

H B

195

Revision Date: _____ Dept. Affected: Community & Regional Affairs
 Title: An Act Authorizing Youth Courts BRU: Adminstration & Support
 Component: Administrative Services
 Sponsor: Sitton, Ulmer
 Requestor: Sitton, Ulmer COMPONENT SERIAL NO. 684

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

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

Estimate of current (FY93) impact \$ none

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Remond Henderson Phone: 465-4708
 Division: Administrative Services Date: 3/10/93
 Approved by Commissioner: Ben R. J... Date: 3/10/93
 Agency: Community & Regional Affairs

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8 Fiscal Note - C+RA

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 195

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act authorizing youth courts for peer BRU: Family & Youth Services
adjudication of minors... Component: Southeastern, Southcentral, & Northern
 Sponsor: Representatives SITTON, Ulmer Regions
 Requestor: House HISS Committee COMPONENT SERIAL NO. 0253, 0254, & 0255

Expenditures/Revenues:

(Thousands of Dollars)

	FY94	FY95	FY96	FY97	FY98	FY99
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL

REVENUE FUND SOURCE

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: None

ANALYSIS: (Attach a separate page if necessary)

There would be no fiscal impact to the department if this bill were to become law.

Prepared by: Deborah R. Wing, Director
 Division: Department of Health & Social Services

Phone: 465-3191
 Date: 03/10/93

Approved by Commissioner: Theodore A. Mala, MD, MPH
 Agency: Department of Health & Social Services

Date: 3/11/93

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Fiscal Note - H+SS - Family + Youth Services



Alaska State Legislature
 House of Representatives
 COMMITTEE ON HEALTH, EDUCATION
 AND SOCIAL SERVICES

DATE: MARCH 31, 1993

PLACE: Capitol Room 106

SUBJECT OF MEETING:
 CONFIRMATION HEARINGS - AK BOARD OF EDUCATION
 STOWELL JOHNSTONE
 *HB 195: AUTHORIZING YOUTH COURTS
 *HB 22: AK HEALTHY START PROGRAM
 (*HB195 AND *HB 22 TO BE TELECONFERENCE)

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Valerie M. Jensen	Fairbanks North Star Borough	779 8th Fairbanks	99701	456 8113	4526194	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 195
Ken Sykes	IDS/Trade	SOB 9th				<input type="radio"/> Y <input checked="" type="radio"/> N	HB 22
Bob Sims	" "	SOB 9th				<input type="radio"/> Y <input type="radio"/> N	HB 22
Caren Robinson	League of Women				586-1167	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 195
Paty Merritt		4551 Drake St. FOLS	99709	479-5300	4740841	<input type="radio"/> Y <input type="radio"/> N	
Randal Hirus	DHSS	Box 110630 Juneau	99811		465-3187	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 195
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	

3/31/93

LTN1100-R01

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 01
15:27:47

04/04/93

TCN: 30412 DATE & TIME: 03/31/93 15:00 TO 16:00 STATUS: 7 STATS. IN

**** ORDER SUMMARY ****

SPONSOR: HHES HOUSE HEALTH, EDUCATION AND SOCIAL SERVI CHAIRS: TOOHEY
PURPOSE: PUB PUBLIC HEARING BUNDE
CONTACT: LYNNE SMITH TEL#: (907)465-6825
CHAIRING SITE: JUNEAU CAPITOL CAP106

SPONSOR REMARKS(PUB): TESTIMONY: Y ALLOWED 5 MINUTE LIMIT
TCN REQUESTED ON 03/31/93 AND HAS 8 UPDATES

**** AGENDA ****

- 1 HB 195 AUTHORIZING YOUTH COURTS
- 2 HB 22 ALASKA HEALTHY START PROGRAM

**** PARTICIPATING LIOS ****

ANC ANCHORAGE	3111 C STREET	LOCATION STAFF
BAR BARROW	COURTHOUSE #305	LOCATION STAFF
FBX FAIRBANKS	119 N CUSHMAN ST	LOCATION STAFF
* JNU JUNEAU	CAPITOL	CAP106 LOCATION STAFF

**** VOLUNTEER & OFFNET SITES ****

ZZZ OF1 OFFNET 1	SEATTLE	STEVE LEBRUN	(206)467-2803
ZZZ OF2 OFFNET 2	HOONAH	MAXINE SANLAND	(907)945-3668

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1	MARY MCGINNIS	1000 MULCHATNA	ANCHORAGE	AK 99654	(907)373-7569	OBSV. HB 22
2	BRYAN CLARK	1981 COMMODORE	ANCH YOUTH CRT	AK 99507	(907)344-4486	TSFY. HB 195
3	JESSE KICHL	6301 TRAPPER TRACT	ANCH YOUTH CRT	AK 99516	(907)345-3394	TSFY. HB 195
4	ROBERT BUTTICANE	2600 PROVIDENCE DR.	ANCH YOUTH CRT	AK 99508	(907)562-2285	TSFY. HB 195
5	THELMA LANGDON	2363 CAPT. COOK DRIVE	ACTION OF CHILD	AK 99517	(907)248-0834	TSFY. HB 22
6	SHARON LEON	5205 STRAWBERRY RD	ANCH YOUTH CRT	AK 99502	(907)274-	TSFY. HB 195
7	BLYTHE MARSTON	3001 MC COLLIE AVE	ANCHORAGE	AK 99517	(907)248-7739	TSFY. HB 195
8	JUN EALY	5245 E. 147TH	AYC ANCH BAR	AK 99516	(907)345-7119	TSFY. HB 195
9	MARY BRISTOL	3305 GLENN DON DR.	ANCH SCHOOL	AK 99504	(907)333-6725	TSFY. HB 195
10	CAROLE CLARK	1981 COMMODORE DR.	ASD TEACHER	AK 99507	(907)344-4486	OBSV. HB 195
11	ROBERT OWENS	PO BOX 105035	ANCH BAR	AK 99510	(907)276-5152	TSFY. HB 195
12	JOSHUA WALTON	PO BOX 221166	ANCH YOUTH CRT	AK 99522	(907)248-1323	TSFY. HB 195
13	JUSTIN WALTON	PO BOX 221166	ANCH YOUTH CRT	AK 99522	(907)248-1323	TSFY. HB 195
14	BRYAN MERRILL	17613 RACHEL CIRCLE	ANCH BAR-YNG LAW	AK 99577	(907)272-6474	TSFY. HB 195
15	MARIGH HUGHES	509 W 3RD	AK BAR FND	AK 99501	(907)263-8359	TSFY. HB 195

04/04/93

15:27:47

TCN: 30412

DATE & TIME: 03/31/93 15:00 TO 16:00

STATUS: 7 STATS. IN

PARTICIPANTS IN: ANCHORAGE ANC

16	ROYH HENDERSON	JUV DIVERSION	TSFY. HB 195
	PO BOX 213-649	ANCHORAGE	AK 99521 (907)338-5548
17	STEVEN PRADELL		TSFY. HB 195
	715 L ST	ANCHORAGE	AK 99501 (907)279-4529
18	SCOTT ANDREWS		OBSV. HB 195
	3951 FURROW CRK RD	ANCHORAGE	AK 99516 (907)345-3601
19	DID NOT SIGN IN		OBSV. HB 195
			AK (907)000-0000
20	DID NOT SIGN IN		OBSV. HB 195
			AK (907)000-0000

PARTICIPANTS IN: FAIRBANKS FBX

1 MS.	KAREN PERDUE		TSFY. HB 22
	204 FRONT ST.	FAIRBANKS	AK 99707 (907)000-0000
2 MS.	JANE DEMMERT	FNA	TSFY. HB 195
		FAIRBANKS	AK (907)000-0000
3 MS.	ELLEN GAMLEY		OBSV. HB 195
			AK (907)000-0000
4 MR.	MARK BOYER		OBSV. HB 195
		FAIRBANKS	AK (907)000-0000

PARTICIPANTS IN: JUNEAU JNU

1 REP.	CON BUNDE		TSFY. HB 195
			AK (907)000-0000
2 REP.	CYNTHIA TOOHEY		TSFY. HB 195
			AK (907)000-0000
3 REP.	PETE KOTT		TSFY. HB 195
			AK (907)000-0000
4 REP.	AL VEZEY		TSFY. HB 195
			AK (907)000-0000
5 REP.	GARY DAVIS		TSFY. HB 195
			AK (907)000-0000
6 REP.	HARLEY OLBERG		TSFY. HB 195
			AK (907)000-0000
7 REP.	BETTYE DAVIS		TSFY. HB 195
			AK (907)000-0000
8 REP.	IRENE NICHOLIA		TSFY. HB 195
			AK (907)000-0000
9 REP.	TOM BRICE		TSFY. HB 195
			AK (907)000-0000
10 REP.	JOE SITTON		TSFY. HB 195
			AK (907)000-0000
11 REP.	JIM NORDLUND		TSFY. HB 195
			AK (907)000-0000
12	TESTIFIER 1		TSFY. HB 195
			AK (907)000-0000
13	TESTIFIER 2		TSFY. HB 195
			AK (907)000-0000
14	TESTIFIER 3		TSFY. HB 195
			AK (907)000-0000
15	SHERRIE GOLL	T	TSFY. HB 195
			AK (907)000-0000
16	TESTIFIER 5		TSFY. HB 195

PARTICIPANTS IN: OFFNET 1 ZZZ OF 1

1	STEVE LEBRUN		TSFY. HB 195
			AK (907)000-0000

DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

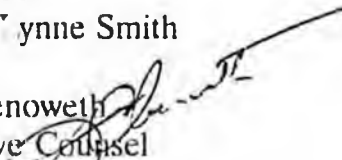
130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

April 1, 1993

SUBJECT: Draft CSHB 195 () (Work Order No. 8-LS0599\R)

TO: Representative Con Bunde, Co-Chair
Representative Cynthia Toohey, Co-Chair
House Health, Education and Social Services
Committee
ATTN: Wynne Smith

FROM: Jack Chenoweth 
Legislative Counsel

In the enclosed draft I have made the changes requested. Please note especially:

Because of your substitution of "person" for "nonprofit corporation," I added some additional language in proposed AS 18.05.100(c), the source of authority to operate as a youth court, to cover situations where the applicant is an individual or an entity other than a corporation. Incidentally, I assume the committee does understand "person" to have the meaning given it by AS 01.10.060(8):

DEFINITIONS. In the laws of the state, unless the context otherwise requires,

...
(8) "person" includes a corporation, company, partnership, firm, association, organization, business trust, or society, as well as a natural person;
....

