

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

BY THE HOUSE FINANCE COMMITTEE

Amended: 3/14/94

Offered: 2/23/94

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

REPRESENTATIVES Porter, Bunde, Toohy, Martin, Kott, Green, Hanley

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 11.61.200(a) is amended to read:

26 (a) A person commits the crime of misconduct involving weapons in the third
27 degree if the person

28 (1) knowingly possesses a firearm capable of being concealed on one's
29 person after having been convicted of a felony or adjudicated a delinquent minor
30 for conduct that would constitute a felony if committed by an adult by a court of
31 this state, a court of the United States, or a court of another state or territory;

- 1 (2) knowingly sells or transfers a firearm capable of being concealed
2 on one's person to a person who has been convicted of a felony by a court of this
3 state, a court of the United States, or a court of another state or territory;
- 4 (3) manufactures, possesses, transports, sells, or transfers a prohibited
5 weapon;
- 6 (4) knowingly sells or transfers a firearm to another whose physical or
7 mental condition is substantially impaired as a result of the introduction of an
8 intoxicating liquor or controlled substance into that other person's body;
- 9 (5) removes, covers, alters, or destroys the manufacturer's serial
10 number on a firearm with intent to render the firearm untraceable;
- 11 (6) possesses a firearm on which the manufacturer's serial number has
12 been removed, covered, altered, or destroyed, knowing that the serial number has been
13 removed, covered, altered, or destroyed with the intent of rendering the firearm
14 untraceable;
- 15 (7) violates AS 11.46.320 and, during the violation, possesses on the
16 person a firearm when the person's physical or mental condition is impaired as a result
17 of the introduction of an intoxicating liquor or controlled substance into the person's
18 body;
- 19 (8) violates AS 11.46.320 or 11.46.330 by entering or remaining
20 unlawfully on premises or in a propelled vehicle in violation of a provision of an order
21 issued under AS 25.35.010(b) or 25.35.020 and, during the violation, possesses on the
22 person a defensive weapon or a deadly weapon, other than an ordinary pocketknife;
- 23 (9) communicates in person with another in violation of AS 11.56.740
24 and, during the communication, possesses on the person a defensive weapon or a
25 deadly weapon, other than an ordinary pocketknife;
- 26 (10) resides in a dwelling knowing that there is a firearm capable of
27 being concealed on one's person or a prohibited weapon in the dwelling if the person
28 has been convicted of a felony or adjudicated a delinquent minor for conduct that
29 would constitute a felony if committed by an adult by a court of this state, a court
30 of the United States, or a court of another state or territory, unless the person has
31 written authorization to live in a dwelling in which there is a concealable weapon

1 described in this paragraph from a court of competent jurisdiction or from the head of
2 the law enforcement agency of the community in which the dwelling is located; or
3 (11) discharges a firearm from a propelled vehicle while the vehicle is
4 being operated.

5 * Sec. 3. AS 11.61.200(b) is amended to read:

6 (b) It is an affirmative defense to a prosecution

7 ~~(1)~~ under (a)(1) [, (2),] or (10) of this section that

8 ~~(A) [(1)]~~ the person convicted of the prior offense on which the
9 action is based received a pardon for that conviction;

10 ~~(B) [(2)]~~ the underlying conviction upon which the action is
11 based has been set aside under AS 12.55.085 or as a result of post-conviction
12 proceedings; or

13 ~~(C) [(3)]~~ a period of 10 years or more has elapsed between the
14 date of the person's unconditional discharge on the prior offense or
15 adjudication of juvenile delinquency and the date of the violation of (a)(1)
16 [, (2),] or (10) of this section, and the prior conviction or adjudication of
17 juvenile delinquency did not result from a violation of AS 11.41 or of a
18 similar law of the United States or of another state or territory;

19 (2) under (a)(2) of this section that

20 (A) the person convicted of the prior offense on which the
21 action is based received a pardon for that conviction;

22 (B) the underlying conviction upon which the action is based
23 has been set aside under AS 12.55.085 or as a result of post-conviction
24 proceedings; or

25 (C) a period of 10 years or more has elapsed between the
26 date of the person's unconditional discharge on the prior offense and the
27 date of the violation of (a)(2) of this section, and the prior conviction did
28 not result from a violation of AS 11.41 or of a similar law of the United
29 States or of another state or territory.

