

SB

26

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/20/95

FURTHER:

DATE TURNED INTO OFFICE: 4-12-95

The Finance Committee considered **SENATE BILL NO. 26**

Automatic waiver of juvenile ju. **OFFENSES BY JUVENILE USING FIREARMS** certain violations
of laws by minors who use fire .. the sealing of the
records of those minors.

and recommends:

- be replaced with CS SB 26 (FIN)
- adopt previous CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

Senate Bill:
 same title
 new title
House Bill:
 same title
 technical change
 new: SCR# _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>W. E. ...</i>	✓				
<i>W. ...</i>	✓				
<i>...</i>	✓				
<i>...</i>	✓				
Co-Chair: <i>...</i>	✓				
Co-Chair: <i>...</i>	✓				

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
#4 DH+SS	3/6/95	0	
#5 DOA	3/14/95	0	
#6 DH+SS	3/16/95	0	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
#3 DH+SS	2/4/95	0	
#2 DPS	3/6/95	0	
#1 DOL	3/1/95	0	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

STATE OF ALASKA
1995 LEGISLATIVE SESSION

REPORTED OUT OF
4-12-95

2123195
(S)JUD, FIN

BILL NO. SB26

#6

Revision Date: _____
Title: Providing for Automatic Waiver of minors who
use firearms to commit criminal offenses
Sponsor: Senators Kelly, Donley
Requestor: Senate (JUD)

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						
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 will be no increase in cost to the division since this legislation does not add new clients.

Prepared by: Kathy Tibbles, Acting Director
Division: Family & Youth Services
Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: 465-3191
Date: 02/14/95
Date: 2/16/95

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

FISCAL NOTE

3/26/95
5

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SB 26

Revision Date: _____
 Title: "An Act providing for automatic waiver of juvenile jurisdiction and prosecution of minors as adults"
 Sponsor: Sen. Donley
 Requestor: (S) JUD

Department Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender
 COMPONENT SERIAL NO. 1631

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						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

CHANGE IN REVENUES ()	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

FUND SOURCE: (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

Estimate of any current year (FY 95) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)
 No measurable impact on the Public Defender Agency is anticipated.

Prepared by: John Salemi, Director
 Division: Public Defender Agency

Phone: 264-4400
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 3/14/95

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

STATE OF ALASKA
1993 LEGISLATIVE SESSION

No. 3
Bill Version: SB 26
(S) Publish Date: 3/20/95

Revision Date: _____ Dept. Affected: Health and Social Services
Title: Providing for Automatic Waiver of minors who BRU: Family and Youth Services
use firearms to commit criminal offenses Component: Southcentral Region
Sponsor: Senators Kelly, Donley COMPONENT SERIAL NO. 254
Requestor: Senate (JUD) 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						
----------------------	--	--	--	--	--	--

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 will be no increase in cost to the division since this legislation does not add new clients.

Prepared by: Kathy Tibbles, Acting Director
Division: Family & Youth Services
Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: 465-3191
Date: 02/14/95
Date: 2/16/95

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

FISCAL NOTE

STATE OF ALASKA

BILL NO: No. 2

1995 LEGISLATIVE SESSION

Bill Version: SB 26

(S) Publish Date: 3/20/95

Revision Date: _____ Dept. Affected: Public Safety
 Title: Offenses by juveniles using firearms Alaska State Troopers
 Component: Detachments
 Sponsor: Senator Donley
 Requestor: (S)JUD COMPONENT SERIAL NO. 0799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

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-

Estimate of current year (FY 95) impact: \$ -0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

No significant impact on the Alaska State Troopers.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 03/09/95
 Approved by Commissioner: [Signature] Date: 3-9-95
 Agency: Ronald L. Otte, Dept. of Public Safety

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

For further distribution information call the Governor's Legislative Office

FISCAL NOTE

No. 1

Bill Version: SB 26

(S) Publish Date: 3/20/95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BII

Revision Date: _____ Dept. Affected: Department of Law
 Title: Automatic waiver of juvenile jurisdiction for minors who use firearms to commit criminal offenses... BRU: Prosecution
 Sponsor: Senator Donley Component: All
 Requester: Senator Donley COMPONENT SERIAL NO. 1085-00

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						
MISCELLANEOUS						
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						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	0.01	0.01	0.01	0.01	0.01	0.01
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would waive a minor, at least 14 years of age, to adult court if the minor is charged with an offense involving the use of a firearm in the commission of the offense, and the minor was previously adjudicated as a delinquent or convicted as an adult, as a result of an offense that involved use of firearms in the commission of the offense.

