

**HB**

**104**

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSSSHB 104 (Jud)am

Revision Date: 05/01/95

Department Affected: Education

Title: Disclosure of Juvenile Records

BRU: Executive Administration

Sponsor: Representative Kott

Component: Commissioner's Office

Requester: Representative Kott

COMPONENT SERIAL NO. 185

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES</b>						
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
Other						
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY96) impact: \$ 0

**ANALYSIS:** (Attach a separate page if necessary.)

CSSSHB 104 (Jud)am clarifies when state and municipal law enforcement agencies are required to disclose information to schools and the public regarding minors who commit certain offenses. Passage of this legislation will have no fiscal impact on the Department of Education.

Prepared by: Kimberly Homma, Secretary Assistant

Phone: 465-2803

Division: Commissioner's office

Date: February 20, 1996

Approved by Commissioner: 

By: Richard S. Cross, Deputy Commissioner

Agency: Education

Date: February 20, 1996

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. CSSSB 104 (HES)

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to disclosures of information about certain minors."  
 Sponsor: Rep. Kott  
 Requestor: (H) JUD

Department Affected: Administration  
 BRU: Public Defender Agency  
 Component: Public Defender Agency  
 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						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

<b>CAPITAL EXPENDITURES</b>	0	0	0	0	0	0
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<b>CHANGE IN REVENUES ( )</b>	0	0	0	0	0	0
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**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
<b>TOTAL</b>	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 Salem, Director  
 Division: Public Defender Agency

Phone: 264-4400  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
 Agency: Department of Administration

Date: 4/13/95

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO: CSSSHB 104 (HESS) -

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: Disclosure of juvenile records BRU: Alaska State Troopers  
 Component: Detachments  
 Sponsor: Representative Kott  
 Requestor: (H) HESS COMPONENT SERIAL NO. 799

**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						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL EXPENDITURES</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES    </b>	-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						
<b>TOTAL</b>	-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 material impact.

Prepared By: Francis C. Allen Phone: 269-5691  
 Division: Alaska State Troopers Date: 04/03/95  
 Approved by Commissioner: Ronald J. Ott Date: 4-4-95  
 Agency: Ronald J. Ott, Dept. of Public Safety

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. CSSSHB 104 (HES)

Revision Date: 03/20/95 Dept. Affected: Alaska Court System  
 Title: Disclosure of juvenile records BRU: Trial Courts  
 Components: \_\_\_\_\_  
 Sponsor: Rep. Kott, Bunde, Green  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 762

**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						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**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						
<b>TOTAL</b>	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 *CMC* Phone: 264-8228  
 Agency: Alaska Court System Date: 03/20/95  
 Approved by: Arthur H. Snowden, II, Administrative Director *AS* Date: 03/20/95  
 Agency: Alaska Court System

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# Alaska State Legislature House of Representatives

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## PROPOSED SENATE CS FOR CS FOR SS HB 104 ( ) REVISED SPONSOR STATEMENT

The proposed Senate CS for this bill, despite its seeming increased complexity, is simply the extension of the basic principle of this bill. This bill is an attempt to identify in the news media those juveniles that have committed an offense that is serious enough that it would be a felony if committed by an adult. It is hoped that threat of such public identification would act as a deterrent to juvenile crime. Additionally, it would also serve public safety, by giving the public information to assist in better protecting themselves and their children.

The obvious agency to request a release of basic information on juvenile offenders would be the DFYS in the DHSS. However, we have been informed by Washington DC that a release of any of this information could put all of DFYS' federal funding in jeopardy of being lost. Consequently, we have tried in this bill to provide an alternate means of releasing information on certain juvenile offenders, without violating DFYS standards.

The bill allows a law enforcement agency, state or municipal, to release 1) the name of a minor who has committed an offense that would be a felony if he were an adult, 2) the date and place of the offense, and 3) a description of the nature of the offense. Additionally, the proposed CS would allow the release of the name of the minor's parent or parents.

We then struggled with what to do let the public know, in all fairness to the minor, if the minor was adjudicated "not delinquent" (found "not guilty"). Or, for the sake of public safety, to let the public know if they were adjudicated "delinquent" (found "guilty"). Again, we ran afoul of DFYS limitations. Consequently, we decided a good compromise could be made by requiring the Court, since it handles adjudication and disposition hearings referred to it by DFYS, to release certain information.

The proposed CS would require the Court to release information on whether the minor was adjudicated delinquent, delinquent but not amenable to rehabilitation before the age of 20, or non-delinquent. Furthermore, if they were adjudicated delinquent, the Court should release information on the disposition ("sentence") of the minor. These changes would fit in with the original dual intent of this bill, which is to deter juvenile offenders and to keep the public informed about possible safety issues in their communities.



Representative Pete Kott



# Alaska State Legislature House of Representatives

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## PROPOSED SENATE CS FOR CS FOR SS HB 104 ( ) SECTIONAL ANALYSIS

Section #1: The current statutes dealing with court records (AS 47.10.090) do not make the distinction needed between minors who are in need of aid and minors who are delinquent. This section continues to assert that Court records on a minor alleged to be in need of aid are and remain confidential, and can only be inspected with the Court's permission. The remaining language is eliminated and passed on to be repeated as a new statutory subsection AS 47.10.090, covered in Section #2 below.

Section #2: Subsection AS 47.10.090(f) basically reaffirms that all Court records on a minor who is alleged to be delinquent also remain confidential, except as determined by the court, with special consideration given to victims to access certain records.

However, subsection AS 47.10.090(g) changes the current law, by requiring that if a minor has committed an act that would be a felony if committed by an adult, the Court, upon request, shall release certain information. The three types of information released would be:

- a) under AS 47.10.060(a), information that the Court finds a minor is delinquent and not amenable to treatment (because they cannot be rehabilitated before reaching the age of 20, and therefore may be prosecuted as an adult);
- b) under AS 47.10.080(e), information that the Court finds the minor to be non-delinquent, and dismisses the case;
- c) under AS 47.10.080(b), information that the Court has found the minor to be delinquent, and the disposition of the case.

The exception to the above would be if the Court finds that such release of information would compromise the minor's safety.

Section #3: A new phrase in the CS has been added, subsection AS 47.10.093(c)(2)(A)(ii), which indicates that the Department of Public Safety may release the name of the minor's parent or parents upon request. This would be in addition to releasing the minor's name, the date and place of the offense, and a description of the nature of the offense.

*DYCS Release would cause loss of federal funds*



Representative Pete Kott





Anchorage • Star of the North  
Chamber of Commerce

Anchorage Chamber of Commerce  
Criminal Justice System Reform  
Resolution 95/96-5

WHEREAS the public is unsafe due to the "Catch and Release" of drug offenders who continue to operate after arrest; and

WHEREAS Civil Abatement is a useful tool in preventing illegal activities and is available only to the State and not local municipalities; and

WHEREAS juvenile offenders are becoming more dangerous and are exempt from public censure because of confidentiality laws; and

WHEREAS the sealing of the records of juvenile offenders obscures the fact after their 18th birthday that they have a criminal history; and

WHEREAS the State has sole jurisdiction over juvenile crime and municipalities are barred from addressing juvenile crime; and

WHEREAS the "best interest of the juvenile" standard conflicts with society's expectation of accountability to and protection of the public; and

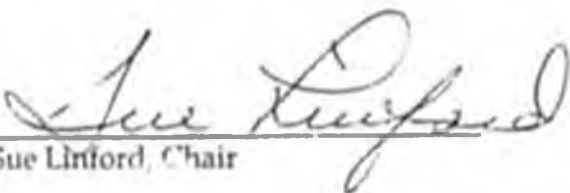
WHEREAS the Municipality of Anchorage has assumed costs of criminal justice services in excess of \$5,535,00 those costs normally reserved to the state, and yet is burdened with inadequate numbers of correctional facilities and magistrates:

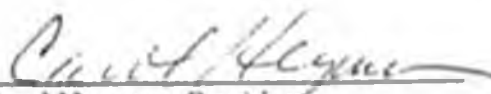
NOW THEREFORE BE IT RESOLVED that the Anchorage Chamber of Commerce does hereby support the Criminal Justice Proposals brought forward by the Municipality of Anchorage that propose more stringent conditions for bail for repeat drug offenders, allow municipalities to utilize Civil Abatement procedures, revise the confidentiality laws concerning juvenile offenders, give municipalities jurisdiction over less serious juvenile crimes, and provide for at least equal consideration of the best interest of the Public and the victims in bail and sentencing procedures for juveniles; and

BE IT FURTHER RESOLVED that the Anchorage Chamber of Commerce supports the Municipality of Anchorage's initiative to call upon the state to recognize the importance of increasing the number of correctional facilities and magistrates serving Anchorage by raising their priority within the state budget; and

BE IT FURTHER RESOLVED that the Anchorage Chamber of Commerce urges all of its members to actively support these proposals by encouraging their Senators and Representatives to support these measures.

Approved December 15, 1995

  
Sue Lintford, Chair

  
Carol Heyman, President

# Alaska State Legislature House of Representatives

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## SPONSOR STATEMENT CS SS HB 104 (Jud) am

Although the overall crime rate may be experiencing a slight dip in the United States, juvenile crime is growing at a precipitous rate. Even more disturbing, juveniles are committing increasingly violent crimes and are doing so at younger ages. The serious nature of juvenile crime is pervasive in Alaska. CS SS 104 (Jud) am is a first step toward informing the public about the severity of this problem and the identity of juvenile perpetrators.

If enacted, this bill would permit an arresting entity to release certain information to the public, provided that four criteria are satisfied. First, there must be a request for information made by a member of the public. Second, the juvenile must have been arrested for the commission of an offense. Third, the offense must have been committed after the effective date of the bill. Fourth, the offense must be one that would have been a felony if committed by an adult.

If the four criteria are satisfied, the arresting agency may release the minor's name, the date and place of the offense, and a description of the nature of the offense.

An awareness by juveniles that their identity can be revealed to their friends, teachers, and neighbors when they commit a serious offense will act as a deterrent. This is one step, albeit small, to help reverse the growing trend of juvenile criminality. It will help juveniles decide what type of life they want to live, and it will encourage them to make the proper choice.

Furthermore, public safety will be enhanced when citizens are able to obtain such information. When pertinent information is accessible, adults can better protect themselves and their children.

Finally, this bill fits in with the general thrust of the Criminal Justice Proposals by the Municipality of Anchorage concerning the revision of the confidentiality laws relating to juvenile offenders. Revision of the confidentiality laws is also being supported by the Anchorage Chamber of Commerce as part of their Resolution 95/96-5 dealing with Criminal Justice System Reform.

I therefore commend this bill to you. Your support is appreciated.



Representative Pete Kott



# LEGAL SERVICES

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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 10, 1996

**SUBJECT:** CSSH B 104(Jud) am, relating to disclosure of information about minors: sectional analysis (Work Order No. 9-LS0276(O))

**TO:** Representative Pete Kott  
ATTN: Roger Poppe

**FROM:** Jack Chenoweth  
Legislative Counsel

As revised by the House Judiciary Committee and amended by the House members during floor debate, this House-passed bill proposes to allow state and municipal law enforcement agencies to release information and records about certain minors.

The measure's sole operative provision, bill section 1, amends existing AS 47.10.093(c). The material added to paragraph (c)(2) explicitly permits law enforcement agencies to release to the public information about a minor who has committed an offense that is a felony if it had been committed by an adult. The information that may be released includes the minor's name, the date and place of the offense, and a description of the nature of the offense. A state or municipal law enforcement agency would continue to have authority under AS 47.10.093(c) to release other information about an offense without defining the identity of the minor.

A floor amendment addition to this House-passed version specifically withholds from the law enforcement agency--presumably the municipal or local law enforcement agency--the authority to report the same information to the Department of Public Safety for purposes of AS 12.62.120 (reporting of criminal justice information for inclusion of the information in the statewide Criminal Justice Information System, or CJIS).

JBC:lmb  
96-012.lmb

HB 104(1)

CSSSHB 104(JUD) AM

"An Act relating to disclosures of information about certain minors."

