

SB

289

9-LS1635V
Lauterbach
2/15/96

CS FOR SENATE BILL NO. 289()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS FRANK, Miller, Phillips, Halford

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to runaway minors and their families or legal custodians."

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

3 • Section 1. AS 11.51.130(a) is amended to read:

4 (a) A person commits the crime of contributing to the delinquency of a minor
5 if, being 19 years of age or older or being under 19 years of age and having the
6 disabilities of minority removed for general purposes under AS 09.55.590, the person
7 aids, induces, causes, or encourages a child

8 (1) under 18 years of age to do any act prohibited by state law unless
9 the child's disabilities of minority have been removed for general purposes under
10 AS 09.55.590;

11 (2) under 18 years of age to enter or remain in the same room in a
12 building where the unlawful sale of a drug occurs unless the child's disabilities of
13 minority have been removed for general purposes under AS 09.55.590;

14 (3) under 16 years of age to be repeatedly absent from school, without
15 just cause; or

1 (4) under 18 years of age to be absent from the custody of a parent,
2 guardian, or custodian without the permission of the parent, guardian, or custodian
3 under circumstances where the parent, guardian, or custodian has notified the
4 Department of Health and Social Services, a law enforcement agency, or a peace
5 officer within 12 hours after the parent, guardian, or custodian knew or should
6 have known that the minor was absent without permission [JUST CAUSE], unless
7 the child's disabilities of minority have been removed for general purposes under
8 AS 09.55.590 or the person has immunity under AS 47.10.350 or 47.10.398(a); it is
9 an affirmative defense to a prosecution under this paragraph that, at the time of
10 the alleged offense, the defendant

11 (A) reasonably believed that the child's health or welfare
12 was in imminent danger;

13 (B) determined, after using reasonable efforts, that there
14 was no immediate space available in the community at an office of the
15 Department of Health and Social Services, a program for runaway minors
16 licensed under AS 47.10.310, a shelter for runaways with a permit under
17 AS 47.35.085, or a facility or contract agency of the Department of Health
18 and Social Services; and

19 (C) within 12 hours after taking the actions comprising the
20 alleged offense, notified the Department of Health and Social Services, a
21 law enforcement agency, or a peace officer of the name of the child and
22 the child's location.

23 * Sec. 2. AS 47.10.141(b) is amended to read:

24 (b) A peace officer shall take into protective custody a minor described in (a)
25 of this section if the minor is not otherwise subject to arrest or detention. Unless (c)
26 of this section applies, the peace officer shall [EXERCISE THE OFFICER'S
27 DISCRETION AND] (1) return the minor to the legal custodian at the legal
28 custodian's residence or place of employment if the legal custodian consents to the
29 return except that the officer may not use this option if the officer has reasonable cause
30 to suspect that the minor has experienced physical or sexual abuse in the legal
31 custodian's household; (2) take the minor to a nearby location agreed to by [THE

1 MINOR AND] the legal custodian if the legal custodian does not consent to return
2 of the minor under (1) of this subsection or the officer is precluded from using
3 that option because of a reasonable cause to suspect that the minor has
4 experienced physical or sexual abuse in the legal custodian's household; or (3) if
5 disposition of the minor is not made under (1) or (2) of this subsection, take the
6 minor to an office specified by the Department of Health and Social Services, a
7 program for runaway minors licensed by the department under AS 47.10.310, a shelter
8 for runaways that has a permit from the department under AS 47.35.085 that agrees
9 to shelter the minor, or a facility or contract agency of the department. If the peace
10 officer plans to take the minor to an office, program, shelter, or facility under (3)
11 of this subsection, the peace officer shall give the highest priority to taking the
12 minor to an office, program, shelter, or facility that is semi-secure. If an office
13 specified by the department, a licensed program for runaway minors, a shelter for
14 runaways that will accept the minor, or a facility or contract agency of the department
15 does not exist in the community, the officer shall take the minor to another suitable
16 location and promptly notify the department. A minor under protective custody may
17 not be housed in a jail or other detention facility but may be housed in a semi-secure
18 portion of an office, program, shelter, or other facility under (3) of this
19 subsection. Immediately upon taking a minor into protective custody, the officer shall
20 advise the minor [ORALLY AND IN WRITING] of the right to available mediation
21 and social services under AS 47.10.142(b), and, if known, the officer shall advise the
22 legal custodian that the minor has been taken into protective custody and that
23 mediation and counseling services for the custodian and the minor's household may
24 be available under AS 47.10.142(b).

