

1 IN THE SENATE

BY HALFORD

2

SENATE BILL NO. 78

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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

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

8 \* Section 1. AS 47.10.090 is repealed and reenacted to read:

9       Sec. 47.10.090. RECORDS. (a) The court shall make and keep  
10 records of all cases brought before it. The court's official records  
11 are not public records and may be inspected only with the court's  
12 permission and only by persons having a legitimate interest in them.  
13 Parties and their attorneys or guardians may have access to the court  
14 file. Foster care review boards doing case reviews under 42 U.S.C.  
15 671- - 675 may have access to the court file on a case under review  
16 without court order. Other persons may have access to the court files  
17 as authorized by statute, or court order for good cause shown after  
18 notice to the parties, but conditions on their access may be set by  
19 the court. A person with access shall maintain the confidentiality of  
20 all information in the court's file.

21       (b) All information and social records pertaining to a minor and  
22 prepared by an employee of the court or by a federal, state, or munic-  
23 ipal agency or an agent, contractee, or licensee of a federal, state,  
24 or municipal agency, in the discharge of official duties, including  
25 those relating to driver's license action under AS 28.15.185, are  
26 privileged and may not be disclosed directly or indirectly to anyone  
27 without the court's permission. However, the employee, agency, agent,  
28 licensee, or contractee may exchange information without a court order  
29 with another employee, agency, or contractee who needs the information

1 for a legitimate purpose. Exchanged information retains its privi-  
2 leged status. Notwithstanding this subsection, the court shall for-  
3 ward a record of adjudication of an offense described in AS 28.15.-  
4 185(a) to the Department of Public Safety, if the court imposes a  
5 license revocation under AS 28.15.185. A need for information for a  
6 legitimate purpose is presumed in the following circumstances:

7 (1) giving or obtaining information to enforce a court  
8 order;

9 (2) giving or obtaining information to make a report to the  
10 court;

11 (3) giving or obtaining information for purposes of treat-  
12 ment;

13 (4) giving or obtaining information for purposes of place-  
14 ment of the minor;

15 (5) furthering investigation of crimes by or against a  
16 minor;

17 (6) furthering prosecution of crimes committed against a  
18 minor;

19 (7) furthering investigation of child abuse or neglect  
20 reports;

21 (8) enforcing licensing statutes and regulations; or

22 (9) when disclosure is authorized by statute, court rule,  
23 protocol, or regulation.

24 (c) When a discovery request is made by a criminal defendant for  
25 the records of a child victim where the charge is child exploitation,  
26 sexual assault, physical assault, abuse, or neglect, the records shall  
27 be released to the court. The court shall review the records in  
28 camera. The court shall release material that is relevant to the  
29 defense. In releasing the material, the court may issue protective

1 orders that are necessary to balance the child's right to privacy  
2 against the defendant's constitutional rights.

3 (d) Within 30 days of the date of a minor's 18th birthday or, if  
4 the court retains jurisdiction of a minor past the minor's 18th birth-  
5 day, within 30 days of the date on which the court relinquishes juris-  
6 diction over the minor, the court shall order sealed all the court's  
7 official records pertaining to that minor, including records of all  
8 driver's license proceedings under AS 28.15.185, criminal proceedings  
9 against the minor, and punishments assessed against the minor except  
10 for traffic offenses. A person may not use these sealed records for  
11 any purpose except that the court may order their use for good cause  
12 shown or may order their use in making a presentencing report for the  
13 court. Prior felony convictions of the juvenile shall be released for  
14 purposes of determining the length of a presumptive sentence under  
15 AS 12.55.155.

16 (e) The name or picture of a minor under the jurisdiction of the  
17 court may not be made public in connection with the minor's status as  
18 a delinquent child or a child in need of aid unless authorized by  
19 order of the court, except that the name of a minor who is found for  
20 the second time to have violated a law, which if violated by an adult  
21 would be a felony, shall be made public unless the court, for good  
22 cause, in certain individual cases, enters an order prohibiting the  
23 disclosure. If a minor has escaped from a detention facility, the  
24 court may hold an expedited hearing to determine if the minor's name  
25 or picture should be disclosed in order to protect the minor or the  
26 public.

27 (f) A person who violates a provision of this section is guilty  
28 of a misdemeanor, and upon conviction is punishable by a fine of not  
29 more than \$500 or by imprisonment for not more than one year, or by

1 both.