

**COMMITTEE REPORT**  
**SENATE**

FURTHER:

5/7/86

Date \_\_\_\_\_

Mr. President

The Committee on Finance considered SB 264  
relating to unlawful conduct of minors; and amending Rule 24 of the  
Alaska Rules of Children's Procedure.

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"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

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\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Chairman recommendation

COMMITTEE REPORT  
SENATE

FURTHER: FINANCE

4/18/86

Date 5/6/86

Mr. President

The Committee on JUDICIARY considered SB 264

relating to unlawful conduct of minors; and amending Rule 24 of the Alaska Rules of Children's Procedure.

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

- do pass SENATE BILL (NOT AS)
- do pass with attached amendment(s)
- replace with/or adopt CS for \_\_\_\_\_
- new title \_\_\_\_\_
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Tim Kelly

Zung

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MEMBERS HAVING  
OTHER RECOMMENDATIONS

Rick Stelfox NO REC

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\_\_\_\_\_

Patricia Ryden

Chairman

DO PASS

Chairman recommendation

COMMITTEE REPORT  
SENATE

FURTHER: JUDICIARY  
FINANCE

3/29/85

Date 4-16-86

Mr. President

The Committee on HESS considered SB 264

relating to unlawful conduct of minors; and amending Rule 24 of the Alaska Rules of Children's Procedure.

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 SB 264 (HESS)
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

✓ Edna Hill  
✓ Paul Frisk  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS

1 Do Not Pass  
3 Curtis Hingulund No Rec  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

1 Dittie Johnson-Kemp Do Not Pass  
 Chairman

Chairman recommendation

Offered: 4/18/85  
Referred: Judiciary and Finance

Original sponsors: Rodey, Faiks,  
Abood, et al

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 264 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the waiver of children's court  
7 jurisdiction, and to the detention, fingerprinting,  
8 and sentencing of minors; and amending Rule 24 of the  
9 Alaska Rules of Children's Procedure."

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

11 \* Section 1. AS 12.55.015 is amended by adding a new subsection to  
12 read:

13 (e) If the court sentences a defendant to a term of imprisonment  
14 and the defendant is a minor over whom children's court jurisdiction  
15 is waived under AS 47.10.060, the court shall

16 (1) order that the defendant be confined in an institution  
17 designated by the Department of Health and Social Services for offend-  
18 ers under 18 years of age; and

19 (2) order that the defendant be transferred to an adult  
20 correctional facility when the defendant reaches 18 years of age if  
21 more than one year then remains of the defendant's term of imprison-  
22 ment.

23 \* Sec. 2. AS 12.55.125 is amended by adding a new subsection to read:

24 (j) A person convicted of a first felony offense after waiver of  
25 children's court jurisdiction under AS 47.10.060 is not subject to the  
26 mandatory minimum and presumptive sentences required for first offen-  
27 ders.

28 \* Sec. 3. AS 47.10.060 is repealed and reenacted to read:

29 Sec. 47.10.060. WAIVER OF JURISDICTION. (a) The court shall  
S

1 order a case closed, and a minor may be prosecuted as an adult, if the  
2 court finds at a hearing on a petition

3 (1) that the minor was 16 years of age or older at the time  
4 of the offense and that there is probable cause to believe that the  
5 minor has violated AS 11.41.100, 11.41.110, 11.41.300, 11.41.410, or  
6 11.41.434; or

7 (2) that the minor is not amenable to treatment under this  
8 chapter and there is probable cause to believe that the minor is  
9 delinquent.

10 (b) In determining whether a minor is amenable to treatment  
11 under this chapter, the court shall consider

12 (1) the seriousness of the offense;

13 (2) whether the offense constituted a substantial danger to  
14 the public;

15 (3) whether the offense was committed in an aggressive,  
16 violent, premeditated, or willful manner;

17 (4) whether the offense was against persons or against  
18 property, greater weight being given to an offense against persons,  
19 especially if personal injury resulted;

20 (5) whether the offense is a part of a repetitive pattern  
21 of delinquent acts, even though previous offenses may have been less  
22 serious;

23 (6) the age, maturity, educational background, and degree  
24 of criminal sophistication of the minor;

25 (7) the success of any previous attempts to rehabilitate  
26 the minor;

27 (8) whether children's court jurisdiction over the minor  
28 can be retained long enough to allow for effective treatment or reha-  
29 bilitation; and

1 (9) the treatment resources available under children's  
2 court proceedings.

3 (c) The court shall determine the weight to be given to each of  
4 the factors listed in (b) of this section and shall issue a written  
5 decision. A finding that a minor is not amenable to treatment under  
6 this chapter may be based on any one or a combination of the factors.

7 (d) A minor ordered held pending trial or sentencing as an adult  
8 under (a) of this section shall be confined in an institution desig-  
9 nated by the Department of Health and Social Services for offenders  
10 under 18 years of age.

11 \* Sec. 4. AS 47.10 is amended by adding a new section to read:

12 Sec. 47.10.125. FINGERPRINTING OF MINORS. (a) A law enforce-  
13 ment agency or the Department of Health and Social Services may fin-  
14 gerprint a minor only

15 (1) in accordance with a search warrant;

16 (2) if children's court jurisdiction over the minor has  
17 been waived under AS 47.10.060(a) and the minor is being prosecuted  
18 as an adult;

19 (3) if the minor is adjudicated a delinquent for the  
20 commission of an offense that would constitute a felony if committed  
21 by an adult;

22 (4) with the consent of the minor and a parent or legal  
23 guardian of the minor, both of whom shall have been advised that the  
24 fingerprints may not be taken without their consent; or

25 (5) by order of the court.

26 (b) Fingerprints of a minor shall be kept separate from those of  
27 adults, shall be kept within the state rather than at a federal cen-  
28 tral depository, and shall be made available on request only to the  
29 following:

1 (1) a public agency for use in the investigation and prose-  
2 cution of criminal offenses for which the fingerprinted minor is a  
3 suspect;

4 (2) the minor or the minor's attorney.

5 (c) Fingerprints of a minor taken under this section shall be  
6 destroyed by the authority charged with their maintenance

7 (1) if the minor is adjudicated for the offense regarding  
8 which the minor's fingerprints were taken and is found not to be  
9 within the jurisdiction of the court for the offense; or

10 (2) if the minor is not adjudicated for the offense regard-  
11 ing which the minor's fingerprints were taken within two years of the  
12 date the fingerprints were taken.

13 \* Sec. 5. AS 47.10.130 is amended to read:

14 Sec. 47.10.130. DETENTION. A [NO] minor under 18 years of age  
15 who is detained pending hearing may not be incarcerated in a jail  
16 unless assigned to separate quarters so that the minor cannot communi-  
17 cate with or view prisoners 18 years of age or older except those  
18 incarcerated under AS 47.10.100 (ADULT PRISONERS CONVICTED OF, UNDER  
19 ARREST FOR, OR CHARGED WITH A CRIME). When a minor is detained pend-  
20 ing hearing, the minor's parent, guardian, or custodian shall be  
21 notified immediately.

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

23 Sec. 47.10.190. CONDITIONS GOVERNING DETENTION. When the court  
24 commits a minor to the custody of the department, the department shall  
25 arrange to place the minor (JUVENILE) in a detention home, facility or  
26 another suitable place that (WHICH) the department designates for that  
27 purpose. A minor (JUVENILE) detained in a jail or similar institution  
28 at the request of the department shall be held in custody in a room or  
29 other place apart and separate from prisoners 18 years of age or older

1 except those incarcerated under AS 47.10.105 (ADULTS).

