12.025, the provisions of this chapter apply to a person
 13 who is 18 years of age or older and who is subject to the jurisdiction of this chapter
 14 due [SOLELY] to AS 47.12.020(b) **or (c)**. To implement AS 47.12.020(b) **and (c)** and
 15 this section, the term "minor" as used in this chapter includes a person described in
 16 this section.

17 * **Sec. 21.** AS 47.12.025(c) is amended to read:

18 (c) If a person who is subject to the jurisdiction of this chapter due solely to
 19 AS 47.12.020(b) has been arrested by a peace officer or a **juvenile** probation officer
 20 under AS 47.12.245, detained under AS 47.12.250, or committed to the custody or
 21 supervision of the department under AS 47.12.120(b) or 47.12.240, the department,
 22 after consulting the peace officer or **juvenile** probation officer if appropriate, shall
 23 make arrangements for the detention, placement, or supervision of the person. In the
 24 discretion of the department, the person may be detained or placed in a juvenile
 25 **detention facility, juvenile treatment facility, temporary secure juvenile holding**
 26 **area**, or in an adult correctional facility.

27 * **Sec. 22.** AS 47.12.030(a) is amended to read:

28 (a) When a minor who was at least 16 years of age at the time of the offense is
 29 charged by complaint, information, or indictment with an offense specified in this
 30 subsection, this chapter and the Alaska Delinquency Rules do not apply to the offense
 31 for which the minor is charged or to any additional offenses joinable to it under the

applicable rules of court governing criminal procedure. **Subject to the provisions of AS 47.12.105, the** [THE] minor shall be charged, held, **transported**, released on bail, prosecuted, sentenced, and incarcerated in the same manner as an adult. If the minor is convicted of an offense other than an offense specified in this subsection, the minor may attempt to prove, by a preponderance of the evidence, that the minor is amenable to treatment under this chapter. If the court finds that the minor is amenable to treatment under this chapter, the minor shall be treated as though the charges had been heard under this chapter, and the court shall order disposition of the charges of which the minor is convicted under AS 47.12.120(b). The provisions of this subsection apply when the minor is charged by complaint, information, or indictment with an offense

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

(2) of arson in the first degree;

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

(4) that is misconduct involving weapons in the first degree under

(A) AS 11.61.190(a)(1); or

(B) AS 11.61.190(a)(2) when the firearm was discharged under circumstances manifesting substantial and unjustifiable risk of physical injury to a person.

* **Sec. 23.** AS 47.12.030(b) is amended to read:

(b) When a minor is accused of violating a statute specified in this subsection, other than a statute the violation of which is a felony, this chapter and the Alaska Delinquency Rules do not apply and the minor accused of the offense shall be charged, prosecuted, and sentenced in the district court in the same manner as an

adult; if a minor is charged, prosecuted, and sentenced for an offense under this subsection, the minor's parent, guardian, or legal custodian shall be present at all proceedings; the provisions of this subsection apply when a minor is accused of violating

(1) a traffic statute or regulation, or a traffic ordinance or regulation of a municipality;

(2) AS 11.76.105, relating to the possession of tobacco by a person under 19 years of age;

(3) a fish and game statute or regulation under AS 16;

(4) a parks and recreational facilities statute or regulation under AS 41.21;

(5) [REPEALED]

(6) a municipal curfew ordinance, whether adopted under AS 29.35.085 or otherwise, unless the municipality provides for enforcement of its ordinance under AS 29.25.070(b) by the municipality; in place of any fine imposed for the violation of a municipal curfew ordinance, the court shall allow a defendant the option of performing community work; the value of the community work, which may not be lower than the amount of the fine, shall be determined under AS 12.55.055(c); in this paragraph, "community work" includes the work described in AS 12.55.055(b) or work that, on the recommendation of the municipal or borough assembly, city council, or traditional village council of the defendant's place of residence, would benefit persons within the municipality or village who are elderly or disabled;

(7) AS 04.16.050, relating to consumption, possession, or control of alcohol by a person under 21 years of age.

