

HB

87

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 87

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: An Act authorizing youth courts BRU: Trial Courts
 Components: _____
 Sponsor: Reps. B. Davis, Davies, Robinson
 Requestor: _____ 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 *[Signature]* Phone: 264-8228
 Agency: Alaska Court System Date: 03/20/95

Approved by: Arthur H. Snowden, II, Administrative Director *[Signature]*
 Agency: Alaska Court System Date: 03/20/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

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#): 355.258

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

CHANGES IN REVENUES

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: 01/23/95

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

Date: 1/20/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

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: 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

CHANGES IN REVENUES

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: 30.0

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

Phone: 465-3191
 Date: 01/25/95
 Date: 1/26/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

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: 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						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

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

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

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) _____

[x] 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>Don Blende</i>	✓			
<i>Alan K. Kelley</i>	✓			
<i>Carolyn Robinson</i>	✓			
<i>Ann Price</i>	✓			

CHAIR'S SIGNATURE *Don Blende*

ALASKA STATE LEGISLATURE

100 N. FOURTH AVE., SUITE 470
ANCHORAGE, ALASKA 99501
907-258-4161
FAX: 907-258-5571

STATE CAPITOL
LITTLE ALASKA 99801-1182
907-465-1873
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 Betty 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
95-085.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.

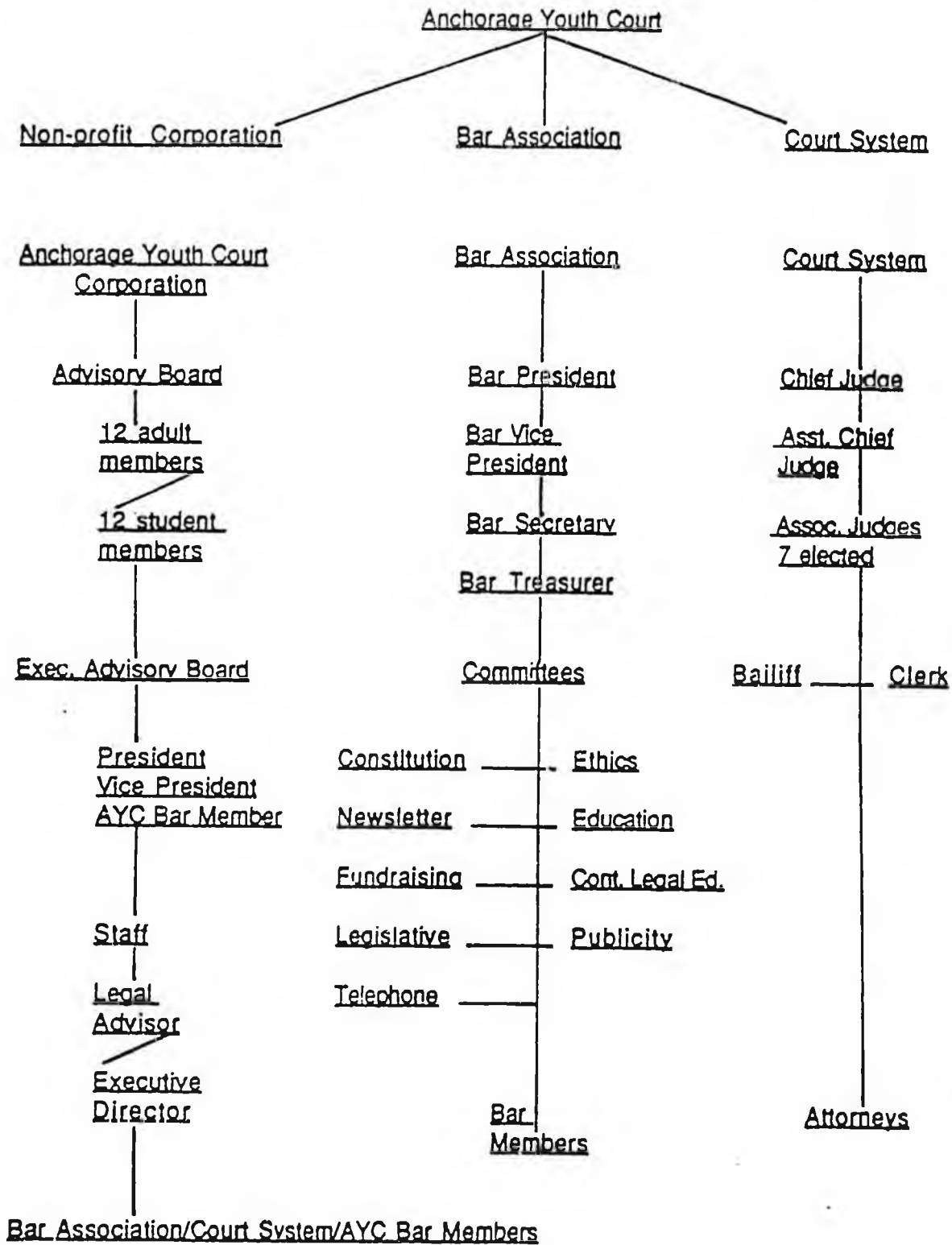
Once the agreement is signed a copy of that agreement and a copy of the police report will be forwarded to Youth Court. If the juvenile has any prior record that information will also be forwarded.