Sponsor(s): REPRESENTATIVE(S) KOTT,Bunde,Green,Ogan,Rokeberg

Current Status: (S) HES  
THEN JUD, FIN

Status Date: 5/01/95

Jrn-Date	Jrn-Pg	Action
1/20/95	101	(H) READ THE FIRST TIME - REFERRAL(S)
1/20/95	101	(H) HES, JUD
1/25/95	136	(H) COSponsor(s): GREEN
2/10/95	301	(H) SPONSOR SUBSTITUTE INTRODUCED-REFERRALS
2/10/95	301	(H) READ THE FIRST TIME - REFERRAL(S)
2/10/95	301	(H) HES, JUD
2/23/95		(H) HES AT 3:00 PM CAPITOL 106
2/23/95		(H) MINUTE(HES)
2/23/95		(H) MINUTE(HES)
2/23/95		(H) MINUTE(HES)
3/23/95		(H) HES AT 2:00 PM CAPITOL 106
3/23/95		(H) MINUTE(HES)
4/04/95		(H) HES AT 2:00 PM CAPITOL 106
4/04/95		(H) MINUTE(HES)
4/06/95	1048	(H) HES RPT CS(HES) 3DP INR
4/06/95	1048	(H) DP: BUNDE, TOOHEY, VEZEY
4/06/95	1048	(H) NR: BRICE
4/06/95	1048	(H) 3 ZERO FNS (DPS, COUPT, DHSS)
4/19/95		(H) JUD AT 1:00 PM CAPITOL 120
4/19/95		(H) MINUTE(JUD)
4/21/95		(H) JUD AT 1:00 PM CAPITOL 120
4/21/95		(H) MINUTE(JUD)
4/22/95	1442	(H) JUD RPT CS(JUD) 3DP INR 1AM
4/22/95	1442	(H) DP: BUNDE, TOOHEY, PORTER
4/22/95	1442	(H) NR: GREEN
4/22/95	1443	(H) AM: FINKELSTEIN
4/22/95	1443	(H) ZERO FISCAL NOTE (ADM)
4/22/95	1443	(H) 3 ZERO FNS (DHSS, DPS, COURT) 4/6/95
4/27/95	1633	(H) RULES TO CALENDAR 4/28/95
4/28/95	1633	(H) READ THE SECOND TIME
4/28/95	1633	(H) JUD CS ADOPTED UNAN CONSENT
4/28/95	1634	(H) AM NO 1 ADOPTED UNAN CONSENT
4/28/95	1634	(H) AM NO 2 FAILED Y12 N25 E2 A1
4/28/95	1635	(H) AM NO 3 WITHDRAWN
4/28/95	1635	(H) ADVANCED TO THIRD READING 4/29 CALENDAR
4/28/95	1650	(H) COSponsor(s): OGAN
4/29/95	1676	(H) READ THE THIRD TIME CSSSHB 104(JUD)AM
4/29/95	1676	(H) RETURN TO SECOND FOR AM 4 UNAN CONSENT
4/29/95	1676	(H) AM NO 4 ADOPTED UNAN CONSENT
4/29/95	1676	(H) AUTOMATICALLY IN THIRD READING
4/29/95	1677	(H) RETURN TO SECOND FOR AM 6 UNAN CONSENT

4/29/95	1677	(H)	AM NO 6 ADOPTED UNAN CONSENT
4/29/95	1677	(H)	RETURN TO 2ND FOR AM 5 FLD Y14 N22 E4
4/29/95	1677	(H)	AUTOMATICALLY IN THIRD READING
4/29/95	1678	(H)	PASSED Y29 N7 E4
4/29/95	1678	(H)	BROWN NOTICE OF RECONSIDERATION
4/29/95	1681	(H)	COSponsor(s): ROKEBERG
5/01/95	1720	(H)	RECONSIDERATION NOT TAKEN UP
5/01/95	1720	(H)	TRANSMITTED TO (S)
5/01/95	1392	(S)	READ THE FIRST TIME - REFERRAL(S)
5/01/95	1392	(S)	HES, JUD, FIN

RECEIVED  
FEB 23 1996  
Ans'd.....

**ALASKA**  
**CIVIL LIBERTIES UNION**

*An Affiliate of the American Civil Liberties Union*  
P. O. Box 201844 Anchorage, AK 99520-1844  
Phone: 1-907-258-0044 Fax: 1-907-258-0288

February 22, 1996

The Honorable Senator Lyda Green, Chair  
Senate Health, Education & Social Service  
Members of the Senate Health, Education & Social Service  
Alaska State Legislature  
State Capital Building, Room 423  
Juneau, AK 99801-1182

Re: House Bill 104

Dear Senator Green and members of the Senate HES Committee:

I am writing on behalf of the Board of Directors and the members of the Alaska Civil Liberties Union ("AkCLU"), concerning HB 104 which is scheduled for a hearing before the Senate HES Committee on February 23, 1996. For the reasons discussed below, the AkCLU recommends that the Senate HES Committee hold HB 104 in committee.

Under current law only the court, not law enforcement agencies, may order release of a minor's records for good cause to persons having a legitimate interest in them. AS 47.10.090(c)(emphasis added). The policy of protecting a minor's court records from disclosure is also reflected in AS 47.10.265, which provides that youth court proceedings relating to a minor are sealed and may not be used for any purpose. House Bill 104 is a drastic departure from established Alaska law which safeguards the privacy of juvenile records from disclosure without a court's permission. In contrast, HB 104 provides for law enforcement agencies, rather than courts, to release upon request, rather than for good cause, information about minors who are convicted of a crime that would be considered a felony if committed by an adult.

As you know, Representatives Kelly and Theriault have drafted a comprehensive revision of the juvenile code, CSSSHB 387. Section 41 of CSSSHB 387, [working draft "O," dated February 19, 1996], seems to conflict with HB 104. Additionally, unlike CSSSHB 387, HB 104 does not specifically discuss juvenile records which result from proceedings in youth court, the young adult advisory panel, or the community intervention courts. The AkCLU suggests that work on HB 104 should be suspended, since disclosure of juvenile records will be fully incorporated into the sweeping revisions to the juvenile code proposed by CSSSHB 387.

The Honorable Lyda Green, Chair  
Senate HES Committee

February 22, 1996  
Page Two

After careful analysis, the AkCLU firmly opposes HB 104 on constitutional and public policy grounds. Unfortunately, HB 104 signals a departure from the long standing Alaska tradition of zealously protecting the rights of minors. In Alaska, our Constitution has been interpreted to grant children fundamental rights, including the enumerated right to privacy and the right to rehabilitation under Art. I, § 12. See Breese v. Smith, 501 P.2d 159 (1972). A child's right of privacy and right to rehabilitation are impermissibly violated by the plain language of HB 104.

Disclosure of juvenile convictions severely compromises a child's right to rehabilitation by limiting, and perhaps eradicating, the minor's educational and employment opportunities after leaving the juvenile justice system. House bill 104 also authorizes release of information concerning juvenile convictions to school officials. The stigma attached to a felony conviction is likely to negatively impact a minor's relationships with her peers and teachers. Therefore, disclosure of a student's juvenile felony conviction may decrease the chance that a previously convicted juvenile will graduate from high school and become a productive member of society. Furthermore, disclosure of crimes committed during youth may act as a permanent bar to a decent job, college scholarships, college admission and eventual professional licensure. For these reasons, the release of records of juveniles, who have served their sentences, frustrates the goals of rehabilitation and successful reintegration of the young adult into the community.

House Bill 104 also permits release of juvenile records to the media. Television, radio and newspaper coverage of a minor's juvenile conviction are likely to prevent the youthful offender from ever making a "fresh start" and successfully reentering society. The revolving door of recidivism will be opened if the legislature permits indiscriminate disclosure of juvenile felony records to the public, the media and school officials.

The AkCLU is particularly concerned that enactment of HB 104 will result in the conviction of innocent children. The risk of conviction of innocent minors arises when minors are faced with a plea bargain to reduce a felony charge. Under the conditions created by HB 104, minors are likely to accept a prosecutor's plea bargain, even if they are innocent of the crime charged, rather than risk the dissemination of information that could ruin the rest of their lives.

The AkCLU also objects to the unbridled discretion that HB 104 give law enforcement agencies on whether to release juvenile records. The risk of law enforcement agencies pressuring juveniles for information in exchange for not releasing records, or other improper dealings, is heightened when law enforcement agencies, rather than the courts, are given broad power to release information. This risk is heightened since juveniles have a more limited right to representation than do adults during dealings with law enforcement agencies.

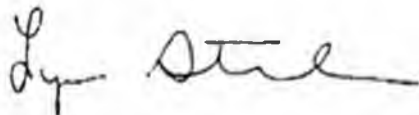
The Honorable Lyda Green, Chair  
Senate HES Committee

February 22, 1996  
Page Three

The AkCLU suggests that in the event that the Senate HES Committee recommends passage of HB 104 out of committee, this bill should be amended to permit judges the discretion to permanently seal a juvenile's records. Additionally, HB 104 should be amended to ensure that a minor is given an opportunity to contest any disclosure, with the assistance of counsel, before a law enforcement agency is permitted to disclose the minor's records.

The AkCLU respectfully requests that you consider our concerns and recommend that HB 104 not pass out of the Senate HES Committee.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynn Stimler".

Lynn Stimler  
Executive Director

9-LS0276\W -  
Chenoweth  
2/22/96

SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 104( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES KOTT, Bunde, Green, Ogan, Rokeberg

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to disclosures of information about certain minors."

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

3 \* Section 1. AS 47.10.090(e) is amended to read:

*Child in  
need filed  
only in court  
confidential*

4 (e) The court's official records under this chapter that relate to or that are  
5 based on a petition filed under this chapter for a minor alleged to be a child in  
6 need of aid are confidential and may be inspected only with the court's permission  
7 and only by persons having a legitimate interest in them. [A PERSON WITH A  
8 LEGITIMATE INTEREST IN THE INSPECTION OF AN OFFICIAL RECORD  
9 MAINTAINED BY THE COURT INCLUDES A VICTIM WHO SUFFERED  
10 PHYSICAL INJURY OR WHOSE REAL OR PERSONAL PROPERTY WAS  
11 DAMAGED AS A RESULT OF AN OFFENSE THAT WAS THE BASIS OF AN  
12 ADJUDICATION OR MODIFICATION OF DISPOSITION. IF THE VICTIM  
13 KNOWS THE IDENTITY OF THE MINOR, IDENTIFIES THE MINOR OR THE  
14 OFFENSE TO THE COURT, AND CERTIFIES THAT THE INFORMATION IS  
15 BEING SOUGHT TO CONSIDER OR SUPPORT A CIVIL ACTION AGAINST THE

1 MINOR OR AGAINST THE MINOR'S PARENTS OR GUARDIANS UNDER  
2 AS 34.50.020, THE COURT SHALL, SUBJECT TO AS 12.61.110 AND 12.61.140,  
3 ALLOW THE VICTIM TO INSPECT AND USE THE FOLLOWING RECORDS  
4 AND INFORMATION IN CONNECTION WITH THE CIVIL ACTION:

5 (1) A PETITION FILED UNDER AS 47.10.010(a)(1) SEEKING TO  
6 HAVE THE COURT DECLARE THE MINOR A DELINQUENT;

7 (2) A PETITION FILED UNDER AS 47.10.080 SEEKING TO HAVE  
8 THE COURT MODIFY OR REVOKE THE MINOR'S PROBATION;

9 (3) A PETITION FILED UNDER AS 47.10.060 REQUESTING THE  
10 COURT TO FIND THAT A MINOR IS NOT AMENABLE TO TREATMENT  
11 UNDER THIS CHAPTER AND THAT RESULTS IN CLOSURE OF A CASE  
12 UNDER AS 47.10.060(a); AND

13 (4) A COURT JUDGMENT OR ORDER ENTERED UNDER  
14 AS 47.10.010 - 47.10.142 THAT DISPOSES OF A PETITION IDENTIFIED IN (1) -  
15 (3) OF THIS SUBSECTION.]

16 \* Sec. 2. AS 47.10.090 is amended by adding new subsections to read:

17 (f) Except as provided in (g) of this section, the court's official records under  
18 this chapter that relate to or that are based on a petition filed under this chapter for a  
19 minor alleged to be a delinquent minor are confidential and may be inspected only  
20 with the court's permission and only by persons having a legitimate interest in them.  
21 A person with a legitimate interest in the inspection of the record includes a victim  
22 who suffered physical injury or whose real or personal property was damaged as a  
23 result of an offense that was the basis of an adjudication or modification of disposition.  
24 If the victim knows the identity of the minor, identifies the minor or the offense to the  
25 court, and certifies that the information is being sought to consider or support a civil  
26 action against the minor or against the minor's parents or guardians under  
27 AS 34.50.020, the court shall, subject to AS 12.61.110 and 12.61.140, allow the victim  
28 to inspect and use the following records and information in connection with the civil  
29 action:

30 (1) a petition filed under AS 47.10.010(a)(1) seeking to have the court  
31 declare the minor a delinquent;

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*new language*

(2) a petition filed under AS 47.10.080 seeking to have the court modify or revoke the minor's probation;

(3) a petition filed under AS 47.10.060 requesting the court to find that a minor is not amenable to treatment under this chapter and that results in closure of a case under AS 47.10.060(a); and

(4) a court judgment or order entered under AS 47.10.010 - 47.10.142 that disposes of a petition identified in (1) - (3) of this subsection.