* **Sec. 24.** AS 47.12.040(a) is amended to read:

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

(1) require in conformance with this section, that, for a minor who is alleged to be a delinquent minor under AS 47.12.020, the department or an entity selected by it shall make a preliminary inquiry to determine if any action is appropriate and may take appropriate action to adjust the matter without a court

1 hearing; the department or an entity selected by it may arrange to interview the minor,
 2 the minor's parents or guardian, and any other person having relevant information; at
 3 or before the interview, the minor and the minor's parents or guardian, if present, must
 4 be advised that any statement may be used against the minor and of the following
 5 rights of the minor: to have a parent or guardian present at the interview; to remain
 6 silent; to have retained or appointed counsel at all stages of the proceedings, including
 7 the initial interview; if a petition is filed, to have an adjudication hearing before a
 8 judge or jury with compulsory process to compel the attendance of witnesses; and the
 9 opportunity to confront and cross-examine witnesses; if, under this paragraph,

10 (A) the department or an entity selected by it makes a
 11 preliminary inquiry and takes appropriate action to adjust the matter without a
 12 court hearing, the minor may not be detained or taken into custody as a
 13 condition of the adjustment and, subject to AS 47.12.060, the matter shall be
 14 closed by the department or an entity selected by it if the minor successfully
 15 completes all that is required of the minor by the department or an entity
 16 selected by it in the adjustment; in a municipality or municipalities in which a
 17 youth court has been established under AS 47.12.400, adjustment of the matter
 18 under this paragraph may include referral to the youth court; if a community
 19 dispute resolution center has been established under AS 47.12.450(a) and has
 20 obtained recognition under AS 47.12.450(b), adjustment of the matter under
 21 this paragraph may include use of the services of the community dispute
 22 resolution center;

23 (B) the department or an entity selected by it concludes that the
 24 matter may not be adjusted without a court hearing, the department may file a
 25 petition, amended petition, or supplemental petition under (2) of this
 26 subsection setting out the facts; or

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

1 matter without a hearing, or it may authorize the person having knowledge of the facts
 2 of the case to file with the court a petition setting out the facts; **if, following the filing**
 3 **of a petition, additional facts are determined, the court may authorize a person**
 4 **having knowledge of the facts to file an amended petition or supplemental**
 5 **petition**; if the court informally adjusts the matter, the minor may not be detained or
 6 taken into the custody of the court as a condition of the adjustment, and the matter
 7 shall be closed by the court upon adjustment.

8 * **Sec. 25.** AS 47.12.100(a) is amended to read:

9 (a) If the court finds at a hearing on a petition that there is probable cause for
 10 believing that a minor is delinquent and finds that the minor is not amenable to
 11 treatment under this chapter, it shall order the case closed. **Subject to the provisions**
 12 **of AS 47.12.105, after** [AFTER] a case is closed under this subsection, the minor may
 13 be **charged, held, transported, released on bail, prosecuted, sentenced, and**
 14 **incarcerated in the same manner** [PROSECUTED] as an adult.

15 * **Sec. 26.** AS 47.12 is amended by adding a new section to read:

16 **Sec. 47.12.105. Detention of minors waived into adult court.** (a) Except as
 17 provided in AS 47.12.240, the department, by agreement with the Department of
 18 Corrections, shall detain and care for waived minors. The department shall transfer a
 19 waived minor to a facility operated by the Department of Corrections when the waived
 20 minor reaches 18 years of age.

21 (b) Except as provided in (c) of this section, a waived minor held in an adult
 22 correctional facility for more than four hours to attend court proceedings must be
 23 separated by sight and sound from adult offenders.

24 (c) If there is not an available juvenile detention facility in a community where
 25 a trial is being held or if a juvenile facility is inappropriate for a waived minor, the
 26 department may request that the court order, in the interest of justice, that a waived
 27 minor be held in an adult correctional facility with or without sight and sound
 28 separation from adult offenders. In making this decision, the court shall consider

- 29 (1) the age of the waived minor;
- 30 (2) the physical and mental maturity of the waived minor;
- 31 (3) the present mental state of the waived minor, including whether the

1 waived minor presents an imminent risk of harm to self;

2 (4) the nature and circumstances of the alleged offense;

3 (5) the waived minor's history of prior delinquent acts;

4 (6) the relative ability of an available adult or juvenile detention
5 facility to meet the specific needs of the waived minor and protect the safety of the
6 public and other detained minors; and

7 (7) other relevant factors.

8 (d) If a court determines under (c) of this section that it is in the interest of
9 justice to permit a waived minor to be held in an adult correctional facility,

10 (1) the department shall request a hearing not less than once every 30
11 days to review the determination that the waived minor may be held under the ordered
12 circumstances;

13 (2) the waived minor may not be held in an adult correctional facility,
14 or permitted to have sight or sound contact with adult offenders, for more than 180
15 days, unless the court determines in writing that there is good cause for an extension
16 or the waived minor expressly waives this limitation.