All of what had been the juvenile justice grant component of the combined "Community Legal Assistance and Juvenile Justice Grant Fund" of the original bill has been separated out and reformatted as a separate grant fund unto itself. That appears in bill section 3. The last codified section, proposed AS 44.47.249, "Regulations," simply reflects what is now in law (AS 44.47.230) and would have been applicable to the combined fund. I don't think it is necessary to retain this provision in order for the department to prepare and adopt regulations under the Administrative Procedure Act for this new fund. If the committee is disposed not to allow the

Representative Con Bunde, Co-Chair
Representative Cynthia Toohey, Co-Chair
April 1, 1993
Page 2

department to adopt regulations, it is not enough to remove AS 44.47.249 from the bill. Rather, that section should be rewritten to say that the department "may not" adopt regulations.

In the last line of what is set out as AS 44.47.240 in this version, I have substituted "the match is" for "matching funds are" to reflect the fact that the required match may be in cash or in kind.

All else in the bill is unchanged.

JBC:gc
93-300.glc

Enclosure

BILL HB 195 DATE 3/31/93
 TAPE 93-54 NUMBER 010
 SUBJECT OF VOTE to cut 164 LW4 SEAT
to allow waiver option for poor child

MEMBER	YEA	NAY	ABS
Rep. Gary Davis	—	X	—
Rep. Al Vezey	X	—	—
Rep. Pete Kott	X	—	—
Rep. Harley Olberg	—	X	—
Rep. Bettye Davis	—	X	—
Rep. Irene Nicholia	—	X	—
Rep. Tom Brice	—	—	—
Rep. Cynthia Toohey	—	X	—
Rep. Con Bunde	—	X	—
TOTAL	<u>2</u>	<u>6</u>	—

+++++

BILL _____ DATE _____
 TAPE 93- _____ NUMBER _____
 SUBJECT OF VOTE _____

MEMBER	YEA	NAY	ABS
Rep. Al Vezey	—	—	—
Rep. Pete Kott	—	—	—
Rep. Harley Olberg	—	—	—
Rep. Bettye Davis	—	—	—
Rep. Irene Nicholia	—	—	—
Rep. Tom Brice	—	—	—
Rep. Cynthia Toohey	—	—	—
Rep. Con Bunde	—	—	—
Rep. Gary Davis	—	—	—
TOTAL	—	—	—

Alaska State Legislature

While in Fairbanks
119 N. Cushman St.
Suite 203
Fairbanks, AK 99701
907-456-8161

While in Juneau
State Capitol
Juneau, AK 99801-1102
907-465-2327
907-465-4713



Representative Joe Sitton

Sponsor Statement

House Bill 195 - relating to the establishment of youth courts
by

Representative Joe Sitton

House Bill 195 establishes the authority for the establishment of a youth program as a juvenile diversion program under the Department of Health and Social Services. Under the provisions of this legislation, youths under the age of 18 who have allegedly committed an offense may choose to go through a youth court proceeding instead of through the regular court system, provided they have the approval of the juvenile intake authorities and the consent of their parents.

While other states have youth (or teen) courts, in Alaska, only Anchorage has developed such a program; it has been in existence since 1989. It has enjoyed a tremendous success and is highly supported by the community. Out of a total of 69 cases, only four juveniles were arrested for a second offense.

Perhaps one of the greatest reasons for its success is the close working relationship between the different agencies involved: the Department of Health and Social Services, the Alaska Court System, the Alaska Bar Association, the Anchorage Bar Association, the school district, and law enforcement agencies.

In the Anchorage program, cases are referred by juvenile probation officers. Referrals may also be made by other entities, such as a store alleging shoplifting.

Defendants and their parents must agree to allow the Youth Court to hear the case and the Youth Court must accept jurisdiction. Court proceedings insure them the right to be represented by a lawyer, the right to trial by jury, the right to cross-examine witnesses, the right against self-incrimination, and the right to appeal.

The court is composed of students under 18 years of age who volunteer as judges, jurors, bailiffs, clerks, prosecutors and defense attorneys. To be

Sponsor Statement

eligible to sit on the court, students must attend an 8-10 week class and pass a youth court bar examination. Legal advisors are available to assist student prosecutors and defense lawyers in preparing their cases for trial.

House Bill 195 would provide a similar mechanism for other communities in Alaska, both rural and urban. Each community would be able to tailor the youth court system to its own unique needs and resources. A great deal of effort has gone into crafting legislation which would provide a structure for a youth court program while at the same time providing maximum flexibility for communities to create a program which would work best for them.

This legislation provides for the establishment of a youth court program under the aegis of the Department of Health and Social Services; it is this department's juvenile intake officers who have jurisdiction over juvenile offenders.

In addition, the legislation amends AS 44.47.200, the community legal assistance grant fund to provide for "juvenile justice" grants to communities and to non-profit corporations to establish and organize a youth court program in a community. The grant amount may not exceed \$5,000 and the grant must be matched by cash or in-kind contributions. The burden of success thus lies with a community's commitment.

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 4, 1993

SUBJECT: House Bill 195, relating to the use of youth courts for certain minors -- sectional analysis. (Work Order No. 8-LS0599\O)

TO: Representative Joe Sitton
ATTN: Paula Terrel

FROM: Jack Chenoweth
Legislative Counsel

This memo outlines the principal features of HB 195, a measure authorizing youth courts in order to provide for peer adjudication of minors charged with violations of state laws or municipal ordinances. The bill also proposes to broaden (and rename) the use of the community legal assistance grant fund as a source of financial support for new youth courts.

Section 2. This bill section, the measure's principal operative provision, adds a new section to the body of codified law. AS 18.05.100 is added as a part of the title concerned generally with health and safety matters. The section authorizes establishment of youth courts "to hear, determine, and dispose of cases involving a minor whose alleged act that brings the minor within the jurisdiction of [the Alaska Court System]" constitutes a violation of a state law or municipal ordinance. The section defines the jurisdiction of youth courts, sets out the process for establishment of a youth court, imposes significant standards and procedures that are to guide a youth court as it operates, and provides the Alaska Court System general authority to refer a possible delinquency matter to a youth court.

Bill sections 3 - 7 rename and revise the objectives of the existing Community Legal Assistant Grant Fund.

Section 3. The amendments proposed to AS 44.47.200 by this bill section change the name of the fund and authorize use of money in the fund to help nonprofit corporations start operations as youth courts.

Sectional analysis

Section 5. The addition of AS 44.47.210(b) proposed by this bill section permits nonprofit corporations planning to operate youth courts to apply for a grant from the fund, direct that the grant be matched, but permit waiver of the match requirement under the circumstances noted.

Section 7. The addition of AS 44.47.220(b) proposed by this bill section sets limits on the amount that may be awarded as a grant from the fund to a corporation planning to operate a youth court, and limits on the proper use by the grantee of the money received by the grant.

Sections 4 and 6. The changes made by these two bill sections are technical changes to existing law made in light of the proposed additions set out in bill sections 3, 5, and 7.

*

The changes made by bill sections 8 - 10 affect the provisions of law generally covered under the title "Children's Proceedings" (AS 47.10.010 - 47.10.142).

Section 8. AS 47.10.020(a) currently sets out several options by which the courts may dispose of matters that involve minors. The amendment made to AS 47.10.020(a) by this bill section reorganizes and clarifies the existing options available to the court, and adds, as an option, referral of the matter to a youth court. The amendment notes the conditions under which a matter may be so referred. In addition, in order to assure cooperation with the youth court, the referring court is given explicit authority to "at the request of the youth court, issue a subpoena to a person whose testimony is required before the youth court."

Section 9. Provision is made in current law for the superior court to make use of "young adult advisory panels" to assist the court in making an adjudication and order involving a minor. The amendment proposed to AS 47.10.075(a) by this bill section limits the use of these advisory panels to situations in which the court does not informally dispose of a matter involving a minor and has not referred the matter to a youth court.

Section 10. As a general rule, records of a court generated in proceedings under AS 47.10.010 - 47.10.142 are, with exceptions, confidential. The addition proposed to AS 47.10.090 by this bill section extends that presumption to records of youth court proceedings.

*

Section 1. In this uncodified section is set out a statement of purpose of the Act and a brief summary of the state's recent experience with youth courts.

Youth court could help

We're intrigued by an idea that could help more of Alaska's young people decide to go straight instead of falling into a life of crime.

Already in place in Anchorage, youth courts in which first-time young offenders are tried and judged by other teens could be set up in other Alaska communities under legislation under consideration by Rep. Joe Sitton, D-Fairbanks.

Sitton's proposal, which has not been introduced yet, would provide \$5,000 state grants to communities that want to set up a youth court to handle first-time misdemeanor crimes committed by young people ages 12-18.

The Anchorage Youth Court has been operating since 1989. The American Bar Association recently gave the program its top awards for outstanding partnership programs and outstanding public education programs.

Under the program, volunteer attorneys train teen prosecutors, defense attorneys, judges, clerks, bailiffs and jurors in grades seven through 12. They represent and judge their peers in actual criminal cases of first-time offenders referred from Anchorage's juvenile court intake.

Youths prosecuted in these courts have a significantly lower rate of recidivism than defendants who participate in the traditional juvenile justice system, according to the bar association.

Youths serving on the court gain an awareness of their legal responsibilities to society in a way unmatched in an classroom setting.

If youth courts could be set up in other Alaska communities, Rep. Sitton believes law-breaking would lose some of the glamor it now has among some groups of young people who apply peer pressure in negative ways. Students would be more likely to take their actions seriously if they are being judged in a court of their peers, he believes.

We think the idea has merit, and encourage lawmakers to give it serious consideration.

