

2d SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 86  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES BUNDE, Green

Introduced: 2/25/93

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 certain records of those  
3 offenses."

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

5 \* Section 1. AS 09.25.120 is amended to read:

6           Sec. 09.25.120. PUBLIC RECORDS; EXCEPTIONS; CERTIFIED COPIES.  
7           Every person has a right to inspect a public record in the state, including public  
8           records in recorders' offices except (1) records of vital statistics and adoption  
9           proceedings that [WHICH] shall be treated in the manner required by AS 18.50; (2)  
10           records pertaining to juveniles, unless the record is subject to public inspection  
11           under AS 47.10.090(b); (3) medical and related public health records; (4) records  
12           required to be kept confidential by a federal law or regulation or by state law; (5) to  
13           the extent the records are required to be kept confidential under 20 U.S.C. 1232g and  
14           the regulations adopted under 20 U.S.C. 1232g in order to secure or retain federal

1 assistance; (6) records or information compiled for law enforcement purposes, but only  
2 to the extent that the production of the law enforcement records or information (A)  
3 could reasonably be expected to interfere with enforcement proceedings, (B) would  
4 deprive a person of a right to a fair trial or an impartial adjudication, (C) could  
5 reasonably be expected to constitute an unwarranted invasion of the personal privacy  
6 of a suspect, defendant, victim, or witness, (D) could reasonably be expected to  
7 disclose the identity of a confidential source, (E) would disclose confidential  
8 techniques and procedures for law enforcement investigations or prosecutions, (F)  
9 would disclose guidelines for law enforcement investigations or prosecutions if the  
10 disclosure could reasonably be expected to risk circumvention of the law, or (G) could  
11 reasonably be expected to endanger the life or physical safety of an individual. Every  
12 public officer having the custody of records not included in the exceptions shall permit  
13 the inspection, and give on demand and on payment of the fees under AS 09.25.110 -  
14 09.25.115 a certified copy of the record, and the copy shall in all cases be evidence  
15 of the original. Recorders shall permit memoranda, transcripts, and copies of the  
16 public records in their offices to be made by photography or otherwise for the purpose  
17 of examining titles to real estate described in the public records, making abstracts of  
18 title or guaranteeing or insuring the titles of the real estate, or building and maintaining  
19 title and abstract plants; and shall furnish proper and reasonable facilities to persons  
20 having lawful occasion for access to the public records for those purposes, subject to  
21 reasonable rules and regulations, in conformity to the direction of the court, as are  
22 necessary for the protection of the records and to prevent interference with the regular  
23 discharge of the duties of the recorders and their employees.

24 \* Sec. 2. AS 11.46.487 is amended by adding a new subsection to read:

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

28 \* Sec. 3. AS 12.55.045(e) is amended to read:

29 (e) The [IF A DEFENDANT IS CONVICTED OF CRIMINAL MISCHIEF  
30 IN THE THIRD DEGREE IN VIOLATION OF AS 11.46.484(a)(2), AND THE  
31 VICTIM OF THE OFFENSE INCURS DAMAGE OR LOSS AS A RESULT OF THE

1 OFFENSE, THE] court shall order a [THE] defendant to pay restitution if  
2 (1) the defendant is  
3 (A) convicted of criminal mischief in the third degree in  
4 violation of AS 11.46.484(a)(2); or  
5 (B) under 18 years of age, the conviction is for an offense  
6 for which the defendant was prosecuted as an adult, and the conviction  
7 was for criminal mischief under AS 11.46.480 - 11.46.486; and  
8 (2) the victim of the offense incurs damage or loss as a result of the  
9 offense.

10 \* Sec. 4. AS 47.10.080(b) is amended to read:

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

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

30 (A) two-year extensions of supervision that do not extend  
31 beyond the child's 19th birthday if the extension is in the best interests of the

1 minor and the public; and

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

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

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

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

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

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

1 completed; or

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

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

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

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, as to whom either an inquiry  
19 and report is submitted under AS 47.10.020(a) or a petition is submitted under  
20 AS 47.10.020(b) seeking adjudication of the minor as a delinquent, is a public  
21 record, subject to public inspection, if the inquiry and report or the petition is  
22 based on a violation of AS 11.46.480 or 11.46.482, and the minor was at least 15  
23 years of age at the time of the commission of the violation.

24 \* Sec. 6. APPLICABILITY. This Act applies to offenses committed after the effective  
25 date of this Act.