2 \* Sec. 7. Rule 24, Alaska Rules of Children's Procedure, is amended to  
3 read:

4 No child shall be [FINGERPRINTED OR] photographed while in custo-  
5 dy except with the consent of the children's court upon good cause  
6 shown. Such cause exists where the child is in custody for a serious  
7 offense against persons or property or where identification of the  
8 child appears necessary for the safety of the child or others.

9 \* Sec. 8. Section 7 amends Rule 24 of the Alaska Rules of Children's  
10 Procedure by deleting the reference to fingerprints.

11 \* Sec. 9. Rule 24, Alaska Rules of Children's Procedure, is amended by  
12 adding a new subsection to read:

13 (b) A child may not be fingerprinted while in custody except in  
14 accordance with AS 47.10.125.

15 \* Sec. 10. Section 9 amends Rule 24 of the Alaska Rules of Children's  
16 Procedure by incorporating the statutory requirements for obtaining finger-  
17 prints from a child in custody.

Introduced: 3/29/85  
Referred: Health, Education and  
Social Services and  
Judiciary

BY RODEY, FAIKS, ABOOD, DEVRIES  
KELLY, ZHAROFF, STURGULEWSKI,  
RAY, COGHILL AND P. FISCHER

1 IN THE SENATE

2 SENATE BILL NO. 264

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 unlawful conduct of minors; and  
7 amending Rule 24 of the Alaska Rules of Children's  
8 Procedure."

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

10 \* Section 1. AS 12.55.015 is amended by adding a new subsection to  
11 read:

12 (e) If the court sentences a defendant to a term of imprisonment  
13 and the defendant is a minor over whom children's court jurisdiction  
14 is waived under AS 47.10.060, the court shall

15 (1) order that the defendant be confined in an institution  
16 designated by the Department of Health and Social Services for offend-  
17 ers under 18 years of age; and

18 (2) order that the defendant be transferred to an adult  
19 correctional facility when the defendant reaches 18 years of age if  
20 more than one year then remains of the defendant's term of imprison-  
21 ment.

22 \* Sec. 2. AS 34.50.020(a) is amended to read:

23 (a) Except as provided in (e) of this section, a [A] person,  
24 municipal corporation, association, village, school district or reli-  
25 gious or charitable organization, incorporated or unincorporated, may  
26 recover damages in a civil action in an amount not to exceed \$5,000  
27 [\$2,000] and court costs, from either parent or both parents or the  
28 legal guardian or person having the legal custody of an unemancipated  
29 minor under the age of 18 years, who maliciously or wilfully destroys  
S

1 real or personal property belonging to the person, municipal corpora-  
2 tion, association, village, school district or religious or charitable  
3 organization.

4 \* Sec. 3. AS 34.50.020 is amended by adding new subsections to read:

5 (c) For the purposes of this section a minor is considered  
6 emancipated and a parent or legal guardian or person having legal  
7 custody is not liable for property damage caused by the minor if the  
8 court determines that

9 (1) the disabilities of minority have been removed under  
10 AS 09.55.590;

11 (2) the minor is a resident of the state, is at least 16  
12 years of age, is living separate and apart from the minor's parents or  
13 legal guardian or person having legal custody, and is capable of  
14 self-support and of managing personal financial affairs; or

15 (3) the minor is living separate and apart from the minor's  
16 parents or legal guardian or person having legal custody and engages  
17 in conduct that results in a judgment under AS 47.10.080(a) that the  
18 minor is a delinquent minor and that also is the basis for a civil  
19 action for damages to property under this section.

20 (d) If the court determines that a minor is emancipated under  
21 (c) of this section, the minor may be sued in a civil action for  
22 injuries caused by the minor as if the minor were an adult.

23 (e) The provisions of (a) of this section do not apply to de-  
24 struction of property by an unemancipated minor under the age of 18  
25 years who maliciously or wilfully destroys property at the time the  
26 minor is a ward of the state under AS 47.10.080(f).

27 \* Sec. 4. AS 47.10.020(a) is amended to read:

28 (a) Whenever a person informs the court of the facts which bring  
29 a minor within this chapter, the court shall appoint a competent

1 person or agency to make a preliminary inquiry and report for the  
2 information of the court to determine whether the interests of the  
3 public or of the minor require that further action be taken. Upon the  
4 receipt of the report, the court may informally adjust or dispose of  
5 the matter without a hearing, or it may authorize the person having  
6 knowledge of the facts of the case to file with the court a petition  
7 setting out the facts. Where the court informally adjusts or disposes  
8 of the matter, the minor may not be detained or taken into the custody  
9 of the court, and the matter shall be closed by the court upon adjust-  
10 ment or disposition. Upon request of the victim or the victim's  
11 parent or guardian, the court shall disclose to the victim of the  
12 minor or to the victim's parent or guardian the manner in which it  
13 informally adjusted or disposed of the matter. The court may not  
14 disclose the identity of the minor.

15 \* Sec. 5. AS 47.10.060(a) is repealed and reenacted to read:

16 (a) The court shall order a case closed and, subject to the  
17 provisions of AS 12.55.015(e), the minor may be prosecuted as if the  
18 minor were an adult if the court finds at a hearing on a petition

19 (1) that the minor was 16 years of age or older at the time  
20 of the offense and that there is probable cause to believe that the  
21 minor has committed an unclassified felony or a class A felony; or

22 (2) that the minor is not amenable to treatment under this  
23 chapter and there is probable cause to believe that the minor is  
24 delinquent.

25 \* Sec. 6. AS 47.10.060 is amended by adding a new subsection to read:

26 (f) If a case is closed under (a)(1) of this section, the minor  
27 may petition the court within 10 days to reopen the case. The case  
28 shall be reopened if the court finds by a preponderance of the evi-  
29 dence that the interests of justice would be best served if the minor

1 is not prosecuted as an adult. In making this finding, the court  
2 shall consider

3 (1) the criminal and personal history of the minor and the  
4 likelihood of rehabilitation;

5 (2) the seriousness of the minor's present offense in  
6 relation to other offenses committed by the minor;

7 (3) the need to confine the minor to prevent further harm  
8 to the public;

9 (4) the circumstances of the offense and the extent to  
10 which the offense harmed a victim or endangered the public safety or  
11 order;

12 (5) the effect of prosecuting the minor as an adult in  
13 deterring the minor or other minors from future criminal conduct;

14 (6) the best interest of the minor.

15 \* Sec. 7. AS 47.10.080(a) is amended to read:

16 (a) The court, at the conclusion of the hearing, or thereafter  
17 as the circumstances of the case may require, shall find and enter a  
18 judgment that the minor is or is not delinquent or a child in need of  
19 aid. The court shall disclose the results of the hearing in accor-  
20 dance with AS 47.10.020(a).

21 \* Sec. 8. AS 47.10.090 is amended by adding a new subsection to read:

22 (d) The provisions of this section prohibiting disclosure of  
23 information relating to a minor do not apply to a disclosure to a  
24 victim or the victim's parent or guardian under AS 47.10.020(a),  
25 47.10.080(a), and 47.10.140(d).

26 \* Sec. 9. AS 47.10 is amended by adding a new section to read:

27 Sec. 47.10.125. FINGERPRINTING OF MINORS. (a) A law enforce-  
28 ment agency or the Department of Health and Social Services may fin-  
29 gerprint a minor only

- 1 (1) in accordance with a search warrant;
- 2 (2) when the minor is being prosecuted as an adult under
- 3 AS 47.10.060(a);
- 4 (3) when the minor is in custody for an offense that if
- 5 committed by an adult would constitute a felony and the custodial
- 6 agency secures the fingerprints to further the investigation of the
- 7 offense;
- 8 (4) when the minor is adjudicated a delinquent for the
- 9 commission of an offense that if committed by an adult would consti-
- 10 tute a felony;
- 11 (5) upon consent of both the minor and a parent or legal
- 12 guardian of the minor who have been advised that the fingerprints
- 13 cannot be taken without their consent; or
- 14 (6) by order of the court.

