

LEGISLATIVE COUNCIL

IN THE SENATE

BY SENATORS BARNES
AND JONES

SENATE BILL NO. 8

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

TWENTY-SECOND SESSION

A BILL

For an Act entitled: "An Act to provide for juvenile detention homes in certain cities; to establish a board of juvenile institutions, setting forth its powers and duties and the powers of cities and courts in relation thereto; making an appropriation; and setting an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

Section 1. Board; creation; appointment; terms. There is hereby created a Board of Juvenile Institutions (hereinafter called the board) to be composed of five members, ^{one from each Division} appointed by the Governor. The term of each member shall be five years. The first board shall be composed as follows: one member appointed for five years; one member for four years; one member for three years; one member for two years; and one member for a term of one year. The term of office of all members shall commence on July 1, 1955, and all members appointed thereafter shall serve for five years from the July first in the year appointed. Vacancies shall be filled by appointment for the unexpired term of the member replaced.

Sec. 2. Confirmation. All appointments shall be subject to the approval of the Legislature, if it is in session at the time of the appointment. If the Legislature is not in session, the names shall be submitted to the next succeeding Legislature for

1 confirmation, and if such appointments are not confirmed the
2 office shall be considered vacant, and a new member appointed to
3 fill the vacancy, subject to approval or confirmation as afore-
4 said.

5 Sec. 3. Board; meetings; expenses. Members of the board
6 shall receive no salary, but shall be entitled to the amount of
7 per diem and expenses authorized by general law. The board shall
8 meet at such times and places as may be necessary to carry out
9 the duties imposed by this Act. The board may adopt rules for
10 the performance of its functions, and shall elect a chairman
11 and vice-chairman from its membership.

12 Sec. 4. Board; general powers. The Board of Juvenile
13 Institutions shall have, but not by way of limitation, the fol-
14 lowing powers: (1) to employ such assistants as may be needed
15 to carry out the provisions of this Act; (2) to rent, purchase,
16 lease, or construct buildings or other juvenile detention faci-
17 lities in any city in Alaska having a population of 1,700 or
18 more, but only upon the request of the governing body of each
19 such city; (3) to reimburse cities maintaining and operating
20 juvenile detention facilities in an amount equal to ⁵⁰75 per centum
21 of the net costs to the city for such maintenance and operation;
22 (4) to collect statistics on juvenile offenses and offenders
23 handled by all courts in Alaska having jurisdiction; (5) to con-
24 duct studies of the need, number and types, and construction,
25 maintenance and operation cost, of correctional institution or
26 institutions, and to submit a plan for construction of such in-
27 stitution or institutions, together with a plan for financing such
28 construction program, to the Twenty-third Legislature; (6) to
29 examine all facilities, institutions and places of juvenile

1 detention in Alaska and inquiras into their methods and the
2 management of juveniles therein; (7) to adopt standards and regu-
3 lations for the design, construction, repair and maintenance,
4 and facilities of juvenile detention homes provided in pursuance
5 of this Act; (8) to select and purchase the site and approve the
6 plans, specifications and erection of buildings for such juvenile
7 detention homes, and to inspect, at least once each year, each
8 juvenile detention home to ensure that the standards adopted are
9 being maintained; (9) to do all other acts necessary and con-
10 venient to carry out the purposes of this Act. *Amend #1*

11 Sec. 5. Cities; additional powers. Any incorporated muni-
12 cipality having a population of 1,700 or more according to the
13 last preceding decennial census or found by the board to have a
14 population of 1,700 or more may maintain and operate a juvenile
15 detention home. Cities maintaining such homes are hereby
16 authorized to receive and to require full payment of the costs
17 of detaining any child committed to its care by any court other
18 than the municipal magistrate's court of the city. Cities are
19 further authorized to receive any grants-in-aid from the Terri-
20 torial government for costs of operation of such facilities that
21 may be authorized by law.

22 Sec. 6. Cities; application. Any authorized city may re-
23 quest the board of juvenile institutions to furnish, by rent,
24 lease, or construction, a juvenile detention home within such
25 city. Requests shall be in such form as may be required by the
26 Board of Juvenile Institutions.

27 Sec. 7. Board; action on application. Upon approval of ~~X~~
28 the request of any city the board shall rent, lease, or construct
29 the facility needed, as the case may be; or, alternatively, may

1 make a payment to the city for the full cost of construction,
2 lease or rental.

3 Sec. 8. Plan for operation. The Board of Juvenile Insti-
4 tutions shall adopt regulations and standards for the operation
5 of each detention facility relating to the number and types of
6 employees and by joint contract with the governing body of each
7 city may establish salaries, hours of work, working conditions,
8 and other necessary and reasonable requirements related to such
9 operation. No such contract shall be made for a period longer
10 than one year. During the term of the contract both parties
11 shall be bound thereby; Provided, that by joint agreement the
12 contract may be rescinded and revised in whole or in part.