25 • Sec. 3. AS 47.10.141(e) is amended to read:

26 (e) In this section,

27 (1) "law enforcement agency" has the meaning given in AS 12.36.090;

28 (2) "semi-secure" means operated according to standards that may
29 be established by the department in regulations that are designed to require a
30 level of security that will reasonably ensure that, if a minor leaves without
31 permission, the minor's act of leaving will be immediately noticed.

1 * Sec. 4. AS 47.10.141 is amended by adding a new subsection to read:

2 (f) In the absence of gross negligence or intentional misconduct, an office,
3 program, shelter, or facility, or an employee of an office, program, shelter, or facility,
4 to which a minor is taken by a peace officer for secure or semi-secure custody is not
5 subject to civil or criminal liability based on the minor's leaving the office, program,
6 shelter, or facility without permission unless the office, program, shelter, or facility is
7 not in compliance with the department's regulations that set standards for security or
8 semi-security and the lack of compliance was a material factor in the minor's being
9 able to leave without permission.

10 * Sec. 5. AS 47.10.142(b) is amended to read:

11 (b) The department shall offer available mediation and counseling services
12 to the person having legal custody of a minor described in AS 47.10.141 and to the
13 members of the minor's household if it determines that mediation or counseling
14 services would be appropriate in the situation. If, after assessing the situation, offering
15 available mediation and counseling services to the legal custodian and the minor's
16 household, and furnishing appropriate mediation or social services to the minor, the
17 department considers it necessary, the department may take emergency custody of the
18 minor.

19 * Sec. 6. AS 47.10.310(c) is amended to read:

20 (c) A program for runaway minors shall

21 (1) explain to a minor who seeks assistance from the program the legal
22 rights and responsibilities of runaway minors and the services and assistance provided
23 for runaway minors by the program and by the state or local municipality;

24 (2) upon admission of a minor to the program, attempt to determine
25 why the [A] minor [IN THE PROGRAM] is a runaway and what services may be
26 necessary or appropriate for reuniting the minor with the minor's family;

27 (3) provide or help arrange for the provision of services necessary to
28 promote the health and welfare of a minor in the program and, if appropriate, members
29 of the minor's family; services may include, but are not limited to, the provision of
30 food, shelter, clothing, medical care, and individual, group, or family counseling;

31 (4) within one state working day after admission of a minor to the

1 program [PROMPTLY] inform the department of a minor in the program

2 (A) who claims to be the victim of child abuse or neglect, as
3 defined in AS 47.17.290;

4 (B) whom an employee of the program has cause to believe has
5 been a victim of child abuse or neglect; or

6 (C) whom an employee of the program has reason to believe is
7 evading the supervision of the department, the person to whom the department
8 has entrusted supervision, or the minor's legal guardian;

9 (5) be operated with the goal of reuniting runaway minors with their
10 families, except in cases in which reunification is clearly contrary to the best interest
11 of the minor; and

12 (6) maintain adequate staffing and accommodations to ensure physical
13 security and to provide crisis services to minors residing in a facility operated by the
14 program; a program shall maintain semi-secure portions of its facilities in a
15 proportion that meets regulations established by the department; residents under
16 18 years of age shall be segregated from residents who are 18 years of age or older.

17 * Sec. 7. AS 47.10.390 is amended by adding new paragraphs to read:

18 (3) "secure" has the meaning given in AS 47.10.141(e);

19 (4) "semi-secure" has the meaning given in AS 47.10.141(e).

20 * Sec. 8. AS 47.10.394(b) is amended to read:

21 (b) The provider of a shelter for runaways shall promptly, but within one state
22 working day [48 HOURS], inform the department of a runaway minor in the shelter

23 (1) who claims to be the victim of child abuse or neglect, as defined
24 in AS 47.17.290;

25 (2) whom the provider has reasonable cause to suspect has been a
26 victim of child abuse or neglect, or

27 (3) whom the provider has reason to believe is evading the supervision
28 of the department, the person to whom the department has entrusted supervision, or the
29 minor's legal guardian.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 289

Revision Date: _____
Title: "An Act relating to runaway minors and their families or legal custodians."
Sponsor: Sen. Frank
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 | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 00 | 00 | 00 | 00 | 00 | 00 |

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

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

FUND SOURCE: (Thousands of Dollars)

| | | | | | | |
|--------------------------|-----------|-----------|-----------|-----------|-----------|-----------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| OTHER | | | | | | |
| TOTAL | 00 | 00 | 00 | 00 | 00 | 00 |

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

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Public Defender Agency.

