

HB

87

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB87

Revision Date: _____
 Title: Authorizing Youth Courts for peer adjudication of minors
 and renaming community legal assistance grant fund.
 Sponsor: B. Davis
 Requestor: House (HES)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: Southcentral Region
 COMPONENT SERIAL NO. 254
 See also (SN#): 255.258

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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 EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

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: Kathy Tibbles, Acting Director
 Division: Division of Family & Youth Services

Phone: 465-3191
 Date: 01/25/95

Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Date: 1/26/95

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1995 LEGISLATIVE SESSION

BILL NO. HB87

Revision Date: _____
 Title: Authorizing Youth Courts for peer adjudication of minors
and renaming community legal assistance grant fund.
 Sponsor: B. Davis
 Requestor: House (HES)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: Northern Region
 COMPONENT SERIAL NO. 255
 See also (SN#): 254,258

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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 EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
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Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

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1995 LEGISLATIVE SESSION

BILL NO. HB87

Revision Date: _____
 Title: Authorizing Youth Courts for peer adjudication of minors
 and renaming community legal assistance grant fund.
 Sponsor: B. Davis
 Requestor: House (HES)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: Southeastern Region
 COMPONENT SERIAL NO. 258
 See also (SN#): 254,255

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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 EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1008 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

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: Kathy Tibbles, Acting Director
 Division: Division of Family & Youth Services

Phone: 465-3191
 Date: 01/25/95

Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Date: 1/26/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 87

Revision Date: _____
Title: An Act authorizing youth courts
Sponsor: Reps. B. Davis, Davies, Robinson
Requestor: _____

Dept. Affected: Alaska Court System
BRU: Trial Courts
Components: _____
COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
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 (FY 95) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel
Agency: Alaska Court System

Phone: 264-8228
Date: 03/20/95

Approved by: Arthur H. Snowden, II, Administrative Director
Agency: Alaska Court System

Date: 03/20/95

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HOUSE COMMITTEE REPORT

(7)

Date Referred: January 17, 1995

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 3/23/95

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 87

HOUSE BILL NO. 87

AUTHORIZING YOUTH COURTS

"An Act authorizing youth courts to provide for peer adjudication of minors who have allegedly committed violations of state or municipal laws, and renaming the community legal assistance grant fund and amending the purposes for which grants may be made from that fund in order to provide financial assistance for organization and initial operation of youth courts."

recommends it be replaced with the following committee substitute _____ the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) Court System zero fiscal note(s) _____
3 - H+SS

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Larry L. Jones</i>	✓			
<i>Donna Blende</i>	✓			
<i>Wanda Kately</i>	✓			
<i>Carol Peterson</i>	✓			
<i>Ann Brice</i>	✓			

CHAIR'S SIGNATURE *Donna Blende*

ALASKA STATE LEGISLATURE

716 W. FOURTH AVE., SUITE 470
ANCHORAGE, ALASKA 99501
(907) 258-8161
FAX: (907) 258-3371

STATE CAPITOL
JUNEAU, ALASKA 99801-1102
(907) 465-3873
FAX: (907) 465-2294



MINORITY WHIP
—
CHAIR
CHILDREN'S CAUCUS
—
HEALTH, EDUCATION
& SOCIAL SERVICES
—
STATE AFFAIRS
—
ECONOMIC TASK
FORCE

REPRESENTATIVE BETTYE DAVIS

DISTRICT 21

SPONSOR STATEMENT

HB 87: "An act authorizing youth courts to provide for peer adjudicator of minors who have allegedly committed violations of state or municipal laws, and renaming the community legal assistance grant fund and amending the purposes for which grants may be made from that fund in order to provide financial assistance for the organization and initial operation of youth courts."

A youth court is a court in which the roles of attorneys, judges, bailiffs, clerks and jurors are filled by young people. Anchorage has had a youth court since 1989 and the recidivism rate is much less in teens handled by the youth court as compared with those dealt with in the standard juvenile justice system.

A youth court accomplishes more than just lightening the volume of cases burdening the legal system. It affords teenagers an opportunity to play a positive role in the administration of justice, thus gaining an awareness and respect for their legal responsibilities.