1993 data indicates that the total of all weapons charges involving juveniles 13 years of age and older was 240 for the year. This number includes all types of weapons and not just firearms. It also includes lower level weapons charges such as possession of a firearm without the permission of a parent or guardian or misuse of a firearm, which accounts for nearly one-half of the charges. Based on this data, and because the bill would apply to second offenses, it appears that the number of juveniles who would be waived under the bill would be relatively small, perhaps twenty or thirty per year. When spread between various locations, this additional caseload is not sufficient to warrant fiscal note costs.

Prepared by: Richard I. Peques, Director Phone: 465-3672
 Division: Administrative Services Division Date: 2/10/95
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/10/95
 Agency: Department of Law

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

For further dist

Office

1) Change "Criminal offense" to:
crimes against
a person

Conceptual Amendment

9-LS0252A

2) Change "firearms"
to "leady weapon"

Jack Chenoweth
called
12:00 noon

CS SENATE BILL NO. 26 (Fin)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATORS DONLEY, Kelly

Introduced: 1/16/95

Referred: JUD, FIN

A BILL

FOR AN ACT ENTITLED

1 "An Act providing for automatic waiver of juvenile jurisdiction and prosecution
2 of minors as adults for certain violations of laws by minors who use (firearms)
3 to commit (criminal offenses) and relating to the sealing of the records of those
4 minors."

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

6 * Section 1. AS 47.10.010(e) is amended to read:

7 (e) When a minor who was at least [16 YEARS] of the age specified in this
8 subsection at the time of the offense is arraigned on a charge for an offense specified
9 in this subsection, AS 47.10.020 - 47.10.090 and the Alaska Delinquency Rules do not
10 apply to the offense for which the minor is arraigned or to any additional offenses
11 joinable to it under the applicable rules of court governing criminal procedure. The
12 minor shall be charged, prosecuted, and sentenced in the superior court in the same
13 manner as an adult unless the minor is convicted of some offense other than an offense
14 specified in this subsection, in which event the minor may attempt to prove, by a

1 preponderance of the evidence, that the minor is amenable to treatment under this
2 chapter. If the court finds that the minor is amenable to treatment under this chapter,
3 the minor shall be treated as though the charges had been heard under AS 47.10.010
4 - 47.10.142, and the court shall order disposition of the charges of which the minor is
5 convicted under AS 47.10.080(b). The provisions of this subsection apply when

6 (1) the minor was at least 16 years of age and is arraigned on a
7 charge

8 (A) [(1)] that is an unclassified felony or a class A felony and
9 the felony is (a crime against a person) or

10 (B) [(2)] of arson in the first degree; or

11 (2) the minor was at least 14 years of age, is charged with an
12 offense, is alleged to have used a (firearm in) the commission of the (offense,) and
13 was previously adjudicated as a delinquent or convicted as an adult, in this or
14 another jurisdiction, as a result of an offense that involved use of a (firearm) in the
15 commission of the (offense) in this paragraph, "firearm" has the meaning given
16 in AS 11.81.900.

17 * Sec. 2. AS 47.10.060(e) is amended to read:

18 (e) A person who has been tried as an adult under this section, or the
19 department on the person's behalf, may petition the superior court to seal the records
20 of all criminal proceedings, except traffic offenses, initiated against the person, and all
21 punishments assessed against the person, while the person was a minor. A petition
22 under this subsection may not be filed until five years after the completion of the
23 sentence imposed for the offense for which the person was tried as an adult. If the
24 superior court finds that the punishment assessed against the person has had its
25 intended rehabilitative effect and further finds that the person has fulfilled all orders
26 of the court entered under AS 47.10.080(b), the superior court shall order the record
27 of proceedings and the record of punishments sealed. Sealing the records restores civil
28 rights removed because of a conviction. A person may not use these sealed records for
29 any purpose except that the court may order their use for good cause shown or may
30 order their use by an officer of the court in making a presentencing report for the
31 court. The court may not, under this subsection, seal records of a criminal proceeding

1 (1) initiated against a person if the court finds that the person has not
2 complied with a court order made under AS 47.10.080(b); or

3 (2) commenced under AS 47.10.010(e) unless the minor has been
4 acquitted of all offenses with which the minor was charged or unless the most serious
5 offense of which the minor was convicted was not an offense specified in
6 AS 47.10.010(e)(1)(A) or (B) [AS 47.10.010(e)(1)] or (2).