(g) Upon request, the court's official records described in this subsection that relate to or that are based on a petition filed under this chapter for a minor alleged to be a delinquent minor based on the minor's commission of an offense on or after the effective date of this Act that would be a felony if committed by an adult shall be disclosed unless the court determines that release of the records would compromise the safety of the minor. The provisions of this subsection apply only to

(1) the court order entered under AS 47.10.060(a) closing the case after determining that the minor is not amenable to treatment and may be prosecuted as an adult;

(2) the court order entered under AS 47.10.080(e) that dismisses the case;

*non-delinquent*

or

(3) the court's disposition order, based on its judgment that the minor is delinquent, entered under AS 47.10.080(b) indicating disposition of the case following that judgment.

\* Sec. 3. AS 47.10.093(c) is amended to read:

(c) A state or municipal law enforcement agency

(1) shall disclose information regarding a case that is needed by the person or agency charged with making a preliminary investigation for the information of the court under AS 47.10.020;

(2) may disclose to the public upon request but may not report to the Department of Public Safety under AS 12.62.120 ~~(ix) the following information about a minor when the minor has been arrested for commission of an offense that would have been a felony if committed by an adult:~~

(i) the minor's name;

*added* → (ii) the name of the minor's parent or parents; *new*

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(iii) the date and place of the offense; and

(iv) a description of the nature of the offense; and

(B) information regarding a criminal offense other than an offense for which a disclosure may be made under (A) of this paragraph in which a minor is a suspect, victim, or witness if the minor is not identified by the disclosure;

~~(3)~~ may disclose to school officials information regarding a case as may be necessary to protect the safety of school students and staff;

~~(4)~~ may disclose to the public information regarding a case as may be necessary to protect the safety of the public; and

~~(5)~~ may disclose to a victim information, including copies of reports, as necessary for civil litigation or insurance claims pursued by or against the victim.

FISCAL NOTE

No. 23

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

Bill Version: SSCS 55HB164(FIN)

(S) Publish Date: 4/28/96

Revision Date: \_\_\_\_\_  
Title: An Act relating to disclosures of information about certain minors.  
Sponsor: Rep. Kott  
Requestor: (S)Jud.

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

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ( )	0	0	0	0	0	0
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) 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: (907)264-4400  
Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
Agency: Department of Administration

*Mark Boyer*

Date: 4/14/96

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STATE OF ALASKA  
1996 LEGISLATIVE SESSION

Bill Version: SCSCSSS1B104(FIN)

(S) Publish Date: 4/28/96

Revision Date: \_\_\_\_\_  
Title: Disclosure of Juvenile Records

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services

Sponsor: Representative Kott  
Requestor: Senate (JUD)

Component: DFYS Central Office  
COMPONENT SERIAL NO. 259  
See also (SN#): \_\_\_\_\_

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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FUND SOURCE

(Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There will be no fiscal impact if this bill passes.

*SJA/AL*

Prepared by: Karen Worley, Director  
Division: Family & Youth Services

Phone: 465-3191  
Date: 04/11/96

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

Date: 4/13/96

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**FISCAL NOTE**

Bill Version: SCS SSS HB 104 (JTD)

(S) Publish Date: 4/15/96

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
 \* An Act relating to disclosures of information about certain minors.\*  
 Sponsor: Representative Kott  
 Requestor: (S) Judiciary

Dept. Affected: Administration  
 BRU: Office of Public Advocacy  
 Component: Office of Public Advocacy  
 COMPONENT SERIAL NO. 43

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ( )	0	0	0	0	0	0
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**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY 96) cost: \$ -0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary.)  
 No anticipated fiscal impact on the Office of Public Advocacy.

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

Phone: (907) 274-1684  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
 Agency: Department of Administration

Date: 4/15/96

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# FISCAL NOTE

No. 20

Bill Version: SCSCSSSHB104(JUD)

(S) Publish Date: 4-11-96

STATE OF ALASKA

1996 LEGISLATIVE SESSION

Revision Date: 4/11/96

Title: Disclosure of Juvenile Records

Department Affected: Education

BFU: Executive Administration

Component: Commissioner's Office

Sponsor: Representative Kott

Requester: Senate Judiciary Committee

COMPONENT SERIAL NO. 185

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES						
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**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

**POSITIONS:**

POSITION TYPE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY96) impact: \$ 0.0

**ANALYSIS:** SCSCSSSHB104(Jud) clarifies when state and municipal law enforcement agencies are required to disclose information to the public and to schools regarding minors who commit certain crimes. This version added the stipulation that law enforcement agencies may disclose the name(s) of the parent(s) whose minor committed the felony. Further, these agencies may reveal necessary information to school officials in order to increase the safety of students and staff. Passage of this legislation will have no fiscal impact on the Department of Education.

Prepared by: Kimberly Homme, Special Assistant

Phone: 465-2803

Division: Commissioner's Office

Date: April 11, 1996

Approved by Commissioner: *Shirley J. Holloway*

Shirley J. Holloway, Ph.D. Commissioner

Agency: Education

Date: April 11, 1996

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FISCAL NO

No. 19

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO:

Bill Version: SCS(S)SSHB104(JWD)

(S) Publish Date: 4-11-96

Revision Date: April 11, 1996  
Title: Disclosure of Juvenile Records  
Sponsor: Representative KOTT  
Requestor: S. Judiciary

Dept. Affected: Public Safety  
BRU: Alaska State Troopers  
Component: Detachments  
COMPONENT SERIAL NO. 0799

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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 GE Match						
1004 GE						
1005 GE/Program Receipts						
1008 GE/MHTIA						
Other						
TOTAL	0.	0.	0.	0.	0.	0.

Estimate of current year (FY 96) 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)

This bill will not have a material impact on the Division of Alaska State Troopers

Prepared By: Lt Dan Lowden Phone: 465-5505  
Division: Alaska State Troopers Date: April 11, 1996  
Approved by Commissioner: *Ronald L. Otto* Date: 4/11/96  
Agency: Ronald L. Otto, Dept. of Public Safety

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# FISCAL NOTE

No. 18

Bill Version: SCSCS 55HB104(JHD)

(S) Publish Date: 4/11/96

## STATE OF ALASKA 1996 LEGISLATIVE SESSION

Revision Date: 04/10/96

Dept. Affected: Alaska Court System

Title: Disclosure of juvenile records

BRU: Trial Courts

Component: \_\_\_\_\_

Sponsor: Rep. Kort

Requestor: Senate Judiciary

COMPONENT SERIAL NO. 760

### Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (						
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### 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						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: None

### Positions

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel

Agency: Alaska Court System

Phone: 264-8228

Date: 04/10/96

Approved by: Arthur H. Snowden, II, Administrative Director

Agency: Alaska Court System

Date: 04/10/96

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FISCAL NOTE

No. 17

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

Bill Version: SCS C S S S H B 1 0 4 C H E S

(S) Publish Date: 4/11/96

Revision Date: \_\_\_\_\_  
Title: Disclosure of Juvenile Records  
Sponsor: Representative Kott  
Requestor: Senate (JUD)

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

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

	(507.4)	(507.4)	(507.4)	(507.4)	(507.4)	(507.4)
1002 Federal Receipts						
1003 GF Match						
1004 GF	507.4	507.4	507.4	507.4	507.4	507.4
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: 90.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(8)). The state would lose \$507.4 in Title IVE federal funds for the Northern Region. The total cost to the Division would be \$7,625.9. DFYS had thought that release by the court of limited information regarding the disposition of a case, as long as it contained no information obtained from DFYS records, would be allowable. DFYS has since been informed by federal staff that ANY release is prohibited since even the names of juveniles reach the court through DFYS.

Prepared by: L. Diane Worley, Director  
Division: Family & Youth Services  
Approved by Commissioner: Kate Perdue, Commissioner  
Agency: Department of Health & Social Services

Phone: 465-3191  
Date: 03/15/96  
Date: 3/20/96

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FISCAL NOTE

No. 16

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

Bill Version: SCSCS 55TB104 (HE)

(S) Publish Date: 4/11/96

Revision Date: \_\_\_\_\_  
Title: Disclosure of Juvenile Records  
Sponsor: Representative Kott  
Requestor: Senate (JUD)

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

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts	(286.0)	(286.0)	(286.0)	(286.0)	(286.0)	(286.0)
1003 GF Match						
1004 GF	286.0	286.0	286.0	286.0	286.0	286.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(8)). The state would lose \$286.0 in Title IVE federal funds for Southeast Region. The total cost to the Division would be \$7,625.9. DFYS had thought that release by the court of limited information regarding the disposition of a case, as long as it contained no information obtained from DFYS records, would be allowable. DFYS has since been informed by federal staff that ANY release is prohibited since even the names of juveniles reach the court through DFYS.

Prepared by: L. Diane Worley, Director  
Division: Family & Youth Services  
Approved by Commissioner: Karen Petrus, Commissioner  
Agency: Department of Health & Social Services

Phone: 465-3191  
Date: 03/15/96  
Date: 3/20/96

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FISCAL NOTE

No. 15

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

Bill Version: SCSCSSSHB104CHES

(S) Publish Date: 4/11/96

Revision Date: \_\_\_\_\_  
Title: Disclosure of Juvenile Records  
Sponsor: Representative Kott  
Requestor: Senate (JUD)

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

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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FUND SOURCE

(Thousands of Dollars)

	(1,153.8)	(1,153.8)	(1,153.8)	(1,153.8)	(1,153.8)	(1,153.8)
1002 Federal Receipts						
1003 GF Match						
1004 GF	1,153.8	1,153.8	1,153.8	1,153.8	1,153.8	1,153.8
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: 80.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(8)). The state would lose \$1,153.8 in Title IVE federal funds for Southcentral Region. The total cost to the Division would be \$7,625.9. DFYS had thought that release by the court of limited information regarding the disposition of a case, as long as it contained no information obtained from DFYS records, would be allowable. DFYS has since been informed by federal staff that ANY release is prohibited since even the names of juveniles reach the court through DFYS.

Prepared by: L. Diane Worley, Director Phone: 465-3191  
 Division: Family & Youth Services Date: 03/15/96  
 Approved by Commissioner: Karen Perdue, Commissioner Date: 3/20/96  
 Agency: Department of Health & Social Services

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FISCAL NOTE

No. 14

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

Bill Version: SCSC531B104 (HES)

(S) Publish Date: 4/11/96

Revision Date: \_\_\_\_\_  
Title: Disclosure of Juvenile Records

Dept. Affected: Health and Social Services  
BRU: Family & Youth Services  
Component: Foster Care

Sponsor: Representative Kott  
Requestor: Senate (JUD)

COMPONENT SERIAL NO. 252  
See also (SN#): \_\_\_\_\_

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	(1,330.0)	(1,330.0)	(1,330.0)	(1,330.0)	(1,330.0)	(1,330.0)
1003 GF Match						
1004 GF	1,330.0	1,330.0	1,330.0	1,330.0	1,330.0	1,330.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: 30.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(8)). The state would lose \$1330.0 in Title IVE federal funds for Foster Care. The total cost to the Division would be \$7,625.9. DFYS had thought that release by the court of limited information regarding the disposition of a case, as long as it contained no information obtained from DFYS records, would be allowable. DFYS has since been informed by federal staff that ANY release is prohibited since even the names of juveniles reach the court through DFYS.

Prepared by: [Signature]  
Division: Family & Youth Services

Phone: 465-3191  
Date: 03/19/96

Approved by Commissioner: [Signature]  
Agency: Department of Health & Social Services

Date: 3/20/96

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FISCAL NOTE

No. 13

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

Bill Version: SCSCSS HB104(HES)

(S) Publish Date: 4/11/96

Revision Date: \_\_\_\_\_  
Title: Disclosure of Juvenile Records  
Sponsor: Representative Kott  
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services  
BRU: Family & Youth Services  
Component: Residential Child Care  
COMPONENT SERIAL NO. 253  
See also (SN#): \_\_\_\_\_

Expenditures/Revenues:

(Thousands of Dollars)

	FY97	FY98	FY99	FY00	FY01	FY02
<b>OPERATING</b>						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts	(568.0)	(568.0)	(568.0)	(568.0)	(568.0)	(568.0)
1003 GF Match						
1004 GF	568.0	568.0	568.0	568.0	568.0	568.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: 60.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(8)). The state would lose \$568.0 in Title IVE federal funds for Residential Child Care. The total cost to the Division would be \$7,625.9. DFYS had thought that release by the court of limited information regarding the disposition of a case, as long as it contained no information obtained from DFYS records, would be allowable. DFYS has since been informed by federal staff that ANY release is prohibited since even the names of juveniles reach the court through DFYS.

