

**HOUSE CS FOR CS FOR SENATE BILL NO. 54(FIN)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**EIGHTEENTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE FINANCE COMMITTEE**

**Offered: 2/23/94**

**Referred: Rules**

**Sponsor(s): SENATORS HALFORD, Phillips, Leman, Taylor, Miller, Donley**

**REPRESENTATIVES Porter, Bunde, Toohy, Martin, Kott**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to violations of laws by juveniles, to the remedies for offenses  
2 and activities committed by juveniles and to juvenile records, and to incarceration  
3 of juveniles who have been charged, prosecuted, or convicted as adults; and  
4 providing for an effective date."

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

6 \* Section 1. AS 09.25.120 is amended to read:

7           Sec. 09.25.120. PUBLIC RECORDS; EXCEPTIONS; CERTIFIED COPIES.  
8           Every person has a right to inspect a public record in the state, including public  
9           records in recorders' offices, except (1) records of vital statistics and adoption  
10           proceedings which shall be treated in the manner required by AS 18.50; (2) records  
11           pertaining to juveniles unless disclosure is authorized by law; (3) medical and related  
12           public health records; (4) records required to be kept confidential by a federal law or  
13           regulation or by state law; (5) to the extent the records are required to be kept  
14           confidential under 20 U.S.C. 1232g and the regulations adopted under 20 U.S.C. 1232g

1 in order to secure or retain federal assistance; (6) records or information compiled for  
2 law enforcement purposes, but only to the extent that the production of the law  
3 enforcement records or information (A) could reasonably be expected to interfere with  
4 enforcement proceedings, (B) would deprive a person of a right to a fair trial or an  
5 impartial adjudication, (C) could reasonably be expected to constitute an unwarranted  
6 invasion of the personal privacy of a suspect, defendant, victim, or witness, (D) could  
7 reasonably be expected to disclose the identity of a confidential source, (E) would  
8 disclose confidential techniques and procedures for law enforcement investigations or  
9 prosecutions, (F) would disclose guidelines for law enforcement investigations or  
10 prosecutions if the disclosure could reasonably be expected to risk circumvention of  
11 the law, or (G) could reasonably be expected to endanger the life or physical safety  
12 of an individual. Every public officer having the custody of records not included in the  
13 exceptions shall permit the inspection, and give on demand and on payment of the fees  
14 under AS 09.25.110 - 09.25.115 a certified copy of the record, and the copy shall in  
15 all cases be evidence of the original. Recorders shall permit memoranda, transcripts,  
16 and copies of the public records in their offices to be made by photography or  
17 otherwise for the purpose of examining titles to real estate described in the public  
18 records, making abstracts of title or guaranteeing or insuring the titles of the real  
19 estate, or building and maintaining title and abstract plants; and shall furnish proper  
20 and reasonable facilities to persons having lawful occasion for access to the public  
21 records for those purposes, subject to reasonable rules and regulations, in conformity  
22 to the direction of the court, as are necessary for the protection of the records and to  
23 prevent interference with the regular discharge of the duties of the recorders and their  
24 employees.

25 \* Sec. 2. AS 12.55.015(a) is amended to read:

26 (a) Except as limited by AS 12.55.125 - 12.55.175, the court, in imposing  
27 sentence on a defendant convicted of an offense, may singly or in combination

28 (1) impose a fine when authorized by law and as provided in  
29 AS 12.55.035;

30 (2) order the defendant to be placed on probation under conditions  
31 specified by the court that may include provision for active supervision;

- 1 (3) impose a definite term of periodic imprisonment;
- 2 (4) impose a definite term of continuous imprisonment;
- 3 (5) order the defendant to make restitution under AS 12.55.045;
- 4 (6) order the defendant to carry out a continuous or periodic program
- 5 of community work under AS 12.55.055;
- 6 (7) suspend execution of all or a portion of the sentence imposed under
- 7 AS 12.55.080;
- 8 (8) suspend imposition of sentence under AS 12.55.085;
- 9 (9) order the forfeiture to the commissioner of public safety of a deadly
- 10 weapon that was in the actual possession of or used by the defendant during the
- 11 commission of an offense described in AS 11.41, AS 11.46, AS 11.56, or AS 11.61;
- 12 (10) order the defendant, while incarcerated, to participate in or comply
- 13 with the treatment plan of a rehabilitation program that is related to the defendant's
- 14 offense or to the defendant's rehabilitation, or, if the defendant is a minor convicted
- 15 as an adult, to participate in a program of remedial education; an order to
- 16 participate under this paragraph applies if the program is made available to the
- 17 defendant by the Department of Corrections.

