

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 86
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE BUNDE

Introduced: 1/29/93

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to sanctions for property-related offenses, to remedies for
2 property-related offenses committed by juveniles, and to records of those offenses."

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

4 * Section 1. AS 11.46.487 is amended by adding a new subsection to read:

5 (b) An automobile, motorcycle, snow machine, or all-terrain vehicle used by
6 a person in aid of a violation of AS 11.46.480 or 11.46.482 shall be forfeited to the
7 state upon conviction of the offender for the crime.

8 * Sec. 2. AS 12.55.045(a) is amended to read:

9 (a) The court may order a defendant convicted of an offense to make
10 restitution as provided in this section, including restitution to the victim or other person
11 injured by the offense, to a public, private, or private nonprofit organization that has
12 provided or is or will be providing counseling, medical, or shelter services to the
13 victim or other person injured by the offense, or as otherwise authorized by law. **If**
14 **the defendant is a person under 18 years of age, the conviction is for an offense**

1 for which the person was prosecuted as an adult, and the conviction was for
2 criminal mischief under AS 11.46.480 - 11.46.486, the court shall order the
3 defendant to make suitable restitution to the property owner. In determining the
4 amount and method of payment of restitution under this subsection, the court shall
5 take into account the

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

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

11 * Sec. 3. AS 47.10.080(b) is amended to read:

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

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

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

31 (A) two-year extensions of supervision that do not extend

1 beyond the child's 19th birthday if the extension is in the best interests of the
2 minor and the public; and

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

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

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

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

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

29 (5) order the minor committed to the department for placement in an
30 adventure based education program established under AS 47.21.020 with conditions
31 the court considers appropriate concerning release upon satisfactory completion of the

1 program or commitment under (1) of this subsection if the program is not satisfactorily
2 completed; or

3 (6) in addition to an order under (1) - (5) of this subsection, if the
4 delinquency finding is based on the minor's violation of AS 11.71.030(a)(3) or
5 11.71.040(a)(4), order the minor to perform 50 hours of community service; for
6 purposes of this paragraph, "community 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
9 traditional village council, would benefit persons within the city or village who
10 are elderly or disabled.

11 * Sec. 4. AS 47.10.090(a) is amended to read:

12 (a) The court shall make and keep records of all cases brought before it. The
13 records made and kept by the court are subject to the following restrictions:

14 (1) except as to a record described in (d) of this section. the [THE]
15 court's official records may be inspected only with the court's permission and only by
16 persons having a legitimate interest in them; all [. ALL] information and social
17 records pertaining to a minor and prepared by an employee of the court or by a
18 federal, state, or city agency in the discharge of the employee's or agency's official
19 duty, including driver's license action under AS 28.15.185, are privileged and may not
20 be disclosed directly or indirectly to anyone without the court's permission;

21 (2) notwithstanding (1) of this subsection.

22 (A) [. HOWEVER,] a state or city law-enforcement agency
23 shall disclose information regarding a case that [WHICH] is needed by the
24 person or agency charged with making a preliminary investigation for the
25 information of the court;

26 (B) the [. THE] court shall forward a record of adjudication
27 of a violation of an offense listed in AS 28.15.185(a) to the Department of
28 Public Safety [,] if the court imposes a license revocation under AS 28.15.185;

29 (3) within [. WITHIN] 30 days of the date of a minor's 18th birthday
30 or, if the court retains jurisdiction of a minor past the minor's 18th birthday, within
31 30 days of the date on which the court relinquishes jurisdiction over the minor, the

1 court shall order sealed all the court's official records, information, and social records
2 pertaining to that minor, except the records described in (d) of this section. the [AS
3 WELL AS] records of all driver's license proceedings against the minor under
4 AS 28.15.185, the records of all criminal proceedings against the minor and
5 punishments assessed against the minor except for traffic offenses, and the records
6 described in (d) of this section; a [A] person may not use these sealed records for
7 any purpose except that the court may order their use for good cause shown or may
8 order their use by an officer of the court in making a presentencing report for the
9 court.

10 * Sec. 5. AS 47.10.090(b) is amended to read:

11 (b) The name or picture of a minor under the jurisdiction of the court may not
12 be made public in connection with the minor's status as a delinquent child or a child
13 in need of aid unless authorized by order of the court. However,

14 (1) [, EXCEPT THAT] the name of a minor who is found for the
15 second time to have violated a law, which if committed by an adult would be a felony,
16 shall be made public unless the court, for good cause shown, in certain individual
17 cases, enters an order prohibiting the disclosure;

18 (2) the name and picture of a minor at least 15 years of age as to
19 whom either a report of investigation is submitted under AS 47.10.020(a), or a
20 petition is submitted under AS 47.10.020(b) seeking adjudication of the minor as
21 a delinquent, based on a violation of AS 11.46.480 or 11.46.482 is a public record
22 and is subject to public inspection.

23 * Sec. 6. AS 47.10.090 is amended by adding a new subsection to read:

24 (d) In a proceeding brought under AS 47.10.010 - 47.10.142 based on a
25 violation of AS 11.46.480 or 11.46.482 by a minor who is at least 15 years of age, a
26 record made and kept by a court based on a report of investigation submitted under
27 AS 47.10.020(a) or based on a petition submitted under AS 47.10.020(b) that seeks
28 adjudication of the minor as a delinquent is a public record and is subject to public
29 inspection.

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