7 * Sec. 3. APPLICABILITY. This Act applies to offenses committed on or after the
8 effective date of this Act.

Conceptual Amend as
CS

Motion Darby
to charge

Criminal Off to
Prove ten crimes
Against the person

Firearms to
deadly
weapons

Conceptual
Amend.

CS to follow

Daley -
check w/ tid

*Rec'd After bill R/S
Delivered to H Fin 5/10/95*

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSSB 26 (FIN)

Revision Date: 05/95/95 Dept. Affected: Department of Law
 Title: "...automatic waiver of juvenile jurisdiction...minors
who use deadly weapons to commit criminals offenses..." BRU: Prosecution
 Sponsor: Senator Donley Component: All
 Requester: Senator Donley COMPONENT SERIAL NO. 0085-90

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						
MISCELLANEOUS						
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						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would waive a minor, at least 14 years of age, to adult court if the minor is charged with an offense involving the use of a deadly weapon in the commission of the offense, and the minor was previously adjudicated as a delinquent or convicted as an adult, as a result of an offense that involved use of deadly weapons in the commission of the offense.

1993 data indicates that the total of all weapons charges involving juveniles 13 years of age and older was 240 for the year. This number includes all types of weapons and not just firearms. It also includes lower level weapons charges such as possession of a firearm without the permission of a parent or guardian or misuse of a firearm, which accounts for nearly one-half of the charges. Based on this data, and because the bill would apply to second offenses, it appears that the number of juveniles who would be waived under the bill would be relatively small, perhaps twenty or thirty per year. When spread between various locations, this additional caseload is not sufficient to warrant fiscal note costs.

Prepared by: Richard I. Peques, Director Phone: 465-3672
 Division: Administrative Services Division Date: 5/5/95
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 5/5/95
 Agency: Department of Law

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

FISCAL NOTE

*Rec'd after bill R/p 5/11
Delivered to H/Fic*

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSSB 26 (FIN)

Revision Date: _____
Title: "An Act providing for automatic waiver of juvenile jurisdiction and prosecution of minors as adults"
Sponsor: Sen. Donley
Requestor: (H) JUD

Department Affected: Administration
BRU: Public Defender Agency
Component: Public Defender
COMPONENT SERIAL NO. 1631

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						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

CHANGE IN REVENUES ()	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

FUND SOURCE: (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

Estimate of any current year (FY 95) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

No measurable impact on the Public Defender Agency is anticipated.

Prepared by: John Salemi, Director
Division: Public Defender Agency

Phone: 264-4400
Date: _____

Approved by Commissioner: Mark Beyer
Agency: Department of Administration

Date: 5/5/95

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

4-12-95

Val -

Attached is a draft of CSSB 26 (Fin) containing the conceptual amendment from this morning's meeting changing "firearms" to "deadly weapons" and "criminal offenses" to "crimes against a person." Please ask Senator Halford to review and approve or suggest an alternative. I am also sending a copy of the draft to Senator Donley's office for review as well.

Thank you,

Kathy
2618

*OK
per. Val.*

*Note & copy
to Sen. Donley
as well. 3:15pm*

*OK Karen
per for Sen Donley*

DRAFT DRAFT DRAFT

9-LS0252\C

CS FOR SENATE BILL NO. 26(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): SENATORS DONLEY, Kelly

A BILL

FOR AN ACT ENTITLED

1 "An Act providing for automatic waiver of juvenile jurisdiction and prosecution
2 of minors as adults for certain violations of laws by minors who use deadly
3 weapons to commit offenses that are crimes against a person, and relating to the
4 sealing of the records of those minors."