30 * Sec. 4. AS 12.55.015(a) is amended to read:

31 (a) Except as limited by AS 12.55.125 - 12.55.175, the court, in imposing

1 sentence on a defendant convicted of an offense, may singly or in combination
2 (1) impose a fine when authorized by law and as provided in
3 AS 12.55.035;
4 (2) order the defendant to be placed on probation under conditions
5 specified by the court that may include provision for active supervision;
6 (3) impose a definite term of periodic imprisonment;
7 (4) impose a definite term of continuous imprisonment;
8 (5) order the defendant to make restitution under AS 12.55.045;
9 (6) order the defendant to carry out a continuous or periodic program
10 of community work under AS 12.55.055;
11 (7) suspend execution of all or a portion of the sentence imposed under
12 AS 12.55.080;
13 (8) suspend imposition of sentence under AS 12.55.085;
14 (9) order the forfeiture to the commissioner of public safety of a deadly
15 weapon that was in the actual possession of or used by the defendant during the
16 commission of an offense described in AS 11.41, AS 11.46, AS 11.56, or AS 11.61;
17 (10) order the defendant, while incarcerated, to participate in or comply
18 with the treatment plan of a rehabilitation program that is related to the defendant's
19 offense or to the defendant's rehabilitation, or, if the defendant is a minor convicted
20 as an adult, to participate in a program of remedial education; an order to
21 participate under this paragraph applies if the program is made available to the
22 defendant by the Department of Corrections.

23 • Sec. 5. AS 12.55.100(a) is amended to read:

24 (a) While on probation and among the conditions of probation, the defendant
25 may be required

- 26 (1) to pay a fine in one or several sums;
27 (2) to make restitution or reparation to aggrieved parties for actual
28 damages or loss caused by the crime for which conviction was had;
29 (3) to provide for the support of any persons for whose support the
30 defendant is legally responsible;
31 (4) to perform community work in accordance with AS 12.55.055;

1 (5) to participate in or comply with the treatment plan of an inpatient
2 or outpatient rehabilitation program specified by either the court or the defendant's
3 probation officer that is related to the defendant's offense or to the defendant's
4 rehabilitation; [AND]

5 (6) to satisfy the screening, evaluation, referral, and program
6 requirements of an agency authorized by the court to make referrals for rehabilitative
7 treatment or to provide rehabilitative treatment; and

8 (7) to participate in a program of remedial education when ordered
9 by the court if the defendant is a minor convicted as an adult.

10 * Sec. 6. AS 12.55.155(d) is amended to read:

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

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

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

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

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

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

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

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

29 (8) [REPEALED.

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

1 ~~(9)~~ [(10)] before the defendant knew that the criminal conduct had been
2 discovered, the defendant fully compensated or made a good faith effort to fully
3 compensate the victim of the defendant's criminal conduct for any damage or injury
4 sustained;

5 ~~(10)~~ [(11)] the defendant was motivated to commit the offense solely
6 by an overwhelming compulsion to provide for emergency necessities for the
7 defendant's immediate family;

8 ~~(11)~~ [(12)] the defendant assisted authorities to detect, apprehend, or
9 prosecute other persons who committed an offense;

10 ~~(12)~~ [(13)] the facts surrounding the commission of the offense and any
11 previous offenses by the defendant establish that the harm caused by the defendant's
12 conduct is consistently minor and inconsistent with the imposition of a substantial
13 period of imprisonment;

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

16 ~~(14)~~ [(15)] the defendant is convicted of an offense specified in
17 AS 11.71 and the offense involved the distribution of a controlled substance, other than
18 a schedule IA controlled substance, to a personal acquaintance who is 19 years of age
19 or older for no profit;

20 ~~(15)~~ [(16)] the defendant is convicted of an offense specified in
21 AS 11.71 and the offense involved the possession of a small amount of a controlled
22 substance for personal use in the defendant's home;

23 ~~(16)~~ [(17)] in a conviction for assault or attempted assault or for
24 homicide or attempted homicide, the defendant acted in response to domestic violence
25 perpetrated by the victim against the defendant and the domestic violence consisted of
26 aggravated or repeated instances of assaultive behavior;

27 ~~(17) the defendant was a minor who was charged, convicted, and~~
28 ~~sentenced as an adult.~~

29 * Sec. 7. AS 33.16.220(a) is amended to read:

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

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

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

4 * Sec. 8. AS 33.30 is amended by adding a new section to read:

5 Sec. 33.30.301. LIMITATION ON INCARCERATION OF JUVENILES. A
6 juvenile committed to the custody of the commissioner when the juvenile has been
7 convicted as an adult may not be placed in a cell with an adult prisoner convicted of
8 a sexual offense under AS 11.41.410 - 11.41.425 or 11.41.434 - 11.41.455 in which
9 the victim of the crime was a juvenile.

