

HB

104

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

No. 8
Bill Number: SCS551B104(RES)
(S) Publish Date: 4-2-96

Revision Date: _____
Title: An Act relating to disclosure of information about certain miners.
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 Salem, Director
Division: Public Defender Agency

Phone: (907)264-4400
Date: _____

Approved by Commissioner: Mark Royer
Agency: Department of Administration

Date: 5/29/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SCSCSSHB104(HES)

Revision Date: _____
Title: Disclosure of Juvenile Records

Sponsor: Representative Kott
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						
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)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
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/MTIA						
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 \$7,10,090 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: *L. Diane Worley*
L. Diane Worley, Director
Division: Family & Youth Services

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

Phone: 465-3191
Date: 01/19/96
Date: 3/20/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SCSCSS11B104(HFS)

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)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
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 MFTA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS

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

Estimate of any current year (FY96) 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)(18)). 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 *[Signature]* Paul Diane Worley, Director
Division Family & Youth Services

Approved by Commissioner *[Signature]* Karen Fisher, Commissioner
Agency Department of Health & Social Services

Phone 465-1191
Date 01/19/96
Date 3/20/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SCSCSSSHB104(HES)

Revision Date: _____
 Title: Disclosure of Juvenile Records
 Sponsor: Representative Knott
 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)

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)

	(568 J)	(568 O)	(568 O)	(568 O)	(568 O)	(568 O)
1002 Federal Receipts						
1003 GF Match						
1004 GF	568 O	568 O	568 O	568 O	568 O	568 O
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 \$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: *Diane Worley*
 Division: Family & Youth Services
 Approved by Commissioner: *Karen Prange*
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 01/19/96
 Date: 3/20/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SCSCSSSHB104(HFS)

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

Dept. Affected: Health and Social Services
BRU: Family & Youth Services
Component: Foster Care
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						
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	(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)						
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 \$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 L. Diane Wooley, Director
Division Family & Youth Services
Approved by Commissioner Karen Peddie, Commissioner
Agency Department of Health & Social Services

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

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SCSCSSHB104(HES)

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						
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)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts	(1,153.8)	(1,153.8)	(1,153.8)	(1,153.8)	(1,153.8)	(1,153.8)
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/MTIA						
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 \$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
Division: Family & Youth Services

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

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

Date: 3/20/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SC5C555HB104(HES)

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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CHANGE IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts	(288.0)	(288.0)	(288.0)	(288.0)	(288.0)	(288.0)
1003 GF Match						
1004 GF	288.0	288.0	288.0	288.0	288.0	288.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

POSITIONS	FY97	FY98	FY99	FY00	FY01	FY02
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)(18)). 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 I. Diane Wooley, Director
 Division Family & Youth Services
 Approved by Commissioner Karen Pardo, Commissioner
 Agency Department of Health & Social Services

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

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SCSCSSHB104(HES)

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						
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)

FUND SOURCE	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)						
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: 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 \$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

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SCS CSSSHB104 (HES)

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						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GE/Program Receipts						
1006 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)

No significant fiscal impact is anticipated

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

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FISCAL NOTE

No. 7

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL # Bill Version: SCS(555) HB(104)(11ES)

(S) Publish Date: 3-25-96

Revision Date <u>February 29, 1996</u>	Dept. Affected: <u>Public Safety</u>
Title <u>*An Act relating to disclosure of information about certain minors.*</u>	BRU <u>Alaska State Troopers</u>
Sponsor: <u>Representative KOTT</u>	Component: <u>Detachments</u>
Requestor <u>S Judiciary</u>	COMPONENT SERIAL NO. <u>799</u>

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						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GE/Program Receipts						
1006 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)

No significant fiscal impact is anticipated

Prepared By	<u>Francis C. Allan</u>	Phone	<u>(907) 269-5591</u>
Division	<u>Alaska State Troopers</u>	Date	<u>02/29/96</u>
Approved by Commissioner		Date	<u>3/1/96</u>
Agency	<u>Ronald L. Otte, Dept. of Public Safety</u>		

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Bill Version: SCSCS SSB104(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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary)

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

Prepared by: L. Diane Worley, Director Phone: 465-3191
 Division: Family & Youth Services Date: 02/22/96
 Approved by Commissioner: Karen Perdue, Commissioner Date: _____
 Agency: Department of Health & Social Services

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FISCAL NOTE

No. 5

Bill Version: SCSSHB 104(CHE)

(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: Educ

BRU: Executive Administr.

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						
TOTAL OPERATING	0	0	0	0	0	0

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

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

FUND SOURCE

(Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

ANALYSIS: (Attach a separate page if necessary.)

