

**HOUSE BILL NO. 335**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**EIGHTEENTH LEGISLATURE - SECOND SESSION**

**BY REPRESENTATIVE KOTT**

**Introduced: 1/10/94**  
**Referred: Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to disclosures of information about minors, and directing  
2 disclosure to certain persons of the identity of an offender who is a minor  
3 subject to prosecution as an adult or adjudication as a delinquent minor as a  
4 result of violating a criminal law of the state or a municipality that is a felony  
5 and to certain information about the offense allegedly committed by the minor."

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

7 \* Section 1. PURPOSE. The purpose of this Act is to provide a mechanism by which a  
8 school principal or other person having responsibility for provision of educational services in  
9 a school building and for the welfare and safety of the administrators, faculty, and students  
10 within that school building may know the identity of a minor attending the school who is  
11 potentially dangerous by virtue of the minor's actual or alleged commission of a felony  
12 offense for which the minor may be prosecuted as an adult or adjudicated a delinquent, so that  
13 the principal may initiate security for the protection of these persons within the building.

1 \* Sec. 2. AS 09.25.120 is amended to read:

2 Sec. 09.25.120. PUBLIC RECORDS; EXCEPTIONS; CERTIFIED COPIES.

3 (a) Every person has a right to inspect a public record in the state, including public  
4 records in recorders' offices, except

5 (1) records of vital statistics and adoption proceedings which shall be  
6 treated in the manner required by AS 18.50;

7 (2) records pertaining to juveniles, unless disclosure of a record has  
8 been explicitly authorized by law;

9 (3) medical and related public health records;

10 (4) records required to be kept confidential by a federal law or  
11 regulation or by state law;

12 (5) to the extent the records are required to be kept confidential under  
13 20 U.S.C. 1232g and the regulations adopted under 20 U.S.C. 1232g in order to secure  
14 or retain federal assistance; and

15 (6) records or information compiled for law enforcement purposes, but  
16 only to the extent that the production of the law enforcement records or information

17 (A) could reasonably be expected to interfere with enforcement  
18 proceedings; [,]

19 (B) would deprive a person of a right to a fair trial or an  
20 impartial adjudication; [,]

21 (C) could reasonably be expected to constitute an unwarranted  
22 invasion of the personal privacy of a suspect, defendant, victim, or witness; [,]

23 (D) could reasonably be expected to disclose the identity of a  
24 confidential source; [,]

25 (E) would disclose confidential techniques and procedures for  
26 law enforcement investigations or prosecutions; [,]

27 (F) would disclose guidelines for law enforcement investigations  
28 or prosecutions if the disclosure could reasonably be expected to risk  
29 circumvention of the law; [,] or

30 (G) could reasonably be expected to endanger the life or  
31 physical safety of an individual.

1           **(b)** Every public officer having the custody of records not included in the  
2 exceptions **set out in (a) of this section** shall permit the inspection, and give on  
3 demand and on payment of the fees under AS 09.25.110 - 09.25.115 a certified copy  
4 of the record, and the copy shall in all cases be evidence of the original.

5           **(c)** Recorders shall

6                   **(1)** permit memoranda, transcripts, and copies of the public records in  
7 their offices to be made by photography or otherwise for the purpose of examining  
8 titles to real estate described in the public records, making abstracts of title or  
9 guaranteeing or insuring the titles of the real estate, or building and maintaining title  
10 and abstract plants; and

11                   **(2)** [SHALL] furnish proper and reasonable facilities to persons having  
12 lawful occasion for access to the public records for those purposes, subject to  
13 reasonable rules and regulations, in conformity to the direction of the court, as are  
14 necessary for the protection of the records and to prevent interference with the regular  
15 discharge of the duties of the recorders and their employees.