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

6 * Section 1. AS 47.10.010(c) is amended to read:

7 (e) When a minor who was at least [16 YEARS] of the age specified in this
8 subsection at the time of the offense is arraigned on a charge for an offense specified
9 in this subsection, AS 47.10.020 - 47.10.090 and the Alaska Delinquency Rules do not
10 apply to the offense for which the minor is arraigned or to any additional offenses
11 joinable to it under the applicable rules of court governing criminal procedure. The
12 minor shall be charged, prosecuted, and sentenced in the superior court in the same
13 manner as an adult unless the minor is convicted of some offense other than an offense
14 specified in this subsection, in which event the minor may attempt to prove, by a

1 preponderance of the evidence, that the minor is amenable to treatment under this
2 chapter. If the court finds that the minor is amenable to treatment under this chapter,
3 the minor shall be treated as though the charges had been heard under AS 47.10.010
4 - 47.10.142, and the court shall order disposition of the charges of which the minor is
5 convicted under AS 47.10.080(b). The provisions of this subsection apply when

6 (1) the minor was at least 16 years of age and is arraigned on a
7 charge

8 (A) [(1)] that is an unclassified felony or a class A felony and
9 the felony is a crime against a person; or

10 (B) [(2)] of arson in the first degree; or

11 (2) the minor was at least 14 years of age, is charged with an
12 offense that is a crime against a person, is alleged to have used a deadly weapon
13 in the commission of the offense, and was previously adjudicated as a delinquent
14 or convicted as an adult, in this or another jurisdiction, as a result of an offense
15 that involved use of a deadly weapon in the commission of a crime against a
16 person or a crime in another jurisdiction having elements substantially identical
17 to those of a crime set out in AS 11.41; in this paragraph, "deadly weapon" has
18 the meaning given in AS 11.81.900.

19 * Sec. 2. AS 47.10.060(e) is amended to read:

20 (e) A person who has been tried as an adult under this section, or the
21 department on the person's behalf, may petition the superior court to seal the records
22 of all criminal proceedings, except traffic offenses, initiated against the person, and all
23 punishments assessed against the person, while the person was a minor. A petition
24 under this subsection may not be filed until five years after the completion of the
25 sentence imposed for the offense for which the person was tried as an adult. If the
26 superior court finds that the punishment assessed against the person has had its
27 intended rehabilitative effect and further finds that the person has fulfilled all orders
28 of the court entered under AS 47.10.080(b), the superior court shall order the record
29 of proceedings and the record of punishments sealed. Sealing the records restores civil
30 rights removed because of a conviction. A person may not use these sealed records for
31 any purpose except that the court may order their use for good cause shown or may

1
2
3
4
5
6
7
8
9
10

order their use by an officer of the court in making a presentencing report for the court. The court may not, under this subsection, seal records of a criminal proceeding

(1) initiated against a person if the court finds that the person has not complied with a court order made under AS 47.10.080(b); or

(2) commenced under AS 47.10.010(e) unless the minor has been acquitted of all offenses with which the minor was charged or unless the most serious offense of which the minor was convicted was not an offense specified in AS 47.10.010(e)(1)(A) or (B) [AS 47.10.010(e)(1)] or (2).

* Sec. 3. APPLICABILITY. This Act applies to offenses committed on or after the effective date of this Act.



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

MEMORANDUM

Date: March 30, 1995
To: Senator Frank and Senator Halford, Co-Chairmen
Senate Finance Committee
From: Senator Donley *DD*
Re: Request for Hearing SB26, Juvenile Waiver

I request a committee hearing for SB26, a bill to provide an automatic waiver to adult court for juvenile offenders who have repeated criminal offenses using firearms. This is the second request for a Senate Finance Committee hearing, the first request was submitted on March 20, 1995.

If testimony from law enforcement officers in support of this legislation is desired, a teleconference setup will be necessary.

Any questions regarding this hearing can be directed to Patricia Haggerty of my staff at 465-3842.

DD/pah



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

SPONSOR STATEMENT
SB 26

**Treating juvenile offenders with multiple convictions for
firearms abuse as adults**

Senate Bill 26 strengthens juvenile law against young, repeat offenders who for the second time commit crimes using firearms by waiving prosecution of them directly to adult court. SB26 provides for minors at least 14 years of age who were previously convicted of firearms related crimes to be treated as adults. Existing law waives juvenile jurisdiction of minors at least 16 years of age who commit unclassified or class A felonies, or who commit arson in the first degree.