17 (e) A waived minor detained under (a) of this section shall be detained in a
18 secure juvenile facility and receive credit, including a good time deduction under
19 AS 33.20.010, for time spent in a department facility pending trial, sentencing, or
20 appeal, if the detention is in connection with an offense for which a sentence is
21 imposed.

22 (f) A waived minor who is detained in an adult correctional facility under (c)
23 of this section is entitled to counsel at a review hearing held under (d) of this section.

24 (g) In this section, "waived minor" means an individual who commits an
25 offense while under the age of 18 and is waived into adult court under AS 47.12.030
26 or 47.12.100.

27 * **Sec. 27.** AS 47.12.120(b) is amended to read:

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

30 (1) order the minor committed to the department for a period of time
31 not to exceed two years or in any event extend past the day the minor becomes 19

1 years of age, except that the department may petition for and the court may grant in a
 2 hearing (A) two-year extensions of commitment that do not extend beyond the minor's
 3 19th birthday if the extension is in the best interests of the minor and the public; and
 4 (B) an additional one-year period of supervision past age 19 if continued supervision
 5 is in the best interests of the person and the person consents to it; the department shall
 6 place the minor in the juvenile facility that the department considers appropriate and
 7 that may include a juvenile [CORRECTIONAL SCHOOL, JUVENILE WORK
 8 CAMP,] treatment facility, juvenile [DETENTION HOME, OR] detention facility, or
 9 secure residential psychiatric treatment center; the minor may be released from
 10 placement or detention and placed on probation on order of the court and may also be
 11 released by the department, in its discretion, under AS 47.12.260;

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

18 (A) two-year extensions of supervision that do not extend
 19 beyond the minor'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 (3) order the minor committed to the custody of the department and
 25 placed on probation, to be supervised by the department and released to the minor's
 26 parents, guardian, other suitable person, or suitable nondetention setting such as with a
 27 relative or in a foster home or residential child care facility, whichever the department
 28 considers appropriate to implement the treatment plan of the predisposition report; if
 29 the court orders the minor placed on probation, it may specify the terms and conditions
 30 of probation; the department may transfer the minor, in the minor's best interests, from
 31 one of the probationary placement settings listed in this paragraph to another, and the

1 minor, the minor's parents or guardian, the minor's foster parent, and the minor's
 2 attorney are entitled to reasonable notice of the transfer; the probation may be for a
 3 period of time not to exceed two years and in no event to extend past the day the
 4 minor becomes 19 years of age, except that the department may petition for and the
 5 court may grant in a hearing

6 (A) two-year extensions of commitment 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 (4) order the minor and the minor's parent to make suitable restitution
 13 in lieu of or in addition to the court's order under (1), (2), or (3) of this subsection;
 14 under this paragraph,

15 (A) except as provided in (B) of this paragraph, the court may
 16 not refuse to make an order of restitution to benefit the victim of the act of the
 17 minor that is the basis of the delinquency adjudication; under this
 18 subparagraph, the court may require the minor to use the services of a
 19 community dispute resolution center that has been recognized by the
 20 commissioner under AS 47.12.450(b) to resolve any dispute between the minor
 21 and the victim of the minor's offense as to the amount of or manner of payment
 22 of the restitution;

23 (B) the court may not order payment of restitution by the parent
 24 of a minor who is a runaway or missing minor for an act of the minor that was
 25 committed by the minor after the parent has made a report to a law
 26 enforcement agency, as authorized by AS 47.10.141(a), that the minor has run
 27 away or is missing; for purposes of this subparagraph, "runaway or missing
 28 minor" means a minor who a parent reasonably believes is absent from the
 29 minor's residence for the purpose of evading the parent or who is otherwise
 30 missing from the minor's usual place of abode without the consent of the
 31 parent; and

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

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

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

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

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

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

* **Sec. 28.** AS 47.12.140 is amended to read:

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

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

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

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

3 (C) the age of the minor;

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

7 (E) the effect of the dispositional order to be imposed in
8 deterring the minor from committing other delinquent acts;

9 (F) the need to commit the minor to the department's custody or
10 to detain the minor in a juvenile treatment facility, juvenile detention
11 facility, secure residential psychiatric treatment center, [AN
12 INSTITUTION] or other suitable place in order to prevent further harm to the
13 public;

