

HOUSE BILL NO. 86

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE BUNDE

Introduced: 1/22/93

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the remedies for property-related offenses committed by
2 juveniles."

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

4 * Section 1. AS 12.55.045(a) is amended to read:

5 (a) The court may order a defendant convicted of an offense to make
6 restitution as provided in this section, including restitution to the victim or other person
7 injured by the offense, to a public, private, or private nonprofit organization that has
8 provided or is or will be providing counseling, medical, or shelter services to the
9 victim or other person injured by the offense, or as otherwise authorized by law. If
10 the defendant is a person under 18 years of age, the conviction is for an offense
11 for which the person was prosecuted as an adult, and the conviction was for
12 criminal mischief under AS 11.46.480 - 11.46.486, the court shall order the
13 defendant to make suitable restitution to the property owner. In determining the
14 amount and method of payment of restitution under this subsection, the court shall

1 take into account the

2 (1) public policy that favors requiring criminals to compensate for
3 damages and injury to their victims; and

4 (2) financial burden placed on the victim and those who provide
5 services to the victim and other persons injured by the offense as a result of the
6 criminal conduct of the defendant.

7 * Sec. 2. AS 47.10.080(b) is amended to read:

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

9 (1) order the minor committed to the department for a period of time
10 not to exceed two years or in any event extend past the day the minor becomes 19,
11 except that the department may petition for and the court may grant in a hearing (A)
12 two-year extensions of commitment that do not extend beyond the child's 19th
13 birthday if the extension is in the best interests of the minor and the public; and (B)
14 an additional one-year period of supervision past age 19 if continued supervision is in
15 the best interests of the person and the person consents to it; the department shall place
16 the minor in the juvenile facility that the department considers appropriate and that
17 may include a juvenile correctional school, detention home, or detention facility; the
18 minor may be released from placement or detention and placed on probation on order
19 of the court and may also be released by the department, in its discretion, under
20 AS 47.10.200;

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

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

30 (B) an additional one-year period of supervision past age 19 if
31 the continued supervision is in the best interests of the person and the person

1 consents to it;

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

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

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

20 (4) order the minor to make suitable restitution in lieu of or in addition
21 to the court's order under (1), (2), or (3) of this subsection; if the finding of
22 delinquency is based on a violation of AS 11.46.480 - 11.46.486, the court may not
23 refuse to make an order of restitution under this paragraph to the benefit of the
24 owner of the real or personal property;

25 (5) order the minor committed to the department for placement in an
26 adventure based education program established under AS 47.21.020 with conditions
27 the court considers appropriate concerning release upon satisfactory completion of the
28 program or commitment under (1) of this subsection if the program is not satisfactorily
29 completed; or

30 (6) in addition to an order under (1) - (5) of this subsection, if the
31 delinquency finding is based on the minor's violation of AS 11.71.030(a)(3) or

1 11.71.040(a)(4), order the minor to perform 50 hours of community service; for
2 purposes of this paragraph, "community service" includes work

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

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

7 * Sec. 3. APPLICABILITY. This Act applies to offenses committed after the effective
8 date of this Act.