2/20/92 FDR

JOURNAL of LAW

Section B

1993

Section B to THE ALASKA JOURNAL OF COMMERCE

Justice Kotzebue

...e forced the court to
... expensive and time-
... ing change of venue
... e, he said.

...ier editor Desiree
...rey wrote the story
...torial. She said they
...rt of routine news; cov-
...stified by the public's
... know, and her read-
... expect more of the

...s say the town's judi-
...tem and newspaper
...an impasse that could
...ouble in the future.

...onflict started when
...kins, a Kotzebue store
...was charged with six
...of sexual assault of
...The charges reflected
...ged acts of sexual as-
...16-year-olds, two al-
...ts of sexual assault of
...olds and two alleged
...Continued on Page 4B

Port Banking Shipment

...asing crime is to in-
...ne sentence. But the
...y, prisons are not a
...od punishment. In
...reasing sentences, if
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Photo by Naomi W. Klouda

Attorney Donna Willard, who will accept the award in Boston for the Youth Court, celebrates with Jesse Kiehl, Youth Court Chief Justice; Mina Kumar, Youth Court Mediator; Bryan Clark, Youth Bar President; and attorney volunteers Blythe Marston and Jon Ealy.

Anchorage Youth Court wins national ABA award

By Naomi Warren Klouda
For the Journal of Commerce

Anchorage Youth Court has won the 1993 American Bar Association/Information America Public Education Project award for working in partnership with the justice system to produce a program involving teen lawyers, judges and defendants.

Donna Willard, local attorney and ABA board governor for the district which

includes Alaska - will accept the award on behalf of the teen winners Feb. 5 in Boston at the National Conference of Bar Presidents luncheon. Some 188 teens, ranging from 7th to 12th graders are recipients of the award, which came with a \$5,000 cash grant as well as the Outstanding Partnership Award.

After finishing a 10-week law class, the students worked in actual courtroom settings with juvenile first-offenders arrested for misdemeanor and some felony

crimes.

Youth clients were represented and prosecuted by teenage lawyers - and sentenced by teenage judges. No adults are allowed to speak in the court, though teen attorneys can consult adult counsel present in the courtroom. Teen jurors were called in to decide some cases.

Sharon Leon, executive director of the four-year-old Youth Court, says the Anchorage program was

Continued on Page 2B

... (which the loan is paid back).
This theory was used in many of our eastern states.

b. *Lien Theory*: Under the "lien" theory, the owner/mortgagor keeps both legal title and possession, and only gives the mortgagee a lien on the land which can be foreclosed upon in the event of a default under the loan. The lien theory is used in most western states, and is used today in Alaska.

the mortgagor may have built up a substantial investment in the pay-off of the loan. The law changed in order to protect those who had paid a sizeable amount of the installment debt before the default occurred, usually by giving the mortgagor either a "right to cure" the default, or a "right to redeem" the property.

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Youth Court effective deterrent for first-time offenders

Continued from Page 1B

judged as unique in that it is the only one which gives teens "such a tremendous responsibility."

"It's also the most complete program — we even have a Youth Court Bar Association," Leon said.

Leon directs the program and is aided by a volunteer administrative board composed of attorneys, judges, police officers, businessmen, mediators and juvenile intake officers.

Peer advising and sentencing techniques seem to be working, Leon said. Out of a total of 69 cases involving first-time offenders, only four were arrested for a second time.

"Juvenile intake officers are pretty happy about that because the recidivism rate is usually 50 percent. All

the offenders are ordered to write an essay as part of their sentence reflecting on what they had done," Leon said.

"All of them said they never want to see the inside of a courthouse again." Some of them do, however. But the

"All of them said they never want to see the inside of a courthouse again."

next time they appear in court it is as youth court judges, lawyers, prosecutors or jurors as other offenders are brought into Youth Court.

On Jan. 25, 1993, another 119 young people were inducted into Anchorage Youth Court, joining the 188 already on the roster.

THE ALASKA JOURNAL OF COMMERCE

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ANCHORAGE YOUTH COURT:
TRIAL BY PEERS

I. PROJECT DESCRIPTION

The Anchorage Youth Court ("AYC") is a court in which the roles of attorneys, judges, bailiffs, clerks and jurors are filled by young people between the ages of twelve and eighteen. Defendant youths are afforded a chance via trial by their peers to resolve legal problems without receiving a criminal record. Simultaneously, the community benefits by receiving valuable work service as partial redress for the wrongs committed. Attorneys also have the opportunity to provide a service to their community. Most importantly, however, young people and adults work together through youth court to resolve conflict.

II. PLANNING

A. Needs Assessment

Often the juvenile justice system does not work for first time offenders. Two problems arise. First, due to the lack of resources, first time offenders are rarely punished. Juveniles become aware that the justice system will not follow through if an offense is committed. The result is a high recidivism rate. By the time the justice system takes action, many youthful offenders have established a lawbreaking behavior pattern.

Second, many juvenile defendants who maintain they are innocent cannot afford to hire legal counsel. They thus feel compelled to admit guilt to crimes they have not committed. They pay restitution as a cheaper alternative to hiring a lawyer.

A youth court can provide a solution to both problems. Attorneys, parents, school officials and students can join together to implement a court that will promptly respond to juvenile legal problems.

B. Determining Specific Objectives and Program Design

1. Decisions to be Made
 - a. Options - Objectives

The objectives of a youth court are four fold. First, a youth court provides a municipal wide alternative court where teenagers can be represented, prosecuted, and tried by a jury of their peers without incurring a record. Second, youth gain an awareness and respect for their legal responsibilities to society and are afforded the opportunity to play a positive role in the administration of justice. Third, a youth court reduces the volume of cases burdening a judicial system. Finally, attorneys are able to provide a service to the public by instructing youth about substantive and procedural criminal law.

- b. Options - Program Design

The AYC allows young people complete judicial authority. Young people are attorneys, judges, bailiffs, clerks, and jurors. Trials take place in the state courthouse. Defendants are referred by a referring authority, which for AYC is Alaska's Juvenile Intake Office. Once a defendant is referred to AYC, the defendant is arraigned. If he pleads guilty, he is tried by a jury or panel of judges. AYC confirms with the community service placement office that each defendant who is sentenced serves his sentence. If the defendant refuses to comply with the AYC process, AYC can return the case to Juvenile Intake for disposition. At completion of the case, the AYC closes the file and returns it to the referring authority. A criminal record is not accrued upon a finding of guilt.

2. Decision Making Process

AYC began with an ad hoc group of concerned attorneys, student's, teachers, juvenile authorities and

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parents who believe in and are committed to establishing a youth court. This group contacted the Anchorage Bar Association, Young Lawyers Section for help with funding and for access to its resources in the community. They Young Lawyers have been involved ever since.

A group should use the following analysis to determine whether a youth court is appropriate for its community:

a. Make a rough needs assessment. Determine how many offenders enter the juvenile justice system each year and how each is handled. Determine whether diversion programs are currently in operation. If so, determine what kind of diversion programs exist. If not, determine whether the court system needs a youth court diversion as an alternative.

b. Identify one or more persons who are interested in helping start a youth court. There may be people involved in the local bar association, local law related education projects, the school system, or the juvenile justice system. Encourage such people to enlist support for the program and to attend initial meetings. Often judges, attorneys, local bar association members, probation personnel, police officers, teachers, students, and parents are interested in supporting a youth court.

c. Identify the target group of defendants based on the needs of the juvenile system, i.e. age, type of offense and usual disposition of case.

d. Learn the procedures that are followed with a juvenile from arrest until final disposition of the case. Is there a diversion mechanism already in place? What happens to first offenders? This information is necessary in order to formulate workable procedures for selecting appropriate cases for the youth court.

e. Meet with the chief judge of the trial court, the proposed referring authorities, the director of social services and community work service, and prosecuting and public defense attorneys. Such meetings should be designed to foster support for the program and to compile suggestions for implementation.

3. Considerations in Project Planning

a. Personnel Available

Four types of personnel are required for a youth court: (1) volunteer students willing to become bar association members and attorneys; (2) volunteer attorneys willing to be instructors and advisors; (3) community members willing to support the youth court including judges, police officers, school officials, and juvenile officers; and (4) advisory staff.

The ABA affiliate group should provide access to potential volunteer attorneys. The AYC contacted schools and other community leaders directly to solicit student involvement, community support, and staff help.

The advisory staff of the AYC consists of a Coordinator and Legal Advisor. Both jobs are time consuming. The Coordinator's position is a paid one and is currently part time, but could become full time.

The Coordinator is responsible for review and approval of referrals to the AYC. S/he also establishes, oversees, and directs the procedures and duties required to ensure the smooth and proper operation of the youth court. Further, the Coordinator must maintain accurate youth court records of costs and expenses and act as a liaison between the AYC Bar Association, Administrative Board, and Alaska Court system at large.

The Legal Advisor should be an attorney volunteer. His duties and responsibilities are to review, approve, together with, advise and direct AYC staff and members as requested, required or needed.

AYC has considered employing a law student intern to assist both the Coordinator and legal advisor. Because no law schools are located in Alaska, such a program is difficult in Alaska. Nonetheless, a law student intern could assist the Coordinator and legal advisor in his or her activities.

B. Revenue Availability

The first source for information about funding should be the local bar association. There are several funds set up for the specific purpose of starting and operating law related education programs.

The second source of information is the local library. Most libraries have a resource section which provides information about private foundations that donate money to legal programs. Some cities also have foundation centers. These centers are clearing houses for information about corporate and private foundations.

Another form of funding is self-generating. Fund raisers, seminars, and requests for donations can generate funds. An especially good private source of funds is private law firms. It is possible to run a youth court entirely on donations. The only items needed for a youth court are time, office space and operating expenses. These can all be donated. Private law firms in Anchorage have donated hundreds of hours of time to AYC. They have also donated office space and copying. Further, The Alaska State Court System has donated the use of their courtrooms for AYC hearings and trials. Similarly, the local library has donated the use of its theater for meetings.

Even though personnel and funding are the usual stumbling blocks associated with establishing and operating a youth court, the essential element is dedicated individuals who are committed to a youth court. Although a great deal of funding is not necessary for starting a program, individuals who are dedicated to starting a youth court are essential.