15 (b) Fingerprints of a minor shall be kept separate from those of  
16 adults, shall be kept within the state rather than at a federal cen-  
17 tral depository, and shall be made available only to the following  
18 upon request:

19 (1) public agencies for use in the investigation and prose-  
20 cution of criminal offenses for which the fingerprinted minor is a  
21 suspect;

22 (2) the minor when named in a juvenile court or adult court  
23 proceeding or the minor's attorney.

24 (c) Fingerprints of a minor taken under this section shall be  
25 destroyed by the authority charged with their maintenance

26 (1) when the minor is adjudicated for the offense regarding  
27 which the minor's fingerprints were taken and found not to be within  
28 the jurisdiction of the court for the offense; or

29 (2) when the minor is not adjudicated for the offense

1 regarding which the minor's fingerprints were taken within two years  
2 of the date the fingerprints were taken.

3 \* Sec. 10. AS 47.10.140(d) is amended to read:

4 (d) If the court finds that probable cause exists, it shall  
5 determine whether the minor should be detained pending the hearing on  
6 the petition or released. It may either order the minor held in  
7 detention or released to the custody of a suitable person pending the  
8 hearing on the petition. If the court finds no probable cause, it  
9 shall order the minor released and close the case. The court shall  
10 disclose the results of the hearing in accordance with AS 47.10.-  
11 020(a).

12 \* Sec. 11. Rule 24, Alaska Rules of Children's Procedure, is amended to  
13 read:

14 No child shall be [FINGERPRINTED OR] photographed while in  
15 custody except with the consent of the children's court upon good  
16 cause shown. Such cause exists where the child is in custody for a  
17 serious offense against persons or property or where identification of  
18 the child appears necessary for the safety of the child or others.

19 \* Sec. 12. Section 11 amends Rule 24 of the Alaska Rules of Children's  
20 Procedure by deleting the reference to fingerprints.

21 \* Sec. 13. Rule 24, Alaska Rules of Children's Procedure, is amended by  
22 adding a new subsection to read:

23 (b) A child may not be fingerprinted while in custody except in  
24 accordance with AS 47.10.125.

25 \* Sec. 14. Section 13 amends Rule 24 of the Alaska Rules of Children's  
26 Procedure by incorporating the statutory requirements for obtaining finger-  
27 prints from a child in custody.

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: CSSB 264 (HESS)  
 Title: "An Act relating to the waiver of children's court jurisdiction, and to the fingerprinting of minors..."  
 Sponsor: Senator Rodey  
 Requestor: Senate Judiciary  
 Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected: Public Safety  
 BRU: Alaska State Troopers  
 \_\_\_\_\_  
 Components: \_\_\_\_\_  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		0	0	0	0	0
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		0	0	0	0	0

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by: K Niles Kathy Niles, Admin. Assistant Phone: 465-4336  
 Division: Commissioner's Office Date: 4/23/86  
 Approved by Commissioner: [Signature] Date: 4/24/86  
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):

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

DEPARTMENT OF PUBLIC SAFETY  
POSITION PAPER - CSSB 264 (HESS)

Neutral

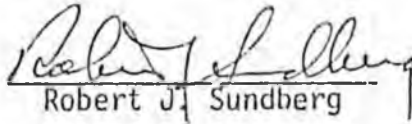
April 23, 1986

CSSB 264 (HESS) - "An Act relating to the waiver of children's court jurisdiction, and to the detention, fingerprint, and sentencing of minors; and amending Rule 24 of the Alaska Rules of Children's Procedure."

Section 4, AS 47.10.125 (B), requires that we maintain files separate from adults. This would serve no practical purpose since our files are kept in a computer. We could keep them in state without a problem and the hard copy could be kept in separate cabinets, but the data from the minutia should be in the computer.

Fingerprints obtained under this section should not be purged.

Prince George County in Maryland has an Automated Fingerprint System. They also fingerprint juveniles. They found their data base consists of 6% juveniles and 94% adults. Over half of the latent prints identified from an investigation, using their equipment, are identified as juvenile prints contained in their files.

  
Robert J. Sundberg

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

Page 1 of 3

REQUEST

Bill/Resolution No.: SB 264  
 Title: "An Act Relating to Unlawful Conduct of Minors"  
 Sponsor: Rodev  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Administration  
 Program Category Affected: Due Process  
 BRU, Program or Subprogram(s) Affected: Public Defender Agency

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES		70.8	75.0	79.5	84.3	89.4
200 TRAVEL		5.0	5.3	5.6	5.9	6.3
300 CONTRACTUAL		8.0	8.5	9.0	9.5	10.1
400 SUPPLIES		3.0	3.2	3.4	3.6	3.9
500 EQUIPMENT		1.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>88.3</b>	<b>92.0</b>	<b>97.5</b>	<b>103.3</b>	<b>109.6</b>

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		88.3	92.0	97.5	103.3	109.6
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME	<b>-0-</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Dana Fabe, Public Defender Phone: 279-7541  
 Division: Public Defender Agency Date: 4/18/85

Approved by Commissioner: Lisa Rudd Date: 4/26/85  
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):

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

FISCAL NOTE ANALYSIS

SB 264  
April 18, 1985

This bill provides that persons 16 or 17 years of age who are charged with unclassified or Class A felonies may be automatically prosecuted in adult court upon petition of the District Attorney. Within a ten-day period, the juvenile defendant may petition the court to be returned to juvenile jurisdiction. The juvenile would then have the burden of proof to show that he should not be prosecuted as an adult.

The result of this legislation will be to increase the number of persons age 16 or 17 who are charged and prosecuted as adults for serious felonies. Unclassified and Class A felonies are the most serious cases that this agency handles, including Murder, Manslaughter, Kidnapping, Sexual Assault, Robbery, Aggravated Assault and others. Transferring these cases into the more adversarial adult justice system will require a great deal of additional attorney time. This is particularly true given the fact that under this bill, mandatory presumptive sentences will apparently apply to these juvenile offenders, making the probability of a full blown trial quite high. When these cases are dealt with in juvenile court, they rarely proceed to trial. Since the additional trials of these most serious types of felonies will require a great deal of additional attorney time, and convictions of these serious offenses will inevitably result in appeals, requiring still more attorney time, one full-time Assistant Public Defender will be needed in Anchorage if this bill is enacted.

FISCAL ANALYSIS

(One full-time Attorney IV in the Third District, Anchorage)

1st Year (FY86)

Personal Services		77.8
Travel		5.0
Contractual		
Communications	2.0	
Experts	6.0	8.0
Commodities		
Office Supplies	1.0	
Law Library	2.0	3.0
Equipment (One Time)		<u>1.5</u>
Total		88.3

1.	POSITION TITLE Attorney IV			RANGE/STEP 24A	BARG. UNIT PX	PAGE/LINE	COY.	APPROV.	DISA.P.
2.	TYPE OF POSITION PET	STAFF MONTHS 12.0	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION EBA	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL	ADDITION			JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
	PERSONAL SERVICES								
5.	Salary	\$4663/mo	55,956						
6.	Benefits		9,499						
7.	Supplemental Benefits		2,580						
8.	Fixed Benefits		2,630						
9.	TOTAL PERSONAL SERVICES	01	70,765						
10.	Travel		5,000						
11.	Contractual		8,000						
12.	Commodities		3,000						
13.	Equipment		1,500						
14.	Other								
15.	TOTAL COST		88,265						
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts	1002						
17.		C.F. Match	1003						
18.		General Funds	1004						
19.		I-A Receipts	1005						
20.		Program Receipts	1028						
21.		Other							
FOR H&M USE ONLY KEY NUMBER _____									

This full-time Attorney IV position will be needed to handle the additional serious felony cases that will result from enactment of the juvenile waiver bill. The full working level of Attorney will be required because those cases to be tried will be unclassified felonies, which are the most serious criminal offenses.