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

Official Business

State Capitol
Juneau, AK 99801-1182

QUESTIONS THAT ARE COMMONLY ASKED ABOUT YOUTH COURT LEGISLATION

QUESTION: What is the difference between a youth court program and other diversion programs?:

Juvenile intake refers youths to diversion programs and the youth court program is simply one other diversion program, similar to a "shoplifting class," for example. However, one unique characteristic which sets the youth court program apart from other diversion programs is that when a youth participates in a youth court proceeding, he/she is getting a taste of what adult court would be like; it is truly a mirror image of the adult court, except for the fact that the participants are peers.

QUESTION: Who decides whether or not a youth is referred to the youth court?

Under the Anchorage Youth Court Program, the youth and the parents must both agree to a youth court referral. In addition, the juvenile intake officer must also decide that this is an appropriate action.

QUESTION: What offenses are eligible for youth court proceedings?

Under current law, the juvenile intake officer, within the Department of Health and Social Services, Division of Family and Youth Services, is the sole referring agency. The juvenile intake officer decides on the disposition of all cases. When the Anchorage Youth Court Program was first established, only first-time misdemeanors were referred to the youth court; now, however, because the program has been so effective, the youth court does hear certain felonies - such as concealed weapons.

QUESTION: Could a youth court program hear a murder case?

Under the current provisions of law, it is technically possible but realistically, the juvenile intake officer would not refer such a case to the youth court, even if the youth and the parents requested this.

QUESTION: What is the role of the Court System in a youth court program?

In Anchorage, the Court System provides the space for the youth court to hold its proceedings. Otherwise, the Court system is not

directly involved in juvenile offenses; it is totally within the purview of the Division of Family and Youth Services

QUESTION: What groups need to be involved in order to truly effect community support?

The Department of Health and Social Services, the Alaska Court System, the Alaska Bar Association, the local bar association (if there is one), law enforcement agencies, the school district, parent organizations.

QUESTION: How old are the youths that are referred to a youth court program and how old are the youth court attorneys, jurors, judges, etc.?

Any youth under the age of 18 is eligible for referral to the program and youths under the age of 18 may volunteer to sit on the youth court. In this way, it is really peer adjudication.

QUESTION: Don't the youth courts tend to "go easy" on offenders because they are peers?

While that might seem to be a reasonable assumption, in reality, the youth court generally tends to be extremely "tough on crime" and has a reputation for being extremely strict in its sentencing.

QUESTION: What is the youth court recidivism rate and how does this compare to other proceedings?:

Out of a total of 69 cases before the Anchorage youth court, only four juveniles were arrested for a second offense. This compares with an approximately 50% recidivism rate for minor offenders.

QUESTION: Why does the legislation only specify "nonprofit corporations" as recipients of the \$5,000 grant?

House Bill 87 was modelled after the Anchorage Youth Court Program which was administered as a non-profit corporation. This was done to ensure the protection of the corporate veil, among other things. There is no reason that the legislation could not be expanded to include other entities.