C. Evaluation Design

It is important to evaluate the youth court periodically. Regular evaluations allow for the youth court to be revised as needed. A timetable should be set up for evaluation. Items to be evaluated include: the status of pending cases, available personnel and available resources.

Statistics should also be kept throughout the tenure of the court. Some statistics that should be kept are: number of inquiries about the youth court, number of students who register to take the youth court training course, number of students who pass the youth court bar examination, number of cases referred to the youth court, the number of cases returned to the referring authority, the number of cases in which defendants have been found not guilty or guilty, and the sentences served by defendants found guilty.

Finally, the year's goals should be reviewed and compared with the status of the program. If any disparity exists, the youth court goals and methods should be re-examined for possible change.

III. IMPLEMENTATION

A. Timetable

To establish a youth court, a timetable of at least six months is advisable before trials commence. Six months allows sufficient time to organize volunteers and arrange for courtrooms, community support, community work service, and cooperation of schools, court system, attorneys, and police officers. The following provides a loose outline of the chronology of events:

1. Formalize the proposed youth court by preparing a youth court constitution. This constitution should outline the responsibilities of each organization and the procedure and roles of student members. The constitution should be reviewed and adopted by students.
2. Formalize the proposed youth court by preparing a youth court constitution. This constitution should outline the responsibilities of each organization and the procedure and roles of student members. The constitution should be reviewed and adopted by students.
3. Establish a curriculum and bar exam for new members of the youth court bar association.
4. Begin to enroll students in the bar review course.
5. When at least ten to twenty students have enrolled, set the date classes are to begin.

6. Start the eight to ten week bar review course.
7. Set the bar examination and swear in all students passing the bar as members of the youth court bar association.
8. Begin the youth court bar association monthly business meetings and continuing legal education program.
9. Ask the referring authority to refer its first case to youth court.

B. Fund Raising

Look for all avenues of funding. Funding can come from grants, donations, and fundraisers. Even though grants are the best kind of funding available, it must be noted that grant applications take a great deal of time to prepare. Secondly, foundations that award grants may make disbursements only once or twice a year.

AYC approached the Young Lawyers division of the American Bar Association for an initial grant. AYC was awarded \$1,700.00 to begin its project.

Subsequently, AYC approached the Anchorage Bar Association. It funded the first year of AYC by providing a grant of \$11,000.00. Private individuals, law firms and corporations have donated office space, equipment and time. In-kind donations have been essential to AYC's first year.

Recruitment and Training

AYC's organization consists of cooperation between local high schools, juvenile intake, the court system, and volunteer attorneys and paralegals. The AYC has three arms. The first arm is the AYC non-profit corporation. It is directed by an Administrative Board. The second arm is the AYC Bar Association which is directed by student bar members. The third arm is the AYC court system which is directed by the AYC Coordinator. Volunteers are needed to staff all three arms.

The AYC Constitution establishes that the Administrative Board consists of residents of the Municipality of Anchorage. An equal number of members represents the youth community and the adult community. Each member serves for a term of one year. Student representatives are selected from each school which has a student participating in AYC. Adult nominees are selected from and represent the following: the judiciary, juvenile probation, law enforcement, education, the Anchorage Bar Association, the adult community at large and parents of youths over whom the AYC has jurisdiction.

The duties of the Administrative Board include, but are not limited to, fiscal matters, appointing staff members, maintaining liaison between the AYC and law enforcement agencies of the State of Alaska, the Municipality of Anchorage, as well as general supervision of AYC. Members of the Administrative Board receive no training, but usually come to the Board with an expertise or interest which is important to the functioning of AYC.

The AYC Bar Association consists of members of the AYC who are enrolled in grades seven through twelve and in a public or private school in the Municipality of Anchorage. The students must successfully complete an eight to ten week training course and pass an AYC bar examination. In order to hold any elected or appointed position, a member must have active standing. In order to qualify as an active member must have attended a majority of AYC Bar Association meetings held within the last three months and attend continuing legal education classes.

The AYC Bar Association has a president, vice president, secretary, judges, and clerk, all of whom are elected. Further, bailiffs, attorneys and jurors are appointed on a case by case basis.

A significant amount of time must be spent by volunteer attorneys to educate students about substantive and criminal procedures, evidence, constitutional law and trial advocacy. Much of the training is done during the eight to ten week training course.

D. Publicity

The AYC uses two types of publicity; one is intended to gain the participation of AYC students and the other is intended to gain community support for AYC. AYC has waged a successful public relations campaign on both fronts. Stories have appeared in the "Anchorage Daily News", the "Anchorage Times", Alaska Bar Association publications, and the "ABA/YLD Affiliate". The AYC Coordinator has appeared before numerous public and private organizations, corporations and schools. The Anchorage community is extremely supportive and interested in the program. Speaking opportunities are easily available. A youth court should ensure that its coordinator is willing to submit press releases and speak publicly as opportunities arise.

The student members should also participate in the campaign. Each fall AYC students ensure that other students in the Anchorage community are aware of the AYC program by writing newspaper articles notifying students of the AYC bar review registration. Students deliver similar notices to local radio stations, T.V. stations and schools.

E. Day to Day Operations

The AYC organization operates as follows: After a preliminary investigation, a referring authority, usually juvenile intake, refers the case to AYC. The referring authority meets with the defendant and his or her custodial parent or guardian to explain the purposes of AYC, and its procedures including sentencing. After the opportunity to confer with counsel, the defendant is given the choice of proceeding to AYC or being handled through regular juvenile intake channels which may include a formal court hearing and a criminal record. If the defendant and his or her parent or guardian agrees to proceed with AYC, they will sign a voluntary agreement with the understanding that their case will be held open for 90 days to complete the youth court process. This voluntary agreement states that failure to comply with AYC and other established conditions, once agreed to, may result in having the case handled in a formal court proceeding.

The AYC Coordinator receives a copy of the defendant's signed voluntary agreement to participate in AYC, available arrest reports and other related documents. If the case is not accepted by AYC, the case is returned to the referring authority together with all documents relating to the case. If the case is accepted, proceedings in AYC are conducted in substantial conformity with the rules and statutes governing normal adult criminal proceedings. The rules and statutes are applied and modified as necessary to promote the prompt and just resolution of cases and legal education. At all times, AYC proceedings are conducted to ensure confidentiality.

The chief judge or his appointee presides over all courtroom proceedings of the AYC with the assistance of two associate judges. If the defendant pleads guilty or is found guilty at trial, the judges determine an appropriate sentence at a sentencing hearing to be held within five days of the verdict or plea. Sentencing is in accordance with the informal sentencing guidelines established by the referring authority.

If the defendant chooses to exercise his right to appeal, he must submit a written statement including reasons for appeal to the chief judge within three days following the sentencing hearing. If the defendant does not submit a written appeal within this time frame, his right to appeal is waived. Upon receipt of the appeal, the chief judge appoints a three member appeals panel. If the appeals panel finds for the defendant on any point of appeal, the case is remanded accordingly. The Coordinator oversees the defendant's compliance with AYC sentencing orders and provides status reports to the referring authority as required.

Once a year, the AYC recruits new members. In order to become a member of AYC, young people complete a legal training course whereby they learn basic legal principals and practices. The course covers such topics as constitutional law, criminal law, criminal procedure, evidence, trial advocacy, and ethics. After having completed the course, students take a bar examination. Once students pass the bar examination, they become AYC Bar Association members. They are then qualified to serve on the court as bailiffs, clerks, attorneys, and judges. They will also be able to participate in AYC Bar Association meetings through which they continue their legal education. At the meetings members participate in activities designed to give broader perspective of the justice system, such as workshops, mock trials, speakers, and movies about the judicial system. The initial and ongoing training require regular attention by the Coordinator.

IV. EVALUATION

As a result of AYC, Anchorage youth have gained an awareness and respect for their legal responsibilities to society. They are afforded the opportunity to play a positive role in administration of justice. The volume of cases

burdening the judicial system has been lightened and Anchorage lawyers have been able to provide a service to the public by educating students about substantive and procedural criminal law. Meanwhile, the community has received valuable service and redress for the wrongs committed.

AYC students, however, provide probably the best evaluation of AYC. A question on their first bar examination was, "What is Anchorage Youth Court?" Their responses were as follows:

A Tenth Grader's response:

The Anchorage Youth Court provides the benefits of citizenship to the youth of Anchorage by providing an alternative system of judgement and sentencing. It will allow those who commit misdemeanors, early in life, a chance to pay for their damage without incurring a criminal record. It shall also attempt to be fair in the proceedings by providing these defendants with a jury, judge, and lawyers composed of their peers. By modeling itself after the real court system, Anchorage Youth Court will attempt to foster a spirit of respect for the law.

A Twelfth Grader's response:

The Anchorage Youth Court is an opportunity for youth to constructively exercise their responsibility to themselves and society in securing and promoting a just legal system. It provides youth offenders with an alternate method to pay for the consequences of their actions -- by having a trial by their peers, but not incurring any criminal record, and by paying back their community with restitution and community service hours. Anchorage Youth Court also provides active members with hands-on experience in the legal field and participation that could not be gained by any other source. The community as a whole benefits by the service Anchorage Youth Court provides.

An Eleventh Grader's response:

Anchorage Youth Court is essentially an opportunity. It is an opportunity for students of all kinds to come together in a healthy environment to learn about the laws that govern them. It is an opportunity for youth of Anchorage to help better their community. But mostly, it is an opportunity for kids who have made mistakes to have another shot, not so much to go unpunished, but to have another chance to reconsider the consequences of their actions without having a criminal record follow them through life.

AYC is essentially an opportunity, an opportunity for young people and adults to work together to resolve problems in their community.

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ANCHORAGE YOUTH COURT CONSTITUTION

* (As Revised Spring, 1991)

Preamble

Municipality of Anchorage youths, recognizing the importance of respect for the law, and firmly believing that acceptance of responsibility is essential toward being conscientious citizens, hereby establish the Anchorage Youth Court as a practical application of their responsibility to themselves and their community.