Prepared by: [Signature]  
Division: Family & Youth Services  
Approved by Commissioner: [Signature]  
Agency: Department of Health & Social Services

Phone: 465-3:91  
Date: 03/19/96  
Date: 3/20/96

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FISCAL NOTE

No. 12

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

Bill Version: SCS CS SS HB 104 (HES)

(S) Publish Date: 4/11/96

Revision Date: \_\_\_\_\_  
Title: Disclosure of Juvenile Records  
Sponsor: Representative Kott  
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services  
BRU: Family & Youth Services  
Component: Family Preservation  
COMPONENT SERIAL NO. 1628  
See also (SN#): \_\_\_\_\_

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	(1,022.9)	(1,022.9)	(1,022.9)	(1,022.9)	(1,022.9)	(1,022.9)
1003 GF Match						
1004 GF	1,022.9	1,022.9	1,022.9	1,022.9	1,022.9	1,022.9
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 (FY96) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(8)). The state would lose \$1022.9 in Title IVE federal funds for Family Preservation. The total cost to the Division would be \$7,625.9. DFYS had thought that release by the court of limited information regarding the disposition of a case, as long as it contained no information obtained from DFYS records, would be allowable. DFYS has since been informed by federal staff that ANY release is prohibited since even the names of juveniles reach the court through DFYS.

Prepared by: L. Diane Worley, Director  
Division: Family & Youth Services  
Approved by Commissioner: Karen Ferdue, Commissioner  
Agency: Department of Health & Social Services

Phone: 465-3191  
Date: 03/19/96  
Date: 3/20/96

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FISCAL NOTE

No. 11

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

Bill Version: SCSCS 55 HB104 (HES)

(S) Publish Date: 4/11/96

Revision Date: \_\_\_\_\_  
Title: Disclosure of Juvenile Records  
Sponsor: Representative Kutt  
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services  
BRU: Family & Youth Services  
Component: Sub Adoption & Guardianship  
COMPONENT SERIAL NO. 1962  
See also (SN#): \_\_\_\_\_

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	(1,364.6)	(1,364.6)	(1,364.6)	(1,364.6)	(1,364.6)	(1,364.6)
1003 GF Match						
1004 GF	1,364.6	1,364.6	1,364.6	1,364.6	1,364.6	1,364.6
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(8)). The state would lose \$1364.6 in Title IVE federal funds for Subsidized Adoption & Guardianship. The total cost to the Division would be \$7,625.9. DFYS had thought that release by the court of limited information regarding the disposition of a case, as long as it contained no information obtained from DFYS records, would be allowable. DFYS has since been informed by federal staff that ANY release is prohibited since even the names of juveniles reach the court through DFYS.

Prepared by: *Katherine J. Little*  
L. Diane Worley, Director  
Division: Family & Youth Services  
Approved by Commissioner: *[Signature]*  
Karen Perdue, Commissioner  
Agency: Department of Health & Social Services

Phone: 465-3191  
Date: 03/19/96  
Date: 3/20/96

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FISCAL NOTE

No. 10

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

Bill Version: SCSCSS HB104/HES

(S) Publish Date: 4/11/96

Revision Date: \_\_\_\_\_  
Title: Disclosure of Juvenile Records  
Sponsor: Representative Kott  
Requestor: Senate (JUD)

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services  
Component: DFYS Central Office  
COMPONENT SERIAL NO. 259  
See also (SN#): \_\_\_\_\_

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts	(1,393.2)	(1,393.2)	(1,393.2)	(1,393.2)	(1,393.2)	(1,393.2)
1003 GF Match						
1004 GF	1,393.2	1,393.2	1,393.2	1,393.2	1,393.2	1,393.2
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost:                     \$0.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public will place the state out of compliance with federal regulations concerning Title IVB and Title IVE of the Social Security Act (42 U.S.C 671 (a)(8)). The state would lose \$1393.2 in Title IVE federal funds for the Central Office. The total cost to the Division would be \$7,625.9. DFYS had thought that release by the court of limited information regarding the disposition of a case, as long as it contained no information obtained from DFYS records, would be allowable. DFYS has since been informed by federal staff that ANY release is prohibited since even the names of juveniles reach the court through DFYS.

Prepared by: L. Diane Worley, Director  
Division: Family & Youth Services  
Approved by Commissioner: Karen Perdue, Commissioner  
Agency: Department of Health & Social Services

Phone: 465-3191  
Date: 03/15/96  
Date: 3/20/96

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# FISCAL NOTE

No. 9

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

Bill Version: SCSCS SS HA104CHES

(S) Publish Date: 4/11/96

Division Date: \_\_\_\_\_ Dept. Affected: Alaska Court System  
 Title: Disclosure of juvenile records BRU: Trial Courts  
 Component: \_\_\_\_\_  
 Sponsor: Rep. Kort  
 Requester: Senate HESS COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	18.1	18.1	18.1	18.1	18.1	18.1
TRAVEL						
CONTRACTS						
SUPPLIES	0.4	0.4	0.4	0.4	0.4	0.4
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>18.5</b>	<b>18.5</b>	<b>18.5</b>	<b>18.5</b>	<b>18.5</b>	<b>18.5</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	18.5	18.5	18.5	18.5	18.5	18.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>18.5</b>	<b>18.5</b>	<b>18.5</b>	<b>18.5</b>	<b>18.5</b>	<b>18.5</b>

Estimate of any current year (FY 96) cost: None

Positions

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: C. S. Christensen III, Staff Counsel Phone: 264-8228  
 Agency: Alaska Court System Date: 04/10/96  
 Approved by: Arthur H. Snowden, II, Administrative Director Date: 04/10/96  
 Agency: Alaska Court System

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Alaska Court System  
Fiscal Analysis  
SCS CSSSHB 104 (HES)

SCS CSSSHB 104 (HES) amends delinquency laws to make public certain records of a juvenile who is alleged to have committed an act which would be a felony if committed by an adult. Those parts of a juvenile file which are made public include the court order which closes the case after determining that the minor may be prosecuted as an adult; the court order that dismisses the case; and the court's disposition order following the adjudication of the minor as a delinquent.

The major use of adult criminal files by private citizens is records checks. In Alaska, there is a 13 to 18-year old population of approximately 50,000; this figure, along with scores of thousands of young adults, is the potential group about which records requests could be made by potential employers, landlords, credit bureaus, neighbors, teachers, etc. Statewide, courts receive over 3500 written requests per year for adult criminal records information, from individuals and entities that are located in a different community than the courthouse. Far more individuals and businesses perform adult criminal records research in person at courthouses. In Anchorage alone, for example, approximately 75 people per day request adult files to review for criminal records; these 75 individuals look through an estimated 500 files per day. It can be assumed that the number of requests for juvenile records will likewise be substantial, once they are made accessible. This bill will require creation of a second juvenile file system, containing public information, which will be kept concurrently with the existing confidential file system. This will impose additional clerical costs.



FISCAL NOTE

No. 8

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

Bill Version: SCSCSS511B104(I)ES  
(S) Publish Date: 4-2-96

Effective Date: \_\_\_\_\_  
Title: An Act relating to disclosure of information about certain minors.  
Sponsor: Rep. Kott  
Requestor: (S)HES

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

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ( )	0	0	0	0	0	0
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FUND SOURCE:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) 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: (907)264-4400  
Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
Agency: Department of Administration

Date: 5/27/96

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# FISCAL NOTE

No. 7

**STATE OF ALASKA**  
**1996 LEGISLATIVE SESSION**

**BILL** A Bill Version: SOSCS55 HB104 (HES)

(S) Publish Date: 3-25-96

Revision Date: February 29, 1996  
 Title: 'An Act relating to disclosure of information about certain minors.'  
 Sponsor: Representative KOTT  
 Requestor: S. Judiciary

Dept. Affected: Public Safety  
 BRU: Alaska State Troopers  
 Component: Detachments  
 COMPONENT SERIAL NO. 799

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

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL EXPENDITURES</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES ( )</b> Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GE/Program Receipts						
1006 GE/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 96) 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 fiscal impact is anticipated.

Prepared By: Francis c. Allan Phone: (907) 269-5691  
 Division: Alaska State Troopers Date: 02/29/95  
 Approved by Commissioner: *Ronald L. Otte* Date: 3/1/96  
 Agency: Ronald L. Otte, Dept. of Public Safety

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STATE OF ALASKA  
1996 LEGISLATIVE SESSION

Bill Version: SCS55HB104(HES)  
(S) Publish Date: 2-26-96

Revision Date: \_\_\_\_\_  
Title: Disclosure of Juvenile Records  
Sponsor: Representative Kott  
Requestor: Senate (HES)

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services  
Component: DFYS Central Office  
COMPONENT SERIAL NO. 259  
See also (SN#): \_\_\_\_\_

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: 0.0

**ANALYSIS:** (Attach a separate page if necessary)

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

*5/22/96*

Prepared by: L. Diane Worley, Director  
Division: Family & Youth Services  
Approved by Commissioner: Karen Pedrotti, Commissioner  
Agency: Department of Health & Social Services

Phone: 465-3191  
Date: 02/22/96  
Date: \_\_\_\_\_

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# FISCAL NOTE

No. 5

Bill Version: SCSSSHB104CHE

(S) Publish Date: 2-26-96

STATE OF ALASKA

1996 LEGISLATIVE SESSION

Revision Date: 05/01/95

Title: Disclosure of Juvenile Records

Sponsor: Representative Kott

Requester: Representative Kott

Department Affected: Education

BRU: Executive Administration

Component: Commissioner's Office

COMPONENT SERIAL NO. 185

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES						
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
Other						
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY96) impact: \$ 0

**ANALYSIS: (Attach a separate page if necessary.)**

CSSSHB 104 (Jud)am clarifies when state and municipal law enforcement agencies are required to disclose information to schools and the public regarding minors who commit certain offenses. Passage of this legislation will have no fiscal impact on the Department of Education.

Prepared by: Kimberly Homme, Special Assistant

Division: Commissioner's office

Approved by Commissioner: [Signature]

Agency: Education

Phone: 465-2803

Date: February 20, 1996

Richard S. Cross, Deputy Commissioner

Date: February 20, 1996

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STATE

1995 F.F.

Division Date: \_\_\_\_\_  
 Title: "An Act relating to disclosures of information about certain mirrors."  
 Sponsor: Rep. Kott  
 Requestor: (H) JUD

Department Affected: Administration  
 BRU: Public Defender Agency  
 Component: Public Defender Agency

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						
<b>TOTAL OPERATING</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ( )	0	0	0	0	0	0
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**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
<b>TOTAL</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>00</b>

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: Publ - Defender Agency

Phone: 284-4400  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Boyer  
 Agency: Department of Administration

Date: 4/13/95

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

No. 3  
Bill Version: CSSSHB 104 (HES)  
(H) Publish Date: 4/6/95

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
Title: Disclosure of juvenile records BRU: Alaska State Troopers  
Component: Detachments  
Sponsor: Representative Kott  
Requestor: (H) HESS COMPONENT SERIAL NO. 799

**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						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL EXPENDITURES</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES ( )</b>	-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						
<b>TOTAL</b>	-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 material impact.

Prepared By: Francis C. Allen Phone: 749-5891  
Division: Alaska State Troopers Date: 04/07/95  
Approved by Commissioner: Ronald L. Otte Date: 4-4-95  
Agency: Ronald L. Otte, Dept. of Public Safety

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# FISCAL NOTE

Bill No. 2  
 Bill Version: CSSSHB 104 (HES)  
 (H) Publish Date: 4/6/95

STATE OF ALASKA  
 1995 LEGISLATIVE SESSION

Revision Date: 03/20/95 Dept. Affected: Alaska Court System  
 Title: Disclosure of juvenile records BRU: Trial Courts  
 Components: \_\_\_\_\_  
 Sponsor: Rep. Kott, Bunde, Green  
 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						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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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						
1008 GF/MHTIA						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 96) cost: \$ None

**ANALYSIS:** (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christenson III, Staff Counsel *CMC* Phone: 264-8228  
 Agency: Alaska Court System Date: 03/20/95

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

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STATE OF ALASKA  
1995 LEGISLATIVE SESSION

Version: CSSSHB 104 (HES)  
(H) Publish Date: 4/6/95

Revision Date: \_\_\_\_\_  
Title: Disclosure of Information on Minors

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services  
Component: DFYS Central Office  
COMPONENT SERIAL NO. 259  
See also (SN#): \_\_\_\_\_

Sponsor: Representative Kott  
Requestor: House (HES)

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

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

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 for the Department if this bill were to become law.

