

**HOUSE BILL NO. 195**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**EIGHTEENTH LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVES SITTON, Ulmer**

**Introduced: 3/3/93**

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

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act authorizing youth courts by which to provide for peer adjudication of  
2 minors who have allegedly committed violations of state or municipal laws,  
3 renaming the community legal assistance grant fund and amending the purposes  
4 for which grants may be made from that fund in order to provide financial  
5 assistance for organization and initial operation of youth courts, and relating to  
6 young adult advisory panels in the superior court."

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

8 \* Section 1. PURPOSE OF ACT; CONSIDERATIONS RELATING TO ITS  
9 ADOPTION. (a) The purpose of this Act is to provide a means by which young people  
10 under the age of 18, with the concurrence of the juvenile intake unit of the Department of  
11 Health and Social Services, may choose to work with their peers and with interested adults  
12 in order to resolve their legal problems without receiving a criminal record.

13 (b) The authorization and expansion of the youth court model within the system of

1 juvenile justice made by this Act is prompted by the success enjoyed by the Anchorage Youth  
2 Court model since its inception in 1989. In the Anchorage Youth Court model, interested  
3 young people and adults, with the generous support and assistance of the juvenile intake  
4 office, Department of Health & Social Services, the Alaska Court System, the Alaska Bar  
5 Association, the Anchorage Bar Association, law enforcement and school district officials,  
6 professionals, and parents, have developed and implemented a mechanism by which to respond  
7 to juvenile legal problems and to adjudicate them informally, promptly, and effectively, in a  
8 way that is meaningful to the offender, the victim, and the community.

9 (c) This Act is adopted in furtherance of the recommendation expressed in Legislative  
10 Resolve 61 adopted by the Seventeenth Alaska State Legislature urging expanded use of youth  
11 courts within the state.

12 \* Sec. 2. AS 18.05 is amended by adding a new section to read:

13 ARTICLE 2. YOUTH COURTS.

14 Sec. 18.05.100. YOUTH COURTS. (a) Under AS 47.10.020(a)(2), the  
15 department may use youth courts to hear, determine, and dispose of cases involving  
16 a minor whose alleged act that brings the minor within the jurisdiction of  
17 AS 47.10.010 - 47.10.142 constitutes a violation of a state or municipal law.

18 (b) Unless otherwise directed by the commissioner, the jurisdiction of a youth  
19 court is coextensive with the boundaries of the municipality in which the youth court  
20 is located. Only one youth court may be established within the boundaries of a  
21 municipality. Nothing in this subsection prohibits two or more municipalities from  
22 operating a single youth court for the municipalities by agreement between them.

23 (c) A nonprofit corporation may obtain recognition from the commissioner to  
24 serve as a youth court. The corporation may exercise only the powers that are  
25 delegated to a youth court by applicable court rule or by the person or agency  
26 appointed by the superior court under AS 47.10.020(a)(2) to make a preliminary  
27 inquiry and report for the information of the court, and shall exercise those powers as  
28 authorized by the corporation's articles of incorporation and bylaws. The bylaws of  
29 the corporation must set out standards and procedures by which the corporation, in its  
30 capacity as a youth court,

31 (1) guarantees the constitutional rights of the juvenile that are

1 guaranteed by the state and federal constitutions;

2 (2) may secure jurisdiction over a juvenile;

3 (3) sets out the process for disposing of matters referred to it for  
4 resolution;

5 (4) provides a process for appeal of a verdict or sentence, and defines  
6 the basis for appeals; and

7 (5) prepares and delivers a report of the disposition of the matter  
8 referred to it for resolution to the person or agency that had referred the matter.

9 (d) In any matter brought under AS 47.10.010 - 47.10.142 that proceeds as  
10 authorized by AS 47.10.020(a)(2) within a municipality in which a youth court has  
11 been established, the superior court may permit or direct the person or agency whom  
12 the court has appointed to conduct a preliminary inquiry in a case to refer the case to  
13 a youth court that has jurisdiction over the minor.

14 \* Sec. 3. AS 44.47.200 is amended to read:

15 Sec. 44.47.200. [COMMUNITY] LEGAL ASSISTANCE AND JUVENILE  
16 JUSTICE GRANT FUND. There is created in the department the [COMMUNITY]  
17 legal assistance and juvenile justice grant fund. From legislative appropriations to the  
18 fund, the department shall make grants

19 (1) to eligible communities and regions for the purpose of enabling  
20 them to obtain legal assistance; and

21 (2) to a nonprofit corporation established under AS 18.05.100 to  
22 operate as a youth court.