18 \* Sec. 3. AS 12.55.100(a) is amended to read:

19 (a) While on probation and among the conditions of probation, the defendant

20 may be required

21 (1) to pay a fine in one or several sums;

22 (2) to make restitution or reparation to aggrieved parties for actual

23 damages or loss caused by the crime for which conviction was had;

24 (3) to provide for the support of any persons for whose support the

25 defendant is legally responsible;

26 (4) to perform community work in accordance with AS 12.55.055;

27 (5) to participate in or comply with the treatment plan of an inpatient

28 or outpatient rehabilitation program specified by either the court or the defendant's

29 probation officer that is related to the defendant's offense or to the defendant's

30 rehabilitation; [AND]

31 (6) to satisfy the screening, evaluation, referral, and program

1 requirements of an agency authorized by the court to make referrals for rehabilitative  
2 treatment or to provide rehabilitative treatment; and  
3 (7) to participate in a program of remedial education when ordered  
4 by the court if the defendant is a minor convicted as an adult.

5 \* Sec. 4. AS 12.55.155(d) is amended to read:

6 (d) The following factors shall be considered by the sentencing court and may  
7 mitigate the presumptive terms set out in AS 12.55.125:

8 (1) the offense was principally accomplished by another person, and  
9 the defendant manifested extreme caution or sincere concern for the safety or  
10 well-being of the victim;

11 (2) the defendant, although an accomplice, played only a minor role in  
12 the commission of the offense;

13 (3) the defendant committed the offense under some degree of duress,  
14 coercion, threat, or compulsion insufficient to constitute a complete defense, but which  
15 significantly affected the defendant's conduct;

16 (4) the conduct of a youthful defendant was substantially influenced by  
17 another person more mature than the defendant;

18 (5) the conduct of an aged defendant was substantially a product of  
19 physical or mental infirmities resulting from the defendant's age;

20 (6) in a conviction for assault under AS 11.41.200 - 11.41.220, the  
21 defendant acted with serious provocation from the victim;

22 (7) except in the case of a crime defined by AS 11.41.410 - 11.41.470,  
23 the victim provoked the crime to a significant degree;

24 (8) [REPEALED.

25 (9)] the conduct constituting the offense was among the least serious  
26 conduct included in the definition of the offense;

27 (9) [(10)] before the defendant knew that the criminal conduct had been  
28 discovered, the defendant fully compensated or made a good faith effort to fully  
29 compensate the victim of the defendant's criminal conduct for any damage or injury  
30 sustained;

31 (10) [(11)] the defendant was motivated to commit the offense solely

1 by an overwhelming compulsion to provide for emergency necessities for the  
2 defendant's immediate family;

3 (11) [(12)] the defendant assisted authorities to detect, apprehend, or  
4 prosecute other persons who committed an offense;

5 (12) [(13)] the facts surrounding the commission of the offense and any  
6 previous offenses by the defendant establish that the harm caused by the defendant's  
7 conduct is consistently minor and inconsistent with the imposition of a substantial  
8 period of imprisonment;

9 (13) [(14)] the defendant is convicted of an offense specified in  
10 AS 11.71 and the offense involved small quantities of a controlled substance;

11 (14) [(15)] the defendant is convicted of an offense specified in  
12 AS 11.71 and the offense involved the distribution of a controlled substance, other than  
13 a schedule IA controlled substance, to a personal acquaintance who is 19 years of age  
14 or older for no profit;

15 (15) [(16)] the defendant is convicted of an offense specified in  
16 AS 11.71 and the offense involved the possession of a small amount of a controlled  
17 substance for personal use in the defendant's home;

18 (16) [(17)] in a conviction for assault or attempted assault or for  
19 homicide or attempted homicide, the defendant acted in response to domestic violence  
20 perpetrated by the victim against the defendant and the domestic violence consisted of  
21 aggravated or repeated instances of assaultive behavior;

22 (17) the defendant was a minor who was charged, convicted, and  
23 sentenced as an adult.

24 \* Sec. 5. AS 33.16.220(a) is amended to read:

25 (a) The board may revoke parole if the parolee

26 (1) engages in conduct in violation of AS 33.16.150(a) or (b); or

27 (2) has violated an order of the court to participate in or comply with  
28 the treatment plan of a rehabilitation program under AS 12.55.015(a)(10) or to  
29 participate in a remedial education program under AS 12.55.015(a)(10).