Prepared by: L. Diane Worley, Director

Division: Family & Youth Services

Phone: 465-3191

Date: 04/05/95

Approved by Commissioner: \_\_\_\_\_

Agency: \_\_\_\_\_

Department of Health & Social Services

Date: 4/5/95

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9-LS0276H~  
Chenoweth  
3/7/96

NEW CS 4/10

SENATE CS FOR CS FOR SS FOR HOUSE BILL NO. 104( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES KOTT, Bunde, Green, Ogan, Rokeberg

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to disclosures of information about certain minors."

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

3 \* Section 1. AS 47.10.093(c) is amended to read:

4 (c) A state or municipal law enforcement agency

5 (1) shall disclose information regarding a case that is needed by the  
6 person or agency charged with making a preliminary investigation for the information  
7 of the court under AS 47.10.020;

8 (2) may disclose to the public

9 (A) the following information about a minor when the minor  
10 has been arrested for commission of an offense that would have been a  
11 felony if committed by an adult;

12 (i) the minor's name;

13 (ii) the name of the minor's parent or parents;

14 (iii) the date and place of the offense; and

15 (iv) a description of the nature of the offense; and

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(B) information regarding a criminal offense, other than an offense for which a disclosure may be made under (A) of this paragraph,  
in which a minor is a suspect, victim, or witness if the minor is not identified by the disclosure;

(3) may disclose to school officials information regarding a case as may be necessary to protect the safety of school students and staff;

(4) may disclose to the public information regarding a case as may be necessary to protect the safety of the public; and

(5) may disclose to a victim information, including copies of reports, as necessary for civil litigation or insurance claims pursued by or against the victim.

**PUBLIC SAFETY PARTNERSHIP PROGRAM**



Municipality of Anchorage  
Rick Mystrom, Mayor



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**Problem: Juveniles**

<u>PROBLEM</u>	<u>STATUTE/CODE</u>	<u>COURT RULE</u>	<u>PROPOSED SOLUTION</u>
<p>Juvenile Issues</p> <p><u>A. Long Term</u></p> <p>Rise in Juvenile Crimes and Shortage of Space Leading to Crisis. Juvenile offenders have become increasingly dangerous and increasingly blatant regarding their offenses in the knowledge that the system can do very little to them and they are exempt from public censure due to confidentiality laws.</p> <p>According to the Alaska Justice Forum, in 1989 there were 831 juvenile detention events; in 1993 that number rose to 1,549. During that five year period more than half of the juveniles appeared only once, but 144 of them appeared 6 or more times. The individual record for frequency was held by an offender with 27 detentions.</p>	<p>AS 47.10.010 AS 47.10.020 AS 47.10.060 AS 47.10.090</p>	<p>DR 6, 12, 11, 23, 27</p>	<p>The juvenile code needs to be re-evaluated in light of new community approaches and philosophies regarding the correct approach to juvenile crime. Complete overhaul of the statute should involve participation of both State and Municipal agencies.</p>

<u>PROBLEM</u>	<u>STATUTE/CODE</u>	<u>COURT RULE</u>	<u>PROPOSED SOLUTION</u>
<p><b>Juvenile Issues (continued)</b></p> <p><u>2. Confidentiality</u></p> <p>a. <b>Victim Access.</b> The public and victims of specific crimes feel locked out of the juvenile justice system. The secrecy surrounding the system is eroding public confidence and undermining the sense of public safety.</p>	<p>AS 47.10.060 AS 47.10.072 AS 47.10.090</p>		<p>Divide Title 47 into two parts--one dealing with Children in Need of Aid which would remain closed to general public and one dealing with criminal offenders which would be generally open, but subject to closure, sealing, and expungement after rehabilitation.</p>

**Proposed Law:**

**Enactment of Amendment:**

**AS 47.10.070. Hearings.** (a) The court may conduct the hearing in a informal manner in the courtroom or in chambers. A hearing may be held before a young adult advisory panel in accordance with AS 47.10.075. The court shall give notice of the hearing to the department and it may send a representative to the hearing. The court shall also transmit a copy of the petition to the department. The representative of the department may also be heard at the hearing. [THE PUBLIC SHALL BE EXCLUDED FROM THE HEARING, BUT THE COURT, IN ITS DISCRETION, MAY PERMIT INDIVIDUALS TO ATTEND A HEARING, IF THEIR ATTENDANCE IS COMPATIBLE WITH THE BEST INTERESTS OF THE MINOR. NOTHING IN THIS SECTION MAY BE APPLIED IN SUCH A WAY AS TO DENY A CHILD'S RIGHTS TO A PUBLIC TRIAL AND TO A TRIAL BY JURY.]

(b) Notwithstanding (a) of this section, the victim of an offense that a minor is alleged to have committed, or the designee of the victim, has a right to be present at all hearings held under this section. If the minor is found to have committed the offense, the victim may at the disposition hearing give sworn testimony or make an unsworn oral presentation concerning the offense and its effect on the victim. If there are numerous victims of a minor's offense, the court may limit the number of victims who may give sworn testimony or make an unsworn oral presentation, but the court may not limit the right of a victim to attend a hearing.

(c) If a crime committed by a minor is scheduled for a hearing under AS 47.10.070, the public has the right to attend the hearing unless after application of any party the court concludes that full or partial closure is necessary to protect the victim or minor from the physical or severe emotional harm; to maintain order in the courtroom; insure truthful testimony; or meet another compelling interest. Before issuing such an order, the court shall place its findings on the record and consider potential alternatives to ensure the method of closure is no broader than necessary to accomplish the court's objective.

<u>PROBLEM</u>	<u>STATUTE/CODE</u>	<u>COURT RULE</u>	<u>PROPOSED SOLUTION</u>
<p><b>Confidentiality (continued)</b></p> <p><b>b. Juvenile Records.</b> Juvenile records are automatically sealed and privileged. This serves a valid public policy for some youthful offenders who do not re-offend, but subverts the public safety when the adult court system cannot identify repeat offenders after their 18th birthday because the records are sealed making it appear that the person is a first offender, despite the existence of criminal history of offenses occurring before the person turned 18.</p>	<p>AS 47.10.090</p>	<p>DR 27, 22</p>	<p>Amend AS 47.10.090 and Delinquency Rule 27 to provide for system similar to that which exists in AS 47.10.060, i.e. records open for certain period of time after which rehabilitation is assumed and they are closed, sealed, and information expunged.</p>

**Proposed Law:**

Repeal of present language and enactment of:

**AS 47.10.090. Records.** (a) The court shall make and keep records of all cases before it. Records relating to delinquency matters, including investigation and arrest, shall be matters of public access to the same extent as adult offenders when the juvenile offender is 13 years of age or older. Records relating to Child in Need of Aid proceedings shall be inspected only with the court's permission and only by persons having a legitimate interest in them.

(b) A person who has been adjudicated under this title may petition the Superior Court to seal the record of the delinquency proceeding and expunge the information relating to it from the person's Department of Public Safety records. A petition under this subsection may not be filed until the person's 18th birthday or two years after completion of the disposition as ordered, whichever occurs later. If the Superior Court finds that the person has not re-offended and has complied with all the terms of the disposition, the Court shall order the record of the proceeding to be sealed and the person's record expunged. Sealing the record restores civil rights if they have been removed. These sealed records may not be used for any purpose except the Court may order their use for good cause shown or may order them re-opened if the person is charged with a felony offense within two years of the sealing.

(c) Violation of a provision of this section is punishable as a Class A misdemeanor.

November 1995  
Vol. 20, No. 17

# Juvenile Crime and Justice State Enactments 1995

By Donna Lyons, *Program Manager*

States are tackling juvenile crime as a high priority again this year. And legislatures in Connecticut, Missouri, Oregon and Texas passed sweeping changes in how juvenile justice will be administered and carried out. Some of the new laws take a comprehensive approach with attention to prevention, early intervention and graduated sanctions for juveniles as well as criminal handling of the most serious and violent juvenile offenders. In many states, the trend continues to waive or directly file serious juvenile offenders into adult criminal courts. Also prominent this year are new laws to fingerprint and photograph juveniles; open juvenile proceedings and records; extend victims' rights to victims of serious crimes perpetrated by juveniles; and involve and hold accountable parents of serious or chronic juvenile offenders. Pennsylvania addressed juvenile justice in a special session held earlier this year concurrently with its regular session, which follows a similar extraordinary session in Arkansas in late 1994.

## System Reorganizations, Reforms

A Connecticut juvenile justice law was hailed as historic reform. It shifted a 40-year-old system designed to deal primarily with shoplifters and truants to one equipped to address serious and violent juvenile crime, as well as promote prevention. The law places responsibility for juvenile delinquency programs in the Judicial Department's Office of Alternative Sanctions (where there is a well developed adult program) and mandates development of risk assessments, evaluation teams, early intervention strategies and prevention programs. Hard on serious juvenile crime, the new law makes it easier to transfer a juvenile over age 14 accused of committing a felony from juvenile to adult criminal court and adds five crimes to the list of "serious juvenile offenses." The law creates a system for serious juvenile repeat offender (SJRO) prosecution, under which the youth is sentenced as both a juvenile and an adult. The adult sentence is suspended if he conforms to conditions of the juvenile sentence and commits no further crime.

In Missouri, a new law—similarly a 40-year update of juvenile justice in the state—creates dual jurisdiction for both criminal and juvenile courts when juvenile offenders commit serious crimes. Like Connecticut, the adult sentence is suspended if the offender successfully completes the juvenile disposition. The law also allows prosecution as adults of juveniles age 12 to 17 for felony offenses. It allows waiver of subsequent offenses without another certification hearing if the child previously has been prosecuted as an adult. Missouri law requires court

*States are making sweeping changes in how juvenile justice will be administered.*

consideration of racial disparity in sending cases to adult court. Courts may require the parents of juvenile offenders to participate in certain activities and to pay for costs of housing their child in an institution. The law requires courts to evaluate juvenile court services by establishing performance standards and collecting outcome data. Youth violence prevention also was addressed in the new law. Lawmakers created tax credits for corporations or individuals who provide certain violence prevention programs and activities. A Youth Opportunities and Violence Prevention Fund was established to assist new juvenile crime prevention programs, and schools are required to develop programs to teach nonviolent conflict resolution and ethical decision making.

Juvenile justice reform legislation in Texas this year toughens sentencing for some juvenile offenders and establishes first-offender and graduated sanctions for others. The new law addresses juvenile waiver to adult criminal courts, including lowering to 14 the age at which a juvenile can be certified to stand trial for certain crimes. The law provides that once certified to adult court, any and all future proceedings will be in criminal court. Habitual juvenile

*Texas law establishes local juvenile boards to design and set up first-offender programs.*

offenders can receive up to a 40-year sentence for third felony offenses. Determinate sentences were established for a dozen offenses. Juveniles may be fingerprinted and photographed for any offense for which they could be jailed and parents can be ordered to participate in certain treatment programs as well as perform community service alongside juvenile probationers. Under the new law, local juvenile boards will design and establish first-offender programs. Local officials also are charged with establishing a seven-step system of progressive sanctions based on severity of the offense and extent of a youth's criminal involvement and emphasizing consequences for delinquent conduct. An intervention program is established for at-risk youths and their families as well as vocational and employment programs for juvenile offenders.

An act this year in Oregon established a Department of Youth Authority with broad responsibility for juvenile offenders and several levels of juvenile corrections facilities. Under the law, the authority must prepare a reformation plan for each juvenile, based on seriousness of his conduct and juvenile record, and provide for transfers from one custody level to another as the youth progresses in the individualized plan. The Youth Authority also has custody of persons ages 18 to 20, who are sentenced for a first felony conviction to an imprisonment term not beyond their 25th birthday and are likely to benefit from authority programming and do not pose substantial danger to the public. Oregon also lowered from 14 to 12 years the age at which a juvenile can be held criminally responsible in adult court and established procedures for fingerprinting and photographing all arrested youth offenders.