**REQUEST FOR  
NEW POSITION**

AGENCY Department of Administration  
PROGRAM Due Process  
BRU Public Defender Agency  
COMPONENT Third Judicial District

**FY 86**

Page 3 of 3  
Revised Date \_\_\_\_\_

0598 Edwards . . .

ALASKA STATE LEGISLATURE

14th Legislature FIRST Session

SENATE BILL NO. 264

By RODEY, FAIKS, ABOOD, DEVRIES,  
KELLY; ZHAROFF; STURGULEWSKI,  
RAY, COGHILL, P. FISCHER

"An Act relating to unlawful  
conduct of minors; and amending  
Rule 24 of the Alaska Rules of  
Children's Procedure."

Introduced in the Senate 3/29 85

HISTORY IN THE SENATE

1985 Read first time and referred  
to Committee on

3 29 HESS and Judiciary  
4 30 *Fun added*  
1986 Reported back with HESS  
*w/CS, new title, 2 do pass, 2 do*  
*not pass, 1 moved to Judiciary*  
57 *Text 3 do pass original bill*  
*1 no no F.Y. 55#77 to Finance*

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed  
Signed by President  
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19 Read first time and referred  
to Committee on

Reported back with  
recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed  
Signed by Speaker  
Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19 Received from House

To enrolling

Reported correctly enrolled

Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No. ....

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

Page 1 of 3

REQUEST

Bill/Resolution No.: SB 264  
 Title: "An Act Relating to  
 Unlawful Conduct of Minors"  
 Sponsor: Rodey  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Administration  
 Program Category Affected: Due Process  
 BRU, Program or Subprogram(s) Affected:  
Public Defender Agency

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<u>OPERATING</u>						
100 PERSONAL SERVICES						
200 TRAVEL		70.8	75.0	79.5	84.3	89.4
300 CONTRACTUAL		5.0	5.3	5.6	5.9	6.3
400 SUPPLIES		8.0	8.5	9.0	9.5	10.1
500 EQUIPMENT		3.0	3.2	3.4	3.6	3.8
600 LAND & STRUCTURES		1.5				
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<u>TOTAL OPERATING</u>	<u>-0-</u>	<u>88.3</u>	<u>92.0</u>	<u>97.5</u>	<u>103.3</u>	<u>109.6</u>
<u>CAPITAL</u>						
<u>REVENUE</u>						

FUNDING: (Thousands of Dollars)

GENERAL FUND		88.3	92.0	97.5	103.3	109.6
FEDERAL FUNDS						
OTHER						
<u>TOTAL</u>						

POSITIONS:

FULL-TIME	<u>-0-</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Dana Fabe *DF* Phone: 279-7541  
 Division: Public Defender Agency Date: 4/13/85

Approved by Commissioner: Lisa Rudd *LR* Date: 4/26/85  
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):

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

FISCAL NOTE ANALYSIS

SB 264  
April 18, 1985

This bill provides that persons 16 or 17 years of age who are charged with unclassified or Class A felonies may be automatically prosecuted in adult court upon petition of the District Attorney. Within a ten-day period, the juvenile defendant may petition the court to be returned to juvenile jurisdiction. The juvenile would then have the burden of proof to show that he should not be prosecuted as an adult.

The result of this legislation will be to increase the number of persons age 16 or 17 who are charged and prosecuted as adults for serious felonies. Unclassified and Class A felonies are the most serious cases that this agency handles, including Murder, Manslaughter, Kidnapping, Sexual Assault, Robbery, Aggravated Assault and others. Transferring these cases into the more adversarial adult justice system will require a great deal of additional attorney time. This is particularly true given the fact that under this bill, mandatory presumptive sentences will apparently apply to these juvenile offenders, making the probability of a full blown trial quite high. When these cases are dealt with in juvenile court, they rarely proceed to trial. Since the additional trials of these most serious types of felonies will require a great deal of additional attorney time, and convictions of these serious offenses will inevitably result in appeals, requiring still more attorney time, one full-time Assistant Public Defender will be needed in Anchorage if this bill is enacted.

FISCAL ANALYSIS

(One full-time Attorney IV in the Third District, Anchorage)

1st Year (FY86)

Personal Services		70.8
Travel		5.0
Contractual		
Communications	2.0	
Experts	6.0	8.0
Commodities		
Office Supplies	1.0	
Law Library	2.0	3.0
Equipment (One Time)		<u>1.5</u>
Total		88.3

1.	POSITION TITLE Attorney IV			RANGE/STEP 24A	BARG. UNIT PX	PAGE/LINE	COY.	APPROV.	DISAP
2.	TYPE OF POSITION PET	STAFF MONTHS 12.0	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION EBA	ELECTION DISTRICT	LEG.	
3.	CONTINUATION LEVEL	ADDITION		JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2		3					
	PERSONAL SERVICES								
5.	Salary	\$4663/mo	55,956						
6.	Benefits		9,499						
7.	Supplemental Benefits		2,580						
8.	Fixed Benefits		2,630						
9.	TOTAL PERSONAL SERVICES		01	70,765					
10.	Travel		02	5,000					
11.	Contractual		03	8,000					
12.	Commodities		04	3,000					
13.	Equipment		05	1,500					
14.	Other								
15.	TOTAL COST			88,265					
16.	RECEIPT CODE	FUNDING SOURCE							
17.		Federal Receipts 1002							
18.		G.F. Match 1003							
19.		General Funds 1004							
20.		I-A Receipts 1005							
21.		Program Receipts 1028							
		Other							
FOR B&M USE ONLY KEY NUMBER _____									

This full-time Attorney IV position will be needed to handle the additional serious felony cases that will result from enactment of the juvenile waiver bill. The full working level of Attorney will be required because those cases to be tried will be unclassified felonies, which are the most serious criminal offenses.

**REQUEST FOR  
NEW POSITION**

AGENCY Department of Administration  
PROGRAM Due Process  
BRU Public Defender Agency  
COMPONENT Third Judicial District

**FY 86**

Page 3 of 3  
Revised Date \_\_\_\_\_

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : CSSB 264 (HESS)  
 Title : "An Act relating to the waiver of children's court jurisdiction, and to the fingerprinting of minors..."  
 Sponsor : Senator Rodey  
 Requestor : Senate Judiciary  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : Public Safety  
 BRU : Alaska State Troopers  
 \_\_\_\_\_  
 Components : \_\_\_\_\_  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		0	0	0	0	0

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by: Kathy Miles, Admin. Assistant

Phone : 465-4336

Division : Commissioner's Office

Date : 4/23/86

Approved by Commissioner: [Signature]

Date : 5/24/86

Agency : Public Safety

Distribution (by Agency preparing fiscal note):

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

1      1

page — of —

10/25/85

DEPARTMENT OF PUBLIC SAFETY  
POSITION PAPER - CSSB 264 (HESS)

Neutral

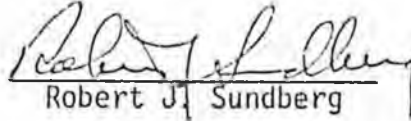
April 23, 1986

CSSB 264 (HESS) - "An Act relating to the waiver of children's court jurisdiction, and to the detention, fingerprint, and sentencing of minors; and amending Rule 24 of the Alaska Rules of Children's Procedure."