14 (G) the interest of the public in securing the minor's
15 rehabilitation; and

16 (H) the ability of the state to take custody of and to care for the
17 minor; and

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

23 * **Sec. 29.** AS 47.12.150(a) is amended to read:

24 (a) When a minor is committed to the department under AS 47.12.120(b)(1)
25 or (3) or 47.12.240, detained by the department on behalf of the Department of
26 Corrections under AS 33.30.011 and AS 47.12.105, [TO THE DEPARTMENT] or
27 released under AS 47.12.120(b)(2) to the minor's parents, guardian, or other suitable
28 person, a relationship of legal custody exists. This relationship imposes on the state
29 [DEPARTMENT] and its authorized agents or the parents, guardian, or other suitable
30 person the responsibility of physical care and control of the minor, the determination
31 of where and with whom the minor shall live, the right and duty to protect, train, and

discipline the minor, and the duty of providing the minor with food, shelter, education, and medical care. These obligations are subject to any residual parental rights and responsibilities and rights and responsibilities of a guardian if one has been appointed. When a minor is committed to the department and the department places the minor with the minor's parent, the parent has the responsibility to provide and pay for food, shelter, education, and medical care for the minor. When parental rights have been terminated, or there are no living parents and a guardian has not been appointed, the responsibilities of legal custody include those in (b) and (c) of this section. The department or person having legal custody of the minor may delegate any of the responsibilities under this section, except authority to consent to marriage, adoption, and military enlistment may not be delegated. For purposes of this chapter, a person in charge of a placement setting is an agent of the department.

* **Sec. 30.** AS 47.12.160(e) is amended to read:

(e) If a petition is filed under (d) of this section and if the court finds by a preponderance of the evidence that the minor has committed a subsequent felony offense that is a crime against a person or is the crime of arson, the court shall impose the adult sentence previously pronounced under AS 47.12.120(j) and, subject to AS 47.12.105, transfer custody of the minor to the Department of Corrections. If the court finds by a preponderance of the evidence that any of the other circumstances set out in (d)(1) - (5) of this section exist, the court shall impose the adult sentence previously pronounced and, subject to AS 47.12.105, transfer custody of the minor to the Department of Corrections unless the minor proves by preponderance of the evidence that mitigating circumstances exist that justify a continuance in the stay of the adult sentence and the minor is amenable to further treatment under this chapter. The court shall make written findings to support its order.

* **Sec. 31.** AS 47.12.240(a) is amended to read:

(a) When the court commits a minor to the custody of the department, the department shall arrange to place the minor in a juvenile detention facility [DETENTION HOME, WORK CAMP,] or another suitable place that the department designates for that purpose. Except under the conditions described in AS 47.12.105 or [WHEN DETENTION IN A CORRECTIONAL FACILITY IS AUTHORIZED

BY] (c) of this section, the minor may not be incarcerated in a correctional facility that houses adult prisoners.

* **Sec. 32.** AS 47.12.240(c) is amended to read:

(c) Notwithstanding (a) of this section, a minor may be **detained** [INCARCERATED] in **an adult** [A] correctional facility, **an adult jail, or a temporary secure juvenile holding area if the minor is arrested for criminal charges under AS 47.12.030(a).**

[(1)] if the minor is the subject of a petition filed with the court under this chapter seeking adjudication of the minor as a delinquent minor, or if the minor is in official detention pending the filing of that petition; however, detention in **an adult** [A] correctional facility, **an adult jail, or a temporary secure juvenile holding area** under this **subsection** [PARAGRAPH] may not exceed the lesser of

(1) [(A)] six hours, except under the criteria listed in (e) of this section;

or

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

(2) IF, IN RESPONSE TO A PETITION OF DELINQUENCY FILED UNDER THIS CHAPTER, THE COURT HAS ENTERED AN ORDER CLOSING THE CASE UNDER AS 47.12.100(a), ALLOWING THE MINOR TO BE PROSECUTED AS AN ADULT; OR

(3) IF THE MINOR IS AT LEAST 16 YEARS OF AGE AND THE COURT HAS ENTERED AN ORDER UNDER AS 47.12.160(e) IMPOSING AN ADULT SENTENCE AND TRANSFERRING CUSTODY OF THE MINOR TO THE DEPARTMENT OF CORRECTIONS].