Statement of Purpose

Anchorage Youth Court is intended to provide benefits of citizenship to the youth of the Municipality of Anchorage. It shall do so by providing an alternate adjudication and sentencing procedure for young offenders. It shall offer an opportunity for those who make mistakes early in their lives to constructively pay their debt to society without incurring a criminal record. It shall foster an atmosphere of respect for the law through the principle of judgement by peers and restitution for wrongs committed.

The Anchorage Youth Court will emulate adult proceedings so as to provide an opportunity for youths to learn about criminal justice. Unless an action or procedure is specifically addressed by this constitution, the general principles of court proceedings shall apply as far as practicable.

Article I: Organization

Section 1. The Anchorage Youth Court is not recognized as a court of original or appellate jurisdiction by the laws of the State of Alaska. All cases tried must be referred to the Anchorage Youth Court by a Referring Authority as defined in Section 2, below, (hereinafter "Referring Authority"), and all referrals will be made solely at the discretion of the appropriate Referring Authority. The Anchorage Youth Court's findings and recommendations in a case shall be returned to the Referring Authority before final disposition.

Section 2. For purposes of the Anchorage Youth Court, a Referring Authority shall include but is not limited to the Department of Health and Social Services and all recognized courts within the State of Alaska.

Section 3. The Anchorage Youth Court shall have only such power to enforce a sentence as is delegated by the Referring Authority. A person tried by the Anchorage Youth Court is not discharged from the jurisdiction of the Referring Authority until a recommendation of discharge of the case has been made by the Anchorage Youth Court to the Referring Authority, and the individual is discharged. Failure to comply with the sentence imposed by the Anchorage Youth Court will result in an automatic return of the case to the Referring Authority.

Section 4. The Anchorage Youth Court shall have jurisdiction over only those individuals who are charged with delinquent conduct occurring in the Municipality of Anchorage and are enrolled in grades 7 through 12 and/or are 12 to 18 years of age. Younger

defendants may be considered upon special agreement and with the understanding that the defendant will be adjudicated by 7 - 12 graders.

Section 5. Anchorage Youth Court shall consist of one or more organized courts.

Article II: Administrative Board

Section 1. Composition. The Administrative Board shall consist of residents of the Municipality of Anchorage. An equal number of members shall represent the youth community and the adult community, each to serve for a term of one year. Nomination of Board members shall be made by a nominating committee comprised of the existing Administrative Board (except that the first nominating committee shall be the establishing constitutional committee). Any member of the Anchorage Youth Court Bar Association may nominate a member for a position on the Administrative Board, and that nomination must be given to the nomination committee within ten (10) days of the due date of nominations. The nominating committee shall be formed no less than 30 days prior to the due date of the list of nominees.

Youth nominees shall be selected from and represent one from each school which has students participating in Anchorage Youth Court. Youth nominees must maintain active status and attend Executive Board Meetings. Adult nominees may be selected from and represent the following:

- 1) the judiciary;
- 2) juvenile probation;
- 3) the field of law enforcement;
- 4) the field of education;
- 5) the Anchorage Bar Association
- 6) the adult community at large; or
- 7) parents of youths over whom the Anchorage Youth Court has

jurisdiction.

The list of nominees shall be given to the Anchorage Youth Court Coordinator who shall provide a written notice of the appointees within 15 days of receiving the list of nominees.

Section 2. Duties. The Administrative Board shall promote the purpose of this constitution. The duties of the board shall include, but are not limited to fiscal matters, appointing staff members, maintaining liaisons between the Anchorage Youth Court and law enforcement agencies of the State of Alaska and the Municipality of Anchorage, as well as general supervision of the Anchorage Youth Court. The Administrative Board may adopt any lawful resolution necessary to further the purposes of the Anchorage Youth Court not in conflict with the Anchorage Youth Court Constitution.

Section 3. Meetings. The Administrative Board shall meet at least once each semester with advance notice.

Article III: Advisory Staff

Section 1. The advisory staff of the Anchorage Youth Court shall be appointed by the Administrative Board and shall consist of a Coordinator and a Legal Advisor, and such other staff deemed necessary. The advisory staff shall report to the Administrative Board. The term of service for an advisory staff member shall be one year.

Section 2. In selecting a Coordinator, special consideration shall be given to applicants with some interest, experience, or education in law. It shall be the responsibility of the Coordinator to review and approve, together with the Legal Advisor, referrals to the Anchorage Youth Court; to establish, oversee, and direct such procedures and perform such duties as are required to ensure the smooth and proper operation of the Anchorage Youth Court network; to maintain accurate, current records of costs and expenses of the Anchorage Youth Court; and to act as liaison between the Anchorage Youth Court Bar Association and membership, and the Administrative Board and the Anchorage court system at large. In so far as elected positions are concerned, the Coordinator shall be responsible for receiving nominations, preparing and distributing ballots, and publishing election results.

Section 3. Legal Advisor. The Legal Advisor preferably should be an attorney. The duties and responsibilities of the Legal Advisor shall be to review and approve, together with the Coordinator, referrals to the Anchorage Youth Court; and to generally confer with, advise, and direct Anchorage Youth Court staff and members as requested, required, or needed.

Article IV: Membership and Positions

Section 1. Membership. To qualify as a member of the Anchorage Youth Court, a person must be enrolled in a grade between 7 and 12 in a public or private school in the Municipality of Anchorage, and must successfully complete a training course and pass an Anchorage Youth Court Bar examination. In order to qualify as an active member, a member must have attended a majority of Anchorage Youth Court Bar Association meetings held within the last three months. A member may avoid inactive status, when necessary, by making prior arrangement with the coordinator for pending absence. Upon return, the member may re-establish his or her standing by participating in a Youth Court function. All members are subject to the rules and guidelines established by the ethics committee.

Section 2. Nomination. The Administrative Board shall be responsible for appointing nominating committees from time to time. A nominating committee shall be responsible for compiling a list of nominees for positions of the administrative board and for obtaining written confirmation from those nominees of their willingness to serve. Except as provided in Article II, Section 1, and Section 5, below (Special Elections), a nominating committee shall be formed in a reasonable time prior to the due date of a final list of nominees. The final list of nominees shall be due no later than three weeks prior to the election and shall be given to the Coordinator. Nomination for candidacy for elected office shall be made verbally at the Bar Association meeting prior to the meeting at which elections are held. In order to become a candidate for office, one must be an active Bar Association member and within two (2) weeks of nomination submit a written letter of intent outlining expected duties, responsibilities, and level of commitment if elected.

Section 3. Election. Members of the Anchorage Youth Court shall elect from among members nominated pursuant to Article IV, Section 2, one Chief Judge, one Assistant Chief Judge, a pool of at least six Associate Judges, one Clerk, one Anchorage Youth Court Bar Association President, one Vice President, one Treasurer, and one Secretary. The term of each of these offices shall be one year. Elections shall be held annually in February at a meeting announced two weeks in advance in writing to all Anchorage Youth Court Bar Association members. A simple majority of those present and

voting shall be required for election to any office. Officers will assume positions the first of April, following election.

No one shall hold more than one elected position at any time. A vacancy of an elected position may be filled by the appointment of any active bar member, including members holding elected positions at the time. To assume the appointed position on a permanent and elected basis as outlined in Section 5 below, the said officer must resign his first position. If any member elected to a position is unable to fill that position, a new vote must be taken as soon as practicable.

Voting shall be by secret, written ballot. Each voter may cast one vote for each position to be elected. All ballots shall be placed by the voter in a sealed ballot box. At the conclusion of voting, the ballot boxes shall be delivered to the graduating seniors, who shall count and tally all ballots under the supervision of the Coordinator and report the results to the membership.

Section 4. Removal. Any person elected may be removed from office by a two-thirds majority of the votes cast by the members of Anchorage Youth Court, but only after the grounds therefor have been presented to the person in writing and the person has had an opportunity for a hearing before the Anchorage Youth Court Bar Association membership at a meeting set for that purpose.

Section 5. Vacancies. In the event of a vacancy in an elected position, the officers of the Anchorage Youth Court Bar Association (i.e., Bar Association President, Bar Association Vice President, Bar Association Secretary) shall have the authority to appoint a temporary replacement, if necessary, until an election can be held to fill the position. But no appointment shall be for more than 45 days, and an appointment shall end immediately upon election of a person to fill the position. Elections shall be held in the same manner as provided in Sections 2 and 3, above.

Section 6. Anchorage Youth Court Bar Association President. Any attorney who is at least 16 years old or at least a junior in high school is eligible to hold the office of Bar President. The Anchorage Youth Court Bar Association President shall chair all meetings of the Anchorage Youth Court Bar Association, assign attorneys to Youth Court cases, supervise all other business of the Bar Association with the assistance of the Coordinator, and serve as the student representative of the Anchorage Youth Court to the community. The Anchorage Youth Court President is authorized to create and fill any position he or she deems necessary. The Anchorage Youth Court Bar Association may remove appointees by 2/3 vote of the members present. The President shall preside over the executive board, which will consist of officers or their representatives, appointees and representatives from each active committee. This board will meet with the coordinator at a regularly scheduled time.

Section 7. Anchorage Youth Court Bar Association Vice President Any attorney who is at least 16 years old or is a junior in high school is eligible to hold the office of Bar Association Vice President. The Anchorage Youth Court Bar Association Vice President shall serve in the absence of or at the request of the Anchorage Youth Court President, and in that event shall serve in place of and with the same power and authority of the Anchorage Youth Court Bar Association President.

Section 8. Secretary. Any member who is at least 16 years old or is at least a junior in high school is eligible to hold the office of Secretary. The Secretary shall take minutes and keep recordings of all Anchorage Youth Court Bar Meetings, maintain all

current membership records and attendance records, and assist the Anchorage Youth Court Bar Association President. The Secretary shall publish the minutes of all Anchorage Youth Court Bar Association Meetings and keep Anchorage Youth Court Bar Association members informed of the time and date of upcoming meetings.

Section 9. Treasurer. Any member who is at least 16 years old or is at least a junior in high school is eligible to hold the position of Treasurer. Duties of the Treasurer are, but not limited to; control of student funds, maintain and keep current records, provide treasurer's reports at all Anchorage Youth Court Bar Association meetings.