13 Sec. 9. Conditions governing detention; general. Whenever
14 any officer takes a child into custody, he shall, unless it is
15 impracticable or has been otherwise ordered by the court having
16 jurisdiction, accept the written promise of the parent, guardian
17 or custodian of such child to be responsible for the presence
18 of such child in the court at the time fixed. Thereupon such
19 child may be released in the custody of the parent, guardian or
20 custodian, or in the custody of the Department of Public Welfare
21 or other person designated by the court. If not so released
22 such child shall be taken immediately to the place of detention
23 designated by the court, and any child detained shall be brought
24 before the court at the earliest practicable time, but not later
25 than 48 hours after such detention. *amend #2*

26 Sec. 10. Children in custody. In the case of any child
27 ordered or taken into custody by a police officer or the Depart-
28 ment of Public Welfare, and pending the final disposition of the
29 case, the child may be released in the custody of a parent,

1 guardian or custodian, or of the Department of Public Welfare, or
2 other person appointed by the court, to be brought before the
3 court at the time designated. When not so released, such child,
4 pending the hearing of the case, shall be detained in such place
5 of detention as shall be designated by the court subject to fur-
6 ther order; Provided, that any child under 18 years of age who is
7 being detained may, in the discretion of the judge of the court
8 having jurisdiction, be permitted to give bond or security in
9 such reasonable sum as may be fixed by the judge as will assure
10 the presence of the child at any hearing or proceeding.

11 Sec. 11. Powers of police. Nothing in this Act shall be
12 construed as forbidding any peace officer or police officer from
13 immediately taking into custody any child who is found violating
14 any law or ordinance, or who is reasonably believed to be a
15 fugitive from his parents or his guardian, or from justice, or
16 whose surroundings are such as to endanger his health, morals,
17 or welfare, unless immediate action is taken. When any child
18 under 18 years of age is taken into custody with or without
19 warrant, charged with the violation of any law, or the violation
20 of any municipal ordinance, such child shall be taken before a
21 court having jurisdiction; or, if the court is not in session,
22 the child shall be placed in a juvenile detention home, if such
23 is available; and the Department of Public Welfare notified
24 immediately. The detaining officer may request the Department
25 of Public Welfare to arrange other care for the child.

26 Sec. 12. Powers of Department of Welfare. When requested
27 by the court or detaining officer the Department of Public Wel-
28 fare may interview and examine the child for the purpose of
29 securing the facts relating to the reason for detention; making

1 an investigation to provide the court with information; and for
2 making recommendations to the court relating to the case and
3 child. The Department of Public Welfare may, with the consent
4 of the city, place any child committed to it by the juvenile
5 court in the custody of the detention home nearest the child's
6 residence, for such period of time as may be necessary to arrange
7 other care for the child, or pending transfer to a children's in-
8 stitution, or for a period not to exceed thirty days when so
9 recommended by the court, as the case may be. All such temporary
10 placements in the detention home shall be for the shortest prac-
11 ticable time, considering the welfare of the child and avail-
12 ability of other facilities. The Department of Public Welfare
13 shall pay to the city having jurisdiction for each day the child
14 is so detained, an amount determined by the governing body of
15 the city ^{and the Board} to be the actual cost per day for providing such tempo-
16 rary care.

17 Sec. 13. Power of City Magistrate's Court. The Magistrate's
18 Court of any city having a detention home may commit a child to
19 detention for such period as may be authorized by ordinance, but
20 not to exceed thirty days for any one offense. The court may,
21 in its discretion, place the child on probation, for the period
22 for which such child may be committed, under the supervision of
23 the court; or may provide for the release of the child during
24 school hours as may, in the discretion of the court, be condu-
25 cive to the best interests of the child and the community.

26 ~~Sec. 14~~ ^{Sec. 14} Cities; reimbursement of costs. As often as may
27 be established by the joint contract of the board and city govern-
28 ing body, but at least each quarter year, the governing body of
29 each city having a detention home shall certify to the board the

1 costs to the city actually paid for operation and maintenance of
2 the detention home. The form of the expense statement shall con-
3 tain such information as may be determined by the board. Within
4 thirty days after receipt of the statement the board shall upon
5 proper voucher pay to the city an amount equal to ~~seventy-five~~ ^{fifty}
6 per centum of the total cost of such operation and maintenance
7 less any receipts to the city paid for detention by the Depart-
8 ment of Public Welfare or other payments authorized by law.

9 Sec. 1^{1/2}. Appropriations. There is hereby appropriated to
10 the board, out of any monies in the General Fund not otherwise
11 appropriated, the following amounts: (a) for the purpose of
12 construction, rental or lease of detention homes, the sum of
13 \$_____ ; (b) for the purpose of reimbursing cities
14 for 75 per centum of the net operating and maintenance costs
15 of detention homes, the sum of \$_____ ; (c) for the
16 purpose of travel, salaries, per diem, and other administrative
17 expenses of the board, the sum of \$_____ .

18 Sec. 1^{1/2}. Effective date. This Act shall take effect and
19 be in force from and after its passage and approval, or upon
20 its becoming law without such approval, and it is so enacted.
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