* **Sec. 33.** AS 47.12.240(d) is amended to read:

(d) When a minor is detained under **(c)** [(c)(1)] of this section [AND INCARCERATED IN A CORRECTIONAL FACILITY], the minor shall be

(1) assigned to quarters in **a** [THE] correctional facility **or an adult jail** that are separate from quarters used to house adult prisoners so that the minor cannot communicate with or view adults who are in official detention;

(2) provided admission, health care, hygiene, and food services and recreation and visitation opportunities separate from services and opportunities provided to adults who are in official detention.

* **Sec. 34.** AS 47.12.240(e) is amended to read:

(e) Notwithstanding the limitation on detention set out in (c) [(c)(1)] of this section, a minor whose detention is authorized by (c) [(c)(1)] of this section may be detained in a correctional facility for up to 24 hours when the authority having jurisdiction over the minor under this chapter is outside a metropolitan statistical area under the current designation of the United States Bureau of the Census and the authority has no existing acceptable alternative placement available for the minor. The minor may be held in secure custody beyond the 24-hour period if the criteria set out in this subsection are met and if the correctional facility is located where conditions of

(1) distance to be traveled or the lack of highway, road, or other ground transportation do not allow for court appearances within 24 hours, in which case the minor may be held for up to an additional 48 hours at the correctional facility; or

(2) lack of safety exist, such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel, in which case the time for an appearance may be delayed until 24 hours after the time that the conditions become safe.

* **Sec. 35.** AS 47.12.240(f) is amended to read:

(f) A detention authorized by (e) of this section may not exceed the time necessary to satisfy the requirement of (c)(2) [(c)(1)(B)] of this section.

* **Sec. 36.** AS 47.12.245(b) is amended to read:

(b) A juvenile probation officer may arrest a minor if the juvenile probation officer has probable cause to believe that the minor has violated [CONDITIONS OF] the minor's conditions of conduct [RELEASE] or probation.

* **Sec. 37.** AS 47.12.250(a) is amended to read:

(a) A peace officer or a juvenile probation officer who has arrested, or a peace officer who has continued the arrest of, a minor under AS 47.12.245 or a minor for criminal charges under AS 47.12.030 may

(1) have the minor detained in a juvenile detention facility or temporary secure juvenile holding area if, in the opinion of the [PEACE] officer making or continuing the arrest, it is necessary to do so to protect the minor or the community; however, the department may direct that a minor subject to delinquency proceedings who was arrested or whose arrest was continued be released from detention before the hearing required by (c) of this section;

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

(A) protect the minor or the community; or

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

* **Sec. 38.** AS 47.12.250 is amended by adding a new subsection to read:

(f) A minor arrested for criminal charges under AS 47.12.030 is subject to adult court proceedings and shall be held in a juvenile detention facility under AS 47.12.105. A minor arrested under this section may be temporarily held in an adult correctional facility or temporary secure juvenile holding area under the conditions set out in AS 47.12.240(c).

* **Sec. 39.** AS 47.12.270 is repealed and reenacted to read:

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

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

(1) a court has issued an arrest warrant;

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

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

1 * **Sec. 40.** AS 47.12.300 is amended by adding a new subsection to read:

2 (i) Except as provided in (f) of this section, this section does not apply to the
3 records of a minor who is waived into adult court under AS 47.12.030 or 47.12.100
4 and is subject to this chapter only to the extent that AS 47.12.105 applies to the minor.

5 * **Sec. 41.** AS 47.12.310(b) is amended to read:

6 (b) A state or municipal agency or employee shall disclose

7 (1) information regarding a case to a federal, state, or municipal law
8 enforcement agency for a specific investigation being conducted by that agency;

9 (2) appropriate information regarding a case to

10 (A) a guardian ad litem appointed by the court;

11 (B) a person or an agency requested by the department or the
12 minor's legal custodian to provide consultation or services for a minor who is
13 subject to the jurisdiction of the court under this chapter as necessary to enable
14 the provision of the consultation or services;

15 (C) school officials as may be necessary to protect the safety of
16 the minor who is the subject of the case and the safety of school students and
17 staff or to enable the school to provide appropriate counseling and supportive
18 services to meet the needs of a minor about whom information is disclosed;

19 (D) a governmental agency as may be necessary to obtain that
20 agency's assistance for the department in its investigation or to obtain physical
21 custody of a minor;

