

HOUSE BILL NO. 113

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES ULMER, Kubina

Introduced: 2/5/91

Referred: Health, Education and Social Services, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the detention and incarceration of minors."

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1. PURPOSE.** The purpose of this act is to improve the state's juvenile justice system by

4 (1) ending, with minor exceptions, the practice of allowing the confinement of children
5 in adult correctional facilities, jails, prisons, and rural lock-ups, however operated, based on evidence
6 that the practice often leads to aggravated emotional problems and depression in, and suicide attempts
7 by, the children who are confined;

8 (2) conforming state law and policy relating to the confinement of children to the
9 requirements of 42 U.S.C. 5633(a)(13) and (14) (Juvenile Justice and Delinquency Prevention Act of
10 1974, as amended).

11 * **Sec. 2.** AS 47.10.130 is repealed and reenacted to read:

12 Sec. 47.10.130. **DETENTION.** (a) A minor may not be incarcerated in a correctional
13 facility.

14 (b) When a minor is detained under this chapter, the person having responsibility for the

1 facility in which the minor is detained shall immediately notify the minor's parent, guardian, or
2 custodian of the minor's detention.

3 (c) Notwithstanding (a) of this section, a minor may be incarcerated in a correctional
4 facility

5 (1) if the minor is the subject of a petition filed with the court under this chapter
6 seeking adjudication of the minor as a delinquent minor or if the minor is in official detention
7 pending the filing of that petition; however, detention in a correctional facility under this
8 paragraph may not exceed the lesser of

9 (A) six hours; or

10 (B) the time necessary to arrange the minor's transportation to a juvenile
11 detention home or comparable facility for the detention of minors;

12 (2) if, in response to a petition of delinquency filed under this chapter, the court
13 has entered an order closing the case under AS 47.10.060(a), allowing the minor to be prosecuted
14 as an adult.

15 (d) When a minor is detained under (c) of this section and incarcerated in a correctional
16 facility, the minor shall be

17 (1) assigned to quarters in the correctional facility that are separate from quarters
18 used to house adult prisoners so that the minor cannot communicate with or view adults who are
19 in official detention;

20 (2) provided admission, health care, hygiene, and food services and recreation and
21 visitation opportunities separate from services and opportunities provided to adults who are in
22 official detention.

23 (e) In this section

24 (1) "correctional facility" has the meaning given in AS 33.30.901 whether the
25 facility is operated by the state, a municipality, a village, or another entity;

26 (2) "official detention" has the meaning given in AS 11.81.900.

27 * Sec. 3. AS 47.10.190 is amended to read:

28 Sec. 47.10.190. CONDITIONS GOVERNING DETENTION. When the court commits
29 a minor to the custody of the department, except when detention in a correctional facility is
30 authorized by AS 47.10.130(c), the department shall arrange to place the juvenile in a detention
31 home [, FACILITY] or another suitable place that the department designates for that purpose. [A

1 JUVENILE DETAINED IN A JAIL OR SIMILAR INSTITUTION AT THE REQUEST OF THE
2 DEPARTMENT SHALL BE HELD IN CUSTODY IN A ROOM OR OTHER PLACE APART
3 AND SEPARATE FROM ADULTS.]