Youth courts have the advantage of providing peer pressure along with justice. The sentences are usually community service and the defendants generally are first time offenders charged with misdemeanors.

Youth courts also afford the defendants a chance via trial by their peers to resolve legal problems without receiving a criminal record.

Sponsor Statement
Youth Court
Page 2

Representative Joe Sitton, impressed by the achievements of the Anchorage Youth Court, introduced this Bill in the Eighteenth Legislature. It passed the House resoundingly with 36 Yeas and 4 excused. Unfortunately, it did not reach the Senate floor.

I am re-introducing this Bill because I feel that the Youth Courts offer a second chance to young defendants who would not normally receive one, while teaching respect and understanding of the law at the same time.

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

January 25, 1995

SUBJECT: House Bill 87, relating to the use of youth courts for certain minors --
sectional analysis. (Work Order No. 9-LS0384\A)

TO: Representative Bettye Davis
ATTN: Liz Roberts

FROM: Jack Chenoweth
Legislative Counsel

HB 87 authorizes youth courts 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 3. 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 4 - 8 rename and revise the objectives of the existing Community Legal Assistant Grant Fund.

Section 4. 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.

Section 6. 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

Representative Bettye Davis

January 25, 1995

Page 2

the grant be matched, but permit waiver of the match requirement under the circumstances noted.

Section 8. 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 5 and 7. 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 4, 6, and 8.

*

Sections 1 and 2. In these uncodified sections are set out a statement of purpose of the Act and a brief summary of the state's recent experience with youth courts.

JBC:lmb:pl

95-086.lmb

ANCHORAGE YOUTH COURT

P.O. BOX 102735
Anchorage, Alaska 99510
(907) 274-5986
FAX (907) 272-0491

WHAT IS YOUTH COURT?

Youth Court provides the opportunity for young people grades 7 through 12 and/or ages 12 through 18 who are accused of breaking the law, to be judged. It is a court in which the roles of attorneys, judges, bailiffs, clerks and jurors are filled by young people. Youth Court members develop and apply an understanding of the law through legal education, Anchorage Youth Court Bar Association membership, and actual participation in Anchorage Youth Court trials. Defendants are afforded a chance via trial by their peers to resolve their legal problems without receiving a criminal record. The community benefits by receiving valuable service work as a partial redress for the wrongs committed.

In order to become members of the Anchorage Youth Court, young people complete a legal training course whereby they learn basic legal principals and practices. The Anchorage Youth Court Bar Association holds meetings on a regular basis. At the meetings, members participate in activities designed to give a broader perspective of the judicial system. Activities may include workshops, mock trials, speakers, and movies about the judicial system.

Defendants are usually first time offenders charged with petty crimes, who have been referred to the Anchorage Youth Court by a Referring Authority, usually the juvenile probation department. Once a defendant is referred to the Anchorage Youth Court, the defendant is arraigned, and if he or she pleads guilty, may be sentenced to community service. If the defendant pleads not guilty, he or she is tried by a jury or a panel of judges. A criminal record is not accrued upon a finding of guilt.

At completion of a case, The Anchorage Youth Court will return its findings to the Referring Authority for final disposition.

YOUTH COURT REFERRALS

Intake will make referrals to Youth Court on appropriate juveniles. Target cases will be those in which the School District is the victim, such as vandalism cases, second degree burglary or where the offense occurs within the school, such as theft from lockers, other students, and/or teachers. The offense will be of a serious enough nature to warrant court action if the juvenile referred does not cooperate with Youth Court and their recommendation(s) on sentencing.

Intake will screen the family prior to making the referral. The juvenile and family will be told that going through Youth Court is voluntary and will result in not having a formal record. They will also be notified that failure to comply will result in having the case handled by Intake. Intake will have the family and the juvenile sign an agreement and hold our case open for four months or until Youth Court is completed. They will also be told they can confer with an attorney prior to agreeing to Youth Court.