CSSSH 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: _____

Agency: Education

Phone: 465-2803

Date: February 20, 1996

Richard S. Cross, Deputy Commissioner

Date: February 20, 1996

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SENATE COMMITTEE REPORT

DATE: 2/26/96

FURTHER: Finance

DATE TURNED INTO OFFICE: 4-10-96

The Judiciary Committee considered CS SSHB 104(JUD) am

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

and recommends:

- be replaced with SB CS for CSSS HB107 Jud
- adopt previous CS ()
- attached amendment(s)
- adopt Letter of Intent by Committee
- further referral to the Committee

- Senate Bill: same title
- new title
- House Bill: same title
- technical change
- new: SCR*

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Kathy Keen</i>	<input checked="" type="checkbox"/>	<i>Ellis</i>	<input checked="" type="checkbox"/>		
<i>Mike Miller</i>	<input checked="" type="checkbox"/>	<i>Allen</i>	<input checked="" type="checkbox"/>		
CHAIR: <i>Christ Taylor</i>	<input checked="" type="checkbox"/>				

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

<i>Court</i>	<i>4/10</i>		<input checked="" type="checkbox"/>
<i>more Fiscal note info forthcoming</i>			

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

<i>all ready</i>			?

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

9-LS0276J
Chenoweth
4/10/96

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 upon request but may not report to the
9 Department of Public Safety under AS 12.62.120

10 (A) the following information about a minor when the minor
11 has been arrested for commission of an offense, the minor committed the
12 offense on or after the effective date of this Act, and the offense is one that
13 would have been a felony if committed by an adult:

14 (i) the minor's name;

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

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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.

Alaska State Legislature House of Representatives

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SPONSOR STATEMENT PROPOSED SENATE JUDICIARY CS FOR SENATE CS for CS SS HB 104 (HES)

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. This bill is a 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 these four criteria are satisfied, the arresting agency may release the minor's name, the date and place of the offense, the parent's name (a Senate HESS amendment) and a description of the nature of the offense. Another Senate HESS Committee amendment required that, once the minor had gone through the D.F.Y.S. system, the Court must in addition release certain outcome information on the case.

Subsequently, the entire section of the Senate HESS version dealing with the Courts had to be dropped, because it was determined that D.F.Y.S. funding would still be threatened. The new proposed version would allow D.P.S. to release four things: 1) the minor's name, 2) the name of the minor's parent or parents, 3) the date and place of the offense, and 4) a description of the nature of the offense. In its current form, it is the same as CS SS HB 104(JUD) am that passed out of the House, with the exception of the addition of 2) above.

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 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 to help protect their families.



Representative Pete Kott



FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: Draft "H" SCS CSSSHB104(JUD)

Revision Date: <u>April 8, 1996</u>	Dept. Affected: <u>Public Safety</u>	
Title: <u>Disclosure of Juvenile Records</u>	BRU: <u>Alaska State Troopers</u>	
	Component: <u>Detachments</u>	
Sponsor: <u>Representative KOTT</u>		
Requestor: <u>S Judiciary</u>	COMPONENT SERIAL NO. <u>0799</u>	

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 ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GE/Program Receipts						
1005 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	<u>Lt Dan Lowdon</u>	Phone	<u>465 - 5505</u>
Division	<u>Alaska State Troopers</u>	Date	<u>04/08/96</u>
Approved by Commissioner		Date	<u>4-7-96</u>
Agency	<u>Ronald L. Otte, Dept of Public Safety</u>		

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SCS CSSSHB 104 (H)

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: Disclosure of juvenile records BRU: Trial Courts
 Component: _____
 Sponsor: Rep. Kott
 Requestor: 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						
CONTRACTUAL						
SUPPLIES	0.4	0.4	0.4	0.4	0.4	0.4
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	18.5	18.5	18.5	18.5	18.5	18.5

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

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

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						
TOTAL	18.5	18.5	18.5	18.5	18.5	18.5

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

Phone: 264-8228
 Date: 04/10/96
 Date: 04/10/96

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Alaska Court System
Fiscal Analysis
SCS CSSHB 104 (HES)

Personal Services

<u>Position</u>	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Overtime for clerical staff - statewide			\$18,100

Supplies

Case file folders, paper, etc.			400
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Total Estimated Cost			\$18,500
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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

April 10, 1996

The Honorable Senator Robin Taylor, Chair
Senate Judiciary Committee
Alaska State Legislature
State Capital Building
Juneau, AK 99801-1182

Re: House Bill 104

Dear Senator Taylor:

I am writing on behalf of the Board of Directors and the members of the Alaska Civil Liberties Union ("AkCLU"), concerning SCS CSSHB 104 which is scheduled for a hearing before the Senate Judiciary Committee today. For the reasons discussed below, the AkCLU recommends that the Senate Judiciary Committee strike section 3, and then hold SCS CSSHB 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. Section 3 of SCS CSSHB 104 (HES) is a drastic departure from established Alaska law which safeguards the privacy of juvenile records from disclosure without a court's permission. In contrast, SCS CSSHB 104 (HES) 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.