QUESTION: Would House Bill 87 conflict or undermine legislation which requires minors to be treated as adults for certain offenses?

No, the youth court program only applies to minors in juvenile court and if legislation is enacted requiring a minor to be tried in adult court, he/she would no longer be within the purview of juvenile intake.

QUESTION: How will youth court programs work for the rural areas or small Alaskan communities?

House Bill 87 has been developed specifically in an attempt to make it possible for rural communities to establish youth court programs. Of course, each program may well be different. Under this legislation, it would be possible for one small community to have its own youth court program or for several villages to "link together" and form a youth court program to serve several communities.

QUESTIONS: Under the grant program established under the Department of Community and Regional Affairs, how will one community be selected over another, assuming there is a limited amount of money?

First of all, under House Bill 87, an applicant will only be able to receive a one-time only grant for setting up a youth court program. The Department will establish criteria by regulation. One of the criteria will have to be for the applicant to show a 50% in-kind or monetary match.

ALASKA STATE LEGISLATURE

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

STATE CAPITOL
JUNEAU, ALASKA 99801-1102
(907) 465-3875
FAX: 907-465-4588

CO-CHAIR
ANCHORAGE CAUCUS
JUDICIARY
OIL & GAS
LEGISLATIVE COUNCIL

REPRESENTATIVE BETTYE DAVIS DISTRICT 21

MEMORANDUM

**TO: Representative Brian Porter
Chairman Judiciary Committee**

FROM: Representative Bettye Davis

DATE: April 3, 1995

RE: HB87

=====
In answer to your question about why HB87 is in Title 18 and not Title 47, my staff contacted Jack Chenowith of Legal Services who drafted the original Bill.

Jack said that the Bill had been in Title 47, however, Representative Sitton specifically asked to have it put into "juvenile intake" in Title 18.

As there was no suitable place for this Bill in Title 18, it was just stuck in the front with other unrelated subjects.

9-LS0384C
Chenoweth
4/14/95

CS FOR HOUSE BILL NO. 87()

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES B.DAVIS, Davies, Robinson

A BILL

FOR AN ACT ENTITLED

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

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

7 * Section 1. PURPOSE OF ACT. The purpose of this Act is to provide a means by which
8 young people under the age of 18, with the concurrence of the juvenile intake unit of the
9 Department of Health and Social Services, may choose to work with their peers and with
10 interested adults in order to resolve their legal problems ~~without receiving a criminal record~~

11 * Sec. 2. CONSIDERATIONS RELATING TO THE ACT'S ADOPTION. (a) "...
12 [P]ursuant to [state] constitutional authority granting rulemaking power to the Alaska supreme
13 court," the Alaska Court System has adopted a body of rules applicable to the practice and

*Exclude the traditional juvenile justice system
criminal record.*

1 procedures governing certain juvenile proceedings, the Alaska Delinquency Rules. To the
2 extent of any inconsistency between them, the supreme court has observed, the delinquency
3 rules supersede and prevail over related procedural provisions of the state statutes.

4 (b) The court's delinquency rules authorize the informal disposition of alleged juvenile
5 delinquency matters before the filing with the court of a petition for juvenile delinquency
6 adjudication. They assign primary responsibility for those informal dispositions to the juvenile
7 intake unit of the Department of Health and Social Services.

8 (c) The authorization and expansion of the youth court model made by this Act as a
9 pre-petition diversion program is prompted by the success enjoyed by the Anchorage Youth
10 Court model since its inception in 1989. In the Anchorage Youth Court model, interested
11 young people and adults, with the generous support and assistance of the juvenile intake
12 office, Department of Health & Social Services, the Alaska Court System, the Alaska Bar
13 Association, the Anchorage Bar Association, law enforcement and school district officials,
14 professionals, and parents, have developed and implemented a mechanism by which to respond
15 to juvenile legal problems and to adjudicate them informally, promptly, and effectively, in a
16 way that is meaningful to the offender, the victim, and the community.

