

COMMITTEE REPORT

SENATE

FURTHER:

4/17/85

Date 5/2/85

Mr. President

The committee on FINANCE considered CSHB 19(Jud)
runaway and missing minors.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" [A NEW FISCAL NOTE
New F.R.
2 & A/B
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Richard Hubbard
Carl F. ...
Mike ...

Chairman

Chairman recommendation

Offered: 3/20/85
Referred: Finance

Original sponsors: Phillips, Goll
and Larson

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 19 (Judiciary)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to runaway and missing minors."

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

8 * Section 1. AS 47.10.140(e) is amended to read:

9 (e) Except for temporary detention pending a detention hearing
10 [OR TEMPORARY DETENTION UNDER (f) OF THIS SECTION], a minor may [NOT]
11 be detained only [EXCEPT] by court order.

12 * Sec. 2. AS 47.10 is amended by adding a new section to read:

13 Sec. 47.10.141. RUNAWAY AND MISSING MINORS. (a) Upon receiving
14 a request to locate a minor evading the minor's legal custodian or to
15 locate a minor otherwise missing, a law enforcement agency shall make
16 reasonable efforts to locate the minor and shall immediately complete
17 a missing person's report containing information necessary for the
18 identification of the minor. As soon as practicable, but not later
19 than 24 hours after completing the report, the agency shall transmit
20 the report for entry into the Alaska Public Safety Information Network
21 and the National Crime Information Center computer system. As soon as
22 practicable, but not later than 24 hours after the agency learns that
23 the minor has been located, it shall request that the Department of
24 Public Safety and the Federal Bureau of Investigation remove the
25 information from the computer systems.

26 (b) A peace officer shall take into protective custody a minor
27 described in (a) of this section if the minor is not otherwise subject
28 to arrest or detention. The peace officer shall honor the minor's
29 preference to either (1) return the minor to the legal custodian or

1 (2) take the minor to an office specified by the Department of Health
2 and Social Services or a facility or contract agency of the depart-
3 ment. If an office specified by the department or a facility or
4 contract agency of the department does not exist in the community, the
5 officer shall take the minor to another suitable location and promptly
6 notify the department. A minor under protective custody may not be
7 housed in a jail or other detention facility. Immediately upon taking
8 a minor into protective custody the officer shall advise the minor
9 orally and in writing of the right to social services under AS 47.10.-
10 142(b), and, if known, the officer shall advise the legal custodian
11 that the minor has been taken into protective custody.

12 * Sec. 3. AS 47.10.140(f) and (g) are repealed.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSEB 19(Jud)
 Title: Act relating to runaway
and missing minors
 Sponsor: Judiciary Committee
 Requestor: Senate Finance
 Date of Request: 5/2/85

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: DPS Administration
Data/Word Processing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING		0				
100 PERSONAL SERVICES		0				
200 TRAVEL		0				
300 CONTRACTUAL		0				
400 SUPPLIES		0				
500 EQUIPMENT		0				
600 LAND & STRUCTURES		0				
700 GRANTS, CLAIMS		0				
800 MISCELLANEOUS		0				
TOTAL OPERATING		0				

- CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS						
OTHER						
TOTAL		0				

POSITIONS:

FULL-TIME						
PART-TIME		0				
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: _____ Phone: 465-4523
 Division: Jan Faiks, Co-chairman Date: 5/2/85
 Senate Finance Committee
 Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: CSHB 19 (JUD)
Title: "An Act relating to runaway
and missing minors"
Sponsor: Judiciary Committee
Requestor: Senate Judiciary
Date of Request: 4/9/85

FISCAL DETAIL

Agency Affected: Public Safety
Program Category Affected: Administration of Justice
BRU, Program or Subprogram(s) Affected: DPS Administration /
Data/word Processing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		34.4	24.3	25.8	27.3	28.9
200 TRAVEL						
300 CONTRACTUAL		5.7	4.9	5.2	5.5	5.8
400 SUPPLIES		1.0	1.1	1.2	1.3	1.4
500 EQUIPMENT		.8				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		41.9	30.3	32.2	34.1	36.1

CAPITAL						
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REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		41.9	30.3	32.2	34.1	36.1
FEDERAL FUNDS						
OTHER						
TOTAL		41.9	30.3	32.2	34.1	36.1

POSITIONS:

FULL-TIME						
PART-TIME		1	1	1	1	1
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

(See attached page)

Prepared By: Marcia Lynn McKenzie
Division: Administrative Services

Phone: 465-4349
Date: 4/11/85

Approved by Commissioner: Robert J. Sundberg
Agency: Department of Public Safety

Date: 4/12/85

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

HP 17

Fiscal Note
CSHB 19 (JUD)

A 6% inflation factor has been used for FY 87 and beyond.