Section 4, AS 47.10.125 (B), requires that we maintain files separate from adults. This would serve no practical purpose since our files are kept in a computer. We could keep them in state without a problem and the hard copy could be kept in separate cabinets, but the data from the minutia should be in the computer.

Fingerprints obtained under this section should not be purged.

Prince George County in Maryland has an Automated Fingerprint System. They also fingerprint juveniles. They found their data base consists of 6% juveniles and 94% adults. Over half of the latent prints identified from an investigation, using their equipment, are identified as juvenile prints contained in their files.

  
Robert J. Sundberg

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : Proposed CS SB 264  
 Title : An Act relating to unlawful  
 conduct of minors.  
 Sponsor : \_\_\_\_\_  
 Requestor : \_\_\_\_\_  
 Date of Request : 3/12/86

**FISCAL DETAIL**

Agency Affected : Health & Social Services  
 BRU : Youth Services  
 \_\_\_\_\_  
 Components : McLaughlin Youth Center  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES			840.5	840.5	840.5	840.5
TRAVEL			4.4	4.4	4.4	4.4
CONTRACTUAL			72.5	72.5	72.5	72.5
SUPPLIES			76.2	76.2	76.2	76.2
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS			42.8	42.8	42.8	42.8
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-	1,036.4	1,036.4	1,036.4	1,036.4

CAPITAL		2,216.2				
---------	--	---------	--	--	--	--

REVENUE		-0-				
---------	--	-----	--	--	--	--

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		2,216.2	1,036.4	1,036.4	1,036.4	1,036.4
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		2,216.2	1,036.4	1,036.4	1,036.4	1,036.4

**POSITIONS :**

FULL-TIME		-0-	19	19	19	19
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

See Attached

Prepared by : Michael L. Price, Director  
 Division : Family and Youth Services

Phone : 465-3170  
 Date : 3/12/86

Approved by Commissioner : John R. Pugh  
 Agency : Department of Health and Social Services

Date : 4/5/86

Distribution (by Agency preparing fiscal now):

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

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS SB 264

Based on analysis of arrest data, waiver data, and sentencing information, this fiscal note assumes 14 youth waived annually who would be sentenced to serve a period of incarceration in DHSS facilities, and for whom additional facility capacity would be required.

### Assumptions

1. Analysis of arrest data yields an expected frequency of 12 arrests annually of 16 and 17 year old youth for offenses subject to presumptive waiver under CS SB 264.
2. CS SB 264 would also amend the judicial waiver mechanism establishing a less stringent test for judicial waiver. Based on analysis of 1981-85 waiver data and 77-82 arrest data, and a presumed increase in efforts of prosecutors to achieve waiver of serious offenders, it is assumed that waiver would be attempted in 1 in 10 arrests of 16 and 17 year old youth charged with a class A felony (or an unclassified felony not subject to presumptive waiver). This yields an expected seven additional waiver attempts annually and, presuming a continuation of at least the historic 75% success rate under the existing judicial waiver mechanisms, four additional waivers annually.
3. Based on analysis of past waiver attempts and a less stringent test for judicial waiver, it is assumed that waiver would be attempted in 1 in 50 cases of 12-15 year olds accused of class A or unclassified felony offenses. Analysis of arrest and waiver data indicates an expected frequency of two such waiver attempts annually. Assuming 50% success in waiving these youth because of lower age, one additional waiver annually would be predicted.
4. An 80% conviction rate is assumed because of the historically higher conviction rate for juveniles, and the high conviction rate for most serious crimes. The following expected frequencies of waived and subsequently convicted youth is predicted.

Sentences are predicted on the basis of exemption of waived youth from mandatory minimum and presumptive sentences under CS SB 264 using range of sentences which may be imposed and actual sentences of previously waived youth as a guide.

<u>Age</u>	<u>Offense</u>	<u>#</u>	<u>Estimated Sentence</u>	<u>Time in DHSS Facility</u>
17	Murder	1	50 years	1 year
16	Murder	1	30 years	2 years
17	Sexual Assault 1° w/a firearm or injury	2	1- 5 years 1- 4 years	1 year 1 year
16	Sexual Assault 1° w/a firearm or injury	1	4 years	2 years

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS SB 264

17	Sexual Assault 1° w/o firearm or injury	2	1- 4 years 1- 3 years	1 year 1 year
16	Sexual Assault 1° w/o firearm or injury	1	3 years	3 years
16	Sexual Abuse of a Minor	1	Probation	0 years
17	Misconduct Involving a Controlled Substance 1°	1	1- 2 years	1 year
17	Manslaughter	1	2 years	2 years
17	Robbery w/firearm	1	Probation	0 years
16	Robbery w/firearm	1	3 years	3 years
16	Aggravated Assault	1	2 years	2 years
12-15	Unclassified or Class A Felony	1	5 years	<u>5 years</u>

27 person/yrs.

Note: This does not include waiver of chronically delinquent youth for less serious offenses (e.g. burglary, theft, criminal mischief, etc.). Information indicates that such youth comprised 30% of youth waived during period 1981-85. However, sentencing data is insufficient to predict sentences for youth waived for these lesser offenses.

### Program Summary

Pre-adults waived to the adult system cannot be colocated with other juveniles for two reasons. First, pre-adults who have longer sentences pose a greater security risk; the physical design and arrangement of a maximum security unit must meet the needs of a higher risk population than existing youth facilities are designed to accommodate. Secondly, this population is less motivated to participate in treatment. The average length of stay for a resident currently in a state treatment program is 10 months; pre-adults waived to the adult system will have sentences of several years. Hence, completely different programs are required to respond to this group.

FY 87 Capital Project - One 25 bed detention unit would be built at McLaughlin Youth Center, utilizing the core facilities (gym, kitchen and core services). This unit would be similar to existing housing units at McLaughlin Youth Center. This unit would require some relocation/remodeling of existing site and building and would be located near the current McLaughlin Youth Center detention circulation spine. It is estimated that it would be 7,776 square feet at a cost per square foot of \$285 for a total cost of \$2,216.2.

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS SB 264

FY 88     The operation of the pre-adult unit would consist of the following staff and costs. Since this is a maximum security unit, three shifts are required. Since this facility is a maximum security unit, a maintenance worker is required to maintain the security systems. An additional cook is necessary because of the requirement of 20% more meals in McLaughlin Youth Center because of the pre-adult unit.

### Personal Services

one Unit Leader	\$46,072
one Clerk-Typist III	29,896
one Maint. Worker II	48,022
one Cook II	42,850
three Youth Counselor III's	143,127
twelve Youth Counselor II's	<u>530,520</u>
	\$840,487

### Travel

Field Travel - Transportation  
of staff to pre-adults rural homes:

\$435 x 10 pre-adults = \$4,350

Assumption 15 pre-adults would come from Anchorage area.