16 \* Sec. 3. AS 14.14 is amended by adding a new section to read:

17           **ARTICLE 3. RECORDS RELATING TO SCHOOL SECURITY.**

18           **Sec. 14.14.400. RECEIPT AND DISCLOSURE OF CONFIDENTIAL**  
19 **INFORMATION.** (a) When a principal or other person in charge of a school receives  
20 information under AS 47.10.090(d)(2), the principal or other person

21                   **(1)** may relate the information received to a teacher, administrator,  
22 counselor, or other officer or employee of the school district or private school whom  
23 the principal reasonably believes may assist in providing protection to persons  
24 employed and students enrolled in the school against an action or threat of action by  
25 the minor about whom the information was disclosed;

26                   **(2)** shall, before providing information under (1) of this subsection,  
27 advise the person to whom the principal or person discloses the information that the  
28 information disclosed is confidential and may not be further disclosed;

29                   **(3)** shall treat all records received or made that relate to the information  
30 received under this subsection as confidential, unless disclosure of the records or  
31 information in them is otherwise authorized by law.

1 (b) When information has been provided under (a) of this section and, after  
2 investigation or upon entry of a judgment by a court, the minor is found not to have  
3 committed the offense or is found not to be a delinquent, the Department of Health  
4 and Social Services shall notify the principal or other person to whom the information  
5 was communicated. The principal or other person shall

6 (1) relate that information to persons to whom information had  
7 previously been related under (a)(1) of this section; and

8 (2) promptly remove from the files of the school any record relating  
9 to the information received under (a) of this section.

10 (c) A record pertaining to a minor obtained or made by a school official under  
11 (a) of this section

12 (1) that relates to a matter the records of which have been ordered  
13 sealed under AS 47.10.090(a) may not be inspected or disclosed unless a court later  
14 orders their use for a purpose authorized by law;

15 (2) shall be expunged from the minor's permanent school records on  
16 the date that is the later of

17 (A) 30 days after the minor's 18th birthday; or

18 (B) the date the minor graduates or permanently withdraws from  
19 the school.

20 (d) A school principal or other person who receives information under (a) of  
21 this section and a person having custody of a record described in (c) of this section are  
22 not civilly liable for a disclosure of information in violation of this section if the  
23 principal or other person or the record custodian performed duties under this section  
24 in good faith and without gross negligence.

25 \* Sec. 4. AS 14.30.710 is amended to read:

26 Sec. 14.30.710. REQUIRED RECORDS UPON TRANSFER. Within 14 days  
27 after enrolling a child as a transfer student from this or another state in an elementary  
28 or secondary school, the school or school district shall request directly from the child's  
29 previous school a certified copy of the child's scholastic and disciplinary record. An  
30 elementary or secondary school or a school district in this state requested to forward  
31 a copy of a transferring child's record to another school shall comply with the request

1 within 10 days after receiving the request unless the record has been flagged under  
2 AS 14.30.700. Upon receipt of a request for a record that has been flagged, the school  
3 or school district shall immediately notify the Department of Public Safety. Unless  
4 directed to do so by the Department of Public Safety, a school or a school district may  
5 not forward a copy of a flagged record.

6 \* Sec. 5. AS 14.30 is amended by adding a new section to read:

7 Sec. 14.30.715. **REQUIRED DISCIPLINARY RECORD DISCLOSURE**  
8 **UPON TRANSFER.** At the time of enrolling a child as a transfer student from this  
9 or another state in an elementary or secondary school, the parent or guardian of the  
10 child shall provide a report of the child's record of suspensions and denials of  
11 admittance to the school principal or other responsible person at the school to which  
12 the child transfers.

13 \* Sec. 6. AS 14.45 is amended by adding a new section to read:

14 Sec. 14.45.140. **RECEIPT AND DISCLOSURE OF CONFIDENTIAL**  
15 **INFORMATION.** The provisions of AS 14.14.400 apply to private schools.