23 \* Sec. 4. AS 44.47.210 is amended to read:

24 Sec. 44.47.210. ELIGIBILITY. First and second class cities and  
25 unincorporated villages, and regional associations of those communities, may apply to  
26 the department for a grant under AS 44.47.200(1) [AS 44.47.200]. Grants shall be  
27 made only to those communities or regions that would otherwise be unable to obtain  
28 legal assistance. A regional or village corporation formed under 43 U.S.C. 1601 -  
29 1608 (Alaska Native Claims Settlement Act) is not eligible for a grant under  
30 AS 44.47.200(1) [AS 44.47.200].

31 \* Sec. 5. AS 44.47.210 is amended by adding a new subsection to read:

1 (b) Nonprofit corporations proposing to establish and operate youth courts  
2 under AS 18.05.100 may apply to the department for an organizational grant under  
3 AS 44.47.200(2). A grant under this subsection must be matched on a dollar-for-dollar  
4 basis by the grantee in cash or in kind. The commissioner may waive the match  
5 required under this subsection on a showing satisfactory to the commissioner by the  
6 prospective applicant that matching funds are not available.

7 \* Sec. 6. AS 44.47.220 is amended to read:

8 Sec. 44.47.220. GRANTS. Grants made under AS 44.47.200(1)  
9 [AS 44.47.200] shall be used for a single legal project and not for the provision of  
10 general legal counsel. The department shall assure that the grant is spent for necessary  
11 legal assistance and that appropriate accounting procedures are maintained. Grants  
12 made under AS 44.47.200(1) and this subsection may not exceed \$20,000.

13 \* Sec. 7. AS 44.47.220 is amended by adding a new subsection to read:

14 (b) Grants made under AS 44.47.200(2) shall be used to defray the costs of  
15 organization of youth courts under AS 18.50.100. The department shall assure that the  
16 grant is spent for necessary organizational assistance and that appropriate accounting  
17 procedures are maintained. Grants made under AS 44.47.200(2) and this subsection  
18 may not exceed \$5,000. Only one grant may be made to a grantee under authority of  
19 this subsection.

20 \* Sec. 8. AS 47.10.020(a) is amended to read:

21 (a) Whenever a person informs the court of the facts that bring a minor within  
22 this chapter, the court shall appoint a competent person or agency to make a  
23 preliminary inquiry and report for the information of the court to determine whether  
24 the interests of the public or of the minor require that further action be taken. Upon  
25 the receipt of the report, the court

26 (1) may informally adjust or dispose of the matter without a hearing;  
27 if the court informally adjusts or disposes of the matter under this paragraph, the  
28 minor may not be detained or taken into the custody of the court, and the matter  
29 shall be closed by the court upon adjustment or disposition;

30 (2) may, upon the recommendation of the person or agency  
31 appointed by the court to make a preliminary inquiry and in the manner

1 authorized by AS 18.05.100, provide opportunity for a minor who is brought  
2 within AS 47.10.010 - 47.10.142 to request diversion of the matter into a youth  
3 court; if the court provides and the minor accepts disposition of the matter by a  
4 youth court under this paragraph.

5 (A) the minor may not be detained or taken into the custody  
6 of the court;

7 (B) the court may, at the request of the youth court, issue  
8 a subpoena to a person whose testimony is required before the youth court,  
9 in the manner provided by AS 47.10.030(b); and

10 (C) the matter shall be closed by the court upon disposition  
11 by the youth court and successful completion of any sentence  
12 recommended by the youth court; or

13 (3) [. OR IT] may authorize the person having knowledge of the facts  
14 of the case to file with the court a petition setting out the facts. [WHERE THE  
15 COURT INFORMALLY ADJUSTS OR DISPOSES OF THE MATTER, THE MINOR  
16 MAY NOT BE DETAINED OR TAKEN INTO THE CUSTODY OF THE COURT,  
17 AND THE MATTER SHALL BE CLOSED BY THE COURT UPON ADJUSTMENT  
18 OR DISPOSITION.]

19 \* Sec. 9. AS 47.10.075(a) is amended to read:

20 (a) Unless the minor objects, in any matter in which the court retains  
21 jurisdiction of a minor under AS 47.10.020(a)(3) that proceeds under this chapter  
22 on the basis of a petition filed under AS 47.10.020(b) seeking adjudication of the  
23 minor as a delinquent, the court may select a young adult advisory panel to hear the  
24 case and advise the court of a recommended judgment and order. The court may  
25 consider any of the panel recommendations in making its judgment and order in the  
26 case.

27 \* Sec. 10. AS 47.10.090 is amended by adding a new subsection to read:

28 (d) The provisions of (a) of this section apply to the records of a youth court  
29 as to a matter considered and disposed of by the youth court.