10 * Sec. 9. AS 33.30.901(11) is amended to read:

11 (11) "prisoner"

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

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

17 * Sec. 10. AS 43.23.065(b) is amended to read:

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

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

22 (2) court ordered restitution under AS 12.55.045 - 12.55.051, [OR]
23 12.55.100, or AS 47.10.080(b)(4);

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

25 (4) court ordered fines;

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

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

30 (i) an act of the minor that is defined as a crime
31 against a person under AS 33.30.901, that injured the plaintiff, and

1 for which the minor was adjudicated a delinquent or convicted as
2 an adult; or

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

5 (B) under AS 34.50.020 against the parent, parents, legal
6 guardian, or person having the legal custody of an unemancipated minor;

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

10 * Sec. 11. AS 47.10.010 is amended by adding a new subsection to read:

11 (c) When a minor who was at least 16 years of age at the time of the offense
12 is arraigned on a charge of murder in the first degree, attempted murder in the first
13 degree, or murder in the second degree, AS 47.10.020 - 47.10.090 and the Alaska
14 Delinquency Rules do not apply to the offense for which the minor is arraigned or to
15 any additional offenses joinable to it under the applicable rules of court governing
16 criminal procedure. The minor shall be charged, prosecuted, and sentenced in the
17 superior court in the same manner as an adult, unless the minor is convicted of some
18 offense other than murder in the first degree, attempted murder in the first degree, or
19 murder in the second degree, in which event the minor may attempt to prove, by a
20 preponderance of the evidence, that the minor is amenable to treatment under this
21 chapter. If the court finds that the minor is amenable to treatment under this chapter,
22 the minor shall be treated as though the charges had been heard under AS 47.10.010 -
23 47.10.142, and the court shall order disposition of the charges of which the minor is
24 convicted under AS 47.10.080(b).

25 * Sec. 12. AS 47.10.020(a) is amended to read:

26 (a) Whenever circumstances subject [A PERSON INFORMS THE COURT
27 OF THE FACTS THAT BRING] a minor to the jurisdiction of AS 47.10.010 -
28 47.10.142 [WITHIN THIS CHAPTER], the court shall

29 (1) provide, under procedures adopted by court rule, that, for a
30 minor who is alleged to be a delinquent minor under AS 47.10.010(a)(1), a state
31 agency shall make a preliminary inquiry to determine if any action is appropriate

1 and may take appropriate action to adjust or dispose of the matter without a
2 court hearing; if, under this paragraph,

3 (A) the state agency makes a preliminary inquiry and takes
4 appropriate action to adjust or dispose of the matter without a court
5 hearing, the minor may not be detained or taken into custody as a
6 condition of the adjustment or disposition and, subject to (d) of this
7 section, the matter shall be closed by the agency if the minor successfully
8 completes all that is required of the minor by the agency in the adjustment
9 or disposition;

10 (B) the agency concludes that the matter may not be
11 adjusted or disposed of without a court hearing, the agency may file a
12 petition under (2) of this subsection setting out the facts; or

13 (2) appoint a competent person or agency to make a preliminary inquiry
14 and report for the information of the court to determine whether the interests of the
15 public or of the minor require that further action be taken; if, under this paragraph,
16 the court appoints a person or agency to make a preliminary inquiry and to
17 report to it, then upon [. UPON] the receipt of the report, the court may informally
18 adjust or dispose of the matter without a hearing, or it may authorize the person having
19 knowledge of the facts of the case to file with the court a petition setting out the facts;
20 if [. WHERE] the court informally adjusts or disposes of the matter, the minor may
21 not be detained or taken into the custody of the court as a condition of the
22 adjustment or disposition, and the matter shall be closed by the court upon
23 adjustment or disposition.

24 * Sec. 13. AS 47.10.020 is amended by adding a new subsection to read:

25 (d) The provisions of this subsection apply to a minor who is alleged to be a
26 delinquent minor under AS 47.10.010(a)(1) and for whom an agency has, under
27 applicable court rule, made a preliminary inquiry before taking appropriate action as
28 authorized by (a)(1) of this section. Following the preliminary inquiry, unless the
29 agency determines that the matter should be dismissed, the agency may take informal
30 action to adjust or dispose of the matter. When the agency decides that an informal
31 adjustment or disposition of a matter should be made, that informal adjustment or

1 disposition may not be made without the agreement or consent of the minor and the
2 minor's parents or guardians to the terms and conditions of the adjustment or
3 disposition. An informal action to adjust or dispose of a matter is not successfully
4 completed unless, among other factors that the agency considers, as to the victim of
5 the act of the minor that is the basis of the delinquency allegation, the minor pays
6 restitution in the amount set by the agency or agrees as a term or condition set by the
7 agency to pay the restitution.