SB26 adapts Senate Bill 209, adopted in the 18th Legislature, which made changes to AS 47.10.010 (e), the 1994 juvenile waiver law.

Senate Judiciary Committee heard and passed the bill to the Finance committee on March 17, 1995. Passage of SB26 would create a strong deterrent to firearms misuse by young Alaskans. No longer will youth be an excuse for repeated firearms violations.

DD/pah

January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-3892 • FAX: (907) 465-6595
June-December: 716 W. 4TH AVE. • STE. 430 • ANCHORAGE, AK • 99501 • (907) 258-8181 • FAX: (907) 258-5571

MEMBER: Senate Finance Committee • Senate State Affairs Committee

Produced in House

Post-It Grand

Fax Transmittal Memo

To: A.TTN: LARRY STEVENS
 Company: Senator Rick Halford
 Location:
 Fax #:
 Telephone #:
 Comments:

No. of Pages: 2
 Today's Date: 3/23/95 Time:
 From: JANEY WINEINGER
 Company: NATIONAL RIFLE ASSN.
 Location: @HICKADON Dept. Charge:
 Fax #: 745-6166 Telephone #: 745-2093
 Original Disposition: Destroy Return Call for pickup

RECEIVED

MAR 23 1995



NATIONAL RIFLE ASSOCIATION OF AMERICA

March 22, 1995

Senator Rick Halford, Co-Chair
 Senate Finance Committee

RE: Senate Bill 26 by Senators Donley, Kelly

The problems of juvenile crime is escalating. Criminals are younger; and more violent at a younger age. Projections based on the FBI Unified Crime Reports show that in 1993, juveniles committed: One murder ever 2 hours, one rape every hour; one robbery every 13 minutes; and one aggravated assault every 28 minutes.

The juvenile court system cannot adequately deal with violent juveniles in a manner consistent with public safety. The juvenile court system traditionally felt that most juvenile offenders were easily rehabilitated; and provided punishments that stressed discipline and structure. Often, this involved placing the juvenile back into society, where the offender would commit additional crimes. Clearly, for certain violent offenses and repeat offenders, this "soft" punishment is inappropriate.

Juvenile court systems only have jurisdiction over a juvenile until their 18th or 21st birthday. Even for those incarcerated for heinous crimes such as murder or rape, this can mean mandatory release when the offender reaches the age of majority.

Senate Bill 26 addresses problems with the current juvenile justice system in Alaska. However, SB26 could be strengthened by broadening the criteria for mandatory transfer into adult court.

SB26 would make transfer into criminal court mandatory for a 14 year and who uses a firearm in the commission of a crime; and had previously been adjudicated delinquent or adjudicated as an adult of another offense involving the use of a firearm.

By limiting mandatory transfer to those narrow criteria, many violent juvenile offenders would remain in the juvenile court system. NRA Crimestrike recommends that transfer to criminal court be mandatory at age 14 for those who commit a crime of violence. Crime of Violence includes; murder, rape, manslaughter, armed robbery, drive by shooting, aggravated assault, leading organized crime, etc.

By limiting mandatory transfer to those narrow criteria, many violent juvenile offenders would remain in the juvenile court system. NRA Crimestrike recommends that transfer to criminal court be mandatory at age 14 for those who commit a crime of violence. Crime of Violence includes; murder, rape, manslaughter, armed robbery; drive-by shooting; aggravated assault; leading organized crime; arson of an occupied structure and child abuse or molestation.

Further, SB26 should be amended to require the transfer into juvenile court for those who use any object as a weapon in the commission of a felony, not just a firearm. Knives are the weapon of choice for many juvenile criminals: knives are commonly the weapon confiscated by school officials. Overall, firearms are used in only 30% of all violent crimes.