Kansas also created a Youth Authority to review and recommend structure for the state's juvenile justice system, including confinement and alternative disposition policies. The authority is required to report to the Legislature in 1997 and will advise the new commissioner of juvenile justice. Montana also reorganized its executive branch, placing juvenile corrections with the Department of Corrections. Responsibility for prevention and family services is placed in the Department of Public Health and Human Services. Oklahoma separated juvenile justice from other juvenile laws by creating separate codes, the Children's Code addresses deprived youths and the Juvenile Code serves juveniles who are delinquent or in need of supervision. The Oklahoma measure continued work begun in 1994 when legislation changed the organizational structure of the juvenile justice system with emphasis on early intervention and

incarceration of certain offenders. In a budget act this year in Wisconsin, lawmakers created a new Serious Juvenile Offender Program and moved delinquency programs from the Department of Health and Social Services to the Department of Corrections. A new West Virginia law extends juvenile court control over some offenders to age 21, without precluding criminal court jurisdiction, and requires transfer of certain serious offenders to adult courts. California amended its juvenile community-based punishment act to allow for nonresidential, as well as residential, military boot camp-style school programs for offenders. Illinois lawmakers authorized intergovernmental agreements with counties to run juvenile boot camps and passed a law to work with the courts on structured, intermediate sanctions for juveniles and adults. Texas' reform act established a boot camp program as an intermediate sanction for juvenile offenders, and included community after care.

Many components of the comprehensive enactments are seen in other 1995 state legislation that addresses juvenile crime and justice.

### **Criminal, Adult Handling of Juvenile Offenders**

Perhaps no area of juvenile justice has received more attention in recent years than that of treating serious juvenile offenders more like adult criminals. That trend continues in 1995. States including Alaska, Delaware, Indiana, Louisiana, Minnesota, North Dakota, Oregon, Tennessee, Utah and West Virginia added crimes for which a juvenile may, or must, be prosecuted as an adult. An enactment in Arkansas' special session last year also added crimes for which a juvenile ages 14 and 15 may be charged as an adult. Procedural changes likely to result in more juvenile cases being handled in adult courts were passed in other states. A 1995 Arkansas enactment provides that youths who have had multiple juvenile adjudications within two years can be transferred to criminal court for any act that constitutes adult felony. Nevada similarly passed a new law requiring that juveniles age 16 or over who commit certain forcible, violent felonies and who previously have been adjudicated for a felony act must be certified in adult court. The legislation also lowered discretionary certification of juveniles from age 16 to 14. Idaho lawmakers authorized waiver of juveniles under age 14 who commit certain felonies, along with another enactment providing that a juvenile waived to adult court will stay there even if he pleads to a lesser offense not in the mandatory waiver category. Iowa and Ohio passed laws requiring that youths once transferred for criminal prosecution will be handled in adult courts for any future alleged offenses. In Wisconsin, a reorganization act lowered from 18 to 17 the maximum age at which a juvenile can be defined delinquent. West Virginia lowered from 16 to 14 the age at which certain juveniles who commit serious crimes may be sent to adult criminal courts.

*States continue to enact legislation that treats serious juvenile offenders like adult criminals.*

More than a dozen states this year passed new laws to treat juvenile records or proceedings more like that of adult criminals, including the authorization of photographs and fingerprints. Hawaii, Idaho, New Hampshire, North Dakota and Ohio authorized or opened certain juvenile criminal records. Access to records by certain criminal justice or school officials was addressed in Connecticut, Illinois and West Virginia. Pennsylvania similarly passed a law that allows investigative use of certain records and authorizes fingerprints and photographs of juveniles who allegedly commit misdemeanor or felony crimes. Pennsylvania law

now clarifies that juvenile hearings are open to the public when the alleged conduct is a felony. Other states, including Georgia, Indiana, Louisiana and Nevada, also passed laws that open certain juvenile proceedings.

Extending victims' rights to victims of crimes perpetrated by juvenile offenders is another way states are treating youths who commit serious crimes more like adult criminals. Arizona added Victims' Rights for Juvenile Offenses to its children's statutes, broadly extending notice and other rights to juvenile crime victims. The law also sets up a special fund for victims.

Maine passed a law giving juvenile offenders' victims the same right to address the court at dispositional hearings that victims of adult offenders have at sentencing hearings. California, similarly, passed a law requiring courts to receive statements from victims, victims' parents or next of kin, in cases in which a minor is alleged to have committed an act that would be a felony if committed by an adult. Previously, such statements were allowed at the court's discretion.

### Juvenile Gangs, Parental Responsibility

A number of new laws address criminal gangs. Arkansas addressed drive-by shootings by making murder committed by the knowing discharge of a firearm from a vehicle a capital offense. Tennessee added criminal street gang membership as a factor that may enhance the sentence of certain repeat offenders. Illinois expanded the crime of compelling gang membership to include deterring resignation from a gang and provided that a youth convicted of coercing another to join a gang must serve a prison term. Indiana and Nevada established penalties for gang-related activities. Nevada's law also authorized schools to enforce anti-gang rules and develop gang prevention programs for students. A new law in North Dakota defines and sets a felony penalty for crimes committed in concert with criminal street gangs and expands "organized crime" to include a gang-related definition of "criminal association." Texas established a gang information system in its juvenile justice reform act. Florida is involved in an interim project to examine criminal gangs in the state and determine how policy and programs can address and control gangs.

*New laws address anti-gang rules in schools and include gangs in the definition of "organized crime."*

Laws to hold parents accountable and involve them in juvenile or criminal proceedings or sanctions were adopted in a number of states this year. Idaho, Indiana and New Hampshire passed laws providing that parents pay fees toward their child's custody in a state institution or other care. Parents also will pay court or supervision fees as result of new laws in Arizona, Illinois and Oregon. An Arkansas enactment from its special session late last year expanded disposition options for juvenile delinquents and included a provision that parents may be held liable for costs of a juvenile's commitment or detention. In Rhode Island, parents of minors convicted of vandalism will pay a fine while the child is required to perform community service. Nevada, New York and Oregon are among other states that passed new laws requiring community service by persons who draw graffiti.

### Prevention, Treatment

Legislative interest in protecting the public from violent sex crimes included several juvenile sex offender enactments. A Florida law defines and provides for secure and community-

based treatment and monitoring of juvenile sex offenders. A 1995 law in Utah created a Juvenile Sex Offender Authority to supervise and coordinate treatment services for offenders as well as administer a continuum of services. Minnesota also approved a pilot project on early intervention for youngsters at risk of becoming sex offenders.

Prevention-related enactments include creation and funding for a variety of community-based programs, including Common Ground in Arkansas, Save Our Students in Mississippi and expansion of "Healthy Steps" in Connecticut. Oregon established "First Break" tax credits for employers who hire gang-involved or gang-affected youths. Washington provided a tax exemption for new construction or alternative housing for youth in need. Funding, direction or other incentives for youth crime prevention programs were seen in Illinois, Minnesota, Missouri, Ohio, Texas and Virginia. During Arkansas' special session in late 1994, the Assessment, Diagnostic, Evaluation, Placement and Treatment (ADEPT) Program was established to provide prevention and intervention services for nonadjudicated and adjudicated youths and their families.

The California Legislature passed the Pilot Family Assessment Intervention and Resource (FAIR) Act to set up centers through the Judicial Council. Probation and social workers may refer to these centers at-risk youths and their families. Pending legislation in California would expand drug treatment for both juvenile and adult offenders. Among other states considering or expected to address juvenile justice reform in the months ahead are Michigan, New Jersey and Wisconsin. A number of measures are pending in New Jersey with action likely yet this calendar year. Proposals under consideration include an extensive juvenile code revision, creation of a youth authority, fines, restitution sanctions and programs for juveniles, and county- and community-based youth crime prevention programs. As legislatures authorize and fund juvenile crime prevention programs, evaluation of their effectiveness often is an issue. In Florida, an interim project is examining methods and defining program "benefits" with an emphasis on cost-benefit analysis in juvenile justice.

*Community-based programs have been created and funded that support juvenile crime prevention.*

## Selected Juvenile Justice Enactments

### Alaska H 87

Authorizes youth courts for peer adjudication of minors charged with misdemeanor or lesser offenses, as means to divert or provide for informal resolution and disposition. Sets out procedures for nonprofit corporations to operate youth courts; prescribes standards and procedures; and provides for grant support.

### Arizona S 1149

"Victims' Rights for Juvenile Offenses" extends to victims of juvenile crimes the same rights as those designated in the state Constitution's victims' rights provisions. Includes notice of release, proceedings, victim impact statements, right to know punishment, privacy and so on. Also appropriates \$1 million to expanded victims' rights fund that includes victims of juvenile offenders.

### California S 604

Amends juvenile community-based punishment act to include probation programs among county entities that may receive financial assistance from the Department of Youth Authority, subject to availability of federal funds, for school activities within existing camps, ranches and boot camps for juvenile offenders. Also clarifies that boot camp provisions may apply to nonresidential, as well as residential, military boot camp-style school programs for juvenile offenders.

### Connecticut H 7025

Transfers responsibility for juvenile delinquency programs from the Department of Children and Families to the Office of Alternative Sanctions in the Judicial Department. Mandates development of risk assessments, professional evaluation teams, delinquency prevention programs and early intervention strategies. Changes laws to allow transfer to adult criminal court of any juvenile accused of committing a felony after age 14, and adds 5 crimes, mostly gun-related, to list of "serious juvenile offenses." Allows disclosure of certain juvenile records to law enforcement agencies, school officials, court and probation officials, other agencies, and allows for photographs and fingerprints of juveniles charged with any crime, regardless of age. Also allows felony information be open to the public. Creates a new system for dealing with juvenile repeat offenders, allowing them to be sentenced as both adults and juveniles with the adult sentence suspended if the child conforms to conditions of the juvenile sentence and does not commit another crime. Requires various state agencies to study and report on a plan for reorganization of the juvenile justice system.

### Florida H 1176

Directs the departments of education, Juvenile Justice and Law Enforcement to create an information-sharing work group with regard to youth involved in juvenile system, those tried as adults and found guilty of felonies, and those who have serious discipline problems at school.

### Idaho H 98

Establishes Department of Juvenile Corrections with responsibility for juveniles committed to state custody for confinement.

**Illinois S 384**

Supreme Court's Division of Probation Services is to issue a model list of structured, intermediate sanctions for juveniles or adults on probation, conditional discharge or supervision, and determine which sanctions local probation departments could impose nonjudicially unless probationer chooses to go to court.

**Iowa H 528**

Makes various changes to the juvenile code; includes establishing a task force to develop plan for shared jurisdiction between the juvenile justice and adult systems.

**Kansas S 312**

Creates Kansas Youth Authority to review and recommend structure for Kansas' juvenile justice system, including confinement and alternative disposition policies. Following final report in 1997, the authority will become advisory to newly created position, appointed by the governor, commissioner of juvenile justice.

**Maryland S 343**

Department of Juvenile Services name changed to Department of Juvenile Justice to reflect emphasis on state's commitment to bringing juveniles to justice.

**Missouri H 174**

Juvenile law revision allows court to invoke dual jurisdiction of both criminal and juvenile systems for offenders under 17; court may simultaneously impose a juvenile disposition and adult criminal sentence that will be activated if youth does not successfully complete juvenile disposition. Allows juveniles ages 12 to 17 to be prosecuted as adults for felony offenses and provides that once certified to adult court, juvenile may be waived again without hearing. Adds racial disparity as criteria court should consider in certifying to adult system. Makes public the juvenile court record if the child has been accused of a Class A or B felony or a Class C felony if child has a prior adjudication of two or more unrelated A, B or C felonies. Allows juvenile officer in cases that would be felonies if offender an adult, to share juvenile record with victim, witnesses, other persons including those treating the child. Requires fingerprinting of children taken into custody for adult felony offense. Also establishes community work programs and an advisory committee to establish criteria for a number of community-based programs. Creates advisory committee in Department of Economic Development to establish felonies criteria for tax credits to corporations or individuals for certain education, job and violence prevention programs for youths.

**Montana S 345**

State executive branch reorganization; places juvenile corrections with the Department of Corrections. Department of Family Services, Mental Health, is responsible for all prevention, abuse, neglect services in Department of Public Health and Human Services.

**New Hampshire H 652**

Allows criminal action after a juvenile offender's 19th birthday in certain circumstances.

**North Dakota S 2264**

Entitles victims of juvenile crimes to the same rights as in other criminal proceedings.

**Oklahoma H 1978**

Creates two separate codes: the Oklahoma Children's Code and the Oklahoma Juvenile Code. Children's code speaks to youths who are deprived; juvenile code serves children who are delinquent or in need of supervision.