Section 10. Judges. All judges must be enrolled in grades 10, 11, or 12, and must have served at least two times as prosecuting attorney and at least two times as defense attorney, unless candidates with these qualifications are not available. In case the above qualifications cannot be met, the nominee must have been involved in at least one case. Three Associate Judge positions must be filled by students with fall enrollment in grades 10 or 11.

To qualify for the position of Chief Judge or Assistant Chief Judge, a person must have been an Associate Judge at least once.

The Assistant Chief Judge shall serve in the absence of or at the request of the Chief Judge, and in that event shall serve in place of and with the same power and authority as the Chief Judge.

Section 11. Clerk. Any member in grade 7-12 may be elected to the position of Clerk. Under the supervision of the coordinator, the Clerk shall set the Anchorage Youth Court calendar, and send out timely court notices to the Referring Authority and defendants as required. The Clerk of the Anchorage Youth Court shall be responsible for tape-recording all court proceedings, maintaining the tape library of the Anchorage Youth Court, keeping the records of all the Anchorage Youth Court proceedings, maintaining defendant files, and generally assisting the Chief Judge. The Clerk may appoint such assistants, not to exceed three (3), as the Clerk deems necessary.

Section 12. Baliff. Any member in grade 7-12 may be appointed to the position of Baliff. Baliff shall be appointed by the Bar President on a case-by-case basis. The Baliff shall swear-in witnesses, assist in setting up the courtroom, and assist the Chief Judge in maintaining order and decorum in the courtroom.

Section 13. Attorneys. Any member in grade 9-12 may be appointed as an Attorney. Under special circumstances and/or exceptional evaluations, and after consultation with the Chief Judge, the Coordinator may approve the appointment of an Attorney who is in grade 7 or 8.

The selection of attorneys to serve on cases that are referred to the Anchorage Youth Court shall be made by the Bar Association President on a rotating, case-by-case basis. Attorneys shall zealously represent their client to the best of their ability in accordance with the Alaska State Court and American Bar Association rules.

Section 14. Jurors. All youth in grades 7 through 12 and enrolled in a public or private school in the Municipality of Anchorage are eligible to serve as jurors, including any Anchorage Youth Court member.

The method for selecting jurors shall be established by the Administrative Board. The Coordinator shall be responsible for maintaining a list of available jurors.

Jurors are bound to maintain the confidentiality of the defendant and all court proceedings.

Article V: Referral Procedure

Section 1. After a preliminary investigation, the Referring Authority may refer a case to the Anchorage Youth Court. The Referring Authority will meet with the defendant and his/her custodial parent or guardian and explain the purpose of Anchorage Youth Court and its procedures, including sentencing. After an opportunity to confer with counsel, the defendant will be given the choice of proceeding to Anchorage Youth Court or being handled through regular channels, which may include a formal court hearing and a record.

Section 2. If the defendant and his/her custodial parent or guardian agrees to proceed with Anchorage Youth Court, they will sign a voluntary agreement, with the understanding their case will be held open for one hundred twenty (120) days to complete the process. This voluntary agreement will also state that failure to comply with Anchorage Youth Court and other established conditions, once agreed to, may result in having their case handled in formal court proceedings.

Section 3. Anchorage Youth Court proceedings will begin with the referral from the Referring Authority. The Coordinator will receive a copy of the signed voluntary agreement to participate in Anchorage Youth Court, available arrest reports and other related documents. If the case is not accepted by Anchorage Youth Court, the case will be returned to the Referring Authority, together with all documents relating to the case.

Article VI: Anchorage Youth Court Procedure

Section 1. Proceedings in Anchorage Youth Court shall be conducted as far as practicable in substantial conformity with rules and statutes governing adult proceedings in the Alaska court system. The rules and statutes shall be applied and modified as necessary to promote the prompt and just resolution of cases and legal education.

Section 2. At all times, Anchorage Youth Court proceedings will be conducted to ensure that the defendants' rights guaranteed by the Alaska and United States constitutions are protected, including but not limited to the following:

1. the right to be represented by an Anchorage Youth Court attorney;
2. the right to trial by jury;
3. the right to call and cross-examine witnesses;
4. the right against self-incrimination; and
5. the right to appeal.

At all times, Anchorage Youth Court proceedings will be conducted to ensure confidentiality.

Section 3. The Chief Judge or his appointee shall preside over all courtroom proceedings of the Anchorage Youth Court, with the assistance of two associate judges.

Section 4. If after an Anchorage Youth Court court proceeding, the defendant pleads guilty or is found guilty at trial, the judges will determine an appropriate sentence at a sentencing hearing to be held within five (5) days of the verdict or plea. Sentencing shall be in accordance with the informal sentencing guidelines established by the Referring Authority and the Anchorage Youth Court Judges.

Section 5. The Chief Judge shall submit to the Coordinator the findings, recommendations, and sentence of the Anchorage Youth Court. The Coordinator shall submit the findings, recommendations, and sentence to the Referring Authority before final disposition of the case.

Section 6. If the defendant chooses to exercise his right to appeal either a verdict or a sentence, he shall submit a written statement, including reasons for appeal, to the Chief Judge within three (3) days of the sentence. The Chief Judge shall appoint a three-member appeals panel.

There are seven grounds for appeal:

1. verdict not in conformity with Alaska Constitution, statutes or rules;
2. verdict not supported by the evidence;
3. sentence not supported by the evidence;
4. improper legal procedure;
5. inadequate legal representation;
6. new evidence discovered which substantially affects the case; and
7. plea not voluntarily given.

If the appeals panel finds for the defendant, the case shall be remanded for a new trial.

Section 7. The Coordinator shall oversee the defendant's compliance with the Anchorage Youth Court sentencing order (s) and provide status reports to the Referring Authority as required.

Article VII: Voting and Adoption of Rules

Section 1. All members of the Anchorage Youth Court may vote concerning Anchorage Youth Court matters.

Section 2. All matters put to a vote shall be decided by a simple majority of those present unless otherwise specified in this constitution.

Section 3. The Anchorage Youth Court Bar Association may pass rules deemed necessary to its proper functioning, as long as such rules do not conflict with this constitution or the bylaws.

Article VII: Amendments and Ratification

Section 1. In order to ratify and amend this constitution, a constitution committee shall publicize the proposed constitution or the proposed revisions or amendments and provide notice of the voting date and place in a reasonable manner best calculated to reach the largest number of qualified voters as defined below.

Section 2. A qualified voter, for the purpose of ratification and amendment of this constitution, shall be any active member of Anchorage Youth Court Bar Association.

Section 3. The constitutional committee shall have the responsibility of preparing and distributing ballots for voting. Each qualified voter may cast one secret, written ballot for each proposal. The constitution committee will be responsible for counting and tallying of all ballots.

Section 4. A majority of all persons in grades 7 through 12 voting on the proposal (s) shall be required for ratification and amendment.

Section 5. The constitution committee shall promptly announce the outcome of the vote.

* Amendments passed March and April, 1991 in bold type.

Alaska State Legislature



Legislative Research Agency

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Juneau, AK 99811-3100
Phone: (907) 143-3991
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October 25, 1990

MEMORANDUM

TO: Senator Jay Kerttula

FROM: Maureen Weeks ^{MW}
Legislative Analyst

RE: Teen Courts in Alaska and Other States
Research Request 90.364

You asked for information about teen courts (courts in which young defendants charged with minor offenses appear before juries of their contemporaries). This memorandum begins with information about teen courts in general and continues with brief descriptions of teen courts in Anchorage, Alaska; Hillsborough County, Florida; Denver, Colorado; Odessa, Texas; and Pasco County, Florida. For comparison, selected characteristics of the five model courts are presented in the attached table.

Background

Most youthful, first-time offenders who commit misdemeanors do not go to court, do not appear before a jury and are not sentenced by a judge. Instead, they receive a letter warning them not to offend again and they may be ordered to attend several hours of class for shoplifters or substance abusers. Teen courts are an effort to change this. They replace the "slap on the wrist" of a letter with the intimidating formality of a court appearance. Furthermore, they ask young people to appear before juries composed of other young people--tribunals which juvenile justice experts say tend to be harder on young offenders than adult jurors would be. By giving young, first-time offenders a glimpse of "real life" before judge and jury, these courts function as juvenile diversion, early intervention programs. Their purpose is to stop the progress from misdemeanor to felony by asking young offenders to take responsibility for their acts and accept sanctions determined by their peers.

Teen courts are composed of student volunteers who act as jurors and sometimes lawyers, clerks and bailiffs. Most are conducted by volunteer adult judges. Cases are generally screened. Defendants may be referred by the police, school officials, judges and, sometimes, private businesses. Most cases involve petty crimes. Teen courts are not recognized as courts of original or appellate jurisdiction.

Teen Courts in Alaska + Other States - Legislative Research

Although the five courts we have chosen as models for discussion in this memorandum differ in many ways, all offer teen-age defendants the right to trial by their peers--defined in these courts as trial by one's contemporaries. Three carry this principle further by also using young people as prosecutors, defense lawyers, clerks and bailiffs. One (the Anchorage Youth Court) expands the concept to its fullest by allowing students to preside as judges.

All five teen courts hold their proceedings in local courtrooms to impress upon defendants that the session is "real." How court is conducted varies, however. For example, while the East Pasco Juvenile Court stresses the authenticity of the hearing by seating teens as jurors in regular juvenile court proceedings (presided over by a sitting judge and argued by actual prosecutors and public defenders), the Anchorage Youth Court asks teen-age defendants to accept verdicts and fulfill sentences determined solely by what many young people consider the most formidable of forums--other teen-agers.

The role of the jury also varies with the court. Three of the five courts we studied accept only defendants who are willing to admit guilt. In these courts, the teen-age jury hears arguments before determining an appropriate sentence. Two teen courts, however, allow not-guilty pleas. In one (East Pasco County Juvenile Court), young jurors recommend a verdict and, where appropriate, a sentence to the sitting juvenile court judge. In another (Anchorage Youth Court), young people are allowed much more authority. Here, after listening to arguments by youthful prosecutors and defense lawyers, teen juries determine a verdict and teen judges pronounce sentence.

