

1 IN THE SENATE

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2 SENATE BILL NO. 337

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to youthful offenders."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 47 is amended by adding a new chapter to read:

9 CHAPTER 12. YOUTHFUL OFFENDERS.

10 Sec. 47.12.010. PURPOSE. The purpose of this chapter is to
11 protect society more effectively by substituting for retributive
12 punishment methods of training and treatment directed toward the
13 correction and rehabilitation of young persons.

14 Sec. 47.12.020. CREATION OF YOUTHFUL OFFENDER BOARD. There is
15 created in the Department of Health and welfare the Youthful Offender
16 Board.

17 Sec. 47.12.030. COMPOSITION. The board is composed of three
18 full time members whose positions are in the classified service under
19 AS 39.25. At the first meeting of each year, the members of the board
20 shall elect a chairman from among its members.

21 Sec. 47.12.040. QUALIFICATIONS FOR SERVICE. A person who serves
22 on the Youthful Offender Board shall have a broad background in and
23 ability for appraisal of youthful law offenders and delinquents, the
24 circumstances of delinquency, and the evaluation of the individual's
25 progress toward reformation. Qualified personnel from the division of
26 corrections of the Department of Health and Welfare shall be members
27 when possible.

28 Sec. 47.12.050. SENTENCE AND COMMITMENT. (a) When one of the
29 following persons is convicted of a crime or is found to be a delinquent

1 or dependent child under ch. 10 of this title, the court may in its
2 discretion, instead of imposing imprisonment, or instead of commitment
3 under that chapter, commit him to the custody of the board:

4 (1) a person who is less than 22 years of age at the time
5 of apprehension;

6 (2) a person who is not sentenced to life imprisonment,
7 imprisonment for 90 days or less, or fined;

8 (3) a person who has not been granted probation or, in the
9 case of a minor, probation or release under AS 47.10.080.

10 (b) If a court is of the opinion that a youthful offender does not
11 need commitment, it may suspend the imposition of sentence and place
12 the youthful offender on probation as provided by law.

13 (c) Nothing in this chapter limits the jurisdiction and powers
14 of the juvenile court.

15 Sec. 47.12.060. RETURN OF INCORRIGIBLE TO COMMITTING COURT. When
16 a person who has been committed to the board, appears to the board
17 either at the time of his presentation or after having become an
18 inmate of a facility subject to the jurisdiction of the board, to be an
19 improper person to be retained in the institution or facility, or to be
20 so incapable of reformation under the discipline of the board as to
21 render his retention detrimental to the interests of the board, the
22 board may return him to the court which originally committed him.

23 Sec. 47.12.070. COMMITMENT IS APPEALABLE JUDGMENT. A commitment
24 to the board is a judgment which is appealable.

25 Sec. 47.12.080. PRELIMINARY STUDY AND REPORT. (a) As soon as
26 practicable after the commitment of a youthful offender to the board,
27 a preliminary study shall be made of the offender. This shall consist
28 of a complete mental and physical examination to determine his personal
29 traits, capabilities, pertinent circumstances of his school, family

1 life, previous delinquency or criminal experience (subject to AS 47.-
2 10.090), and any mental or physical defect or other factor contributing
3 to his delinquency.

4 (b) After the examination under (a) of this section, a report
5 shall be prepared by at least one member of the board, setting out the
6 substance of the examination. The reporting member shall make recom-
7 mendations to the board he considers necessary.

8 Sec. 47.12.090. TREATMENT AND RELEASE OF YOUTHFUL OFFENDERS. (a)
9 After the report and recommendations under sec. 80 of this chapter are
10 presented to the board, the board may

11 (1) order the committed youthful offender confined and
12 afforded treatment under the conditions it believes best designed for
13 the protection of the public and the rehabilitation of the youthful
14 offender;

15 (2) direct the temporary transfer of the committed youthful
16 offender to an agency or institution for treatment;

17 (3) direct that the committed youthful offender be released
18 conditionally under supervision;

19 (4) unconditionally discharge a committed youthful offender
20 at the expiration of one year from the date of conditional release.

21 (b) A youthful offender shall be discharged unconditionally no
22 later than the expiration of his commitment period.

23 (c) Immediately upon the unconditional discharge of a youthful
24 offender, all records concerning his conviction shall be expunged.

25 Sec. 47.12.100. REVOCATION OF BOARD ORDERS. The board may revoke
26 or modify a previous order with respect to a committed youthful offende
27 except an order of unconditional discharge.

28 Sec. 47.12.110. REGULATIONS. The Department of Health and Wel-
29 fare shall promulgate regulations necessary to carry out the purposes

1 of this chapter.

2 Sec. 47.12.120. DEFINITIONS. In secs. 10 - 120 of this chapter

3 (1) "board" means the Youthful Offender Board;

4 (2) "conviction" means the judgment on a verdict or finding
5 of guilty, a plea of guilty, or a plea of nolo contendere;

6 (3) "treatment" means corrective and preventive guidance
7 and training designed to protect the public and rehabilitate the
8 youthful offender;

9 (4) "youthful offender" means a person under the age of
10 22 years at the time of his apprehension.

11 * Sec. 2. AS 47.10.060(a) is amended to read:

12 (a) If the court finds at a hearing on a petition that there is
13 probable cause for believing that a minor is delinquent and finds that
14 the minor is not amenable to treatment under this chapter or under
15 chapter 12 of this title, it shall order the case closed. After a case
16 is closed under this subsection, the minor may be prosecuted as if he
17 were an adult.

18 * Sec. 3. CERTIFICATION TO COMMISSIONER. (a) No person may be committed
19 to the custody of the board until the board has certified to the commissioner
20 that it has established places for preliminary detention, examination and
21 study of persons committed, and has other facilities and personnel sufficient
22 for the proper discharge of its duties and functions.

23 (b) Before certification to the commissioner as provided in (a) of this
24 section, a court shall, upon conviction of a person under 22 years of age at
25 the time of his apprehension, deal with him without regard to the provisions
26 of this chapter.