

Introduced: 1/27/82
Referred: State Affairs and
Judiciary

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1 IN THE SENATE

2 SENATE BILL NO. 685

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to unlawful conduct of minors."

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

8 * Section 1. AS 47.10.020(a) is amended to read:

9 (a) Whenever a person informs the court of the facts which bring a
10 minor within this chapter, the court shall appoint a competent person or
11 agency to make a preliminary inquiry and report for the information of
12 the court to determine whether the interests of the public or of the
13 minor require that further action be taken. Upon the receipt of the
14 report, the court may informally adjust or dispose of the matter without
15 a hearing, or it may authorize the person having knowledge of the facts
16 of the case to file with the court a petition setting out the facts.
17 Where the court informally adjusts or disposes of the matter, the minor
18 may not be detained or taken into the custody of the court, and the
19 matter shall be closed by the court upon adjustment or disposition.
20 The court shall disclose to the victim, if any, of the minor the manner
21 in which it informally adjusted or disposed of the matter. The victim's
22 parents, guardian, and other immediate family members are entitled to
23 receive the same information from the court.

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

25 (a) If the court finds at a hearing on a petition that there is
26 probable cause for believing that a minor is delinquent and finds that
27 the minor is not amenable to treatment under this chapter, it shall
28 order the case closed. If the court finds at a hearing on a petition
29 that there is probable cause for believing that a minor who is 16 years

1 of age or older is delinquent because the minor committed murder in the
2 first or second degree, kidnapping, or a class A felony, it shall order
3 the case closed. After a case is closed under this subsection, the
4 minor shall [MAY] be prosecuted as if he were an adult.

5 * Sec. 3. AS 47.10.080(a) is amended to read:

6 (a) The court, at the conclusion of the hearing, or thereafter as
7 the circumstances of the case may require, shall find and enter a judg-
8 ment that the minor is or is not a delinquent or a child in need of aid.
9 The court shall disclose the results of the hearing to the victim, if
10 any, of the minor. The victim's parents, guardian, and other immediate
11 family members are entitled to receive the same information from the
12 court.

13 * Sec. 4. AS 47.10.090 is amended by adding a new subsection to read:

14 (d) The provisions of this section prohibiting disclosure of
15 information relating to a minor do not apply to a disclosure to a victim
16 and his family under AS 47.10.020(a), AS 47.10.080(a), and AS 47.10.-
17 140(d).

18 * Sec. 5. AS 47.10.140(d) is amended to read:

19 (d) If the court finds that probable cause exists, it shall deter-
20 mine whether the minor should be detained pending the hearing on the
21 petition or released. It may either order the minor held in detention
22 or order him to be released to the custody of a suitable person pending
23 the hearing on the petition. If the court finds no probable cause, it
24 shall order the minor released and close the case. The court shall dis-
25 close the results of the hearing to the victim, if any, of the minor.
26 The victim's parents, guardian, and other immediate family members are
27 entitled to receive the same information from the court.

28 * Sec. 6. AS 34.50.020(a) is amended to read:

29 (a) Except as provided in (e) of this section. a [A] person,

1 municipal corporation, association, village, school district or religious
2 or charitable organization, incorporated or unincorporated, may recover
3 damages in a civil action in an amount not to exceed \$5,000 [\$2,000] and
4 court costs, from either parent or both parents or the legal guardian or
5 person having the legal custody of an unemancipated minor under the age
6 of 18 years, who maliciously or wilfully destroys real or personal
7 property belonging to the person, municipal corporation, association,
8 village, school district or religious or charitable organization.

9 * Sec. 7. AS 34.50.020 is amended by adding new subsections to read:

10 (c) For the purposes of this section a minor is considered emanci-
11 pated and a parent or legal guardian or person having legal custody is
12 not liable for property damage caused by the minor if the court deter-
13 mines that

14 (1) the disabilities of minority have been removed under
15 AS 09.55.590;

16 (2) the minor is a resident of the state and is at least 16
17 years of age, is living separate and apart from his parents or legal
18 guardian or person having legal custody, and is capable of self-support
19 and of managing his own financial affairs; or

20 (3) the minor is living separate and apart from his parents
21 or legal guardian or person having legal custody and engages in conduct
22 that results in a judgment under AS 47.10.080(a) that he is a delinquent
23 minor and that also is the basis for a civil action for damages to
24 property under this section.

25 (d) If the court determines that a minor is emancipated under (c)
26 of this section, the minor may be sued in a civil action for injuries
27 caused by the minor as if the minor were an adult.

28 (e) The provisions of (a) of this section do not apply to an
29 unemancipated minor under the age of 18 years who maliciously or wil-

1 fully destroys property at the time he is a ward of the state under
2 AS 47.10.080(f).
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