

Offered: 4/16/87
Referred: Judiciary and Finance

5-0310B

Original sponsors: Rodey, Faiks,
Fischer, et al.

1 IN THE SENATE HEALTH, EDUCATION AND SOCIAL
SERVICES COMMITTEE
2 CS FOR SENATE BILL NO. 79 (HESS)
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 and missing 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. The peace officer shall honor the minor's
25 preference to [EITHER] (1) return the minor to the legal custodian if
26 the legal custodian consents to the return; (2) take the minor to a
27 location designated by the legal custodian; or (3) [(2)] take the
28 minor to an office specified by the Department of Health and Social
29 Services or a facility or contract agency of the department. If an

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

11 * Sec. 2. AS 47.10.141 is amended by adding a new subsection to read:

12 (c) A minor may be taken into protective custody by a peace
13 officer and placed into temporary detention in a juvenile detention
14 facility if there has been an order issued by a court upon a finding
15 of probable cause that the minor is a runaway in violation of a valid
16 court order issued under AS 47.10.142(f) and is posing a clear and
17 present danger to the minor's own welfare. A minor detained under
18 this subsection shall be brought before a court within 48 hours after
19 the detention for a hearing to determine whether the minor is in civil
20 contempt of court under AS 09.50.010(5). This subsection does not
21 apply to a minor taken into protective custody in a community that
22 does not have a juvenile detention facility.

23 * Sec. 3. AS 47.10.142 is amended by adding a new subsection to read:

24 (f) When a minor is committed to the department for temporary
25 placement under (e) of this section, the court order shall specify the
26 terms, conditions, and duration of placement. The court shall require
27 the minor to remain in the placement provided by the department and
28 shall clearly state in the order the consequences of violating the
29 order, including the possibility of detention under AS 47.10.141(c).