30 \* Sec. 6. AS 33.30 is amended by adding a new section to read:

31 Sec. 33.30.301. LIMITATION ON INCARCERATION OF JUVENILES. A

1 juvenile committed to the custody of the commissioner when the juvenile has been  
2 convicted as an adult may not be placed in a cell with an adult prisoner convicted of  
3 a sexual offense under AS 11.41.410 - 11.41.425 or 11.41.434 - 11.41.455 in which  
4 the victim of the crime was a juvenile.

5 • Sec. 7. AS 33.30.901(11) is amended to read:

6 (11) "prisoner"

7 (A) means a person [, OTHER THAN A JUVENILE,] held  
8 under authority of state law in official detention as defined in AS 11.81.900(b);

9 (B) includes a juvenile committed to the custody of the  
10 commissioner when the juvenile has been charged, prosecuted, or convicted  
11 as an adult;

12 • Sec. 8. AS 43.23.065(b) is amended to read:

13 (b) An exemption is not available under this section for permanent fund  
14 dividends taken to satisfy

15 (1) child support obligations required by court order or decision of the  
16 child support enforcement agency under AS 25.27.140 - 25.27.220;

17 (2) court ordered restitution under AS 12.55.045 - 12.55.051, [OR]  
18 12.55.100, or AS 47.10.080(b)(4);

19 (3) claims on defaulted scholarship loans under AS 43.23.067;

20 (4) court ordered fines;

21 (5) writs of execution under AS 09.35 of a judgment that is entered

22 (A) against a minor in a civil action to recover damages;  
23 recovery under this subparagraph is limited to \$2,000 and court costs, and  
24 may be obtained only when the judgment is based upon

25 (i) an act of the minor that is defined as a crime  
26 against a person under AS 33.30.901, that injured the plaintiff, and  
27 for which the minor was adjudicated a delinquent or convicted as  
28 an adult; or

29 (ii) the minor's intentional or knowing injury of real  
30 or personal property of the plaintiff;

31 (B) under AS 34.50.020 against the parent, parents, legal

1 guardian, or person having the legal custody of an unemancipated minor;

2 (6) a debt owed by an eligible individual to an agency of the state,  
3 unless the debt is contested and an appeal is pending, or the time limit for filing an  
4 appeal has not expired.

5 \* Sec. 9. AS 47.10.010 is amended by adding a new subsection to read:

6 (e) When a minor who was at least 16 years of age at the time of the offense  
7 is arraigned on a charge of murder in the first degree, attempted murder in the first  
8 degree, or murder in the second degree, AS 47.10.020 - 47.10.090 and the Alaska  
9 Delinquency Rules do not apply to the offense for which the minor is arraigned or to  
10 any additional offenses joinable to it under the applicable rules of court governing  
11 criminal procedure. The minor shall be charged, prosecuted, and sentenced in the  
12 superior court in the same manner as an adult, unless the minor is convicted of some  
13 offense other than murder in the first degree, attempted murder in the first degree, or  
14 murder in the second degree, in which event the court, treating the minor as though  
15 the charges had been heard under this chapter, shall order disposition of the charges  
16 of which the minor is convicted under AS 47.10.080(b).

17 \* Sec. 10. AS 47.10.020(a) is amended to read:

18 (a) Whenever circumstances subject [A PERSON INFORMS THE COURT  
19 OF THE FACTS THAT BRING] a minor to the jurisdiction of AS 47.10.010 -  
20 47.10.142 [WITHIN THIS CHAPTER], the court shall

21 (1) provide, under procedures adopted by court rule, that, for a  
22 minor who is alleged to be a delinquent minor under AS 47.10.010(a)(1), a state  
23 agency shall make a preliminary inquiry to determine if any action is appropriate  
24 and may take appropriate action to adjust or dispose of the matter without a  
25 court hearing; if, under this paragraph,

26 (A) the state agency makes a preliminary inquiry and takes  
27 appropriate action to adjust or dispose of the matter without a court  
28 hearing, the minor may not be detained or taken into custody as a  
29 condition of the adjustment or disposition and, subject to (d) of this  
30 section, the matter shall be closed by the agency if the minor successfully  
31 completes all that is required of the minor by the agency in the adjustment

1 or disposition:  
2 (B) the agency concludes that the matter may not be  
3 adjusted or disposed of without a court hearing, the agency may file a  
4 petition under (2) of this subsection setting out the facts; or  
5 (2) appoint a competent person or agency to make a preliminary inquiry  
6 and report for the information of the court to determine whether the interests of the  
7 public or of the minor require that further action be taken; if, under this paragraph,  
8 the court appoints a person or agency to make a preliminary inquiry and to  
9 report to it, then upon [. UPON] the receipt of the report, the court may informally  
10 adjust or dispose of the matter without a hearing, or it may authorize the person having  
11 knowledge of the facts of the case to file with the court a petition setting out the facts;  
12 if [. WHERE] the court informally adjusts or disposes of the matter, the minor may  
13 not be detained or taken into the custody of the court as a condition of the  
14 adjustment or disposition, and the matter shall be closed by the court upon  
15 adjustment or disposition.

