

## SENATE BILL NO. 51

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY SENATOR PHILLIPS

Introduced: 1/19/93

Referred: HES, JUD, FIN

## A BILL

## FOR AN ACT ENTITLED

1 "An Act providing for establishment of work camps for juveniles adjudicated  
2 delinquent, and extending to all cities and to nonprofit corporations authority to  
3 maintain facilities for juveniles."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 \* Section 1. AS 47.10.080(b) is amended to read:

6 (b) If the court finds that the minor is delinquent, it shall

7 (1) order the minor committed to the department for a period of time  
8 not to exceed two years or in any event extend past the day the minor becomes 19,  
9 except that the department may petition for and the court may grant in a hearing (A)  
10 two-year extensions of commitment that do not extend beyond the child's 19th  
11 birthday if the extension is in the best interests of the minor and the public; and (B)  
12 an additional one-year period of supervision past age 19 if continued supervision is in  
13 the best interests of the person and the person consents to it; the department shall place  
14 the minor in the juvenile facility that the department considers appropriate and that

1 may include a juvenile correctional school, juvenile work camp, detention home, or  
2 detention facility; the minor may be released from placement or detention and placed  
3 on probation on order of the court and may also be released by the department, in its  
4 discretion, under AS 47.10.200;

5 (2) order the minor placed on probation, to be supervised by the  
6 department, and released to the minor's parents, guardian, or a suitable person; if the  
7 court orders the minor placed on probation, it may specify the terms and conditions  
8 of probation; the probation may be for a period of time, not to exceed two years and  
9 in no event extend past the day the minor becomes 19, except that the department may  
10 petition for and the court may grant in a hearing

11 (A) two-year extensions of supervision that do not extend  
12 beyond the child's 19th birthday if the extension is in the best interests of the  
13 minor and the public; and

14 (B) an additional one-year period of supervision past age 19 if  
15 the continued supervision is in the best interests of the person and the person  
16 consents to it;

17 (3) order the minor committed to the department and placed on  
18 probation, to be supervised by the department, and released to the minor's parents,  
19 guardian, other suitable person, or suitable nondetention setting such as a family home,  
20 group care facility, or child care facility, whichever the department considers  
21 appropriate to implement the treatment plan of the predisposition report; if the court  
22 orders the minor placed on probation, it may specify the terms and conditions of  
23 probation; the department may transfer the minor, in the minor's best interests, from  
24 one of the probationary placement settings listed in this paragraph to another, and the  
25 minor, the minor's parents or guardian, and the minor's attorney are entitled to  
26 reasonable notice of the transfer; the probation may be for a period of time, not to  
27 exceed two years and in no event extend past the day the minor becomes 19, except  
28 that the department may petition for and the court may grant in a hearing

29 (A) two-year extensions of commitment that do not extend  
30 beyond the child's 19th birthday if the extension is in the best interests of the  
31 minor and the public; and

1 (B) an additional one-year period of supervision past age 19 if  
2 the continued supervision is in the best interests of the person and the person  
3 consents to it;

4 (4) order the minor to make suitable restitution in lieu of or in addition  
5 to the court's order under (1), (2), or (3) of this subsection;

6 (5) order the minor committed to the department for placement in an  
7 adventure based education program established under AS 47.21.020 with conditions  
8 the court considers appropriate concerning release upon satisfactory completion of the  
9 program or commitment under (1) of this subsection if the program is not satisfactorily  
10 completed; or

11 (6) in addition to an order under (1) - (5) of this subsection, if the  
12 delinquency finding is based on the minor's violation of AS 11.71.030(a)(3) or  
13 11.71.040(a)(4), order the minor to perform 50 hours of community service; for  
14 purposes of this paragraph, "community service" includes work

15 (A) on a project identified in AS 33.30.901; or

16 (B) that, on the recommendation of the city council or  
17 traditional village council, would benefit persons within the city or village who  
18 are elderly or disabled.