We assume that the Department of Health & Social Services will fund the costs of transportation, lodging, food, and necessary medical care required by this legislation. Also, any charges by the Department of Administration for data processing resources have not been included due to the unavailability of estimates at this time.

Note: A similar position was included in fiscal notes for SB 219 and HB 330 (Missing & Criminally Exploited Children). Should either of those fiscal notes be funded, this position would no longer be needed.

4/6

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

9/29

REQUEST

Bill/Resolution No.: CSHB No. 19
 Title: An Act relating to runaway minors
 Sponsor: HESS
 Requestor: _____
 Date of Request: 3/7/85

Page 1 of 2

FISCAL DETAIL

Agency Affected: Health and Social Services
 Program Category Affected: Social Services
 BRU, Program or Subprogram(s) Affected: Social Services BRU, Juvenile Custody BRU

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
900 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-			
PART-TIME	-0-	-0-				
TEMPORARY	-0-	-0-				

ANALYSIS:

See Attached

Prepared By: Michael L. Price *Frank Healy*
 Division: Family and Youth Services

Phone: 465-3170
 Date: 3/12/85

Approved by Commissioner: John R. O'Byrne
 Agency: Health & Social Services

Date: 3/12/85 *JCC*

*HESS
Family & Youth Serv.*

IV. ANALYSIS

A. Assumptions

This bill would result in an increase in the number of runaway youth referred to DFYS for assessment, investigation, counseling and placement services. A definitive estimate of this increase cannot be made however. Inadequacies in DFYS' computerized information system and lack of standardization in collection of information by law enforcement result in substantial underreporting of the number of runaway and missing youth. Estimates are that only one-fourth of all cases are reported or known.

Differences in policies and actions taken by state and local police agencies to locate and detain runaways under present discretionary law make estimates of increases in these activities under provisions of this bill impossible.

Field staff estimate that referrals of runaways to DFYS under this bill may double or even triple with increased activity by police and public demand for police action. However, given the lack of data this fiscal note assumes increases in the demand for services could be met by the increased child protection staff levels requested in the Governor's FY 86 budget. The fiscal note assumes full funding of the Governor's request including improvements in DFYS' management information system to allow collection of information on the true impact of this bill. Absent full funding of requested new social work and clerical positions it is estimated that 3 - 5 social work positions would be required to provide additional services to new referrals which will result from this bill.

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

C.P.
3/29

same as CSNB 19 (Hess)
which passed in Sep 29
40.

Revision Date: _____

REQUEST

Bill/Resolution No. CS HB 19 (JUD)

Title: An Act Relating to
Runaway Minors

Sponsor: Rep. Phillips

Requestor: House HESS

Date of Request: 1-29-85

FISCAL DETAIL

Agency Affected: Public Safety

Program Category Affected: _____
Administration of Justice

BRU, Program or Subprogram(s) Affected: _____
Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Francis C. Allan *F.C.A.* Phone: 269-5691
Division: Alaska State Troopers Date: 1/25/85

Approved by Commissioner: *Michael Clemens* Date: 1-30-85
R. J. Sundberg
Agency: Department of Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

March 22, 1985

SUBJECT: Sectional analysis of CSHB 19 (Judiciary)
TO: Representative Randy Phillips
FROM: Edward H. Hein *E.H.*
Legislative Counsel

Section 1 deletes a reference to AS 47.10.140(f). This is necessitated by the repeal of that subsection in section 3 of the bill.

Section 2 adds a new statute that requires law enforcement agencies to make reasonable efforts to locate missing children after receiving a request to locate the minor. The law enforcement agency must immediately complete a missing person report and, within 24 hours, transmit the report for entry into the Alaska Public Safety criminal information computer system and the FBI's National Crime Information Center computer system. Within 24 hours after learning that the minor has been found, the law enforcement agency must request that the information be removed from the computer systems. When a runaway or minor who is otherwise missing from the minor's custodian is found, a peace officer must take the minor into protective custody and either return the minor home or take the minor to an office specified by the Department of Health and Social Services, or to another suitable location if the community does not have an office specified by the department. The choice is the minor's. While under protective custody of the police, the minor may not be placed in a jail or detention facility. The officer who takes the minor into protective custody must advise the minor of the right to services from the Department of Health and Social Services and must notify the minor's legal custodian that the minor has been taken into protective custody.