16 \* Sec. 11. AS 47.10.020 is amended by adding a new subsection to read:

17 (d) The provisions of this subsection apply to a minor who is alleged to be a  
18 delinquent minor under AS 47.10.010(a)(1) and for whom an agency has, under  
19 applicable court rule, made a preliminary inquiry before taking appropriate action as  
20 authorized by (a)(1) of this section. Following the preliminary inquiry, unless the  
21 agency determines that the matter should be dismissed, the agency may take informal  
22 action to adjust or dispose of the matter. When the agency decides that an informal  
23 adjustment or disposition of a matter should be made, that informal adjustment or  
24 disposition may not be made without the agreement or consent of the minor and the  
25 minor's parents or guardians to the terms and conditions of the adjustment or  
26 disposition. An informal action to adjust or dispose of a matter is not successfully  
27 completed unless, among other factors that the agency considers, as to the victim of  
28 the act of the minor that is the basis of the delinquency allegation, the minor pays  
29 restitution in the amount set by the agency or agrees as a term or condition set by the  
30 agency to pay the restitution.

31 \* Sec. 12. AS 47.10.060(e) is amended to read:

1 (e) A person who has been tried as an adult under this section, or the  
2 department on the person's behalf, may petition the superior court to seal the records  
3 of all criminal proceedings, except traffic offenses, initiated against the person, and all  
4 punishments assessed against the person, while the person was a minor. A petition  
5 under this subsection may not be filed until five years after the completion of the  
6 sentence imposed for the offense for which the person was tried as an adult. If the  
7 superior court finds that the punishment assessed against the person has had its  
8 intended rehabilitative effect and further finds that the person has fulfilled all  
9 orders of the court entered under AS 47.10.080(b), the superior court shall order the  
10 record of proceedings and the record of punishments sealed. Sealing the records  
11 restores civil rights removed because of a conviction. A person may not use these  
12 sealed records for any purpose except that the court may order their use for good cause  
13 shown or may order their use by an officer of the court in making a presentencing  
14 report for the court. The court may not, under this subsection, seal records of a  
15 criminal proceeding

16 (1) initiated against a person if the court finds that the person has  
17 not complied with a court order made under AS 47.10.080(b); or

18 (2) commenced under AS 47.10.010(e) unless the minor has been  
19 acquitted of all offenses with which the minor was charged or unless the most  
20 serious offense of which the minor was convicted was not murder in the first  
21 degree, attempted murder in the first degree, or murder in the second degree.

22 \* Sec. 13. AS 47.10.060 is amended by adding a new subsection to read:

23 (f) For purposes of making a determination under (a) and (d) of this section,  
24 (1) the standard of proof is by a preponderance of the evidence; and  
25 (2) the burden of proof that a minor is not amenable to treatment under  
26 AS 47.10.010 - 47.10.142 is on the state; however, if a minor was 16 or 17 years of  
27 age at the time of the alleged commission of the offense and the petition filed under  
28 AS 47.10.020 seeking to have the court declare the minor a delinquent is based on the  
29 minor's alleged commission of an offense that is an unclassified felony or class A  
30 felony and that is a crime against a person as defined in AS 33.30.901, the minor

31 (A) is rebuttably presumed not to be amenable to treatment

1 under AS 47.10.010 - 47.10.142; and

2 (B) has the burden of proof of showing that the minor is  
3 amenable to treatment under AS 47.10.010 - 47.10.142.