16 \* Sec. 7. AS 47.10.090(a) is amended to read:

17 (a) The court shall make and keep records of all cases brought before it. The  
18 court's official records may be inspected only with the court's permission and only by  
19 persons having a legitimate interest in them. Except as provided in (d) and (e) of  
20 this section and AS 14.14.400, all [ALL] information and social records pertaining  
21 to a minor and prepared by an employee of the court or by a federal, state, or  
22 municipal [CITY] agency in the discharge of the employee's or agency's official duty,  
23 including driver's license action under AS 28.15.185, are privileged and may not be  
24 disclosed directly or indirectly to anyone without the court's permission. [HOWEVER,  
25 A STATE OR CITY LAW-ENFORCEMENT AGENCY SHALL DISCLOSE  
26 INFORMATION REGARDING A CASE WHICH IS NEEDED BY THE PERSON  
27 OR AGENCY CHARGED WITH MAKING A PRELIMINARY INVESTIGATION  
28 FOR THE INFORMATION OF THE COURT. THE COURT SHALL FORWARD A  
29 RECORD OF ADJUDICATION OF A VIOLATION OF AN OFFENSE LISTED IN  
30 AS 28.15.185(a) TO THE DEPARTMENT OF PUBLIC SAFETY, IF THE COURT  
31 IMPOSES A LICENSE REVOCATION UNDER AS 28.15.185.] Within 30 days of

1 the date of a minor's 18th birthday or, if the court retains jurisdiction of a minor past  
2 the minor's 18th birthday, within 30 days of the date on which the court relinquishes  
3 jurisdiction over the minor, the court shall order sealed all the court's official records,  
4 information and social records pertaining to that minor, as well as records of all  
5 driver's license proceedings under AS 28.15.185, criminal proceedings against the  
6 minor and punishments assessed against the minor except for traffic offenses. A person  
7 may not use these sealed records for any purpose except that the court may order their  
8 use for good cause shown or may order their use by an officer of the court in making  
9 a presentencing report for the court.

10 \* Sec. 8. AS 47.10.090(c) is amended to read:

11 (c) A person who violates a provision of (a) or (b) of this section is guilty of  
12 a misdemeanor, and upon conviction is punishable by a fine of not more than \$500 or  
13 by imprisonment for not more than one year, or by both.

14 \* Sec. 9. AS 47.10.090 is amended by adding new subsections to read:

15 (d) Notwithstanding the limitations on disclosures of information under (a) and  
16 (b) of this section, when information is provided that brings a minor within the  
17 provisions of AS 47.10.010 - 47.10.142,

18 (1) a state or municipal law enforcement agency shall disclose the  
19 information to a person or agency charged with making a preliminary investigation for  
20 the information of the court, if that information is needed by the person or agency;

21 (2) a state or municipal law enforcement agency or, if the information  
22 upon which an inquiry is initiated was given to the department and not reported to a  
23 state or municipal law enforcement agency, the department, shall disclose the  
24 information to the principal or other person in charge of a public or private school that  
25 the minor attends if the offense alleged to have been committed by the minor is a  
26 felony for which the minor may be adjudicated a delinquent minor under  
27 AS 47.10.010(a)(1) or for which the court enters an order under AS 47.10.060  
28 permitting the minor to be charged and prosecuted as an adult; a disclosure made  
29 under this paragraph

30 (A) is limited to disclosure of the identity of the minor and of  
31 the notice, facts, and circumstances of the offense alleged; and

1                   **(B) may not include other information specific to the minor**  
2                   **unless disclosure of that information has been authorized by (b) of this section**  
3                   **or is otherwise authorized by law;**

4                   **(3) the department shall notify the principal or other person in charge**  
5                   **of a public or private school of the outcome or disposition of a case for which**  
6                   **information was previously provided under (2) of this subsection.**

7                   **(e) Notwithstanding the limitation on disclosure of information under (a) and**  
8                   **(b) of this section, if, in the adjudication of a violation of an offense listed in**  
9                   **AS 28.15.185(a), the court imposes a license revocation under AS 28.15.185, the court**  
10                   **shall forward a record of the adjudication to the Department of Public Safety.**

11                   **(f) The provisions of AS 14.14.400 apply to information disclosed under (d)(2)**  
12                   **and (3) of this section.**