22 (E) a law enforcement or corrections agency of this state or
23 another jurisdiction as may be necessary for the protection, rehabilitation, care,
24 or supervision of any minor or for actions by that agency to protect the public
25 safety;

26 (F) a victim or to the victim's insurance company as may be
27 necessary to inform the victim or the insurance company about the arrest of the
28 minor, including the minor's name and the names of the minor's parents, copies
29 of reports, or the disposition or resolution of a case involving a minor;

30 (G) the state medical examiner under AS 12.65 as may be
31 necessary to perform the duties of the state medical examiner;

(H) foster parents or relatives with whom the child is placed by the department as may be necessary to enable the foster parents or relatives to provide appropriate care for the child who is the subject of the case, to protect the safety of the child who is the subject of the case, and to protect the safety and property of family members and visitors of the foster parents or relatives;

(I) the Department of Law or its agent for use and subsequent release if necessary for collection of an order of restitution on behalf of the recipient;

(J) the Violent Crimes Compensation Board established in AS 18.67.020 for use in awarding compensation under AS 18.67.080;

(K) a state, municipal, or federal agency of this state or another jurisdiction that has the authority to license adult or children's facilities and services;

(L) a child placement agency licensed under AS 47.32 as necessary to provide services for a minor who is subject to the jurisdiction of the court under this chapter; [AND]

(M) a state or municipal agency of this state or another jurisdiction that is responsible for child protection services, as may be necessary for the administration of services, protection, rehabilitation, or supervision of a minor or for actions by the agency to protect the public safety;

(N) the Department of Corrections as necessary for the administration of services, protection, rehabilitation, or supervision of any minor for release to the public as authorized by law, or as necessary to transfer detention of a minor who is waived into adult court under AS 47.12.030 or 47.12.100 and held under AS 47.12.105; and

(O) a corrections agency of this state or another jurisdiction as may be necessary for the protection, rehabilitation, care, or supervision of a former juvenile offender; and

(3) to the University of Alaska under the Alaska higher education savings program for children established under AS 47.14.400 information that is necessary to support the program, but only if the information released is maintained as

1 a confidential record by the University of Alaska.

2 * **Sec. 42.** AS 47.12.310(d) is amended to read:

3 (d) Upon request of a victim, the department shall make every reasonable
4 effort to notify the victim as soon as practicable, by telephone or in writing, when a
5 delinquent minor is to be released from placement [IN A JUVENILE FACILITY]
6 under AS 47.12.120(b)(1). The notice under this subsection must include the expected
7 date of the delinquent minor's release, the geographic area in which the delinquent
8 minor is required to reside, and other pertinent information concerning the delinquent
9 minor's conditions of **conduct or probation** [RELEASE] that may affect the victim.

10 * **Sec. 43.** AS 47.12.315(c) is amended to read:

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

17 * **Sec. 44.** AS 47.12.990(7) is amended to read:

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

21 * **Sec. 45.** AS 47.12.990(12) is amended to read:

22 (12) "minor" means a person **who is**
23 **(A) under 18 years of age at the time the person commits an**
24 **offense; and**
25 **(B) subject to the jurisdiction of the court under this**
26 **chapter;**

27 * **Sec. 46.** AS 47.12.990 is amended by adding new paragraphs to read:

28 (17) "juvenile probation officer" means an officer described in
29 AS 47.12.270;

30 (18) "juvenile treatment facility" means a secure facility for treatment
31 of minors adjudicated delinquent and committed by a court to the care and custody of

1 the department under AS 47.12.120(b)(1);

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

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

8 * **Sec. 47.** AS 47.14.010 is amended to read:

9 **Sec. 47.14.010. General powers of department over juvenile facilities and**
10 **institutions.** The department may

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

14 (2) adopt plans for construction of juvenile detention facilities
15 [HOMES, JUVENILE WORK CAMPS], juvenile treatment [DETENTION]
16 facilities, and other juvenile institutions;

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

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

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

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

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

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

31 (9) accept donations, gifts, or bequests of money or other property for

1 use in construction of juvenile [HOMES, WORK CAMPS,] institutions, [OR]
 2 detention facilities, or juvenile treatment facilities;

3 (10) operate juvenile detention facilities [HOMES] when
 4 municipalities are unable to do so;

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

9 * **Sec. 48.** AS 47.14.020 is amended to read:

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

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

15 (2) require and collect statistics on juvenile offenses and offenders in
 16 the state;