### Contractual

#### Professional Services:

Dental Care	\$452 x 20 pre-adults	\$ 9,040
Medical/Psych.	\$396 x 20 pre-adults	<u>7,920</u>
		\$ 16,960

#### Communication:

\$420 per staff x 19 staff	\$ 7,980
----------------------------	----------

Advertising, Printing & Binding:	\$ 2,000
----------------------------------	----------

#### Public Utilities:

\$13,983 month x .20% (1/5 size of MYC) x 12 months =	\$ 33,559
--	-----------

#### Other Expenditures & Services:

Laundry Services	\$31,205 x .20% =	\$ 6,241
Risk Management	\$28,591 x .20% =	<u>5,718</u>
		\$ 11,959

Interagency transfer, Dept. of Admin.,  
Risk Management non-add \$5,718

\$ 72,458

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS SB 264

Supplies

Office Supplies: \$20,300 x 20% =	\$ 4,060
Agricultural Supplies: \$5,700 x 20% =	\$ 1,140
Household & Institutional Supplies: \$318,100 x 20% =	\$ 63,620
Professional & Scientific Supplies: \$3,600 x 20% =	\$ 720
Other Operating Supplies: \$8,600 x 20% =	\$ 1,720
Repair & Maintenance Supplies: \$24,600 x 20% =	\$ 4,920
	<u>\$ 76,180</u>

Grants

Travel costs for pre-adults to and from facility: \$32,487 x 20% =	\$ 6,497
Gratuities for pre-adults: @ \$1.25 x 10 hrs/mo x 20 residents x 12 =	\$ 3,000
Commissary items: \$.45 day x 20 residents x 365 days =	\$ 3,285
Clothing purchases for pre-release items: \$17,021 x 20% =	\$ 3,404
Hospital and psychiatric care: \$132,966 x 20% =	\$ 26,593 -
	<u>\$ 42,779</u>

Position Title Unit Leader			No. of Positions 1	Range/Step 17/A	Barg. Unit S	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 12	RP Number	Location Anchorage		Election District	Leg.		
Type of Expenditure			Amount					
1	2	3						
Salary	34,740							
Benefits	11,332							
Premium Pay								
Other								
Total Personal Services		46,072.00						
Travel		275.00						
Contractual		3,816.00						
Commodities		4,010.00						
Equipment								
Other								
Total Cost		54,173.00						
Receipt Code		Funding Source						
		Federal Receipts 1002						
		G. F. Match 1003						
		General Funds 1004 54,173.00						
		I-A Receipts 1005						
		Program Receipts 1028						
		CIP Receipts 1061						
		Other						
For B&M Use Only Key Number _____								

Justification  
This position is necessary to provide operational services to a pre-adult unit for teen-agers who have committed unclassified felonies. The pre-adult unit is a maximum security unit requiring three complete shifts to operate it.

**Request For  
New Position**

Agency Health and Social Services  
BRU Youth Services  
Component McLaughlin Youth Center

Page 1 of 1  
Revised Date \_\_\_\_\_

**FY 87**





Position Title Cook II			No. of Positions 1	Range/Step 57/C	Barg. Unit L	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 12	RP Number	Location Anchorage		Election District		Leg.	
Type of Expenditure			Justification					
			This position is necessary to provide operational services to a pre-adult unit for teen-agers who have committed unclassified felonies. The pre-adult unit is a maximum security unit requiring three complete shifts to operate it.					
1		2	3					
Salary		29,698.00						
Benefits		10,857.00						
Premium Pay		2,295.60						
Other								
Total Personal Services			42,850.00					
Travel								
Contractual			3,815.00					
Commodities			4,010.00					
Equipment								
Other								
Total Cost			50,675.00					
Receipt Code		Funding Source						
		Federal Receipts 1002						
		G. F. Match 1003						
		General Funds 1004		50,675.00				
		I-A Receipts 1005						
		Program Receipts 1028						
		CIP Receipts 1061						
		Other						
For B&M Use Only								
Key Number _____								

**Request For  
New Position**

Agency Health and Social Services  
 BRU Youth Services  
 Component McLaughlin Youth Center

Page 1 of 1  
 Revised Date \_\_\_\_\_

**FY 87**

Position Title Youth Counselor III		No. of Positions 3	Range/Step 15/A	Barg. Unit G	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 12	RP Number	Location Anchorage	Election District	Leg.		
Type of Expenditure		Justification					
1	2	3					
Salary	90,648.00						
Benefits	30,750.00						
Premium Pay	21,729.00						
Other							
Total Personal Services		143,127.00					
Travel		825.00					
Contractual		11,448.00					
Commodities		12,030.00					
Equipment							
Other							
Total Cost		167,430.00					
Receipt Code	Funding Source						
	Federal Receipts	1002					
	G. F. Match	1003					
	General Funds	1004	167,430.00				
	I-A Receipts	1005					
	Program Receipts	1028					
	CIP Receipts	1061					
	Other						
For B&M Use Only Key Number _____							

**Request For  
New Position**

Agency Health and Social Services  
 BRU Youth Services  
 Component McLaughlin Youth Center

Page 1 of 1  
Revised Date

**FY 87**

Position Title Youth Counselor II		No. of Positions 12	Range/Step 13/B	Barg. Unit G	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 12	RP Number	Location Anchorage	Election District	Leg.		
Type of Expenditure		Justification					
1	2	3					
Salary	327,456.00						
Benefits	131,664.00						
Premium Pay	71,400.00						
Other							
Total Personal Services		530,520.00					
Travel		3,300.00					
Contractual		45,789.00					
Commodities		48,130.00					
Equipment							
Other							
Total Cost		627,739.00					
Receipt Code	Funding Source						
	Federal Receipts	1002					
	G. F. Match	1003					
	General Funds	1004	627,739.00				
	I-A Receipts	1005					
	Program Receipts	1028					
	CIP Receipts	1061					
	Other						
For B&M Use Only Key Number _____							

**Request For  
New Position**

Agency Health and Social Services  
 BRU Youth Services  
 Component McLaughlin Youth Center

Page 1 of 1  
Revised Date

**FY 87**

Offered: 4/18/86  
Referred: Judiciary and Finance

Original sponsors: Rodey, Faiks,  
Abood, et al

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2

CS FOR SENATE BILL NO. 264 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the waiver of children's court jurisdiction, and to the detention, fingerprinting, and sentencing of minors; and amending Rule 24 of the Alaska Rules of Children's Procedure."

7

8

9

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

11 \* Section 1. AS 12.55.015 is amended by adding a new subsection to  
12 read:

13

(e) If the court sentences a defendant to a term of imprisonment and the defendant is a minor over whom children's court jurisdiction is waived under AS 47.10.060, the court shall

14

15

16

(1) order that the defendant be confined in an institution designated by the Department of Health and Social Services for offenders under 18 years of age; and

17

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(2) order that the defendant be transferred to an adult correctional facility when the defendant reaches 18 years of age if more than one year then remains of the defendant's term of imprisonment.

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\* Sec. 2. AS 12.55.125 is amended by adding a new subsection to read:

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(j) A person convicted of a first felony offense after waiver of children's court jurisdiction under AS 47.10.060 is not subject to the mandatory minimum and presumptive sentences required for first offenders.

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\* Sec. 3. AS 47.10.060 is repealed and reenacted to read:

Sec. 47.10.060. WAIVER OF JURISDICTION. (a) The court shall

1 order a case closed, and a minor may be prosecuted as an adult, if the  
2 court finds at a hearing on a petition

3 (1) that the minor was 16 years of age or older at the time  
4 of the offense and that there is probable cause to believe that the  
5 minor has violated AS 11.41.100, 11.41.110, 11.41.300, 11.41.410, or  
6 11.41.434; or

7 (2) that the minor is not amenable to treatment under this  
8 chapter and there is probable cause to believe that the minor is  
9 delinquent.

