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5-0310A

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1 IN THE SENATE

2 SENATE BILL NO. 79

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to runaway minors."

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

8 \* Section 1. AS 47.10.141 is amended to read:

9 Sec. 47.10.141. RUNAWAY AND MISSING MINORS. (a) Upon receiving  
10 a written or telephonic request to locate a minor evading the minor's  
11 legal custodian or to locate a minor otherwise missing, a law enforce-  
12 ment agency shall make reasonable efforts to locate the minor and  
13 shall immediately complete a missing person's report containing infor-  
14 mation necessary for the identification of the minor. As soon as  
15 practicable, but not later than 24 hours after completing the report,  
16 the agency shall transmit the report for entry into the Alaska Public  
17 Safety Information Network and the National Crime Information Center  
18 computer system. As soon as practicable, but not later than 24 hours  
19 after the agency learns that the minor has been located, it shall  
20 request that the Department of Public Safety and the Federal Bureau of  
21 Investigation remove the information from the computer systems.

22 (b) A peace officer shall take into protective custody a minor  
23 described in (a) of this section if the minor is not otherwise subject  
24 to arrest or detention. If the minor has not previously been taken  
25 into protective custody under this section while evading the minor's  
26 legal custodian, then the [THE] peace officer, after complying with  
27 the requirements of (d) of this section, shall honor the minor's  
28 preference to [EITHER] (1) return the minor to the legal custodian if  
29 the legal custodian consents to the return; (2) take the minor to a

1 location designated by the legal custodian; or (3) [(2)] take the  
2 minor to an office specified by the Department of Health and Social  
3 Services or a facility or contract agency of the department. If an  
4 office specified by the department or a facility or contract agency of  
5 the department does not exist in the community, the officer shall take  
6 the minor to another suitable location and promptly notify the depart-  
7 ment. Except as provided in (c) of this section, a [A] minor under  
8 protective custody may not be housed in a jail or other detention  
9 facility. Immediately upon taking a minor into protective custody the  
10 officer shall advise the minor orally and in writing of the right to  
11 social services under AS 47.10.142(b), and, if known, the officer  
12 shall advise the legal custodian that the minor has been taken into  
13 protective custody.

14 \* Sec. 2. AS 47.10.141 is amended by adding new subsections to read:

15 (c) A minor who is taken into protective custody by a peace  
16 officer while the minor was evading the minor's legal custodian shall  
17 be placed in a juvenile detention facility approved by the department  
18 for a period of 30 days after being taken into custody if the minor  
19 was previously taken into protective custody by a peace officer in the  
20 state while the minor was evading the minor's legal custodian. Before  
21 the minor is placed in detention, the peace officer who took the minor  
22 into protective custody shall comply with the requirements of (d) of  
23 this section.

24 (d) As soon as practicable after taking into custody a minor who  
25 is evading the minor's legal custodian, a peace officer shall ac-  
26 company the minor to a location specified by the department for an  
27 examination of the minor. The department shall adopt regulations that  
28 specify the appropriate tests and analyses to be administered to the  
29 minor to detect evidence of alcohol, drug, physical, or sexual abuse.

1           (e) A peace officer shall take a minor into protective custody  
2           if the peace officer has probable cause to believe that the minor is  
3           evading the minor's legal custodian and  
4                    (1) is in danger of harm or poses a threat of harm to  
5           others; or  
6                    (2) is living with a person who is not a legal custodian of  
7           the minor.