Teen courts differ from each other in other ways. The Odessa Teen Court, begun in 1983 and the oldest of the courts we studied, emphasizes family responsibility by requiring parents of teen-age defendants to attend parent training workshops. The Denver Teen Court, which opens next month, is designed to replace school suspension and expulsion (which many students perceive as rewards) with community service and restitution. The Hillsborough County Teen Court stresses a variety of sentencing options by allowing student jurors to impose modified house arrest and restrict a defendant's driving privileges.

The advantages of teen courts are several. First, they place young, first-time misdemeanants before a court, a forum they take seriously. Second, they allow young people to be tried and sentenced by juries of their peers. Third, they allow defendants to pay their debts to society without incurring criminal records. Fourth, sentences by youth courts encourage a sense of responsibility by stressing redress to the community. Fifth, teen courts allow young people--defendants and court officials--to learn court proceedings first hand. And sixth, teen courts reduce the volume of cases brought before regular juvenile courts.

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Teen Courts

Anchorage Youth Court

Contact: Blythe Marston
Chair, Youth Court Advisory Committee
Bogle & Gates
907-276-4557 or

Sharon Leon, Coordinator
Anchorage Youth Court
274-5986 (between 1 p.m. and 5 p.m.)

The court is composed of middle school and high school students (ages 12 to 18) who volunteer as judges, jurors, bailiffs, clerks, prosecutors and defense attorneys. To be eligible to sit on the court, students must attend an eight-to-ten week class and pass a Youth Court Bar Examination. About 100 students are members of the bar, with another 200 in preparation classes where they are taught constitutional law, criminal law and procedure, ethics and advocacy. Legal advisors prepare student prosecutors and defense lawyers before their cases go to trial.

Judges are elected by members of the Youth Bar Association. They must have argued twice as prosecutors and twice as defense attorneys. The chief judge and assistant chief judge must have served at least once as associate judge.

Defendants, who are also between the ages of 12 and 18, are usually first offenders charged with petty crimes. They have been referred through the juvenile probation department, but they may be referred by other organizations, such as a store alleging shoplifting. Defendants and their parents must agree to allow the Youth Court to hear the case. Court proceedings insure them the right to be represented by a lawyer, the right to trial by jury, the right to cross-examine witnesses, the right against self-incrimination and the right to appeal.

At arraignment, defendants may plead guilty or not guilty. Student jurors and judges hear arguments before they determine the verdict and set the sentence.

Offenses include petty crimes, but the Youth Court has also heard felonies and civil suits.

Sentences include community service and restitution. A defendant who wishes to appeal a verdict or sentence must submit the appeal within three days of the sentence. Once a sentence is served satisfactorily, the record is expunged.

Miscellaneous: This court is the most developed of teen courts we studied. It is the only court in which students serve as judges, the only court in which student lawyers argue cases for defendants who have pleaded not guilty, and the

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only court which requires students to pass a bar examination before qualifying to sit on the court.

The court has heard between 30 and 40 cases in the three years it has existed. (Juvenile probation officers have begun to refer cases increasingly frequently, according to Ms. Marston.) Trials are conducted at the Anchorage Courthouse in the evening.

The court is administered by two groups. A 16-member administrative board of lawyers, judges, police officers and students meets quarterly to oversee funding. This board is composed equally of adults and students. In addition, the Anchorage Youth Court Bar Association, composed of students who have passed the bar examination, meets weekly. The court was originally funded solely by the Anchorage Bar Association. Recently, funds have been appropriated from the Interest On Lawyers' Trust Association (IOLTA) funds. Private individuals also contribute to the court.

We will send under separate cover an Anchorage Youth Court video tape of the case of *State v. Pat O'Shea*, in which the defendant is accused of "minor assault" the night of March 23, 1989, after an evening of dancing at the Flaming Turban. The tape shows a three-judge panel presiding with youthful lawyers arguing before an attentive jury in procedures modeled after state court proceedings.

Hillsborough County, Florida

Contact: Bob Sleczkowski,
Director, Juvenile Services,
Thirteenth Judicial Circuit, Florida
813-272-5110

The court is composed of students from area high schools who volunteer to serve as prosecutors and defense attorneys, as well as bailiffs, court clerks and jurors. They must complete a three-hour orientation and training before they are allowed to participate on the court.

The judge is a volunteer from the Young Lawyers Association.

Defendants, who are between 13 and 17 years old, participate voluntarily in teen court. No defendant appears before court officials from his or her own high school. Defendants are referred by the police through the state's attorney. First-time misdemeanants who do not qualify for teen court hearings may go to juvenile arbitration.

Defendants are required by statute to plead guilty. Jurors hear arguments and decide the sentence.

Offenses heard in teen court include school offenses (e.g. battery, trespassing) and alcohol offenses.

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Sentences last for five weeks. They include community service, modified house arrest, driver's license restriction, attendance at Alcoholics Anonymous meetings, written apologies, essays and jury duty. Sentences must be served exactly as determined by the teen court. After five weeks, the director of juvenile services rehearses the case and, if the sentence is completed satisfactorily, the record is expunged.

Miscellaneous: The Hillsborough County teen court was established in March 1990. It meets Tuesday and Thursday nights in a county courtroom. Four cases are heard each night. Nineteen area high schools participate in teen court on a rotating basis (each school sends a teen court once every six weeks). Adult staff includes the teen court coordinator, counselor, a secretary and director of juvenile services for the Thirteenth Judicial Circuit.

Denver, Colorado

Contact: Jan Church
Chair, Teen Court Advisory Board
1700 Lincoln, Suite 4100
Denver, Colorado 80203
303-861-7000

The court is composed of students who volunteer to serve as jurors and prosecutors and defense attorneys.

The judge is a volunteer retired judge.

Defendants are students in trouble in middle school and high school who have committed acts for which they would be suspended or expelled from school (but not serious enough to warrant a criminal charge). They participate in teen court voluntarily, although court organizers ask school principals to "strongly encourage" young people to choose teen court over traditional punishments which keep them out of school.

To appear in court, a teen must sign a contract admitting guilt. Jurors hear arguments and set the sentence.

Offenses heard by teen court include stealing, fighting, trespassing and possessing alcohol on campus.

Sentences include community service, apology to the victim and restitution. Those who do not comply with the teen court sanction are referred to the school or the police department.

Miscellaneous: The purpose of this program is to replace traditional negative school punishment, such as suspension and expulsion, with sanctions which keep the student in school and encourage him or her to serve the community. It is an attempt to intervene before students commit more serious offenses for which

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they will be charged. Teen court, sponsored by the Denver Bar Association, holds its first hearing in November 1990. This court replaces a teen court begun in the 1970s and disbanded in the mid-1980s.

Odessa, Texas

Contact: Natalie Rothstein
201 N. Grant
Odessa, Texas 79761
415-333-3641

The court is composed of teen-agers who volunteer to act as jurors, bailiffs, clerks, prosecutors and defense lawyers. A master jury trained in interview and assessment skills hears traffic cases; other juries hear miscellaneous cases. Student court officials are trained during pre-trial and post-trial meetings with the judge and the teen court director.

The judge is a volunteer retired district court judge.

Defendants are referred by police, local courts, the justice of the peace courts and the schools. They participate in teen court voluntarily. No defendant may go through the teen court twice.

To qualify for teen court, defendants must plead guilty. Jurors hear arguments before determining the sentence.

Offenses heard in teen court include traffic offenses and Class C and B misdemeanors, including some drug possession cases.

Sentences include community service and jury duty. Alcohol or drug offenders must take a chemical abuse workshop. The parents of all offenders must take a parenting workshop. If the sentence is satisfactorily completed, the record is labeled "dismissed through Teen Court."

Miscellaneous: The Odessa Teen Court was established in November 1983. It meets every Tuesday night in the county courthouse, with seven juries hearing 21 trials. One "master jury" hears 15 traffic cases each night, while six other juries hear other cases. Parent participation is mandatory. Parents must be present at the initial interview with the teen court director, as well as at the trial. In addition, parents must attend three-hour parenting workshops, taught by the court director and by her husband, a professor at the University of Texas. The director says this parent training is vital to the program's success. The program is sponsored by the Junior League of Odessa. Two-thirds of the program's funding is from the city council and one-third is from the schools.

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Pasco County, Florida

Contact: Judge Lynn Tepper
East Pasco Juvenile Court
813-996-7341

The court is composed of students from the local high school (Zephyrhills High School). Jurors, selected from the school's law studies class, sit as the jury in actual cases heard by the East Pasco Juvenile Court. Jurors are trained by the law studies teacher, who discusses jury instructions in class, and by the sitting judge, who appears before the class once each semester to discuss the state's juvenile justice system. The judge also asks the state's attorney, the public defender and a pre-trial case worker to speak to the class. During court, jurors sit in the jury box. The trial proceeds as with a non-jury trial, except that all objections by lawyers must be made and argued on the floor where the jurors can hear them. Bench conferences, voir dire and objection to particular jurors are not allowed.

The judge is Circuit Court Judge Lynn Tepper (replacing Judge Maynard F. Swanson, Jr., who began the program).

Defendants are juveniles whose cases are on the regular docket; cases are not screened.

Defendants may plead guilty or not guilty. Jurors recommend the verdict by majority vote and, if the verdict is guilty, jurors also recommend sentencing. (Judge Swanson says his verdict differed from the jury's only once; he attributes that anomaly to his mistake in not properly instructing the jury.)

Offenses include any offense on the juvenile court docket.

Miscellaneous: This is the only court we studied in which jurors serve under a sitting judge. It has received national publicity on both the NBC Today Show and NBC Nightly News.

We attach an article describing the Pasco County Teen Court ("Pasco Juvenile Justice Program Wins National Fame," *Florida Bar News*, May 15, 1990); a description of the Hillsborough County Teen Court ("Teen Court," provided by Bob Sleczkowski, director of juvenile services in Tampa, Florida); and an article describing the Odessa Teen Court (Robert Rothstein, "Teen Court: A Way to Combat Teen-age Crime and Chemical Abuse," *Juvenile & Family Court Journal*, 1987, p. 1-4). In addition, we attach several documents from the Anchorage Youth Court. The documents include step-by-step instructions in how to set up similar courts in other areas ("Anchorage Youth Court: Trial by Peers") and the Anchorage Youth Court Constitution.