**Oregon S 1**

Sets forth purposes of the juvenile justice system as public protection and reduction of juvenile delinquency. Establishes the Department of Youth Authority. Transfers duties relating to delinquent children from Children's Services Division to the Department of Youth Authority. Establishes judicial sentence review of offenders under 18 waived to adult court once the offender has served half of the sentence imposed and has met certain criteria. Provides that Youth Authority will hold people between ages 18 and 20 being sentenced to a term of imprisonment on first felony conviction and will complete term of imprisonment before age 25, and who meet other rehabilitative and safety criteria. Lowers from 14 to 12 years of age at which a person can be held criminally responsible in adult court.

**Pennsylvania H 19**

Provides for collection of restitution from delinquent child after turning 21 years of age. Expands the number and types of proceedings and hearings where previous disposition of a child as delinquent may be used against him.

**Texas H 327**

Act reforms state juvenile justice system. Lowers from 15 to 14 the age at which juvenile can be certified as adult in cases of capital murder, aggravated controlled substance felonies and first-degree felonies, and provides that, once certified to stand trial as adult, will be treated as adult in any future court proceedings. Adds a dozen offenses for which a juvenile may receive a determinate, fixed term of up to 40 years with possible transfer to prison after age 16. Habitual juvenile offenders can receive up to 40 years for third felony offense or for capital and first-degree felonies. May receive 20 years for second-degree felonies and 10 for third-degree. Allows Texas Youth Commission to refer a determinate-sentences juvenile between 16 and 21 to court for transfer to prison. Also includes provisions for local juvenile boards to design and establish first-offender programs, and to establish a seven-step system of progressive sanctions for juvenile offenders. Requires establishment of juvenile boot camp program with after care; establishes employment, vocational programs for youthful offenders. Provides for community service sanctions for juvenile and parent. Allows fingerprinting and photographing of juveniles; establishes gang information system.

**Utah S 64**

Creates Juvenile Sex Offender Authority to supervise and coordinate agency efforts in the treatment of juveniles convicted of sexual offenses; to develop and administer a comprehensive continuum of services and to implement a fully detailed plan in the year 2000.

**West Virginia S 27**

Extends juvenile court jurisdiction over some offenders until age 21 without precluding criminal court jurisdiction. Lowers waiver age from 16 to 14 for certain violent offenses and prior commitments. Removes juvenile records from disclosure protection when a case is transferred to adult criminal court.

**Wisconsin Act 27**

Creates new Serious Juvenile Offender program and moves delinquency programs from the Department of Health to the Department of Corrections. Also lowers from 16 to 17 the maximum age at which a juvenile is defined, adjudicated delinquent.

**GANG-RELATED ENACTMENTS**

**Arkansas S 243**

Makes murder committed by the knowing discharge of a firearm from a vehicle a capital offense.

**Illinois H 204**

Crime of compelling gang membership expanded to include deterring resignation from a gang.

**Illinois H 1708**

A person coercing another to join a gang cannot get probation, conditional discharge or periodic imprisonment instead of a prison term.

**Indiana H 1030**

Makes it a Class C felony for a person to knowingly, intentionally or recklessly drop or throw an object from an overpass; Class B felony if act causes serious bodily injury to another.

**Nevada A 385**

Provides an additional penalty for felonies committed on school property; prohibits probation for any person convicted of using a firearm to commit a crime; provides for forfeiture of personal property used in gang crime; and authorizes schools to enforce anti-gang rules and develop gang-prevention programs.

**North Dakota S 2264**

Defines and sets Class C felony penalty for crimes committed in concert with criminal street gangs.

**Tennessee S 798**

Adds criminal street gang membership as enhancement factor when defendant has committed prior offense within three years.

**JUVENILE CRIME PREVENTION ENACTMENTS**

**Arkansas H 1765**

Establishes Common Ground Program, clearinghouse on youth crime prevention and grants for work, recreation and other opportunities for youth.

**California A 448**

Pilot Family Assessment Intervention and Resource Act establishes Judicial Council Centers to handle referrals from probation, social workers of youths and families in or about to be put in juvenile court jurisdiction.

**Connecticut H 6132**

Expands the Healthy Steps Program to children up to age 18.

**Illinois S 838**

Counties can fund and run programs to fight juvenile delinquency, including support of private agencies or neighborhood accountability boards working with police.

**Minnesota H 1700**

Establishes pilot project neighborhood centers for youths, 11 to 21, with recreation, social services, meals, job skill and career services. Each center must have evaluation plan to measure effectiveness. Law also establishes pilot Ramsey County juvenile violence prevention and enforcement unit and pilot project for early intervention for children at risk of becoming sex offenders.

**Missouri H 160**

Creates youth opportunities and violence prevention fund and gives tax credits for individuals and companies who contribute to certain programs.

**Mississippi S 2507**

Establishes Save Our Students (S.O.S.) pilot program to facilitate collaborative local projects focusing on prevention of youth violence and mentoring children to instill work ethic. Department of Education will administer grant program.

**Ohio H 1**

Specified that 10 percent of proceeds of forfeiture sales made under various corruption, drug forfeiture, contraband seizure and abandoned property laws be used for certified drug and alcohol addiction treatment programs.

**Oregon H 2256**

Establishes First Break Program to provide tax credits for employers who hire gang-involved or gang-affected youth. Requires Employment Department to adopt rules that provides criteria for identifying youths eligible for program.

**Texas S 242**

Relates to violence prevention and conflict resolution training for juvenile probation and in children's correctional facilities.

**Virginia H 1897**

Creates the Juvenile Community Crime Control Act; directs funds to localities, providing autonomy and flexibility in addressing juvenile crime and for public/private partnerships in delivery of services. Requires State Board of Youth and Family Services to set program standards.

**Washington H 1611**

Provides tax exemption for new construction of alternative housing for youth in need

**Washington S 5439**

Revises procedures for nonoffender at-risk youth and their families, for alternative residential placements for at-risk youth, hearing procedures.

## **PARENTAL RESPONSIBILITY ENACTMENTS**

### **Arkansas H 1680**

Allows court to order parents or guardians to attend a responsibility training program as a disposition alternative, also allows reasonable orders requiring proof of completion of program and payment to cover cost. Contempt sanctions may be ordered for violation.

### **Arizona S 1158**

Parent of a juvenile adjudged delinquent for an offense involving a victim is to be assessed a fee of \$15. Funds go to "victims' rights implementation revolving fund" administered by the attorney general. Probation officers have discretion to assess lesser fee based on family situations.

### **Idaho S 1013**

Authorizes the court to require parents to pay the costs of detention for a juvenile.

### **Illinois S 384**

A juvenile court is to require a minor put on probation, conditional discharge or supervision or the youth's parent to pay a monthly \$25 fee unless the minor is ward of the state.

### **Indiana H 1495**

Restates the scope of services ordered by a juvenile court for which the parent (or guardian) may be required to reimburse the county. Applies child support guidelines to juvenile court orders for determining amount of contribution by parents for costs of their child's housing in a public institution.

### **Louisiana H 1625**

Provides for crime of improper supervision of a minor by a parent or legal custodian, who permits minor to associate with member of street gang, convicted felon, or known user or distributor of illegal drugs, or person who possesses or has access to an illegal firearm, weapon or explosive. Provides fine, imprisonment penalties.

### **New Hampshire H 2**

Provides for parental financial responsibility, including assigning insurance coverage, for juveniles in state custody, care.

### **North Dakota S 2264**

Law includes giving juvenile court contempt authority over parents ordered to participate in child's treatment.

### **Oregon H 2883**

Allows the juvenile court to require the parent or guardian and child to enter into a contract with the court as probation condition. Allows court to include provision that the parent or guardian pay a specific sum, not in excess of \$1,000, upon breach of contract.

### **Rhode Island S 400**

Requires that a person convicted of vandalism be required to perform 20 hours of community service; requires the parent or guardian of such minor to pay a fine.

### **RECORDS-RELATED ENACTMENTS**

#### **Connecticut H 6545**

Allows adult probation and bail commission access to juvenile records to use in assessment and supervision of people assigned to them.

#### **Georgia S 156**

Establishes open juvenile hearings when allegation of delinquency is brought for juvenile who previously has been adjudicated delinquent or juvenile alleged to have committed felony; dispositional hearings also open at court's discretion.

#### **Hawaii H 181**

Juvenile 13 years or over alleged to have committed act that would be a felony for an adult may be fingerprinted. Identification system record may be purged upon court order.

#### **Idaho S 1021**

Requires fingerprinting and photographing of juveniles taken into detention.

#### **Illinois H 708**

Allows child protection investigators of the Department of Children and Family Services to inspect and copy police records of minors.

#### **Indiana H 1276**

Provides that delinquency proceedings are open to the public when alleged act would be murder or a felony if an adult, and provides judicial discretion to open other proceedings. Opens certain juvenile records to the public and clarifies confidentiality of others.

#### **Louisiana S 1313**

Excepts from confidentiality the court record of a juvenile adjudicated delinquent for an act of violence and opens those proceedings to the public. Permits disclosure of name of juvenile accused of violent crime or a delinquent act that is a second or subsequent felony-grade adjudication.

#### **Nevada A 317**

In addition to waiver provisions, provides that juvenile court proceedings be open to the public, unless court deems otherwise, and authorizes fingerprints or photographs of juveniles.

#### **New Hampshire H 2**

Allows for open records on juveniles who commit violent crimes.

#### **North Dakota S 2264**

Allows photographing of juveniles who are arrested for specified serious crimes.

#### **Ohio H 1**

Allows fingerprints and photographs of juveniles at least 14 years old adjudicated for certain serious acts.

**Pennsylvania S 10**

Authorizes fingerprints, photographs of children alleged to have committed misdemeanor or felony, and investigative use. Provides for destruction of such documents where determined that acts ascribed were not committed by youth charged.

**Pennsylvania H 10**

Makes further exceptions to the general rule that juvenile hearings not be open to the public. Authorizes attendance at delinquency hearings where juvenile at least 14 years and alleged conduct would be felony if committed by an adult. Also allows state's attorneys to enter into agreements with alleged delinquents for closure of otherwise open hearings, and grants discretion to the court to maintain confidentiality of certain juvenile records.

**WAIVER, CRIMINAL FILE ENACTMENTS**

**Alaska S 46**

Adds to the list of offenses for which a minor may be prosecuted as an adult.

**Arkansas S 239**

Provides that juvenile, who is at least 14 when he engages in conduct that if committed by an adult would be felony and has been adjudicated delinquent three time in two years, can be charged in adult court.

**California S 7**

Changes provisions related to progress reports; requires the Youthful Offender Parole Board to send such reports (prepared by the California Youth Authority) to the judge when a juvenile offender is subject to a hearing to consider parole.

**Delaware H 306**

Makes it clear that any juvenile charged with an attempted murder, unlawful first-degree sexual intercourse and first-degree kidnapping be prosecuted in Superior Court.

**Idaho S 1016**

Provides that a juvenile tried as an adult will stay in adult court even if the juvenile pleads to a lesser offense that is not within the mandatory waiver category.

**Illinois H 301**

If funding is provided, the Department of Corrections can build regional detention center for juveniles being prosecuted as adults, pending trial, and charge counties for each day a juvenile is held.

**Indiana H 1276**

Provides that juvenile court does not have jurisdiction over criminal deviate conduct when committed by persons at least 16 years of age. Provides that once waived to criminal court, future offenses must be prosecuted in criminal court. Provides certain conditions under which juvenile court jurisdiction can be reinstated.

**Iowa H 528**

Juvenile who has been waived to adult court for alleged commission of a felony shall have all other felony proceedings conducted in district court.

**Louisiana H 1887**

Adds to crimes for which a juvenile 15 years or older may be tried in criminal court.

**Minnesota H 1700**

Juveniles age 16 and over alleged to have committed first-degree murder must be transferred to criminal court. Specifies court jurisdiction and prosecutor responsibilities. Also clarifies that extended jurisdiction juveniles, who violate conditions of the stayed sentence, are under adult court jurisdiction.

**Nevada A 317**

Provides that juvenile 16 or older committing certain forcible, violent felonies, who has been previously adjudicated for felony act, must be certified in adult court. Mechanism provided for sending offenders back to juvenile court under certain circumstances. Discretionary certification of juvenile lowered from 16 to 14 years.

**North Dakota S 2264**

Requires transfer to adult court of juvenile cases involving murder, attempted murder, certain forcible sex crimes or kidnapping. Also establishes factors that courts must consider in determining child's amenability to treatment and rehabilitation.