4 • Sec. 14. AS 47.10.080(b) is amended to read:

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

6 (1) order the minor committed to the department for a period of time  
7 not to exceed two years or in any event extend past the day the minor becomes 19,  
8 except that the department may petition for and the court may grant in a hearing (A)  
9 two-year extensions of commitment that do not extend beyond the child's 19th  
10 birthday if the extension is in the best interests of the minor and the public; and (B)  
11 an additional one-year period of supervision past age 19 if continued supervision is in  
12 the best interests of the person and the person consents to it; the department shall place  
13 the minor in the juvenile facility that the department considers appropriate and that  
14 may include a juvenile correctional school, juvenile work camp, treatment facility,  
15 detention home, or detention facility; the minor may be released from placement or  
16 detention and placed on probation on order of the court and may also be released by  
17 the department, in its discretion, under AS 47.10.200;

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

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

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

30 (3) order the minor committed to the department and placed on  
31 probation, to be supervised by the department, and released to the minor's parents,

1 guardian, other suitable person, or suitable nondetention setting such as a family home,  
2 group care facility, or child care facility, whichever the department considers  
3 appropriate to implement the treatment plan of the predisposition report; if the court  
4 orders the minor placed on probation, it may specify the terms and conditions of  
5 probation; the department may transfer the minor, in the minor's best interests, from  
6 one of the probationary placement settings listed in this paragraph to another, and the  
7 minor, the minor's parents or guardian, and the minor's attorney are entitled to  
8 reasonable notice of the transfer; the probation may be for a period of time, not to  
9 exceed two years and in no event extend past the day the minor becomes 19, except  
10 that the department may petition for and the court may grant in a hearing

11 (A) two-year extensions of commitment 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 (4) order the minor to make suitable restitution in lieu of or in addition  
18 to the court's order under (1), (2), or (3) of this subsection; the court may not refuse  
19 to make an order of restitution under this paragraph to benefit the victim of the  
20 act of the minor that is the basis of the delinquency adjudication;

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

26 (6) in addition to an order under (1) - (5) of this subsection, if the  
27 delinquency finding is based on the minor's violation of AS 11.71.030(a)(3) or  
28 11.71.040(a)(4), order the minor to perform 50 hours of community service; for  
29 purposes of this paragraph, "community service" includes work

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

31 (B) that, on the recommendation of the city council or

1            ~~traditional village council~~, would benefit persons within the city or village who  
2            are elderly or disabled.

3        • **Sec. 15.** AS 47.10.090 is repealed and reenacted to read:

4            **Sec. 47.10.090. COURT RECORDS.** (a) The court shall make and keep  
5            records of all cases brought before it.

6            (b) The court shall forward a record of adjudication of a violation of an  
7            offense listed in AS 28.15.185(a) to the Department of Public Safety if the court  
8            imposes a license revocation under AS 28.15.185.

9            (c) Within 30 days of the date of a minor's 18th birthday or, if the court  
10           retains jurisdiction of a minor past the minor's 18th birthday, within 30 days of the  
11           date on which the court releases jurisdiction over the minor, the court shall order all  
12           the court's official records pertaining to that minor sealed, as well as records of all  
13           driver's license proceedings under AS 28.15.185, criminal proceedings against the  
14           minor, and punishments assessed against the minor. A person may not use these  
15           sealed records for any purpose except that the court may order their use for good cause  
16           shown or may order their use by an officer of the court in making a presentencing  
17           report for the court. The provisions of this subsection relating to the sealing of records  
18           do not apply to records of traffic offenses.

19           (d) The name or picture of a minor under the jurisdiction of the court may not  
20           be made public in connection with the minor's status as a delinquent child or a child  
21           in need of aid unless authorized by order of the court.

22           (e) The court's official records under this chapter may be inspected only with  
23           the court's permission and only by persons having a legitimate interest in them. A  
24           person with a legitimate interest in the inspection of an official record maintained by  
25           the court includes a victim who suffered physical injury or whose real or personal  
26           property was damaged as a result of an offense that was the basis of an adjudication  
27           or modification of disposition. If the victim knows the identity of the minor, identifies  
28           the minor or the offense to the court, and certifies that the information is being sought  
29           to consider or support a civil action against the minor or against the minor's parents  
30           or guardians under AS 34.50.020, the court shall, subject to AS 12.61.110 and  
31           12.61.140, allow the victim to inspect and use the following records and information

- 1 in connection with the civil action:
- 2 (1) a petition filed under AS 47.10.010(a)(1) seeking to have the court  
3 declare the minor a delinquent;
- 4 (2) a petition filed under AS 47.10.080 seeking to have the court  
5 modify or revoke the minor's probation;
- 6 (3) a petition filed under AS 47.10.060 requesting the court to find that  
7 a minor is not amenable to treatment under this chapter and that results in closure of  
8 a case under AS 47.10.060(a); and
- 9 (4) a court judgment or order entered under AS 47.10.010 - 47.10.142  
10 that disposes of a petition identified in (1) - (3) of this subsection.