Prepared by John Salemi, Director
Division Public Defender Agency

Phone: 264-4400
Date _____

Approved by Commissioner Mark Boyer
Agency Department of Administration

Date 7/11/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 289

Revision Date: _____
Title: "An Act relating to runaway minors and their families or legal custodians."
Sponsor: Sen. Frank
Requestor: (S) JUD

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 | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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

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

FUND SOURCE: (Thousands of Dollars)

| | | | | | | |
|--------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 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.)

There is no fiscal impact to the Office of Public Advocacy.

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

Phone 274-1684
Date _____

Approved by Commissioner Mark Boyer
Agency Department of Administration

Date 1/1/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SB 289

Revision Date: _____ Dept. Affected: Public Safety
 Title: Miscellaneous laws relating to runaway minors BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Senator Frank
 Requestor: S. Judiciary 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 | -0- | -0- | -0- | -0- | -0- | -0- |
| CHANGE IN REVENUES () Revenue Code | -0- | -0- | -0- | -0- | -0- | -0- |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|-----------------------|-----|-----|-----|-----|-----|-----|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0- | -0- |

Estimate of current year (FY 96) impact: \$ _____

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 have an inestimable fiscal impact on the Division of Alaska State Troopers. The bill requires that peace officers return runaway minors to their guardian at the guardian's residence or place of employment. This eliminates any flexibility in returning the minor and in some cases will require more of the officers time to transport the minor to those locations, especially if those locations are in different cities. The bill also requires that if a peace officer is going to take the minor to a shelter that the officer must select a specific type of shelter first, again increasing the transport time.

Prepared By: Lt. Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: February 26, 1996
 Approved by Commissioner: *[Signature]* Date: 2/26/96
 Agency: Ronald L. Otte, Department of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB289 (JUD)

Revision Date: _____
 Title: An Act Relating to Runaway Minors and
 their Families or Legal Custodians
 Sponsor: Senator Frank
 Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
 BRU: Purchased 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 | 170.0 | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 170.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|----------------------|--|--|--|--|--|--|

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

FUND SOURCE

(Thousands of Dollars)

| FUND SOURCE | FY97 | FY98 | FY99 | FY00 | FY01 | FY02 |
|--------------------------|--------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 170.0 | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other (please specify) | | | | | | |
| TOTAL | 170.0 | 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: \$0.0

ANALYSIS: (Attach a separate page if necessary)

This bill directs a peace officer to deliver a runaway minor to a semi-secure facility, if possible. It further provides that the Department develop regulations for semi-secure care. It will result in the Division administering grants for one time costs of installing hardware for semi-secure care. The Division has not had time to do an accurate estimate of cost of installation of semi-secure hardware (door and window alarms) of the six shelters that the Division believes would be involved. However, we have a recent shelter of six beds that has recently had a semi-secure alarm installed which cost \$12,000. Therefore, if we project that to the six shelters which have eighty-five beds, the cost would be approximately \$170,000. This does not mean, however, that all six facilities would choose to become semi-secure. A few of these six shelters which do not have alarms already feel that they are semi-secure based on their staffing patterns. In other words, there is 24 hour staff checking rooms and/or staff sitting at a desk at the door.

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

Phone: 465-3191
 Date: 02/28/96
 Date: 2/28/96

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AMENDMENT

Offered by: ~~Senator Steve Frank~~

Page 1, line 14-15

Delete: without just cause

Page 2, line 5

Delete: Within 12 hours

Page 2, line 29

Delete: suspect

Add: believe

Page 3, line 3

Delete: suspect

Add: believe

STEVE FRANK

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Alaska State Legislature



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Senate

SPONSOR STATEMENT

CS SB 289 "An Act relating to runaway minors and their families or legal custodians."

I introduced this legislation to address the growing concern among parents for the safety of their runaway children. It is a significant problem in our communities that I feel needs serious consideration. This sponsor substitute refers to the proposed committee substitute for SB 289, 9-L.S1635NF.

CS SB 289 will strengthen the language within AS 11.51.130 regarding to contributing to the delinquency of a minor. By discouraging people from housing runaways, it will force these children to take advantage of available services that will be able to asses the child's situation and begin the process of reconciliation with their family.

This legislation will also make clear that a police officer's first course of action, after picking up a runaway, is to take that child back to his or her parents unless the officer suspects abuse to the minor. If the parent will not accept the child, then the second course of action will be to take the minor to a place agreed to by the parent. If this cannot be accomplished either, then the police officer must take the child to a semi-secure shelter for assessment of the child's situation and determination of the course of action that is in the best interest of the child.

I feel this legislation is an important step in dealing with this continuing problem and I would appreciate your support.

Thank you for your consideration.

SPONSOR STATEMENT