

SENATE BILL NO. 366

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY SENATORS COLLINS, Halford

Introduced: 1/22/92

Referred: HES, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act providing for establishment of work camps for juveniles adjudicated delinquent."

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

3 * Section 1. AS 47.10.080(b) is amended to read:

4 (b) If the court finds that the minor is delinquent, it shall

5 (1) order the minor committed to the department for a period of time not to
6 exceed two years or in any event extend past the day the minor becomes 19, except that the
7 department may petition for and the court may grant in a hearing (A) two-year extensions of
8 commitment that do not extend beyond the child's 19th birthday if the extension is in the best
9 interests of the minor and the public; and (B) an additional one-year period of supervision past
10 age 19 if continued supervision is in the best interests of the person and the person consents to
11 it; the department shall place the minor in the juvenile facility that the department considers
12 appropriate and that may include a juvenile correctional school, juvenile work camp, detention
13 home, or detention facility; the minor may be released from placement or detention and placed
14 on probation on order of the court and may also be released by the department, in its discretion,

1 under AS 47.10.200;

2 (2) order the minor placed on probation, to be supervised by the department, and
3 released to the minor's parents, guardian, or a suitable person; if the court orders the minor
4 placed on probation, it may specify the terms and conditions of probation; the probation may be
5 for a period of time, not to exceed two years and in no event extend past the day the minor
6 becomes 19, except that the department may petition for and the court may grant in a hearing

7 (A) two-year extensions of supervision that do not extend beyond the
8 child's 19th birthday if the extension is in the best interests of the minor and the public;
9 and

10 (B) an additional one-year period of supervision past age 19 if the
11 continued supervision is in the best interests of the person and the person consents to it;

12 (3) order the minor committed to the department and placed on probation, to be
13 supervised by the department, and released to the minor's parents, guardian, other suitable person,
14 or suitable nondetention setting such as a family home, group care facility, or child care facility,
15 whichever the department considers appropriate to implement the treatment plan of the
16 predisposition report; if the court orders the minor placed on probation, it may specify the terms
17 and conditions of probation; the department may transfer the minor, in the minor's best interests,
18 from one of the probationary placement settings listed in this paragraph to another, and the
19 minor, the minor's parents or guardian, and the minor's attorney are entitled to reasonable notice
20 of the transfer; the probation may be for a period of time, not to exceed two years and in no
21 event extend past the day the minor becomes 19, except that the department may petition for and
22 the court may grant in a hearing

23 (A) two-year extensions of commitment that do not extend beyond the
24 child's 19th birthday if the extension is in the best interests of the minor and the public;
25 and

26 (B) an additional one-year period of supervision past age 19 if the
27 continued supervision is in the best interests of the person and the person consents to it;

28 (4) order the minor to make suitable restitution in lieu of or in addition to the
29 court's order under (1), (2), or (3) of this subsection;

30 (5) order the minor committed to the department for placement in an adventure
31 based education program established under AS 47.21.020 with conditions the court considers

1 appropriate concerning release upon satisfactory completion of the program or commitment under
2 (1) of this subsection if the program is not satisfactorily completed; or

3 (6) in addition to an order under (1) - (5) of this subsection, if the delinquency
4 finding is based on the minor's violation of AS 11.71.030(a)(3) or 11.71.040(a)(4), order the
5 minor to perform 50 hours of community service; for purposes of this paragraph, "community
6 service" includes work

7 (A) on a project identified in AS 33.30.901; or

8 (B) that, on the recommendation of the city council or traditional village
9 council, would benefit persons within the city or village who are elderly or disabled.

10 * Sec. 2. AS 47.10.150 is amended to read:

11 Sec. 47.10.150. GENERAL POWERS OF DEPARTMENT OVER JUVENILE
12 INSTITUTIONS. The department may

13 (1) purchase, lease, or construct buildings or other facilities for the care, detention,
14 rehabilitation, and education of children in need of aid or delinquent minors;

15 (2) adopt plans for construction of juvenile homes, juvenile work camps, juvenile
16 detention facilities, and other juvenile institutions;

17 (3) adopt standards and regulations under this chapter for the design, construction,
18 repair, maintenance, and operation of all juvenile detention homes, work camps, facilities, and
19 institutions;

20 (4) inspect periodically each juvenile detention home, work camp, facility, or
21 other institution to ensure that the standards and regulations adopted are being maintained;

22 (5) reimburse cities maintaining and operating juvenile detention homes, work
23 camps, and facilities;

24 (6) enter into contracts and arrangements with cities and state and federal agencies
25 to carry out the purposes of this chapter;

26 (7) do all acts necessary to carry out the purposes of this chapter;

27 (8) adopt the regulations necessary to carry out this chapter;

28 (9) accept donations, gifts, or bequests of money or other property for use in
29 construction of juvenile homes, work camps, institutions, or detention facilities;

30 (10) operate juvenile homes when municipalities are unable to do so;

31 (11) receive, care for, and place in a juvenile detention home, the minor's own

1 home, a foster home, or a correctional school, work camp, or treatment institution all minors
2 committed to its custody under this chapter.

3 * Sec. 3. AS 47.10.160(a) is amended to read:

4 (a) The department shall

5 (1) accept all minors committed to the custody of the department and all minors
6 who are involved in a written agreement under AS 47.10.230(c), and provide for the welfare,
7 control, care, custody, and placement of these minors in accordance with this chapter;

8 (2) require and collect statistics on juvenile offenses and offenders in the state;

9 (3) conduct studies and prepare findings and recommendations on the need,
10 number, type, construction, maintenance, and operating costs of juvenile homes, work camps,
11 facilities, and the other institutions, and adopt and submit a plan for construction of the homes,
12 work camps, facilities, and institutions when needed, together with a plan for financing the
13 construction programs;

14 (4) examine, where possible, all facilities, institutions, work camps, and places
15 of juvenile detention in the state and inquire into their methods and the management of juveniles
16 in them.

17 * Sec. 4. AS 47.10.170 is amended to read:

18 Sec. 47.10.170. POWER OF CITIES TO MAINTAIN AND OPERATE HOME, WORK
19 CAMP, OR FACILITY. (a) A city having a population of 1,700 or more, according to the
20 latest decennial census, or found by the department to have a present population of 1,700 or more
21 may maintain and operate a juvenile detention home, a juvenile work camp, or a juvenile
22 detention facility.

23 (b) The city may receive grants-in-aid from the state for costs of operation of the homes,
24 work camps, or facilities maintained and operated under (a) of this section.

25 * Sec. 5. AS 47.10.180(a) is amended to read:

26 (a) The department shall adopt standards and regulations for the operation of juvenile
27 detention homes, juvenile detention work camps, and juvenile detention facilities in the state.

28 * Sec. 6. AS 47.10.190 is amended to read:

29 Sec. 47.10.190. CONDITIONS GOVERNING DETENTION. When the court commits
30 a minor to the custody of the department, the department shall arrange to place the juvenile in
31 a detention home, work camp, facility, or another suitable place that the department designates

1 for that purpose. A 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 and separate from adults.

3 * Sec. 7. AS 47.10.990 is amended by adding a new paragraph to read:

4 (10) "juvenile work camp" means a separate residential establishment, exclusively
5 devoted to the detention of minors, in which the minors who are committed to the custody of the
6 department and placed in the facility may be required to labor on the buildings and grounds or
7 perform any other work or engage in any activities prescribed by persons responsible for
8 operation of the facility.