**Ohio H 1**

Creates bind-over procedure for certain juveniles charged with certain violent or habitual felony acts. Specifies that juvenile whose case once is transferred must be prosecuted as an adult for any felonies. Requires courts to consider a juvenile's prior delinquency record as a prior conviction for certain purposes. Provides a graduated schedule of maximum fines for juveniles.

**Oregon H 3439**

Establishes procedures for prosecuting and sentencing persons age 15 to 17 who are convicted of certain crimes.

**Tennessee H 1772**

Permits transfer to adult court of juvenile cases involving attempted first- or second-degree murder, rape, aggravated rape, aggravated robbery and aggravated kidnapping.

**Utah S 111**

Regarding Serious Youth Offenders, provides that district courts have exclusive jurisdiction over homicides. Also changes manner in which adult charges are filed against juveniles in the juvenile court system, provides for preliminary hearings and allows for bail.

**West Virginia S 27**

Relates to transfer of juvenile proceedings to criminal jurisdiction and sentences of juveniles tried as adults as well as transfer of juveniles from a secure juvenile facility to a penitentiary at age 18.

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February 8, 1995

## MEMORANDUM

TO:

FROM: Patricia Young *jp Young*  
Legislative Analyst

RE: Confidentiality of Juvenile Records  
Research Request 95.067

You asked for background information on Alaska's statutes on confidentiality of juvenile records. Specifically, you wished to know the history and intent of the law passed in the mid-1970s prohibiting the release of the names of juvenile offenders. You also wished to know the history of the law closing juvenile court hearings. In addition, you wished to know how confidentiality of juvenile information relates to federal funding under Title IV-E of the Social Security Act and what other states do in regard to confidentiality of juvenile records.

### Legislative History and Intent--Confidentiality of Juveniles' Names and Records

Until 1975, the law regarding the confidentiality of juveniles' records and names provided that records were strictly confidential, although persons with a legitimate interest could inspect them with the court's permission. It also provided that the disclosure of the names or photographs of minors under the jurisdiction of the court by the media was strictly prohibited except as authorized by court order. Confidentiality of juvenile records as a general rule is based on the long-held beliefs that minors are not entirely responsible for their actions, that rehabilitation is possible and more appropriate than punishment, and that the stigma of *juvenile offender* or *criminal* is counterproductive to the process of rehabilitation.

In 1975, Committee Substitute for Senate Bill 59, sponsored by Senator Ray, was passed into law as Chapter 90 SLA 1975. The intent of the bill was not to protect the confidentiality of juveniles' names, but rather to make public the names of minors convicted for the second time of acts which would have been considered felonies if committed by adults. The committee substitute called for mandatory publication of names under these circumstances unless,

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in the discretion of the court, such publication should be withheld. Essentially, the bill reversed the procedure that had been in place, but the effect was largely the same in that discretion was left to the judge.<sup>1</sup>

The bill occasioned a significant amount of testimony. Support was particularly strong among citizens of Juneau. Although individual judges addressing the issue were divided in their opinions, several organizations strongly opposed the measure. The Office of Child Advocacy, the Department of Corrections, Alaska Youth Advocates, and the State League of Women Voters were among those organizations opposed to the publication of juveniles' names. It appears that legislators concluded, nevertheless, that problems in the juvenile justice system would not be enlarged by passage of the bill, and that citizens had the right to know about serious, repeat offenders among them.

That statute--AS 47.10.090, which encompassed provisions for both confidentiality of records and disclosure of names--was repealed and reenacted in 1994 by passage of Committee Substitute for Senate Bill 54. The provision that only persons with a legitimate interest may have access to records has remained intact through the years, although "legitimate interest" has been expanded by certain specific references. The provision making public the names of juveniles twice convicted of what would be considered felonies was eliminated by the 1994 change, and the law now specifies, as it had originally, that the name or picture of a juvenile under the jurisdiction of the court may not be made public unless authorized by court order.

Discussion and testimony for the 1994 bill dealt primarily with the issue of waiver to adult court for juveniles charged with serious crimes. The language requiring the publication of the names of juveniles convicted of a second offense that would have been considered a felony if committed by an adult continued in the various versions of the bill until it reached the House Finance committee. While in that committee, the Department of Law proposed splitting the issue of juvenile records into *court records* and *agency records*. At the same time, the 1975 language about the publication of names was deleted. (See Attachment A for copies of the pertinent session laws and committee notes.) The deletion of this language was a result of concern on the part of the Department of Health and Social Services that federal funding under Title IV-E of the Social Security Act would be jeopardized if the federal provision addressing confidentiality of juvenile records were to be enforced.

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<sup>1</sup>All references to the media were eliminated at this time and replaced with just the word "publication."

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### Federal Funding Under Title IV-E

Under Title IV-E of the Social Security Act, a state must comply with a number of requirements in order to qualify for funding available for foster care and adoption assistance. Among the requirements is compliance with 42 USC 671(a)(8), which sets out parameters for the release of information about juveniles. According to Carol Overbeck, program specialist with the Administration for Children and Families, Region X, U.S. Department of Health and Human Services (DHHS), the department had been unaware of the Alaska provision for mandatory publication of juveniles' names. Had DHHS been aware of the provision, according to Ms. Overbeck, the state's Title IV-E funding would have been cut.<sup>2</sup> Ms. Overbeck argues that although 42 USC 671(a)(8) addresses release of information by the state agency involved with the IV-E program, DHHS looks upon a state as a single entity and holds the *entire* state responsible for the confidentiality of information pertaining to children covered by the program. Ms. Overbeck further contends that any release of information beyond that allowed by federal law from *any* source about juveniles assisted through either the Title IV-E or IV-B programs would violate the federal confidentiality requirements. Whether this opinion would be supportable by law or precedent is uncertain.

Attachment B is a copy of a 1994 publication, "Confidentiality of Juvenile Court Records Statutes Analysis," conducted by Linda Szymanski of the National Center for Juvenile Justice (NCJJ), an independent, nonprofit research group. According to Ms. Szymanski's summaries, as of 1993, juvenile statutes provided specifically for the following:

- 36 states and the District of Columbia provide for the release of records to persons having a legitimate interest;
- 4 states provide specifically for release of information to persons in danger from the child;
- 25 states provide specifically for release of information to victims of the crime;
- 13 states provide for release of juvenile records to school officials;
- 2 states provide specifically for release of information to the news media under some limited circumstances; and
- 24 states provide for release of information about certain crimes to the general public under special circumstances.

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<sup>2</sup>The state Division of Family and Youth Services (DFYS) and the DHHS consider Title IV-B--child welfare services--funding to be at risk along with funding for Title IV-E programs. According to Kathy Tibbles, acting director of DFYS, although the major share comes from the IV-E programs, funding from the two sources totals nearly \$7 million dollars annually.

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Of the 24 states Ms. Szymanski cites as providing for release of information about certain crimes to the general public under special circumstances, 4 refer specifically to records of juveniles who have been transferred to adult courts. Although the particulars vary, another 12 states provide specifically for public access to records of juveniles charged with or adjudicated for crimes that would be considered felonies if committed by adults. (Since Ms. Szymanski published the report, at least one other state--Illinois--has passed a similar law, and at least one additional state--Utah--is considering a similar law.) Louisiana appears to be unique in requiring that the name of a serious violent offender be released only after the entire appeal process has been exhausted. The following states' provisions may be of particular note.

**California, WI.676.** The names of minors having committed serious violent offenses shall not be confidential, unless the court, for good cause, so orders. Any party may petition the court to prohibit disclosure, and the court shall grant the petition if it appears that the harm to the minor, victims, witnesses, or public from the disclosure outweighs the benefit of public knowledge.

**Colorado, 19.1.119 (1)(b.5).** Basic information in the court records of a juvenile charged or convicted of an act that would have constituted a class 1,2,3, or 4 felony if committed by an adult shall be open to the public.

**Florida, 39.045 (9).** A law enforcement agency may release for publication the name and address of a child of 16 or more years who has been taken into custody for a violation of law which, if committed by an adult, would be a felony, or the name and address of any child 16 or older who has been found to have committed at least three or more violations which, if committed by an adult, would be misdemeanors, or the name and address of any child who has been adjudicated guilty of a capital felony, life felony, first degree felony, or a second degree felony involving violence against a person.

**Montana, 41.5.601(2).** Publicity may not be withheld regarding any youth formally charged with an offense that would be punishable as a felony if the youth were an adult.

**New Jersey, 2A.4A.60(d).** Information as to the identity of a juvenile, the offense, the adjudication and the disposition of a case shall be disclosed to the public where the offense for which the juvenile has been adjudicated delinquent, if committed by an adult, would constitute a crime of the first, second, or third degree, or aggravated assault, destruction or damage to property to an extent of more than \$500, or the manufacture or distribution of a narcotic drug, unless upon application at the time of disposition the juvenile can demonstrate a substantial likelihood that specific harm would result from such disclosure.

**Oklahoma, 10.51.1125.3.** Confidentiality restrictions shall not apply if a juvenile is adjudicated for a serious act or for certain habitual criminal acts.

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**Virginia, 16.1.309.1.** Where consideration of public interest requires, the judge may make public the name and address of a child and the nature of the offense for which the child has been adjudicated delinquent if for an act which would be a class 1,2, or 3 felony, forcible rape or robbery if committed by an adult, or in any case where a child is sentenced as an adult.

**Wyoming, 14.6.240 (d).** The court may release to the news media the name of a child who has been adjudicated a delinquent for a second or subsequent time pursuant to a petition filed under this act alleging the commission of a delinquent act constituting a felony.

I spoke with program representatives in Colorado, Florida, and Wyoming about Title IV-E funding in relation to the release of juvenile court records. These states have experienced no funding problems in connection with access to juvenile justice records.

- Sharen Ford, program administrator with the Division of Child Welfare Services in Colorado, notes that a few months ago, the juvenile justice and child welfare services functions were consolidated into a single department. The state's Title IV-E and IV-B funding has not been impacted--either before or after consolidation--by the release of juvenile records.
- Janet Ferris, general counsel for Florida's youth services program, notes that in the past, Florida has not sought Title IV-E and IV-B funding for delinquent youth. Thus, Florida has not had occasion to test the compatibility of Title IV-E confidentiality requirements and the state's release of juvenile records provision. With a potential of approximately \$39 million annually, however, IV-E funding is currently a high priority. Ms. Ferris is not anticipating a problem in regard to confidentiality requirements.
- Jim Mitchell, management consultant for Wyoming's Division of Youth Services, Department of Family Services, notes that a law similar to their current one has been in effect in Wyoming since 1957. Mr. Mitchell, who is the former administrator of the division, states that both children's services and juvenile justice are administered within the Division of Youth Services, and that the IV-E funds serve delinquent children on a regular basis. Wyoming has never experienced a problem with their Title IV-E funding.

I also spoke with Dan Lewis, at the Children's Bureau, the Administration for Children, Youth, and Families, US DHHS. Mr. Lewis suggested that I submit a formal request for an interpretation of the confidentiality requirements in regard to this issue to the associate commissioner of the Children's Bureau. I will forward copies of my request and the response when it arrives.

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### **Legislative History and Intent--Confidentiality of Juvenile Court Proceedings**

The Laws of Alaska in 1957 provided that the public be excluded from all juvenile hearings. Certain persons could be permitted to attend if, in the judge's opinion, such attendance was in the best interest of the minor. This aspect of the law has not changed, although in 1966 the legislature added a provision allowing for the presence of a "young adult advisory panel," and in 1991, the legislature passed a provision granting a victim the unlimited right to attend a hearing. The addition of the advisory panels was intended to allow for some measure of peer pressure for juveniles, as well as to provide a wider range of young adults with a look at the potential consequences of criminal behavior. The right to be present allowed to victims is in keeping with the victims' rights movement across the country.

Attachment C is a copy of Linda Szymanski's recent NCJJ publication, "Confidentiality of Juvenile Court Delinquency Proceedings (1994 Update)." As of 1994, 20 states admit the general public to juvenile hearings, at least under some circumstances. According to the summary provided, hearings in nine states--California, Delaware, Kansas, Louisiana, Maine, Minnesota, Montana, Oklahoma, and Utah--are open if the crimes are serious.

The general rule has always been that juvenile hearings, like juvenile records, should be kept confidential because children can change their behavior, have their records sealed, and go on to lead productive lives. Public sentiment, however, is changing in this regard.

The possibility of open juvenile court hearings raises questions about eligibility for Title IV-E funding similar to those raised by access to or publication of juvenile court records. I will include this issue in my request to the Children's Bureau.

I hope this information is helpful. If you have questions or need further information, please let me know.

**Attachments**