17 (d) This Act is adopted in furtherance of the recommendation expressed in Legislative
18 Resolve 61 adopted by the Seventeenth Alaska State Legislature urging expanded use of youth
19 courts within the state.

20 * Sec. 3. AS 44.47.200 is amended to read:

21 Sec. 44.47.200. [COMMUNITY] LEGAL ASSISTANCE AND JUVENILE
22 JUSTICE GRANT FUND. There is created in the department the [COMMUNITY]
23 legal assistance and juvenile justice grant fund. From legislative appropriations to the
24 fund, the department shall make grants

25 (1) to eligible communities and regions for the purpose of enabling
26 them to obtain legal assistance; and

27 (2) to a nonprofit corporation established under AS 47.10.265 to
28 operate as a youth court.

29 * Sec. 4. AS 44.47.210 is amended to read:

30 Sec. 44.47.210. ELIGIBILITY. First and second class cities and
31 unincorporated villages, and regional associations of those communities, may apply to

1 the department for a grant under AS 44.47.200(1) [AS 44.47.200]. Grants shall be
2 made only to those communities or regions that would otherwise be unable to obtain
3 legal assistance. A regional or village corporation formed under 43 U.S.C. 1601 -
4 1608 (Alaska Native Claims Settlement Act) is not eligible for a grant under
5 AS 44.47.200(1) [AS 44.47.200].

6 * Sec. 5. AS 44.47.210 is amended by adding a new subsection to read:

7 (b) Nonprofit corporations proposing to establish and operate youth courts
8 under AS 47.10.265 may apply to the department for an organizational grant under
9 AS 44.47.200(2). A grant under this subsection must be matched on a dollar-for-dollar
10 basis by the grantee in cash or in kind. The commissioner may waive the match
11 required under this subsection on a showing satisfactory to the commissioner by the
12 prospective applicant that matching funds are not available.

13 * Sec. 6. AS 44.47.220 is amended to read:

14 Sec. 44.47.220. GRANTS. Grants made under AS 44.47.200(1)
15 [AS 44.47.200] shall be used for a single legal project and not for the provision of
16 general legal counsel. The department shall assure that the grant is spent for necessary
17 legal assistance and that appropriate accounting procedures are maintained. Grants
18 made under AS 44.47.200(1) and this subsection may not exceed \$20,000.

19 * Sec. 7. AS 44.47.220 is amended by adding a new subsection to read:

20 (b) Grants made under AS 44.47.200(2) shall be used to defray the costs of
21 organization of youth courts under AS 47.10.265. The department shall assure that the
22 grant is spent for necessary organizational assistance and that appropriate accounting
23 procedures are maintained. Grants made under AS 44.47.200(2) and this subsection
24 may not exceed \$5,000. Only one grant may be made to a grantee under authority of
25 this subsection.

26 * Sec. 8. AS 47.10.020(a) is amended to read:

27 (a) Whenever circumstances subject a minor to the jurisdiction of
28 AS 47.10.010 - 47.10.142, the court shall

29 (1) provide, under procedures adopted by court rule, that, for a minor
30 who is alleged to be a delinquent minor under AS 47.10.010(a)(1), a state agency shall
31 make a preliminary inquiry to determine if any action is appropriate and may take

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

appropriate action to adjust or dispose of the matter without a court hearing; if, under this paragraph,

(A) the state agency makes a preliminary inquiry and takes appropriate action to adjust or dispose of the matter without a court hearing, the minor may not be detained or taken into custody as a condition of the adjustment or disposition and, subject to (d) of this section, the matter shall be closed by the agency if the minor successfully completes all that is required of the minor by the agency in the adjustment or disposition; in a municipality or municipalities in which a youth court has been established under AS 47.10.265, adjustment or disposition of the matter under this paragraph may include referral to the youth court;

(B) the agency concludes that the matter may not be adjusted or disposed of without a court hearing, the agency may file a petition under (2) of this subsection setting out the facts; or

(2) appoint a competent person or agency to make a preliminary inquiry and report for the information of the court to determine whether the interests of the public or of the minor require that further action be taken; if, under this paragraph, the court appoints a person or agency to make a preliminary inquiry and to report to it, then upon the receipt of the report, the court may informally adjust or dispose of the matter without a hearing, or it may authorize the person having knowledge of the facts of the case to file with the court a petition setting out the facts; if the court informally adjusts or disposes of the matter, the minor may not be detained or taken into the custody of the court as a condition of the adjustment or disposition, and the matter shall be closed by the court upon adjustment or disposition.