8 * Sec. 14. AS 47.10.060(e) is amended to read:

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

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

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

30 * Sec. 15. AS 47.10.060 is amended by adding a new subsection to read:

31 (f) For purposes of making a determination under (a) and (d) of this section,

1 (1) the standard of proof is by a preponderance of the evidence; and
2 (2) the burden of proof that a minor is not amenable to treatment under
3 AS 47.10.010 - 47.10.142 is on the state; however, if the petition filed under
4 AS 47.10.020 seeking to have the court declare a minor a delinquent is based on the
5 minor's alleged commission of an offense that is an unclassified felony or class A
6 felony and that is a crime against a person as defined in AS 33.30.901, the minor

7 (A) is rebuttably presumed not to be amenable to treatment
8 under AS 47.10.010 - 47.10.142; and

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

11 * Sec. 16. AS 47.10.080(b) is amended to read:

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

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

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

31 (A) two-year extensions of supervision that do not extend

1 beyond the child's 19th birthday if the extension is in the best interests of the
2 minor and the public; and

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

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

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

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

24 (4) order the minor to make suitable restitution in lieu of or in addition
25 to the court's order under (1), (2), or (3) of this subsection; the court may not refuse
26 to make an order of restitution under this paragraph to benefit the victim of the
27 act of the minor that is the basis of the delinquency adjudication;

28 (5) order the minor committed to the department for placement in an
29 adventure based education program established under AS 47.21.020 with conditions
30 the court considers appropriate concerning release upon satisfactory completion of the
31 program or commitment under (1) of this subsection if the program is not satisfactorily

1 completed; or

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

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

7 (B) that, on the recommendation of the city council or
8 traditional village council, would benefit persons within the city or village who
9 are elderly or disabled.

10 * Sec. 17. AS 47.10.090 is repealed and reenacted to read:

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

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

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

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

29 (e) The court's official records under this chapter may be inspected only with
30 the court's permission and only by persons having a legitimate interest in them. A
31 person with a legitimate interest in the inspection of an official record maintained by

1 the court includes a victim who suffered physical injury or whose real or personal
2 property was damaged as a result of an offense that was the basis of an adjudication
3 or modification of disposition. If the victim knows the identity of the minor, identifies
4 the minor or the offense to the court, and certifies that the information is being sought
5 to consider or support a civil action against the minor or against the minor's parents
6 or guardians under AS 34.50.020, the court shall, subject to AS 12.61.110 and
7 12.61.140, allow the victim to inspect and use the following records and information
8 in connection with the civil action:

9 (1) a petition filed under AS 47.10.010(a)(1) seeking to have the court
10 declare the minor a delinquent;

11 (2) a petition filed under AS 47.10.080 seeking to have the court
12 modify or revoke the minor's probation;

13 (3) a petition filed under AS 47.10.060 requesting the court to find that
14 a minor is not amenable to treatment under this chapter and that results in closure of
15 a case under AS 47.10.060(a); and

16 (4) a court judgment or order entered under AS 47.10.010 - 47.10.142
17 that disposes of a petition identified in (1) - (3) of this subsection.

18 * Sec. 18. AS 47.10 is amended by adding a new section to read:

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

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

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

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

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

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

6 (5) a state or municipal law enforcement agency as may be necessary
7 for a specific investigation being conducted by that agency or for disclosures by that
8 agency to protect the public safety; and

9 (6) a victim as may be necessary to inform the victim about the
10 disposition or resolution of a case involving a minor.

11 (c) A state or municipal law enforcement agency

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

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

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

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

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

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

31 (e) A person may authorize the department to release information to the

1 military or to a prospective employer about the existence of a delinquency adjudication
2 against that person under AS 47.10.010 and the offense on which it was based.

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

7 (g) A person who discloses confidential information in violation of this section
8 is guilty of a class B misdemeanor.

9 * Sec. 19. AS 47.10.190 is amended to read:

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

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

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

19 * Sec. 20. AS 47.10.990 is amended by adding new paragraphs to read:

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

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

24 * Sec. 21. APPLICABILITY. This Act applies

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

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

27 * Sec. 22. This Act takes effect September 1, 1994.