

**CS FOR HOUSE BILL NO. 195(HES)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**EIGHTEENTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE**

**Offered: 4/5/93**

**Referred: Judiciary, Finance**

**Sponsor(s): REPRESENTATIVES SITTON, Ulmer, Willis, Foster, Brown, B.Davis, Olberg, Porter**

**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 establishing a juvenile justice grant fund and authorizing grants from that fund  
4 in order to provide financial assistance for organization and initial operation of  
5 youth courts, and relating to young adult advisory panels in the superior court."

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

7 \* **Section 1. PURPOSE OF ACT; CONSIDERATIONS RELATING TO ITS ADOPTION.**

8 (a) The purpose of this Act is to provide a means by which young people under the age of  
9 18, with the concurrence of the juvenile intake unit of the Department of Health and Social  
10 Services, may choose to work with their peers and with interested adults in order to resolve  
11 their legal problems without receiving a criminal record.

12 (b) The authorization and expansion of the youth court model within the system of  
13 juvenile justice made by this Act is prompted by the success enjoyed by the Anchorage Youth

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

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

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

12 ARTICLE 2. YOUTH COURTS.

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

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

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

15 ARTICLE 4A. JUVENILE JUSTICE GRANT FUND.

16 Sec. 44.47.235. JUVENILE JUSTICE GRANT FUND. There is created in the  
17 department the juvenile justice grant fund. From legislative appropriations to the fund,  
18 the department shall make grants to persons eligible under AS 18.05.100 to operate as  
19 a youth court.

20 Sec. 44.47.240. ELIGIBILITY. Persons proposing to establish and operate  
21 youth courts under AS 18.05.100 may apply to the department for an organizational  
22 grant under AS 44.47.235. A grant under this section must be matched on a dollar-for-  
23 dollar basis by the grantee in cash or in kind. The commissioner may waive the match  
24 required under this section on a showing satisfactory to the commissioner by the  
25 prospective applicant that the match is not available.

26 Sec. 44.47.245. GRANTS. Grants made under AS 44.47.235 shall be used to  
27 defray the costs of organization of youth courts under AS 18.50.100. The department  
28 shall assure that the grant is spent for necessary organizational assistance and that  
29 appropriate accounting procedures are maintained. Grants made under AS 44.47.235  
30 and this section may not exceed \$5,000. Only one grant may be made to a grantee  
31 under authority of this section.

1           Sec. 44.47.249. REGULATIONS. The department shall adopt regulations to  
2           carry out the purposes of AS 44.47.235 - 44.47.249.

3       \* Sec. 4. AS 47.10.020(a) is amended to read:

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

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

13                   (2) may, upon the recommendation of the person or agency  
14           appointed by the court to make a preliminary inquiry and in the manner  
15           authorized by AS 18.05.100, provide opportunity for a minor who is brought  
16           within AS 47.10.010 - 47.10.142 to request diversion of the matter into a youth  
17           court; if the court provides and the minor accepts disposition of the matter by a  
18           youth court under this paragraph,

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

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

24                           (C) the matter shall be closed by the court upon disposition  
25           by the youth court and successful completion of any sentence  
26           recommended by the youth court; or

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

1 OR DISPOSITION.]

2 \* Sec. 5. AS 47.10.075(a) is amended to read:

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

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

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