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

ARTICLE 3A. YOUTH COURTS.

Sec. 47.10.265. YOUTH COURTS. (a) The department may use youth courts to hear, determine, and dispose of cases involving a minor whose alleged act that brings the minor within the jurisdiction of AS 47.10.010 - 47.10.142 constitutes a violation of a state law that is a misdemeanor or a violation or that constitutes a violation of a municipal ordinance that prescribes a penalty not exceeding the penalties

*made
minor*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

for a class A misdemeanor under state law.

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

(c) A nonprofit corporation may obtain recognition from the commissioner to serve as a youth court. The corporation may exercise only the powers that are delegated to a youth court by the commissioner, and shall exercise those powers as authorized by the corporation's articles of incorporation and bylaws. The bylaws of the corporation must set out standards and procedures by which the corporation, in its capacity as a youth court,

(1) guarantees the constitutional rights of the minor that are guaranteed by the state and federal constitutions;

(2) may secure jurisdiction over a minor; the youth court may secure jurisdiction over the minor only with the consent of the minor and the agreement of the minor's legal custodian;

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

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

(5) reserves the right to refer to the department, under AS 47.10.020(a)(1), a matter transmitted to the youth court for disposition in which the minor fails, without good cause, to comply with all requirements ordered by the youth court as a part of sentence imposed on the minor; and

(6) prepares and delivers a report of the disposition of the matter referred to it for resolution to the commissioner.

(d) Subject to the privileges that witnesses have in the courts of this state, the commissioner may compel by subpoena, at a specified time and place, the

(1) appearance and sworn testimony of a person who the commissioner reasonably believes may be able to give information relating to a matter before a youth

Why this statute (a)(2) included?

(2) Consent of parents + juvenile

(d) No Juvenile Record

1 court; and

2 (2) production by a person of a record or object that the commissioner
3 reasonably believes may relate to a matter before a youth court.

4 (e) If a person refuses to comply with a subpoena issued under (d) of this
5 section, the superior court may, upon application of the commissioner, compel
6 obedience by proceedings for contempt in the same manner as in the case of
7 disobedience to the requirements of a subpoena issued by the court or refusal to testify
8 in the court.

9 (f) The commissioner shall make and keep records of all cases referred to a
10 youth court. The records of a youth court proceeding must be afforded at least the
11 same protection and are subject to the same procedural safeguards in matters relating
12 to access, use, and security as they would be under AS 47.10.093.

(g) Define youth courts

9-1, 501384M

Chenoweth

4/18/95

CS FOR HOUSE BILL NO. 87()

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES B.DAVIS, Davies, Robinson

A BILL

FOR AN ACT ENTITLED

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

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

7 * Section 1. PURPOSE OF ACT. The purpose of this Act is to provide a means by which
8 young people under the age of 18, with the concurrence of the juvenile intake unit of the
9 Department of Health and Social Services, may choose to work with their peers and with
10 interested adults in order to resolve their legal problems outside the traditional juvenile justice
11 system.

12 * Sec. 2. CONSIDERATIONS RELATING TO THE ACT'S ADOPTION. (a) ". . .
13 [P]ursuant to [state] constitutional authority granting rulemaking power to the Alaska supreme

1 court," the Alaska Court System has adopted a body of rules applicable to the practice and
2 procedures governing certain juvenile proceedings, the Alaska Delinquency Rules. To the
3 extent of any inconsistency between them, the supreme court has observed, the delinquency
4 rules supersede and prevail over related procedural provisions of the state statutes.

5 (b) The court's delinquency rules authorize the informal disposition of alleged juvenile
6 delinquency matters before the filing with the court of a petition for juvenile delinquency
7 adjudication. They assign primary responsibility for those informal dispositions to the juvenile
8 intake unit of the Department of Health and Social Services.