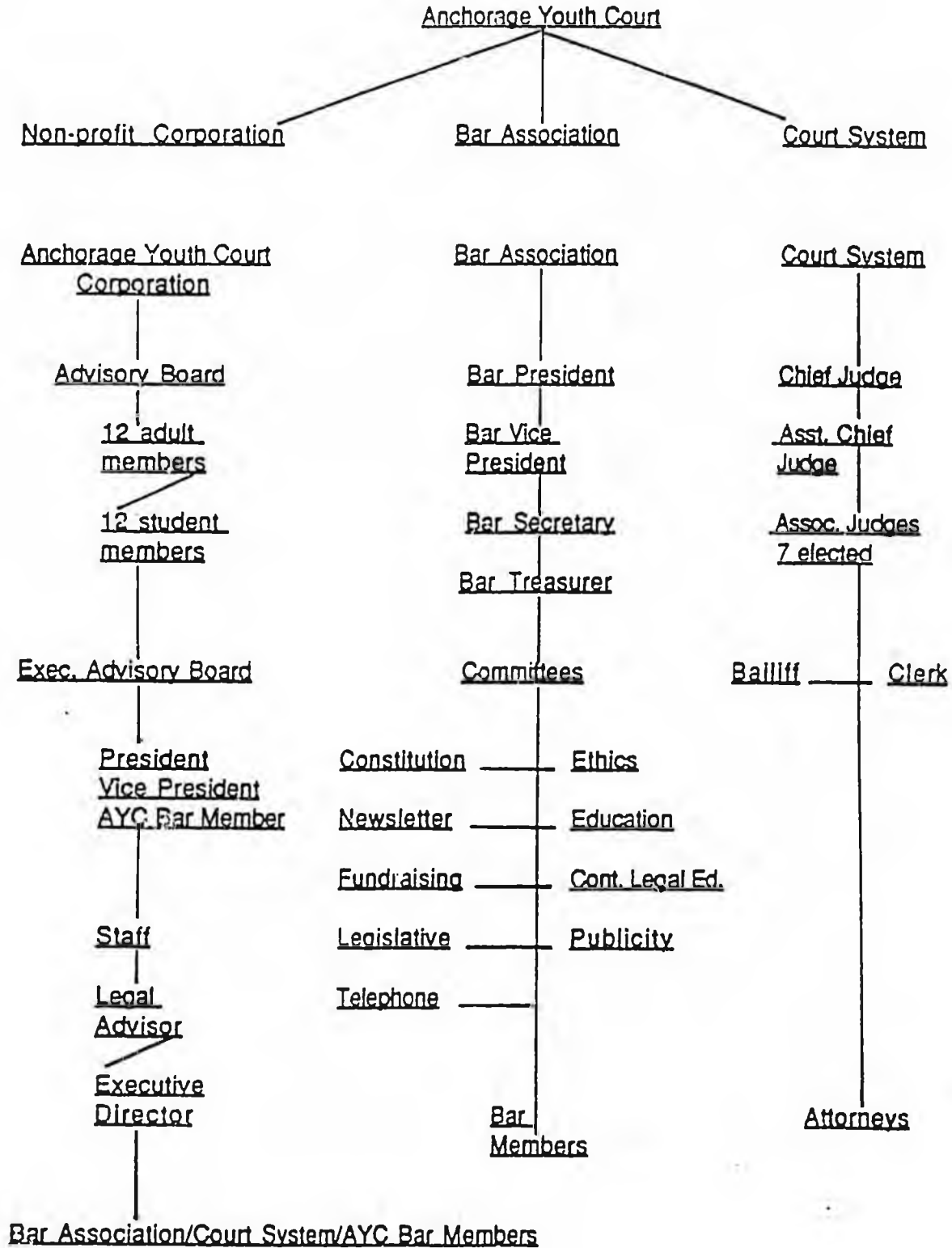
Once the agreement is signed a copy of that agreement and a copy of the police report will be forwarded to Youth Court. If the juvenile has any prior record that information will also be forwarded.

Intake will hold an open file for a period not to exceed four months. All action by Youth Court will need to be completed within this time frame. Youth Court will not have authority to place a juvenile in a detention facility or impose formal probation.