17 (3) conduct studies and prepare findings and recommendations on the
 18 need, number, type, construction, maintenance, and operating costs of juvenile
 19 detention facilities, juvenile treatment [HOMES, WORK CAMPS,] facilities, and
 20 [THE] other institutions, and adopt and submit a plan for construction of the
 21 [HOMES, WORK CAMPS,] facilities [,] and institutions when needed, together with
 22 a plan for financing the construction programs;

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

26 * **Sec. 49.** AS 47.14.040 is amended to read:

27 **Sec. 47.14.040. Authority to maintain and operate temporary secure**
 28 **juvenile holding area, juvenile detention facility, or juvenile treatment [HOME,**
 29 **WORK CAMP, OR] facility.** (a) A municipality or entity [CITY] may maintain
 30 and operate a temporary secure juvenile holding area [JUVENILE DETENTION
 31 FACILITY], and a municipality [CITY] or a nonprofit corporation may maintain and

1 operate a juvenile detention facility or juvenile treatment facility [HOME OR A
2 JUVENILE WORK CAMP].

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

7 * **Sec. 50.** AS 47.14.050(a) is repealed and reenacted to read:

8 (a) The department shall adopt standards and regulations for the operation of
9 juvenile detention facilities and juvenile treatment facilities in the state.

10 * **Sec. 51.** AS 47.14.050(b) is amended to read:

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

15 * **Sec. 52.** AS 47.14.990(7) is amended to read:

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

19 * **Sec. 53.** AS 47.14.990(10) is amended to read:

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

22 * **Sec. 54.** AS 47.14.990 is amended by adding new paragraphs to read:

23 (12) "juvenile probation officer" has the meaning given in
24 AS 47.12.990;

25 (13) "juvenile treatment facility" has the meaning given in
26 AS 47.12.990;

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

29 * **Sec. 55.** AS 47.17.020(a) is amended to read:

30 (a) The following persons who, in the performance of their occupational
31 duties, their appointed duties under (8) of this subsection, or their volunteer duties

under (9) of this subsection, have reasonable cause to suspect that a child has suffered harm as a result of child abuse or neglect shall immediately report the harm to the nearest office of the department and, if the harm appears to be a result of a suspected sex offense, shall immediately report the harm to the nearest law enforcement agency:

- (1) practitioners of the healing arts;
- (2) school teachers and school administrative staff members, including athletic coaches, of public and private schools;
- (3) peace officers and officers of the Department of Corrections;
- (4) administrative officers of institutions;
- (5) child care providers;
- (6) paid employees of domestic violence and sexual assault programs, and crisis intervention and prevention programs as defined in AS 18.66.990;
- (7) paid employees of an organization that provides counseling or treatment to individuals seeking to control their use of drugs or alcohol;
- (8) members of a child fatality review team established under AS 12.65.015(e) or 12.65.120 or the multidisciplinary child protection team created under AS 47.14.300;
- (9) volunteers who interact with children in a public or private school for more than four hours a week;

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

* **Sec. 56.** AS 28.15.176; AS 47.12.060(b)(5), 47.12.990(8), 47.12.990(9), 47.12.990(15); AS 47.14.990(8), and 47.14.990(9) are repealed.

* **Sec. 57.** The uncoded law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. (a) AS 11.41.425(b)(1), as amended by sec. 2 of this Act, AS 11.41.425(b)(2), as amended by sec. 3 of this Act, AS 11.41.427(b)(2), as amended by sec. 4 of this Act, AS 11.41.470(3), as amended by sec. 5 of this Act, AS 11.41.470(5), as amended by sec. 6 of this Act, AS 11.41.470(9) and (10), enacted by sec. 7 of this Act, AS 11.61.123(e), as amended by sec. 8 of this Act, and AS 47.12.030(b), as amended by sec.

23 of this Act, apply to offenses committed on or after the effective date of secs. 2 - 8 and 23 of this Act.

(b) This Act applies to minors subject to AS 47.12.030(a), as amended by sec. 22 of this Act, and AS 47.12.100 who are held in a facility operated by the Department of Corrections or a facility operated by the Department of Health and Social Services on or after the effective date of sec. 22 of this Act.

* **Sec. 58.** The uncodified law of the State of Alaska is amended by adding a new section to read:

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

* **Sec. 59.** Section 58 of this Act takes effect immediately under AS 01.10.070(c).

* **Sec. 60.** Except as provided by sec. 59 of this Act, this Act takes effect July 1, 2021.