

CS FOR HOUSE BILL NO. 336(HES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 3/2/94

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES BUNDE, Olberg

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to disclosures of information about minors."

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

3 * Section 1. AS 09.25.120 is amended to read:

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

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

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

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

11 (3) medical and related public health records;

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

14 (5) to the extent the records are required to be kept confidential under

1 20 U.S.C. 1232g and the regulations adopted under 20 U.S.C. 1232g in order to secure
2 or retain federal assistance; **and**

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

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

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

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

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

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

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

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

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

24 (c) Recorders shall

25 (1) permit memoranda, transcripts, and copies of the public records in
26 their offices to be made by photography or otherwise for the purpose of examining
27 titles to real estate described in the public records, making abstracts of title or
28 guaranteeing or insuring the titles of the real estate, or building and maintaining title
29 and abstract plants; and

30 (2) [SHALL] furnish proper and reasonable facilities to persons having
31 lawful occasion for access to the public records for those purposes, subject to

1 reasonable rules and regulations, in conformity to the direction of the court, as are
2 necessary for the protection of the records and to prevent interference with the regular
3 discharge of the duties of the recorders and their employees.

4 * Sec. 2. AS 47.10.090(a) is amended to read:

5 (a) The court shall make and keep records of all cases brought before it. The
6 court's official records may be inspected only with the court's permission and only by
7 persons having a legitimate interest in them. Except as required in (d) of this
8 section, all [ALL] information and social records pertaining to a minor and prepared
9 by an employee of the court or by a federal, state, or municipal [CITY] agency in the
10 discharge of the employee's or agency's official duty, including driver's license action
11 under AS 28.15.185, are privileged and may not be disclosed directly or indirectly to
12 anyone without the court's permission. [HOWEVER, A STATE OR CITY
13 LAW-ENFORCEMENT AGENCY SHALL DISCLOSE INFORMATION
14 REGARDING A CASE WHICH IS NEEDED BY THE PERSON OR AGENCY
15 CHARGED WITH MAKING A PRELIMINARY INVESTIGATION FOR THE
16 INFORMATION OF THE COURT. THE COURT SHALL FORWARD A RECORD
17 OF ADJUDICATION OF A VIOLATION OF AN OFFENSE LISTED IN
18 AS 28.15.185(a) TO THE DEPARTMENT OF PUBLIC SAFETY, IF THE COURT
19 IMPOSES A LICENSE REVOCATION UNDER AS 28.15.185.] Within 30 days of
20 the date of a minor's 18th birthday or, if the court retains jurisdiction of a minor past
21 the minor's 18th birthday, within 30 days of the date on which the court relinquishes
22 jurisdiction over the minor, the court shall order sealed all the court's official records,
23 information and social records pertaining to that minor, as well as records of all
24 driver's license proceedings under AS 28.15.185, criminal proceedings against the
25 minor and punishments assessed against the minor except for traffic offenses. A person
26 may not use these sealed records for any purpose except that the court may order their
27 use for good cause shown or may order their use by an officer of the court in making
28 a presentencing report for the court.

29 * Sec. 3. AS 47.10.090(c) is amended to read:

30 (c) A person who violates a provision of (a) or (b) of this section is guilty of
31 a misdemeanor, and upon conviction is punishable by a fine of not more than \$500 or

1 by imprisonment for not more than one year, or by both.

2 * Sec. 4. AS 47.10.090 is amended by adding new subsections to read:

3 (d) Notwithstanding the limitations on disclosures of information under (a) and
4 (b) of this section,

5 (1) a state or municipal law enforcement agency shall disclose
6 information regarding a case involving a minor that is brought under AS 47.10.010 -
7 47.10.142

8 (A) to a person or agency charged with making a preliminary
9 investigation for the information of the court, if that information is needed by
10 the person or agency;

11 (B) to any person upon request, but a disclosure under this
12 subparagraph

13 (i) is limited to information relating to the facts or
14 circumstances of the violation of the criminal law of the state or
15 municipality for which the minor may be adjudicated a delinquent
16 minor under AS 47.10.010(a)(1); and

17 (ii) may not include the name of, picture of, or
18 information specific to the minor unless disclosure of that information
19 is authorized by (b) of this section or other law; and

20 (2) if, in the adjudication of a violation of an offense listed in
21 AS 28.15.185(a), the court imposes a license revocation under AS 28.15.185, the court
22 shall forward a record of the adjudication to the Department of Public Safety.

23 (e) The limitations on disclosures of information under (a) and (b) of this
24 section do not apply to a minor who

25 (1) was at least 13 years of age at the time the offense was committed;

26 (2) possessed a firearm or a knife at any time during the commission
27 of the offense; and

28 (3) used or threatened to use the firearm or knife during the
29 commission of the offense.