

Original sponsor: Hudson

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

CS FOR HOUSE BILL NO. 265 (HESS)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FIFTEENTH LEGISLATURE - SECOND SESSION

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A BILL

6 For an Act entitled: "An Act relating to restitution and community service

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by, and drug and alcohol abuse treatment for, delin-

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quent minors who violate criminal laws."

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

10 * Section 1. FINDINGS. The legislature finds that

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(1) an alarming number of minors try drugs or alcohol, or both,

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at an early age;

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(2) many juvenile arrests are drug related or alcohol related;

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(3) chemical dependency is a disease characterized by the loss

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of control over drug or alcohol use, and that related problems, such as

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suicide and motor vehicle accidents, have become the major health problems

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of teenagers;

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(4) chemical dependency among minors causes serious legal,

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health, and social problems for the entire state;

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(5) the 15 to 20 percent of minors who drop out of school may be

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in need of preventive education and treatment for chemical dependency;

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(6) drug or alcohol use by minors frequently results in truancy,

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poor scholastic performance, and impairment of short-term memory and atten-

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tion abilities, and retards the social and emotional development of minors;

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(7) the health and welfare of many minors in the state can be

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improved if the problem of chemical dependency is properly addressed in the

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disposition of delinquent minors in cases involving violation of criminal

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laws relating to drugs and alcohol.

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* Sec. 2. AS 09.65.070(d) is amended to read:

1 (d) No action for damages may be brought against a municipality
2 or any of its agents, officers, or employees if the claim

3 (1) is based on a failure of the municipality, or its
4 agents, officers, or employees, when the municipality is neither owner
5 nor lessee of the property involved,

6 (A) to inspect property for a violation of any statute,
7 regulation or ordinance, or a hazard to health or safety;

8 (B) to discover a violation of any statute, regulation,
9 tion, or ordinance, or a hazard to health or safety if an in-
10 spection of property is made; or

11 (C) to abate a violation of any statute, regulation or
12 ordinance, or a hazard to health or safety discovered on property
13 inspected;

14 (2) is based upon the exercise or performance or the fail-
15 ure to exercise or perform a discretionary function or duty by a
16 municipality or its agents, officers, or employees, whether or not the
17 discretion involved is abused;

18 (3) is based upon the grant, issuance, refusal, suspension,
19 delay or denial of a license, permit, appeal, approval, exception,
20 variance, or other entitlement, or a rezoning;

21 (4) is based on the exercise or performance during the
22 course of gratuitous extension of municipal services on an extra-
23 territorial basis; [OR]

24 (5) is based upon the exercise or performance of a duty or
25 function upon the request of, or by the terms of an agreement or
26 contract with, the state to meet emergency public safety requirements;

27 (6) is for injury to a minor that occurred while the minor
28 was performing community service under AS 47.10.080.

29 * Sec. 3. AS 47.10.080 is amended by adding new subsections to read:

1 (1) If the court finds that a minor is delinquent as a result of
2 violating a criminal law, the court may, in addition to an order
3 issued under (b) of this section, issue an order

4 (1) specifying restitution to be made, and community ser-
5 vice to be performed, by the minor; and

6 (2) that a drug and alcohol screening and evaluation be
7 administered to the minor by a program approved by the office of
8 alcoholism and drug abuse, Department of Health and Social Services,
9 if the law that was violated relates to the possession, use, or sale
10 of a controlled substance or an alcoholic beverage.

11 (m) In this section,

12 (1) "alcoholic beverage" has the meaning given in AS 04.-
13 21.080;

14 (2) "controlled substance" has the meaning given in AS 11.-
15 71.900.