9 (c) The authorization and expansion of the youth court model made by this Act as a
10 pre-petition diversion program is prompted by the success enjoyed by the Anchorage Youth
11 Court model since its inception in 1989. In the Anchorage Youth Court model, interested
12 young people and adults, with the generous support and assistance of the juvenile intake
13 office, Department of Health & Social Services, the Alaska Court System, the Alaska Bar
14 Association, the Anchorage Bar Association, law enforcement and school district officials,
15 professionals, and parents, have developed and implemented a mechanism by which to respond
16 to juvenile legal problems and to adjudicate them informally, promptly, and effectively, in a
17 way that is meaningful to the offender, the victim, and the community.

18 (d) This Act is adopted in furtherance of the recommendation expressed in Legislative
19 Resolve 61 adopted by the Seventeenth Alaska State Legislature urging expanded use of youth
20 courts within the state.

21 * Sec. 3. AS 44.47.200 is amended to read:

22 Sec. 44.47.200. [COMMUNITY] LEGAL ASSISTANCE AND JUVENILE
23 JUSTICE GRANT FUND. There is created in the department the [COMMUNITY]
24 legal assistance and juvenile justice grant fund. From legislative appropriations to the
25 fund, the department shall make grants

26 (1) to eligible communities and regions for the purpose of enabling
27 them to obtain legal assistance; and

28 (2) to a nonprofit corporation established under AS 47.10.265 to
29 operate as a youth court.

30 * Sec. 4. AS 44.47.210 is amended to read:

31 Sec. 44.47.210. ELIGIBILITY. First and second class cities and

1 unincorporated villages, and regional associations of those communities, may apply to
2 the department for a grant under AS 44.47.200(1) [AS 44.47.200]. Grants shall be
3 made only to those communities or regions that would otherwise be unable to obtain
4 legal assistance. A regional or village corporation formed under 43 U.S.C. 1601 -
5 1608 (Alaska Native Claims Settlement Act) is not eligible for a grant under
6 AS 44.47.200(1) [AS 44.47.200].

7 * Sec. 5. AS 44.47.210 is amended by adding a new subsection to read:

8 (b) Nonprofit corporations proposing to establish and operate youth courts
9 under AS 47.10.265 may apply to the department for an organizational grant under
10 AS 44.47.200(2). A grant under this subsection must be matched on a dollar-for-dollar
11 basis by the grantee in cash or in kind. The commissioner may waive the match
12 required under this subsection on a showing satisfactory to the commissioner by the
13 prospective applicant that matching funds are not available.

14 * Sec. 6. AS 44.47.220 is amended to read:

15 Sec. 44.47.220. GRANTS. Grants made under AS 44.47.200(1)
16 [AS 44.47.200] shall be used for a single legal project and not for the provision of
17 general legal counsel. The department shall assure that the grant is spent for necessary
18 legal assistance and that appropriate accounting procedures are maintained. Grants
19 made under AS 44.47.200(1) and this subsection may not exceed \$20,000.

20 * Sec. 7. AS 44.47.220 is amended by adding a new subsection to read:

21 (b) Grants made under AS 44.47.200(2) shall be used to defray the costs of
22 organization of youth courts under AS 47.10.265. The department shall assure that the
23 grant is spent for necessary organizational assistance and that appropriate accounting
24 procedures are maintained. Grants made under AS 44.47.200(2) and this subsection
25 may not exceed \$5,000. Only one grant may be made to a grantee under authority of
26 this subsection.