19 \* Sec. 2. AS 47.10.150 is amended to read:

20 Sec. 47.10.150. GENERAL POWERS OF DEPARTMENT OVER JUVENILE  
21 INSTITUTIONS. The department may

22 (1) purchase, lease, or construct buildings or other facilities for the  
23 care, detention, rehabilitation, and education of children in need of aid or delinquent  
24 minors;

25 (2) adopt plans for construction of juvenile homes, juvenile work  
26 camps, juvenile detention facilities, and other juvenile institutions;

27 (3) adopt standards and regulations under this chapter for the design,  
28 construction, repair, maintenance, and operation of all juvenile detention homes, work  
29 camps, facilities, and institutions;

30 (4) inspect periodically each juvenile detention home, work camp,  
31 facility, or other institution to ensure that the standards and regulations adopted are

- 1           **being maintained;**
- 2                       (5) **reimburse cities maintaining and operating juvenile detention**
- 3           **homes, work camps, and facilities;**
- 4                       (6) **enter into contracts and arrangements with cities and state and**
- 5           **federal agencies to carry out the purposes of this chapter;**
- 6                       (7) **do all acts necessary to carry out the purposes of this chapter;**
- 7                       (8) **adopt the regulations necessary to carry out this chapter;**
- 8                       (9) **accept donations, gifts, or bequests of money or other property for**
- 9           **use in construction of juvenile homes, work camps, institutions, or detention facilities;**
- 10
- 11                      (10) **operate juvenile homes when municipalities are unable to do so;**
- 12                      (11) **receive, care for, and place in a juvenile detention home, the**
- 13           **minor's own home, a foster home, or a correctional school, work camp, or treatment**
- 14           **institution all minors committed to its custody under this chapter.**

15   \* **Sec. 3. AS 47.10.160(a) is amended to read:**

16                      **(a) The department shall**

17                               (1) **accept all minors committed to the custody of the department and**

18           **all minors who are involved in a written agreement under AS 47.10.230(c), and**

19           **provide for the welfare, control, care, custody, and placement of these minors in**

20           **accordance with this chapter;**

21                               (2) **require and collect statistics on juvenile offenses and offenders in**

22           **the state;**

23                               (3) **conduct studies and prepare findings and recommendations on the**

24           **need, number, type, construction, maintenance, and operating costs of juvenile homes,**

25           **work camps, facilities, and the other institutions, and adopt and submit a plan for**

26           **construction of the homes, work camps, facilities, and institutions when needed,**

27           **together with a plan for financing the construction programs;**

28                               (4) **examine, where possible, all facilities, institutions, work camps,**

29           **and places of juvenile detention in the state and inquire into their methods and the**

30           **management of juveniles in them.**

31   \* **Sec. 4. AS 47.10.170 is amended to read:**

1           **Sec. 47.10.170. AUTHORITY [POWER OF CITIES] TO MAINTAIN AND**  
2           **OPERATE HOME, WORK CAMP, OR FACILITY.** (a) A city or a nonprofit  
3           **corporation [HAVING A POPULATION OF 1700 OR MORE, ACCORDING TO**  
4           **THE LATEST DECENNIAL CENSUS, OR FOUND BY THE DEPARTMENT TO**  
5           **HAVE A PRESENT POPULATION OF 1700 OR MORE] may maintain and operate**  
6           **a juvenile detention home, a juvenile work camp, or a juvenile detention facility.**

7           (b) The city or nonprofit corporation may receive grants-in-aid from the state  
8           for costs of operation of the homes, work camps, or facilities maintained and  
9           operated under (a) of this section.

10       \* **Sec. 5.** AS 47.10.180(a) is amended to read:

11           (a) The department shall adopt standards and regulations for the operation of  
12           juvenile detention homes, juvenile work camps, and juvenile detention facilities in the  
13           state.

14       \* **Sec. 6.** AS 47.10.190 is amended to read:

15           **Sec. 47.10.190. CONDITIONS GOVERNING DETENTION.** When the court  
16           commits a minor to the custody of the department, the department shall arrange to  
17           place the juvenile in a detention home, work camp, facility, or another suitable place  
18           that the department designates for that purpose. A juvenile detained in a jail or similar  
19           institution at the request of the department shall be held in custody in a room or other  
20           place apart and separate from adults.

21       \* **Sec. 7.** AS 47.10.990 is amended by adding a new paragraph to read:

22           (10) "juvenile work camp" means a separate residential establishment,  
23           exclusively devoted to the detention of minors, in which the minors who are  
24           committed to the custody of the department and placed in the facility may be required  
25           to labor on the buildings and grounds or perform any other work or engage in any  
26           activities that do not conflict with regulations adopted by the Department of Health and  
27           Social Services under this chapter for the care, rehabilitation, education, and discipline  
28           of minors in detention.