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STATE OF ALASKA
THE LEGISLATURE

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Mary Van Nimwegen

HB 98

H. HESS

3/14/89

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION: HB 98
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act modifying procedures
for juvenile delinquency..."
Sponsor: Governor
Department: House Judiciary

Agency Affected: Administration
BRU: Office of Public Advocacy
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY91	FY92	FY93	FY94	FY95	FY96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

FY90 impact is zero.

Prepared by: Brant McGee, Public Advocate
Division: Office of Public Advocacy

Phone: 274-16841
Date: 1/22/90

Approved by Commissioner: Frank Baxter
Agency: Department of Administration

Date: 1/23/90

Distribution (by preparer):

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

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act modifying procedures for juvenile delinquency detention hearings..."
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: Dept. of Administration
BRU: Public Defender Agency
Components: Third Judicial District

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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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	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary) **FY 90 impact is zero.**

Prepared by: John E. Salami, Public Defender
Division: Public Defender Agency
Approved by Commissioner: Frank Baxler
Agency: Department of Administration

Phone: 279-7541
Date: 1/23/90
Date: 1/23/90

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

HOUSE COMMITTEE REPORT

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Date Referred: January 20, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: 4/12/89

The HEALTH, EDUCATION & SOCIAL SERVICES Committee recommends that:

HOUSE BILL NO. 98

"An Act modifying procedures for juvenile delinquency detention hearings; and changing Alaska Supreme Court Delinquency Rule 10(c)."

- be replaced with _____ the same title
- a new title
- have attached amendment(s)
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

APPROVES PREVIOUS:

- fiscal impact
- zero fiscal note
- zero with analysis

- fiscal note(s) published: _____
- zero fiscal notes(s) published: _____

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SIGNING DO PASS:

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)

[Signature]

[Signature]

[Signature]

[Signature]

Cheri Davis NO REC

Peter Jare M/R

[Signature]

Chairman's signature

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 19, 1989

The Honorable Sam Cotten
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

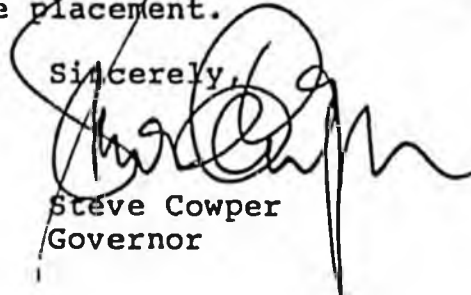
Dear Representative Cotten:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to juvenile detention proceedings. This bill amends AS 47.10.140(c) and the Alaska Supreme Court's Delinquency Rule 10(c), to allow the use of certain hearsay evidence at the hearing held within 48 hours after a minor is detained on a delinquency matter. It does not alter the detention criteria or extend the length of time that a minor may be detained before a hearing is held. In this bill, the entire AS 47.10.140 and Delinquency Rule 10 are set out, for clarity, even though only one subsection of each is being amended.

A temporary detention hearing is conducted on two issues: 1) whether there is probable cause to believe that the minor has committed a delinquent act or violated terms of release or probation; and 2) whether detention is necessary to protect the minor or others, or to ensure the minor's appearance at subsequent court hearings. Under current AS 47.10.-140, and Delinquency Rules 10(c) and 12, the Department of Health and Social Services must be prepared at the 48-hour hearing to conduct a "mini-trial" on the first issue, with witnesses called to prove each element of the offense. This bill would allow certain hearsay to be offered in support of probable cause. The standards would be the same as those applying to adult felony probable cause hearings, under Criminal Rule 5(b)(1)(i). The minor would have the opportunity to require that the witnesses be called, upon request, at a subsequent hearing to be held within five court days after arrest. A probable cause finding is necessary in order either to detain a minor or to place conditions on the minor's conduct on release until the next hearing. Delinquency Rule 10 was adopted to be effective August 15, 1987, and is based on AS 47.10.140.

The present procedure, requiring witnesses to be available at every 48-hour temporary detention hearing, is an impracticable, costly, and inefficient use of resources. If necessary witnesses cannot be located to establish probable cause at the 48-hour hearing, the minor is released and the case is dismissed. In Anchorage, minors usually admit the charges at the initial hearing and the witnesses summoned to the hearing are not needed. In those cases in which the minor does not admit the charges, the minor's attorney often requests a continuance to allow the attorney time to review the police reports before the hearing is conducted or, after an offer of proof, waives the need for testimony. Whether or not the minor admits or requests a continuance, the court may order a less restrictive placement.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper", written over the typed name below.

Steve Cowper
Governor

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act modifying procedures for juvenile delinquency detention hearings..."
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: Dept. of Administration
BRU: Public Defender Agency

Components: Third Judicial District

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: John B. Salemi, Acting Public Defender Phone: 279-7541
Division: Public Defender Agency Date: 12/7/88

Approved by Commissioner: John Andrews Date: 12/9/88
Agency: Department of Administration

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

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Administration
 Title: "An Act modifying procedures for juvenile delinquency detention hearing..." BRU: Office of Public Advocacy
 Sponsor: Rules Committee Components: _____
 Requestor: Governor

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Philip J. McCarthy & Grant McGee, Public Advocate Phone: 274-1684
 Division: Office of Public Advocacy Date: 12/8/88

Approved by Commissioner: John Andrews Date: 12/12/88
 Agency: Department of Administration

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

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Juvenile Delinquency Detention
Hearings
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: DHSS
BRU: Youth Services
Components: Probation Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
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	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Yvonne M. Chase, Director *HMC* Phone: 465-3170
Division: Family and Youth Services Date: _____
Approved by Commissioner: *M. W. Johnson* Date: 12/15/88
Agency: Health and Social Services

Distribution (by preparer):

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

STATE OF ALASKA 1989 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST:

Bill Version: HB 98
Publish Date: 1/20/89

Revision Date:
Title: An act modifying procedures
for juvenile delinquency detention...
Sponsor: Rules Committee
Requestor: House HESS

Agency Affected: Alaska Court System
BRU: Trial Courts
Components:

EXPENDITURES/REVENUES:	(Thousands of Dollars)					
OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
Personal Services
Travel
Contractual
Supplies
Equipment
Land & Structures
Grants & Claims
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL

REVENUE

FUNDING:	(Thousands of Dollars)					
General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds	.	.	.	.	.	.
Other	.	.	.	.	.	.
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:						
Full-time	.	.	.	.	.	.
Part-time	.	.	.	.	.	.
Temporary	.	.	.	.	.	.

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: *Jan Strandberg*
 Jan Strandberg, General Counsel Phone: 264-8228
 Division: Alaska Court System Date: 03/06/89

Approved by: *Stephanie Cole, fax*
 Arthur H. Snowden, II, Administrative Director Date: 03/06/89
 Agency: Alaska Court System

- Distribution (by preparer):
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 - Impacted Agency(ies)