Section 3 repeals AS 47.10.140(f) and (g), which are rewritten as AS 47.10.141 in section 2 of the bill.

EHH:csh
c3/059

POSITION PAPER

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 19 (HESS)

"An Act relating to runaway and missing minors."

This bill would mandate minimum levels of effort by law enforcement agencies to locate runaways or missing children and to take such children into protective custody when they are located. The bill also requires law enforcement agencies to complete reports on missing children which contain information necessary to identify such children and to disseminate these reports through state and national law enforcement computer networks.

Existing Practice

Under present law police agencies are allowed but not required to take action to locate reported runaways or missing children. Law enforcement agencies have discretion to detain runaway youth for the purpose of either returning them to their parents or legal custodian or taking them to an office of the Department of Health and Social Services. Under this discretionary statute police agencies may, and often do, refuse to respond to a parental request unless a court issues an order for detention of a runaway youth. In most instances, parents do not know the procedures required to obtain a court order. They must either seek the aid of an attorney or the Department of Health and Social Services, to whom they are generally referred by police agencies, in order to obtain these orders. This causes frustration on the part of parents, needless preparation of formal court documents, and unnecessary delays in law enforcement action to locate runaways.

The Department of Health and Social Services is presently mandated to assess the circumstances of runaway minors who request services and those of runaways who are detained by law enforcement, and to provide appropriate services to protect the youths and reunite them with their families. The department may assume emergency custody of runaways who request services or who are detained by police officers, if custody is necessary to protect the youth.

Effects of CSHB 19

This bill mandates minimum levels of effort by police to locate runaway or missing youth and eliminates the discretion of police agencies to refuse such requests or wait until court orders are issued before making attempts to locate the youth.

Dissemination of reports on and identifying information about runaway or missing youth is also mandated. Upon receiving a request to locate a child police must complete a report and insure that it is entered into

state and national law enforcement computer networks. The bill also requires police to take protective custody of runaway or missing youth when they are located and clarifies ambiguity in existing law by clearly stating that a child under protective custody may not be housed in a jail or detention facility. Upon taking a youth into protective custody a police officer must advise the youth orally and in writing of the youth's right to social services and must inform the legal custodian that the minor has been taken into protective custody. Peace officers are then required to return the child to his or her legal custodian or, if the child prefers take them to an office, facility, or contract agency of the Department of Health and Social Services. Where no such office or facility exists in a community and the minor refuses to go home, a peace officer may take the minor to another suitable location and immediately inform the Department.

Department Position

The Department supports this bill as a means of insuring efforts are made to locate runaway and missing youth. The bill will also increase the likelihood of finding runaway and missing youth through the prompt dissemination of information about these youth through state and national law enforcement computer systems. In addition this bill would eliminate ambiguity in existing law concerning detention of runaways in jails or juvenile detention facilities and would insure that immediate, but nonpunitive protective action occurs when runaway or missing youth are located by police. The bill maintains an important provision of existing law which avoids returning children to abusive situations by requiring police to take runaway or missing youth to the Department for services if the youth prefers. This allows investigation of allegations of abuse or neglect and promotes reunification of families through mediation services when no neglect or abuse is found.

Though this bill does not address all aspects of the runaway problem it represents significant improvements which can be made within existing fiscal constraints.

RECOMMENDED:

Michael L. Price
Michael L. Price, Director
Division of Family
and Youth Services

DATE:

John R. Pugh

APPROVED:

3/26/85
John R. Pugh, Commissioner
Department of Health
and Social Services

DATE:

COMMITTEE REPORT
SENATE

4/2/85

FURTHER: *Finna*

Date 4-16-85

Mr. President

The Committee on JUDICIARY considered CSHB 19(Jud)
runaway and missing minors.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT"
- reports it back without recommendation
- recommends referral to _____ Committee

NEW FISCAL NOTE

MEMBERS SIGNING
DO PASS

1 [Signature]
1 [Signature]
1 [Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature]
Chairman
DO PASS
Chairman recommendation