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, which authorizes *release of records by state or municipal law enforcement agencies*, 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 to the press, the school, and the public that could ruin the rest of their lives. The AkCLU recommends that the Senate Judiciary Committee strike Section 3 of SCS CSSHB 104, rather than run the risk of law enforcement agencies pressuring juveniles for information in exchange for not releasing records.

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.

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.

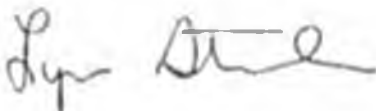
As you know, Representatives Kelly and Therrault have drafted a comprehensive revision of the juvenile code, CSSSHB 387. In contrast to CSSSHB 387, HB 104 does not specifically discuss juvenile records which result from proceedings in youth court, the young adult advisory panel, or the community intervention courts. The AkCLU suggests that work on SCS CSSSHB 104 should be suspended until the work of the Governor's Commission on Youth and Justice is finished and all Alaska statutes dealing with juveniles can be harmonized.

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.

After careful analysis, the AkCLU firmly opposes SCS CSSSHB 104 on constitutional and public policy grounds. Unfortunately, SCS CSSSHB 104 signals a serious departure from the long standing Alaska tradition of zealously protecting the rights of minors. The Alaska Constitution has been interpreted to grant children fundamental rights, including the enumerated right to privacy and the right to rehabilitation under Art. I, § 12. A child's right to privacy and rehabilitation are impermissibly violated by this bill.

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

Sincerely,



Lynn Stimler
Executive Director

Alaska State Legislature House of Representatives

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SENATE CS FOR CS FOR SS HB 104 (HES) REVISED SPONSOR STATEMENT

The Senate HESS CS for this bill, despite its seeming increased complexity, is simply the extension of the basic principle of this bill. The original 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's federal funding in jeopardy of being lost. Consequently, we have tried in this Senate CS 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.

SPONSOR STATEMENT

Representative Pete Kott



LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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FAX (907) 465-2029
Mail Stop 3101

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

MEMORANDUM

February 23, 1996

SUBJECT: SCS CSSSHB 104(HES), relating to information about certain minors (Work Order No. 9-LS0276\Z)

TO: Senator Lyda Green, Chair
Senate Health, Education and Social Services Committee

FROM: Jack Chenoweth
Legislative Counsel

SCS CSSSHB 104(HES), prepared in final, is enclosed.

This version is not precisely the version that the committee reviewed and approved.

In working on the draft SCS, my drafting instructions from Representative Kott's office were to begin with the House-passed bill, CSSSHB 104 (JUD) am, to add the reference to "the name of the minor's parent or parents" to AS 47.10.093(c)(2), and to prepare the material that was eventually incorporated into bill sections 1 and 2. In working from the House-passed bill, we simply drew up the wrong version from the data base. We started from the version that did not contain the amendments added on the floor during the debate by the full House. Roger Poppe's review of the draft identified part of the omission, and he typed that on the version that members of the committee had before them for review. But his insertion of corrective language was also incomplete, for the lead-in language of (c)(2)(A) of the House-passed bill read:

(A) the following information about a minor when the minor has been arrested for commission of an offense, the minor committed the offense on or after the effective date of this Act, and the offense is one that would have been a felony if committed by an adult;

and the version that your committee had before you for review omitted

the minor committed the offense on or after the effective date of this Act, and the offense is one

This "Z" version, provided to you in final, sets out, in bill section 3, the entire verbiage of the House-passed bill, all floor amendments incorporated, together with the insertion

SUPPORTING DOCUMENTS

Senator Lyda Green
February 23, 1996
Page 2

requested by Representative Kott, that being the addition of the reference to "the name of the minor's parent or parents" in AS 47.10.093(c)(2). We believe that this best reflects the intent of the committee as to the content of the bill, taking into consideration our omissions.

I apologize for the inconvenience. If you or committee members want a further explanation or other changes to this measure before reporting it to the full Senate, please contact me.

JBC:glc
96-116.glc

Enclosure

cc: Representative Pete Kott
ATTN: Roger Poppe