After all action is completed by Youth Court, their findings will be sent to Intake and the case will be considered closed. Intake will not take further action on these cases unless the juvenile referred refuses to cooperate or complete the sentence. Also further infraction of the law could be reason to have the referral revoked.

The closed record will be filed and treated like other informal and referred cases, with no formal record.

ANCHORAGE YOUTH COURT
ORGANIZATIONAL CHART



OVERVIEW OF ANCHORAGE YOUTH COURT COURSE

Logistics

The Anchorage Youth Court course is a 10 week course, with classes held once a week for two hours each. Classes are scheduled on Monday through Thursday evenings and on Saturday. Students will be assigned to one "class day" for the entire course, meeting with the same instructor(s) on the same day, at the same place each week. Teachers need to KEEP ATTENDANCE. An attendance sheet is included for that purpose. Students with more than two absences and/or who have not participated in the mock trial may not take the bar exam. Teachers will be asked to submit a list of students eligible to take the bar exam.

Instructors are responsible to confirm each class with their students. Instructors may use office conference rooms (their own or other locations, if they do not have conference rooms available) libraries, or classrooms. These facilities are free. Arrangements have been made for classrooms at Dimond, Service, West, East, Bartlett and Chugiak and selected junior high schools on a regular, ongoing basis for the extent of the course. Instructors may rearrange a class schedule, either time or place, (or add a class or event) as the needs or desires of students and instructors dictate, but each instructor is responsible for confirming such changes with his or her students. If classroom changes are necessary, please notify the AYC coordinator well in advance of the date.

Goals

Course goals are twofold. First, to teach the basic concepts necessary for students to participate in Youth Court. To participate in Youth Court, each student must pass the Youth Court bar examination, and be sworn in. Second, the Anchorage Youth Court course should provide an introduction to law that educates students about the judicial system and generates enthusiasm about Anchorage Youth Court and the legal field. Every student who wants to participate should be able to do so. After the first few classes, a special tutorial session should be provided for students who want to "catch up," reinforce their knowledge and/or ask questions. Our goal is to equip each student with necessary skills to be an effective member of Anchorage Youth Court.

THE ALASKA LEGISLATURE



DRAFT

SPONSOR'S APPROVAL

BD

* HONORING *

* ANCHORAGE YOUTH COURT *

We, the members of the Eighteenth Alaska State Legislature, take this opportunity to recognize and acknowledge the outstanding work of the Anchorage Youth Court.

The Anchorage Youth Court is a court in which the roles of attorneys, judges, bailiffs, clerks and jurors are filled by young people. Defendant youth are afforded a chance via trial by their peers to resolve legal problems without receiving a criminal record.

We congratulate the Anchorage Youth Court for winning 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.

One hundred eighty-eight teenagers ranging from seventh through twelfth graders are recipients of this award, which came with a \$5,000 cash grant as well as the Outstanding Partnership Award.

As a result of the Anchorage Youth Court:

- Anchorage teenagers have gained an awareness and respect for their legal responsibilities.
- 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.
- Anchorage lawyers have been able to provide a service to the public by educating students about substantive and procedural criminal law.
- The community has received valuable service and redress for the wrongs committed.

We, the members of the Eighteenth Alaska State Legislature, acknowledge with gratitude the opportunity the Anchorage Youth Court has given young people and adults to work together to resolve problems in their community.

CITATION



Alaska State Legislature

House of Representatives
 COMMITTEE ON HEALTH, EDUCATION
 AND SOCIAL SERVICES

SUBJECT OF MEETING:
*HB 87: AUTHORIZING
 YOUTH COURTS*

DATE: *MARCH 23*

PLACE: Capitol Room 106

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Donna Schuetz	DFYS	P.O. Box 110630 Juneau	99811		465-3458	Y	N	<i>Answer Questions</i>
PAT CCASBY	COLE SYSTEMS	319 SEWARD STREET, STE 111 NORTH JUN AK 99801	99801	586-1580	463-6753	Y	(N)	
Linda Egan	Youth Commission	1512 31st PIERSK	99801		489-3780	(Y)	N	<i>Comment - Surf -</i>
Amy MacLinnon	Youth Commission	11141 Glacier Ave.	99801	586-3902		Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	