I hope this information is useful. If you have any questions, or want additional information, please contact this agency.

8-LS0599R
Chenoweth
4/1/93

CS FOR HOUSE BILL NO. 195()
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES SITTON, Ulmer, Willis, Foster, Brown, B.Davis, Olberg, Porter

A BILL

FOR AN ACT ENTITLED

1 "An Act authorizing youth courts by which to provide for peer adjudication of
2 minors who have allegedly committed violations of state or municipal laws,
3 establishing a juvenile justice grant fund and authorizing grants from that fund
4 in order to provide financial assistance for organization and initial operation of
5 youth courts, and relating to young adult advisory panels in the superior court."

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

7 * Section 1. PURPOSE OF ACT; CONSIDERATIONS RELATING TO ITS ADOPTION.

8 (a) The purpose of this Act is to provide a means by which young people under the age of
9 18, with the concurrence of the juvenile intake unit of the Department of Health and Social
10 Services, may choose to work with their peers and with interested adults in order to resolve
11 their legal problems without receiving a criminal record.

12 (b) The authorization and expansion of the youth court model within the system of
13 juvenile justice made by this Act is prompted by the success enjoyed by the Anchorage Youth

1 Court model since its inception in 1989. In the Anchorage Youth Court model, interested
2 young people and adults, with the generous support and assistance of the juvenile intake
3 office, Department of Health & Social Services, the Alaska Court System, the Alaska Bar
4 Association, the Anchorage Bar Association, law enforcement and school district officials,
5 professionals, and parents, have developed and implemented a mechanism by which to respond
6 to juvenile legal problems and to adjudicate them informally, promptly, and effectively, in a
7 way that is meaningful to the offender, the victim, and the community.

8 (c) This Act is adopted in furtherance of the recommendation expressed in Legislative
9 Resolve 61 adopted by the Seventeenth Alaska State Legislature urging expanded use of youth
10 courts within the state.

11 * Sec. 2. AS 18.05 is amended by adding a new section to read:

12 ARTICLE 2. YOUTH COURTS.

13 Sec. 18.05.100. YOUTH COURTS. (a) Under AS 47.10.020(a)(2), the
14 department may use youth courts to hear, determine, and dispose of cases involving
15 a minor whose alleged act that brings the minor within the jurisdiction of
16 AS 47.10.010 - 47.10.142 constitutes a violation of a state or municipal law.

17 (b) Unless otherwise directed by the commissioner, the jurisdiction of a youth
18 court is coextensive with the boundaries of the municipality in which the youth court
19 is located. Only one youth court may be established within the boundaries of a
20 municipality. Nothing in this subsection prohibits two or more municipalities from
21 operating a single youth court for the municipalities by agreement between them.

22 (c) A person may obtain recognition from the commissioner to serve as a
23 youth court. The person who obtains recognition from the commissioner may exercise
24 only the powers that are delegated to a youth court by applicable court rule or by the
25 person or agency appointed by the superior court under AS 47.10.020(a)(2) to make
26 a preliminary inquiry and report for the information of the court, and shall exercise
27 those powers as authorized by the commissioner, or if the person is a corporation, as
28 authorized by the corporation's articles of incorporation and bylaws. The bylaws of
29 the corporation or authorization of the commissioner must set out standards and
30 procedures by which the person, in its capacity as a youth court,

31 (1) guarantees the constitutional rights of the juvenile that are

1 guaranteed by the state and federal constitutions;

2 (2) may secure jurisdiction over a juvenile;

3 (3) sets out the process for disposing of matters referred to it for
4 resolution;

5 (4) provides a process for appeal of a verdict or sentence, and defines
6 the basis for appeals; and

7 (5) prepares and delivers a report of the disposition of the matter
8 referred to it for resolution to the person or agency that had referred the matter.

9 (d) In any matter brought under AS 47.10.010 - 47.10.142 that proceeds as
10 authorized by AS 47.10.020(a)(2) within a municipality in which a youth court has
11 been established, the superior court may permit or direct the person or agency whom
12 the court has appointed to conduct a preliminary inquiry in a case to refer the case to
13 a youth court that has jurisdiction over the minor.

14 * Sec. 3. AS 44.47 is amended by adding new sections to read:

15 ARTICLE 4A. JUVENILE JUSTICE GRANT FUND.

16 Sec. 44.47.235. JUVENILE JUSTICE GRANT FUND. There is created in the
17 department the juvenile justice grant fund. From legislative appropriations to the fund,
18 the department shall make grants to persons eligible under AS 18.05.100 to operate as
19 a youth court.

20 Sec. 44.47.240. ELIGIBILITY. Persons proposing to establish and operate
21 youth courts under AS 18.05.100 may apply to the department for an organizational
22 grant under AS 44.47.235. A grant under this section must be matched on a dollar-for-
23 dollar basis by the grantee in cash or in kind. The commissioner may waive the match
24 required under this section on a showing satisfactory to the commissioner by the
25 prospective applicant that the match is not available.

26 Sec. 44.47.245. GRANTS. Grants made under AS 44.47.235 shall be used to
27 defray the costs of organization of youth courts under AS 18.50.100. The department
28 shall assure that the grant is spent for necessary organizational assistance and that
29 appropriate accounting procedures are maintained. Grants made under AS 44.47.235
30 and this section may not exceed \$5,000. Only one grant may be made to a grantee
31 under authority of this section.

1 Sec. 44.47.249. REGULATIONS. The department shall adopt regulations to
2 carry out the purposes of AS 44.47.235 - 44.47.249.

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

4 (a) Whenever a person informs the court of the facts that bring a minor within
5 this chapter, the court shall appoint a competent person or agency to make a
6 preliminary inquiry and report for the information of the court to determine whether
7 the interests of the public or of the minor require that further action be taken. Upon
8 the receipt of the report, the court

9 (1) may informally adjust or dispose of the matter without a hearing;
10 if the court informally adjusts or disposes of the matter under this paragraph, the
11 minor may not be detained or taken into the custody of the court, and the matter
12 shall be closed by the court upon adjustment or disposition:

13 (2) may, upon the recommendation of the person or agency
14 appointed by the court to make a preliminary inquiry and in the manner
15 authorized by AS 18.05.100, provide opportunity for a minor who is brought
16 within AS 47.10.010 - 47.10.142 to request diversion of the matter into a youth
17 court; if the court provides and the minor accepts disposition of the matter by a
18 youth court under this paragraph.

19 (A) the minor may not be detained or taken into the custody
20 of the court;

21 (B) the court may, at the request of the youth court, issue
22 a subpoena to a person whose testimony is required before the youth court,
23 in the manner provided by AS 47.10.030(b); and

24 (C) the matter shall be closed by the court upon disposition
25 by the youth court and successful completion of any sentence
26 recommended by the youth court; or

27 (3) [, OR IT] may authorize the person having knowledge of the facts
28 of the case to file with the court a petition setting out the facts. [WHERE THE
29 COURT INFORMALLY ADJUSTS OR DISPOSES OF THE MATTER, THE MINOR
30 MAY NOT BE DETAINED OR TAKEN INTO THE CUSTODY OF THE COURT,
31 AND THE MATTER SHALL BE CLOSED BY THE COURT UPON ADJUSTMENT

1 OR DISPOSITION.]

2 * Sec. 5. AS 47.10.075(a) is amended to read:

3 (a) Unless the minor objects, in any matter in which the court retains
4 jurisdiction of a minor under AS 47.10.020(a)(3) that proceeds under this chapter
5 on the basis of a petition filed under AS 47.10.020(b) seeking adjudication of the
6 minor as a delinquent, the court may select a young adult advisory panel to hear the
7 case and advise the court of a recommended judgment and order. The court may
8 consider any of the panel recommendations in making its judgment and order in the
9 case.

10 * Sec. 6. AS 47.10.090 is amended by adding a new subsection to read:

11 (d) The provisions of (a) of this section apply to the records of a youth court
12 as to a matter considered and disposed of by the youth court.

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY

STATE OF ALASKA

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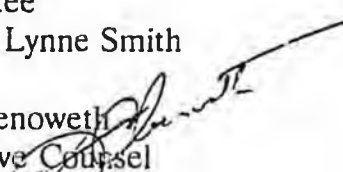
130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

April 1, 1993

SUBJECT: Draft CSHB 195 () (Work Order No. 8-LS0599R)

TO: Representative Con Bunde, Co-Chair
Representative Cynthia Toohey, Co-Chair
House Health, Education and Social Services
Committee
ATTN: Lynne Smith

FROM: Jack Chenoweth 
Legislative Counsel

In the enclosed draft I have made the changes requested. Please note especially:

Because of your substitution of "person" for "nonprofit corporation," I added some additional language in proposed AS 18.05.100(c), the source of authority to operate as a youth court, to cover situations where the applicant is an individual or an entity other than a corporation. Incidentally, I assume the committee does understand "person" to have the meaning given it by AS 01.10.060(8):

DEFINITIONS. In the laws of the state, unless the context otherwise requires,

...
(8) "person" includes a corporation, company, partnership, firm, association, organization, business trust, or society, as well as a natural person;
....

All of what had been the juvenile justice grant component of the combined "Community Legal Assistance and Juvenile Justice Grant Fund" of the original bill has been separated out and reformatted as a separate grant fund unto itself. That appears in bill section 3. The last codified section, proposed AS 44.47.249, "Regulations," simply reflects what is now in law (AS 44.47.230) and would have been applicable to the combined fund. I don't think it is necessary to retain this provision in order for the department to prepare and adopt regulations under the Administrative Procedure Act for this new fund. If the committee is disposed not to allow the

Representative Con Bunde, Co-Chair
Representative Cynthia Toohey, Co-Chair
April 1, 1993
Page 2

department to adopt regulations, it is not enough to remove AS 44.47.249 from the bill. Rather, that section should be rewritten to say that the department "may not" adopt regulations.

In the last line of what is set out as AS 44.47.240 in this version, I have substituted "the match is" for "matching funds are" to reflect the fact that the required match may be in cash or in kind.

All else in the bill is unchanged.

JBC:gc
93-300.glc

Enclosure