10 (b) In determining whether a minor is amenable to treatment  
11 under this chapter, the court shall consider

12 (1) the seriousness of the offense;

13 (2) whether the offense constituted a substantial danger to  
14 the public;

15 (3) whether the offense was committed in an aggressive,  
16 violent, premeditated, or wilful manner;

17 (4) whether the offense was against persons or against  
18 property, greater weight being given to an offense against persons,  
19 especially if personal injury resulted;

20 (5) whether the offense is a part of a repetitive pattern  
21 of delinquent acts, even though previous offenses may have been less  
22 serious;

23 (6) the age, maturity, educational background, and degree  
24 of criminal sophistication of the minor;

25 (7) the success of any previous attempts to rehabilitate  
26 the minor;

27 (8) whether children's court jurisdiction over the minor  
28 can be retained long enough to allow for effective treatment or reha-  
29 bilitation; and

1 (9) the treatment resources available under children's  
2 court proceedings.

3 (c) The court shall determine the weight to be given to each of  
4 the factors listed in (b) of this section and shall issue a written  
5 decision. A finding that a minor is not amenable to treatment under  
6 this chapter may be based on any one or a combination of the factors.

7 (d) A minor ordered held pending trial or sentencing as an adult  
8 under (a) of this section shall be confined in an institution design-  
9 nated by the Department of Health and Social Services for offenders  
10 under 18 years of age.

11 \* Sec. 4. AS 47.10 is amended by adding a new section to read:

12 Sec. 47.10.125. FINGERPRINTING OF MINORS. (a) A law enforce-  
13 ment agency or the Department of Health and Social Services may fin-  
14 gerprint a minor only

- 15 (1) in accordance with a search warrant;
- 16 (2) if children's court jurisdiction over the minor has  
17 been waived under AS 47.10.060(a) and the minor is being prosecuted as  
18 an adult;
- 19 (3) if the minor is adjudicated a delinquent for the  
20 commission of an offense that would constitute a felony if committed  
21 by an adult;
- 22 (4) with the consent of the minor and a parent or legal  
23 guardian of the minor, both of whom shall have been advised that the  
24 fingerprints may not be taken without their consent; or
- 25 (5) by order of the court.

26 (b) Fingerprints of a minor shall be kept separate from those of  
27 adults, shall be kept within the state rather than at a federal cen-  
28 tral depository, and shall be made available on request only to the  
29 following:

1 (1) a public agency for use in the investigation and prose-  
2 cution of criminal offenses for which the fingerprinted minor is a  
3 suspect;

4 (2) the minor or the minor's attorney.

5 (c) Fingerprints of a minor taken under this section shall be  
6 destroyed by the authority charged with their maintenance

7 (1) if the minor is adjudicated for the offense regarding  
8 which the minor's fingerprints were taken and is found not to be  
9 within the jurisdiction of the court for the offense; or

10 (2) if the minor is not adjudicated for the offense regard-  
11 ing which the minor's fingerprints were taken within two years of the  
12 date the fingerprints were taken.

13 \* Sec. 5. AS 47.10.130 is amended to read:

14 Sec. 47.10.130. DETENTION. A [NO] minor under 18 years of age  
15 who is detained pending hearing may not be incarcerated in a jail  
16 unless assigned to separate quarters so that the minor cannot communi-  
17 cate with or view prisoners 18 years of age or older except those  
18 incarcerated under AS 47.10.100 [ADULT PRISONERS CONVICTED OF, UNDER  
19 ARREST FOR, OR CHARGED WITH A CRIME]. When a minor is detained pend-  
20 ing hearing, the minor's parent, guardian, or custodian shall be  
21 notified immediately.

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

23 Sec. 47.10.190. CONDITIONS GOVERNING DETENTION. When the court  
24 commits a minor to the custody of the department, the department shall  
25 arrange to place the minor [JUVENILE] in a detention home, facility or  
26 another suitable place that [WHICH] the department designates for that  
27 purpose. A minor [JUVENILE] detained in a jail or similar institution  
28 at the request of the department shall be held in custody in a room or  
29 other place apart and separate from prisoners 18 years of age or older

1        except those incarcerated under AS 47.10.100 [ADULTS].

2        \* Sec. 7. Rule 24, Alaska Rules of Children's Procedure, is amended to  
3 read:

4                No child shall be [FINGERPRINTED OR] photographed while in custo-  
5 dy except with the consent of the children's court upon good cause  
6 shown. Such cause exists where the child is in custody for a serious  
7 offense against persons or property or where identification of the  
8 child appears necessary for the safety of the child or others.

9        \* Sec. 8. Section 7 amends Rule 24 of the Alaska Rules of Children's  
10 Procedure by deleting the reference to fingerprints.

11        \* Sec. 9. Rule 24, Alaska Rules of Children's Procedure, is amended by  
12 adding a new subsection to read:

13                (b) A child may not be fingerprinted while in custody except in  
14 accordance with AS 47.10.125.

15        \* Sec. 10. Section 9 amends Rule 24 of the Alaska Rules of Children's  
16 Procedure by incorporating the statutory requirements for obtaining finger-  
17 prints from a child in custody.

Introduced: 3/29/85  
Referred: Health, Education and  
Social Services and  
Judiciary

BY RODEY, FAIKS, ABOOD, DEVRIES,  
KELLY, ZHAROFF, STURGULEWSKI,  
RAY, COGHILL AND P. FISCHER

1 IN THE SENATE

2

SENATE BILL NO. 264

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 unlawful conduct of minors; and  
7 amending Rule 24 of the Alaska Rules of Children's  
8 Procedure."

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

10 \* Section 1. AS 12.55.015 is amended by adding a new subsection to  
11 read:

12 (e) If the court sentences a defendant to a term of imprisonment  
13 and the defendant is a minor over whom children's court jurisdiction  
14 is waived under AS 47.10.060, the court shall

15 (1) order that the defendant be confined in an institution  
16 designated by the Department of Health and Social Services for offend-  
17 ers under 18 years of age; and

18 (2) order that the defendant be transferred to an adult  
19 correctional facility when the defendant reaches 18 years of age if  
20 more than one year then remains of the defendant's term of imprison-  
21 ment.

22 \* Sec. 2. AS 34.50.020(a) is amended to read:

23 (a) Except as provided in (e) of this section, a [A] person,  
24 municipal corporation, association, village, school district or reli-  
25 gious or charitable organization, incorporated or unincorporated, may  
26 recover damages in a civil action in an amount not to exceed \$5,000  
27 [\$2,000] and court costs, from either parent or both parents or the  
28 legal guardian or person having the legal custody of an unemancipated  
29 minor under the age of 18 years, who maliciously or wilfully destroys

1 real or personal property belonging to the person, municipal corpora-  
2 tion, association, village, school district or religious or charitable  
3 organization.

4 \* Sec. 3. AS 34.50.020 is amended by adding new subsections to read:

5 (c) For the purposes of this section a minor is considered  
6 emancipated and a parent or legal guardian or person having legal  
7 custody is not liable for property damage caused by the minor if the  
8 court determines that

9 (1) the disabilities of minority have been removed under  
10 AS 09.55.590;

11 (2) the minor is a resident of the state, is at least 16  
12 years of age, is living separate and apart from the minor's parents or  
13 legal guardian or person having legal custody, and is capable of  
14 self-support and of managing personal financial affairs; or

15 (3) the minor is living separate and apart from the minor's  
16 parents or legal guardian or person having legal custody and engages  
17 in conduct that results in a judgment under AS 47.10.080(a) that the  
18 minor is a delinquent minor and that also is the basis for a civil  
19 action for damages to property under this section.

20 (d) If the court determines that a minor is emancipated under  
21 (c) of this section, the minor may be sued in a civil action for  
22 injuries caused by the minor as if the minor were an adult.

23 (e) The provisions of (a) of this section do not apply to de-  
24 struction of property by an unemancipated minor under the age of 18  
25 years who maliciously or wilfully destroys property at the time the  
26 minor is a ward of the state under AS 47.10.080(f).

