

**HOUSE BILL NO. 100**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**EIGHTEENTH LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVE BUNDE**

**Introduced: 1/29/93**

**Referred: Health, Education & Social Services, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to criminal charges brought against minors."

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

3 \* **Section 1.** AS 47.10.010 is amended by adding new subsections to read:

4 (e) Unless ordered by the court under (h) - (k) of this section, the procedure  
5 prescribed in AS 47.10.020 - 47.10.090 and the Alaska Delinquency Rules do not  
6 apply when a minor is 15 years of age and older and is charged with

7 (1) the offense of murder under AS 11.41.100 - 11.41.110 or attempted  
8 or solicited murder;

9 (2) an unclassified felony or a class A felony, and the minor has been  
10 previously adjudicated as a delinquent in this or another jurisdiction as a result of  
11 violating a criminal law that would have been a felony under the laws of this state if  
12 committed by an adult;

13 (3) a felony of any degree, and the minor has been previously  
14 prosecuted and convicted as an adult for a felony in this or another jurisdiction.

1 (f) If a minor is charged with an offense specified in (e) of this section, the  
2 procedure prescribed in AS 47.10.020 - 47.10.090 and the Alaska Delinquency Rules  
3 do not apply with regard to all charges that are properly joined to the offense described  
4 in (e)(1), (2), or (3) of this section, unless otherwise ordered by the court under (h) -  
5 (k) of this section.

6 (g) A minor accused of an offense specified in (e) or (f) of this section shall  
7 be charged, prosecuted, and sentenced in the superior court in the same manner as an  
8 adult, unless otherwise ordered by the court under (h) - (k) of this section. If a minor  
9 is accused of an offense specified in (e)(2) or (3) of this section, the charging  
10 document shall be accompanied by an sworn statement stating that the minor has been  
11 previously convicted as an adult for a felony or has been adjudicated as a delinquent  
12 for conduct that would allow charges to be brought under (e)(2) of this section.

13 (h) If a minor is charged as an adult under (e) or (f) of this section, the minor  
14 may file with the court a petition seeking to have the charges heard under the  
15 procedure prescribed in AS 47.10.020 - 47.10.090 and the Alaska Delinquency Rules.  
16 The minor shall file a petition under this subsection within 10 days of the date that the  
17 minor is charged that alleges that

18 (1) the minor is amenable to treatment under this chapter before the  
19 minor's 20th birthday; or

20 (2) the allegations in a sworn statement filed under (g) of this section  
21 are not true.

22 (i) At a hearing on a petition under (h)(1) of this section, the minor bears the  
23 burden of proving by a preponderance of the evidence that the minor is amenable to  
24 treatment under this chapter before reaching 20 years of age. In ruling on the petition,  
25 the court shall consider the factors set out in AS 47.10.060(d).

26 (j) At a hearing on a petition under (h)(1) of this section, the minor may  
27 introduce as evidence the testimony or the report of a qualified psychiatrist or  
28 psychologist on the minor's amenability to treatment before reaching 20 years of age.  
29 Notice of intent to introduce this evidence shall be given to the court by the minor at  
30 least 20 days before the hearing. If the minor gives this notice and the state requests  
31 that the minor be examined by another psychiatrist or psychologist, the court shall

1 order that the minor be examined by a qualified psychiatrist or psychologist selected  
2 by the state. A report by a psychiatrist or psychologist that either the minor or the  
3 state intends to introduce as evidence at the hearing shall be filed with the court and  
4 served on the opposing party at least 48 hours before the hearing.

5 (k) At a hearing on a petition under (h)(2) of this section, the state bears the  
6 burden of proving by a preponderance of the evidence that the allegations of a sworn  
7 statement under (g) of this section are true.

8 (l) Nothing in this section limits the right of a party to an action under this  
9 chapter to seek waiver of jurisdiction under AS 47.10.060(a).

10 \* Sec. 2. AS 47.10.060 is amended by adding a new subsection to read:

11 (f) At a hearing under (a) of this section, the minor may introduce as evidence  
12 the testimony or the report of a qualified psychiatrist or psychologist on the minor's  
13 amenability to treatment before reaching 20 years of age. Notice of intent to introduce  
14 this evidence shall be given to the court by the minor at least 20 days before the  
15 hearing. If the minor gives this notice and the state requests that the minor be  
16 examined by another psychiatrist or psychologist, the court shall order that the minor  
17 be examined by a qualified psychiatrist or psychologist selected by the state. A report  
18 by a psychiatrist or psychologist that either the minor or the state intends to introduce  
19 as evidence at the hearing shall be filed with the court and served on the opposing  
20 party at least 48 hours before the hearing.

21 \* Sec. 3. AS 47.10.080 is amended by adding new subsections to read:

22 (o) If a minor is charged and prosecuted as an adult under AS 47.10.010(e) -  
23 (g), and the most serious offense of which the minor is convicted is a misdemeanor,  
24 the minor shall be treated as though the charges had been heard under this chapter, and  
25 the court shall order disposition of the charges of which the minor is convicted under  
26 the provisions of (b) of this section.

27 (p) If a minor is charged and prosecuted as an adult under AS 47.10.010(e) -  
28 (g) and the most serious offense of which the minor is convicted is a felony with  
29 which the minor could not be charged under AS 47.10.010(e) and the minor did not  
30 file a petition in connection with those charges under AS 47.10.010(h)(1), the minor  
31 may within 10 days of the date that the minor is convicted file a petition for

1           disposition of the charges under (b) of this section. The petition shall allege that the  
2           minor is amenable to treatment under this chapter before the minor's 20th birthday.  
3           A hearing on the petition shall be governed by the provisions of AS 47.10.010(i) - (j).  
4       \* Sec. 4. **APPLICABILITY.** This Act applies to offenses committed after the effective  
5       date of this Act.