Therefore, it is our suggestion that the language on Page 2, Lines 6-16 be struck, and in its place the following language be substituted:

(1) the minor was at least 14 years of age and is arraigned on a charge

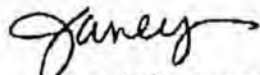
(A) {{1}} that is an unclassified felony or a class A felony and the felony is a crime against a person;

or

(B) {{2}} of arson in the first degree; or

(C) that is a felony offense involving the actual or threatened use of a deadly weapon or dangerous instrument, or the intentional or knowing infliction of serious physical injury upon a victim.

Respectfully,



Laura Jane Wineinger, Alaska Grassroots Coordinator
National Rifle Association
PO Box 671430
Chugiak, AK 99567
(907) 745-2093 Fax: (907) 745-6166

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 1/16/95

FURTHER Finance

Date of 5-Day Notice: March 9, 1995
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-17-95

DP

Judiciary Committee considered SENATE BILL NO. 26

QFN's

Automatic waiver of juvenile jurisdiction and prosecution of minors as adults for certain violations of laws by minors who use firearms to commit criminal offenses and relating to the sealing of the records of those minors.

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill: same title
- new title
- House Bill:
 - technical change
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Mike Miller</i>	<input checked="" type="checkbox"/>	<i>see to laws</i>		<input checked="" type="checkbox"/>	
<i>Lynne Mear Green</i>	<input checked="" type="checkbox"/>	<i>7/7/95</i>		<input checked="" type="checkbox"/>	
CHAIR: <i>Robin T. Peffer</i>	<input checked="" type="checkbox"/>				

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

<i>MISS. DEVS</i>	<i>2/16/95</i>	<input checked="" type="checkbox"/>	
<i>Public Safety - Troopers</i>	<i>7/09/95</i>	<input checked="" type="checkbox"/>	
<i>Law</i>	<i>7/10/95</i>	<input checked="" type="checkbox"/>	

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

#3 2123195
(S) JUD, FIN

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SB26

Revision Date: _____
 Title: Providing for Automatic Waiver of minors who
use firearms to commit criminal offenses
 Sponsor: Senators Kelly, Donley
 Requestor: Senate (JUD)

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						
----------------------	--	--	--	--	--	--

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 will be no increase in cost to the division since this legislation does not add new clients.

Prepared by: Kathy Tibbles, Acting Director
 Division: Family & Youth Services
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 02/14/95
 Date: 2/16/95

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

#12 3113195
(S)JUD, FIN

FISCAL NOTE

STATE OF ALASKA

BILL NO: SB 26

1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Public Safety
 Title: Offenses by juveniles using firearms Alaska State Troopers
 Component: Detachments
 Sponsor: Senator Donley
 Requestor: (S)JUD COMPONENT SERIAL NO. 0799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

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-

Estimate of current year (FY 95) impact: \$ -0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)
 No significant impact on the Alaska State Troopers.

Prepared By: Francis C. Allan Phone: 269-5891
 Division: Alaska State Troopers Date: 03/09/95
 Approved by Commissioner: *D. J. Smith* Date: 3-9-95
 Agency: Ronald L. Otte, Dept. of Public Safety

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

For further distribution information call the Governor's Legislative Office

SB 26

#1 2/23/95
(S)JUD.
FIN

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SB 26

Revision Date: _____ Dept. Affected: Department of Law
 Title: "...automatic waiver of juvenile jurisdiction...minors BRU: Prosecution
who use firearms to commit criminals offenses..." Component: All
 Sponsor: Senator Donley
 Requester: Senator Donley COMPONENT SERIAL NO. 0085-90

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 93	FY 99	FY 00	FY 01
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						
----------------------	--	--	--	--	--	--

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

FUND SOURCE (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

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

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would waive a minor, at least 14 years of age, to adult court if the minor is charged with an offense involving the use of a firearm in the commission of the offense, and the minor was previously adjudicated as a delinquent or convicted as an adult, as a result of an offense that involved use of firearms in the commission of the offense.

1993 data indicates that the total of all weapons charges involving juveniles 13 years of age and older was 240 for the year. This number includes all types of weapons and not just firearms. It also includes lower level weapons charges such as possession of a firearm without the permission of a parent or guardian or misuse of a firearm, which accounts for nearly one-half of the charges. Based on this data, and because the bill would apply to second offenses, it appears that the number of juveniles who would be waived under the bill would be relatively small, perhaps twenty or thirty per year. When spread between various locations, this additional caseload is not sufficient to warrant fiscal note costs.