27 * Sec. 8. AS 47.10.020(a) is amended to read:

28 (a) Whenever circumstances subject a minor to the jurisdiction of
29 AS 47.10.010 - 47.10.142, the court shall

30 (1) provide, under procedures adopted by court rule, that, for a minor
31 who is alleged to be a delinquent minor under AS 47.10.010(a)(1), a state agency shall

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

make a preliminary inquiry to determine if any action is appropriate and may take appropriate action to adjust or dispose of the matter without a court hearing; if, under this paragraph,

(A) the state agency makes a preliminary inquiry and takes appropriate action to adjust or dispose of the matter without a court hearing, the minor may not be detained or taken into custody as a condition of the adjustment or disposition and, subject to (d) of this section, the matter shall be closed by the agency if the minor successfully completes all that is required of the minor by the agency in the adjustment or disposition; in a municipality or municipalities in which a youth court has been established under AS 47.10.265, adjustment or disposition of the matter under this paragraph may include referral to the youth court;

(B) the agency concludes that the matter may not be adjusted or disposed of without a court hearing, the agency may file a petition under (2) of this subsection setting out the facts; or

(2) appoint a competent person or agency to make a preliminary inquiry and report for the information of the court to determine whether the interests of the public or of the minor require that further action be taken; if, under this paragraph, the court appoints a person or agency to make a preliminary inquiry and to report to it, then upon the receipt of the report, the court may informally adjust or dispose of the matter without a hearing, or it may authorize the person having knowledge of the facts of the case to file with the court a petition setting out the facts; if the court informally adjusts or disposes of the matter, the minor may not be detained or taken into the custody of the court as a condition of the adjustment or disposition, and the matter shall be closed by the court upon adjustment or disposition.

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

ARTICLE 3A. YOUTH COURTS.

Sec. 47.10.265. YOUTH COURTS. (a) The department may use youth courts to hear, determine, and dispose of cases involving a minor whose alleged act that brings the minor within the jurisdiction of AS 47.10.010 - 47.10.142 constitutes a violation of a state law that is a misdemeanor or a violation or that constitutes a

1 violation of a municipal ordinance that prescribes a penalty not exceeding the penalties
2 for a class A misdemeanor under state law.

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

8 (c) A nonprofit corporation may obtain recognition from the commissioner to
9 serve as a youth court. The corporation may exercise only the powers that are
10 delegated to a youth court by the commissioner, and shall exercise those powers as
11 authorized by the corporation's articles of incorporation and bylaws. The bylaws of
12 the corporation must set out standards and procedures by which the corporation, in its
13 capacity as a youth court,

14 (1) establishes a system by which the minor may be held accountable
15 for the conduct that brings the minor within the jurisdiction of the youth court by
16 being tried, represented, and adjudicated by the minor's peers;

17 (2) guarantees the constitutional rights of the minor that are guaranteed
18 by the state and federal constitutions;

19 (3) ~~may secure~~ jurisdiction over a minor; the youth court may secure
20 jurisdiction over the minor only with the consent of the minor and the agreement of
21 the minor's legal custodian;

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

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

26 (6) reserves the right to refer to the department, under
27 AS 47.10.020(a)(1), a matter transmitted to the youth court for disposition in which
28 the minor fails, without good cause, to comply with all requirements ordered by the
29 youth court as a part of sentence imposed on the minor; and

30 (7) prepares and delivers a report of the disposition of the matter
31 referred to it for resolution to the commissioner.

1 (d) Subject to the privileges that witnesses have in the courts of this state, the
2 commissioner may compel by subpoena, at a specified time and place, the

3 (1) appearance and sworn testimony of a person who the commissioner
4 reasonably believes may be able to give information relating to a matter before a youth
5 court; and

6 (2) production by a person of a record or object that the commissioner
7 reasonably believes may relate to a matter before a youth court.

8 (e) If a person refuses to comply with a subpoena issued under (d) of this
9 section, the superior court may, upon application of the commissioner, compel
10 obedience by proceedings for contempt in the same manner as in the case of
11 disobedience to the requirements of a subpoena issued by the court or refusal to testify
12 in the court.

13 (f) The commissioner shall make and keep records of all cases referred to a
14 youth court. The records of a youth court proceeding

15 (1) relating to a minor who complies with all requirements ordered by
16 the youth court as a part of sentence imposed on the minor shall be sealed by the
17 commissioner and may not be used for any purpose; and

18 (2) except as to a record described in (1) of this subsection, shall be
19 afforded at least the same protection and are subject to at least the same procedural
20 safeguards in matters relating to access, use, and security as they would be under
21 AS 47.10.093.