11 \* Sec. 16. AS 47.10 is amended by adding a new section to read:

12 Sec. 47.10.093. DISCLOSURE OF AGENCY RECORDS. (a) Except as  
13 specified in (b) - (f) of this section, all information and social records pertaining to a  
14 minor who is subject to this chapter or AS 47.17 prepared by or in the possession of  
15 a federal, state, or municipal agency or employee in the discharge of the agency's or  
16 employee's official duty, including driver's license actions under AS 28.15.185, are  
17 privileged and may not be disclosed directly or indirectly to anyone without a court  
18 order.

19 (b) A state or municipal agency or employee may disclose information  
20 regarding a case to

21 (1) a guardian ad litem appointed by the court or to a citizen review  
22 panel for permanency planning authorized by AS 47.10.400 or 47.10.420;

23 (2) a person or an agency requested to provide consultation or services  
24 for a minor who is subject to the jurisdiction of the court under AS 47.10.010;

25 (3) school officials as may be necessary to protect the safety of school  
26 students and staff;

27 (4) a governmental agency as may be necessary to obtain that agency's  
28 assistance for the department in its investigation or to obtain physical custody of a  
29 child;

30 (5) a state or municipal law enforcement agency as may be necessary  
31 for a specific investigation being conducted by that agency or for disclosures by that

1 agency to protect the public safety; and  
2 (6) a victim as may be necessary to inform the victim about the  
3 disposition or resolution of a case involving a minor.

4 (c) A state or municipal law enforcement agency

5 (1) shall disclose information regarding a case that is needed by the  
6 person or agency charged with making a preliminary investigation for the information  
7 of the court under AS 47.10.020;

8 (2) may disclose to the public information regarding a criminal offense  
9 in which a minor is a suspect, victim, or witness if the minor is not identified by the  
10 disclosure;

11 (3) may disclose to school officials information regarding a case as may  
12 be necessary to protect the safety of school students and staff;

13 (4) may disclose to the public information regarding a case as may be  
14 necessary to protect the safety of the public; and

15 (5) may disclose to a victim information, including copies of reports,  
16 as necessary for civil litigation or insurance claims pursued by or against the victim.

17 (d) Upon request of a victim the department shall make every reasonable effort  
18 to notify the victim as soon as practicable in writing when a delinquent minor is to be  
19 released from placement in a juvenile facility under AS 47.10.080(b)(1). The notice  
20 under this subsection must include the expected date of the delinquent minor's release,  
21 the geographic area in which the delinquent minor is required to reside, and other  
22 pertinent information concerning the delinquent minor's conditions of release that may  
23 affect the victim.

24 (e) A person may authorize the department to release information to the  
25 military or to a prospective employer about the existence of a delinquency adjudication  
26 against that person under AS 47.10.010 and the offense on which it was based.

27 (f) The department may release to a person with a legitimate interest  
28 information relating to minors not subject to the jurisdiction of the court under  
29 AS 47.10.010. The department shall adopt regulations governing the release of  
30 information and identifying a sufficient legitimate interest.

31 (g) A person who discloses confidential information in violation of this section

1 is guilty of a class B misdemeanor.

2 \* Sec. 17. AS 47.10.190 is amended to read:

3 Sec. 47.10.190. [CONDITIONS GOVERNING] DETENTION OF MINORS.

4 (a) When the court commits a minor to the custody of the department, the department  
5 shall arrange to place the juvenile in a detention home, work camp, facility, or another  
6 suitable place that the department designates for that purpose.

7 (b) A juvenile detained in a jail or similar institution at the request of the  
8 department shall be held in custody in a room or other place apart and separate from  
9 adults. The provisions of this subsection do not apply to a juvenile held in a jail  
10 when committed to the custody of the commissioner of corrections under  
11 AS 33.30.

12 \* Sec. 18. AS 47.10.990 is amended by adding new paragraphs to read:

13 (11) "treatment facility" means a hospital, clinic, institution, center, or  
14 other health care facility that has been designated by the department for the treatment  
15 of juveniles;

16 (12) "victim" has the meaning given in AS 12.55.185.

17 \* Sec. 19. APPLICABILITY. This Act applies

18 (1) to civil actions accruing on or after the effective date of this Act; and

19 (2) to offenses committed on or after the effective date of this Act.

20 \* Sec. 20. This Act takes effect September 1, 1994.