Prepared by: Richard I. Peques, Director Phone: 465-3672
 Division: Administrative Services Division Date: 2/10/95
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/10/95
 Agency: Department of Law

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

For further distribution information, call the Governor's Legislative Office

(7) "correctional facility" means premises, or a portion of premises, used for the confinement of persons under official detention;

(8) "credit card" means any instrument or device, whether known as a credit card, credit plate, courtesy card, or identification card or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining property or services on credit;

(9) "crime" means an offense for which a sentence of imprisonment is authorized; a crime is either a felony or a misdemeanor;

(10) "culpable mental state" means "intentionally", "knowingly", "recklessly", or with "criminal negligence", as those terms are defined in (a) of this section;

(11) "dangerous instrument" means any deadly weapon or anything that, under the circumstances in which it is used, attempted to be used, or threatened to be used, is capable of causing death or serious physical injury;

(12) "deadly force" means force that the person uses with the intent of causing, or uses under circumstances that the person knows create a substantial risk of causing, death or serious physical injury; "deadly force" includes intentionally discharging or pointing a firearm in the direction of another person or in the direction in which another person is believed to be and intentionally placing another person in fear of imminent serious physical injury by means of a dangerous instrument;

(13) "deadly weapon" means any firearm, or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knuckles, or an explosive;

(14) "deception" means to knowingly

(A) create or confirm another's false impression that the defendant does not believe to be true, including false impressions as to law or value and false impressions as to intention or other state of mind;

(B) fail to correct another's false impression that the defendant previously has created or confirmed;

(C) prevent another from acquiring information pertinent to the disposition of the property or service involved;

(D) sell or otherwise transfer or encumber property and fail to disclose a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether or not that impediment is a matter of official record; or

(E) promise performance that the defendant does not intend to perform or knows will not be performed;

(15) "defense", other than an affirmative defense, means that

(A) some evidence must be admitted which places in issue the defense; and

(B) the state then has the burden of disproving the existence of the defense beyond a reasonable doubt;

(16) "drug" has the meaning ascribed to it in AS 11.71.900(9);

(A) create or confirm another's false impression that the defendant does not believe to be true, including false impressions as to law or value and false impressions as to intention or other state of mind;

(B) fail to correct another's false impression that the defendant previously has created or confirmed;

(C) prevent another from acquiring information pertinent to the disposition of the property or service involved;

(D) sell or otherwise transfer or encumber property and fail to disclose a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether or not that impediment is a matter of official record; or

(E) promise performance that the defendant does not intend to perform or knows will not be performed;

(15) "defense", other than an affirmative defense, means that

(A) some evidence must be admitted which places in issue the defense; and

(B) the state then has the burden of disproving the existence of the defense beyond a reasonable doubt;

(16) "defensive weapon" means an electric stun gun, or a device to dispense mace or a similar chemical agent, that is not designed to cause death or serious physical injury;

(17) "drug" has the meaning ascribed to it in AS 11.71.900(9);

(18) "dwelling" means a building that is designed for use or is used as a person's permanent or temporary home or place of lodging;

(19) "explosive" means a chemical compound, mixture, or device that is commonly used or intended for the purpose of producing a chemical reaction resulting in a substantially instantaneous release of gas and heat, including dynamite, blasting powder, nitroglycerin, blasting caps, and nitrojelly, but excluding salable fireworks as defined in AS 15.72.050, black powder, smokeless powder, small arms ammunition, and small arms ammunition primers;

(20) "felony" means a crime for which a sentence of imprisonment for a term of more than one year is authorized;

(21) "fiduciary" means a trustee, guardian, executor, administrator, receiver, or any other person carrying on functions of trust on behalf of another person or organization;

(22) "firearm" means a weapon, including a pistol, revolver, rifle, or shotgun, whether loaded or unloaded, operable or inoperable, designed for discharging a shot capable of causing death or serious physical injury;

(23) "force" means any bodily impact, restraint, or confinement or the threat of imminent bodily impact, restraint, or confinement. "force" includes deadly and nondeadly force;

(24) "government" means the United States, any state or any municipality or other political subdivision within the United States or its territories; any department, agency, or subdivision of any of the fore-