27 \* Sec. 4. AS 47.10.020(a) is amended to read:

28 (a) Whenever a person informs the court of the facts which bring  
29 a minor within this chapter, the court shall appoint a competent

1 person or agency to make a preliminary inquiry and report for the  
2 information of the court to determine whether the interests of the  
3 public or of the minor require that further action be taken. Upon the  
4 receipt of the report, the court may informally adjust or dispose of  
5 the matter without a hearing, or it may authorize the person having  
6 knowledge of the facts of the case to file with the court a petition  
7 setting out the facts. Where the court informally adjusts or disposes  
8 of the matter, the minor may not be detained or taken into the custody  
9 of the court, and the matter shall be closed by the court upon adjust-  
10 ment or disposition. Upon request of the victim or the victim's  
11 parent or guardian, the court shall disclose to the victim of the  
12 minor or to the victim's parent or guardian the manner in which it  
13 informally adjusted or disposed of the matter. The court may not  
14 disclose the identity of the minor.

15 \* Sec. 5. AS 47.10.060(a) is repealed and reenacted to read:

16 (a) The court shall order a case closed and, subject to the  
17 provisions of AS 12.55.015(e), the minor may be prosecuted as if the  
18 minor were an adult if the court finds at a hearing on a petition

19 (1) that the minor was 16 years of age or older at the time  
20 of the offense and that there is probable cause to believe that the  
21 minor has committed an unclassified felony or a class A felony; or

22 (2) that the minor is not amenable to treatment under this  
23 chapter and there is probable cause to believe that the minor is  
24 delinquent.

25 \* Sec. 6. AS 47.10.060 is amended by adding a new subsection to read:

26 (f) If a case is closed under (a)(1) of this section, the minor  
27 may petition the court within 10 days to reopen the case. The case  
28 shall be reopened if the court finds by a preponderance of the evi-  
29 dence that the interests of justice would be best served if the minor

1 is not prosecuted as an adult. In making this finding, the court  
2 shall consider

3 (1) the criminal and personal history of the minor and the  
4 likelihood of rehabilitation;

5 (2) the seriousness of the minor's present offense in  
6 relation to other offenses committed by the minor;

7 (3) the need to confine the minor to prevent further harm  
8 to the public;

9 (4) the circumstances of the offense and the extent to  
10 which the offense harmed a victim or endangered the public safety or  
11 order;

12 (5) the effect of prosecuting the minor as an adult in  
13 deterring the minor or other minors from future criminal conduct;

14 (6) the best interest of the minor.

15 \* Sec. 7. AS 47.10.080(a) is amended to read:

16 (a) The court, at the conclusion of the hearing, or thereafter  
17 as the circumstances of the case may require, shall find and enter a  
18 judgment that the minor is or is not delinquent or a child in need of  
19 aid. The court shall disclose the results of the hearing in accor-  
20 dance with AS 47.10.020(a).

21 \* Sec. 8. AS 47.10.090 is amended by adding a new subsection to read:

22 (d) The provisions of this section prohibiting disclosure of  
23 information relating to a minor do not apply to a disclosure to a  
24 victim or the victim's parent or guardian under AS 47.10.020(a),  
25 47.10.080(a), and 47.10.140(d).

26 \* Sec. 9. AS 47.10 is amended by adding a new section to read:

27 Sec. 47.10.125. FINGERPRINTING OF MINORS. (a) A law enforce-  
28 ment agency or the Department of Health and Social Services may fin-  
29 gerprint a minor only

- 1 (1) in accordance with a search warrant;
- 2 (2) when the minor is being prosecuted as an adult under  
3 AS 47.10.060(a);
- 4 (3) when the minor is in custody for an offense that if  
5 committed by an adult would constitute a felony and the custodial  
6 agency secures the fingerprints to further the investigation of the  
7 offense;
- 8 (4) when the minor is adjudicated a delinquent for the  
9 commission of an offense that if committed by an adult would consti-  
10 tute a felony;
- 11 (5) upon consent of both the minor and a parent or legal  
12 guardian of the minor who have been advised that the fingerprints  
13 cannot be taken without their consent; or
- 14 (6) by order of the court.
- 15 (b) Fingerprints of a minor shall be kept separate from those of  
16 adults, shall be kept within the state rather than at a federal cen-  
17 tral depository, and shall be made available only to the following  
18 upon request:
- 19 (1) public agencies for use in the investigation and prose-  
20 cution of criminal offenses for which the fingerprinted minor is a  
21 suspect;
- 22 (2) the minor when named in a juvenile court or adult court  
23 proceeding or the minor's attorney.
- 24 (c) Fingerprints of a minor taken under this section shall be  
25 destroyed by the authority charged with their maintenance
- 26 (1) when the minor is adjudicated for the offense regarding  
27 which the minor's fingerprints were taken and found not to be within  
28 the jurisdiction of the court for the offense; or
- 29 (2) when the minor is not adjudicated for the offense

1 regarding which the minor's fingerprints were taken within two years  
2 of the date the fingerprints were taken.

3 \* Sec. 10. AS 47.10.140(d) is amended to read:

4 (d) If the court finds that probable cause exists, it shall  
5 determine whether the minor should be detained pending the hearing on  
6 the petition or released. It may either order the minor held in  
7 detention or released to the custody of a suitable person pending the  
8 hearing on the petition. If the court finds no probable cause, it  
9 shall order the minor released and close the case. The court shall  
10 disclose the results of the hearing in accordance with AS 47.10.-  
11 020(a).

12 \* Sec. 11. Rule 24, Alaska Rules of Children's Procedure, is amended to  
13 read:

14 No child shall be [FINGERPRINTED OR] photographed while in  
15 custody except with the consent of the children's court upon good  
16 cause shown. Such cause exists where the child is in custody for a  
17 serious offense against persons or property or where identification of  
18 the child appears necessary for the safety of the child or others.

19 \* Sec. 12. Section 11 amends Rule 24 of the Alaska Rules of Children's  
20 Procedure by deleting the reference to fingerprints.

21 \* Sec. 13. Rule 24, Alaska Rules of Children's Procedure, is amended by  
22 adding a new subsection to read:

23 (b) A child may not be fingerprinted while in custody except in  
24 accordance with AS 47.10.125.

25 \* Sec. 14. Section 13 amends Rule 24 of the Alaska Rules of Children's  
26 Procedure by incorporating the statutory requirements for obtaining finger-  
27 prints from a child in custody.

COMMITTEE REPORT  
SENATE

FURTHER: FINANCE

4/18/86

Date 5/6/86

Mr. President

The Committee on JUDICIARY considered SB 264  
relating to unlawful conduct of minors; and amending Rule 24 of the  
Alaska Rules of Children's Procedure.

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

- do pass SENATE BILL (NOT AS)
- do pass with attached amendment(s)
- replace with/or adopt CS for \_\_\_\_\_
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Tim Kelly

Zingler

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MEMBERS HAVING  
~~OTHER~~ RECOMMENDATIONS

Rick Halford NO REC

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Patricia Ryden

Chairman

do pass

Chairman recommendation

COMMITTEE REPORT  
SENATE

FURTHER: JUDICIARY  
FINANCE

3/29/85

Date 4-16-86

Mr. President

The Committee on HESS considered SB 264  
relating to unlawful conduct of minors; and amending Rule 24 of the  
Alaska Rules of Children's Procedure.

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 SB 264 (HESS)
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

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Paul Frick

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MEMBERS HAVING  
OTHER RECOMMENDATIONS

Do Not Pass

Arles Hingulundin No Rec

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Debbie Johnson-Kenny Do Not Pass  
Chairman

Chairman recommendation