

HB

88

CS FOR HOUSE BILL NO. 88(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:

Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to certain weapons offenses involving minors; to aggravating factors in**
2 **sentencing for certain offenses committed on school grounds, on a school bus, at a**
3 **school-sponsored event, or in administrative offices of a school district; and providing**
4 **for an effective date."**

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

6 *** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
7 to read:

8 **SHORT TITLE.** This Act may be known as the School Violence Prevention Act of
9 2005.

10 *** Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 **FINDINGS AND INTENT.** (a) The legislature finds that

13 (1) violent crime among the state's youth is of concern to Alaskans;

14 (2) the Department of Health and Social Services conducted a youth risk

1 behavior survey and found the following:

2 (A) 29.8 percent of male students in this state responding to the survey
3 reported carrying a weapon; this figure is higher than the national average;

4 (B) 11.8 percent of male students in this state responding to the survey
5 reported carrying a weapon, such as a gun, knife, or club, on school property within
6 the 30 days before taking the survey; this figure is higher than the national average;

7 (C) nearly 11 percent of high school students in this state responding
8 to the survey reported having been threatened or injured with a weapon, such as a gun,
9 knife, or club, on school grounds within the 12 months before taking the survey; and

10 (3) in 2003, 13 percent of students responding to a survey by the Anchorage
11 School District reported feeling unsafe at school; this figure is more than double the average
12 percentage of students nationwide who felt unsafe at school.

13 (b) It is the intent of the legislature to further the important state interest of deterring
14 misconduct involving weapons by certain minors, and in discouraging crime in the schools of
15 this state.

16 * Sec. 3. AS 12.55.155(c) is amended by adding a new paragraph to read:

17 (31) the offense is a violation of AS 11.41 or AS 11.46.400 and the
18 defendant directed the conduct constituting the offense against a person while the
19 person was on school grounds, on a school bus, at a school-sponsored event, or in the
20 administrative offices of a school district; in this paragraph,

21 (A) "school bus" has the meaning given in AS 11.71.900;

22 (B) "school district" has the meaning given in AS 47.07.063;

23 (C) "school grounds" has the meaning given in AS 11.71.900.

24 * Sec. 4. AS 47.12.030(a) is amended to read:

25 (a) When a minor who was at least 16 years of age at the time of the offense is
26 charged by complaint, information, or indictment with an offense specified in this
27 subsection, this chapter and the Alaska Delinquency Rules do not apply to the offense
28 for which the minor is charged or to any additional offenses joinable to it under the
29 applicable rules of court governing criminal procedure. The minor shall be charged,
30 held, released on bail, prosecuted, sentenced, and incarcerated in the same manner as
31 an adult. If the minor is convicted of an offense other than an offense specified in this

1 subsection, the minor may attempt to prove, by a preponderance of the evidence, that
 2 the minor is amenable to treatment under this chapter. If the court finds that the minor
 3 is amenable to treatment under this chapter, the minor shall be treated as though the
 4 charges had been heard under this chapter, and the court shall order disposition of the
 5 charges of which the minor is convicted under AS 47.12.120(b). The provisions of
 6 this subsection apply when the minor is charged by complaint, information, or
 7 indictment with an offense

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

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

11 (3) that is a class B felony and the felony is a crime against a person in
 12 which the minor is alleged to have used a deadly weapon in the commission of the
 13 offense and the minor was previously adjudicated as a delinquent or convicted as an
 14 adult, in this or another jurisdiction, as a result of an offense that involved use of a
 15 deadly weapon in the commission of a crime against a person or an offense in another
 16 jurisdiction having elements substantially identical to those of a crime against a
 17 person, and the previous offense was punishable as a felony; in this paragraph, "deadly
 18 weapon" has the meaning given in AS 11.81.900(b); or

19 **(4) that is misconduct involving weapons in the**

20 **(A) first degree under**

21 **(i) AS 11.61.190(a)(1); or**

22 **(ii) AS 11.61.190(a)(2) when the firearm was**
 23 **discharged under circumstances manifesting substantial and**
 24 **unjustifiable risk of physical injury to a person; or**

25 **(B) second degree under AS 11.61.195.**

26 * Sec. 5. The uncodified law of the State of Alaska is amended by adding a new section to
 27 read:

28 APPLICABILITY. Sections 3 and 4 of this Act apply to acts committed on or after
 29 the effective date of this Act.

30 * Sec. 6. This Act takes effect July 1, 2005.

ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair
Rep. Tom Anderson, Vice-Chair
Rep. John Coghill
Rep. Nancy Dahlstrom
Rep. Pete Kott
Rep. Les Gara
Rep. Max Gruenberg



State Capitol, Room 120
Juneau, AK 99801-1182
(907) 465-4990
Fax (907) 465-6592

House Judiciary Committee

Memorandum

To: Leg. Legal

From: Vanessa Tondini, Committee Aide
House Judiciary Committee

Date: February 16, 2005

Re: Request

Please create a final draft House Judiciary Committee Substitute for work order # 24-GH1096\A, HB 88, incorporating the attached two amendments (24-GH1096\A.1 and 24-GH1096\A.3). The bill was passed out of committee today.

If you have any questions, please call me at 4990.
Thank you!

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AMENDMENT #1 - PASSED

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: HB 88

1 Page 1, line 2:

2 Delete "against a school employee"

3 Insert "on school grounds, on a school bus, at a school-sponsored event, or in
4 administrative offices of a school district"

5

6 Page 2, lines 16 - 18:

7 Delete all material and insert:

8 "(31) the offense is a violation of AS 11.41 or AS 11.46.400 and the
9 defendant directed the conduct constituting the offense against a person while the
10 person was on school grounds, on a school bus, at a school-sponsored event, or in the
11 administrative offices of a school district; in this paragraph,

12 (A) "school bus" has the meaning given in AS 11.71.900;

13 (B) "school district" has the meaning given in AS 47.07.063;

14 (C) "school grounds" has the meaning given in AS 11.71.900."

AMENDMENT #2 - PASSED

OFFERED IN THE HOUSE
TO: HB 88

BY REPRESENTATIVE GARA

1 Page 3, lines 14 - 15:

2 Delete all material and insert:

3 "(4) that is misconduct involving weapons in the

4 (A) first degree under

5 (i) AS 11.61.190(a)(1); or

6 (ii) AS 11.61.190(a)(2) when the firearm was
7 discharged under circumstances manifesting substantial and

8 unjustifiable risk of physical injury to a person; or

9 (B) second degree under AS 11.61.195."

(2) no person suffered physical injury as a result of the presence of the substance on the highway.

(c) Obstruction of highways is a class B misdemeanor. (§ 7 ch 166 SLA 1978)

Collateral references. — 39 Am. Jur. 2d, Highways, Streets and Bridges, §§ 175, 189, 190, 194, 253, 257, 279, 283-294, 297-303, 305-307. 40 C.J.S., Highways, §§ 221-231.

Sec. 11.61.160. Recruiting a gang member in the first degree. (a) A person commits the crime of recruiting a gang member in the first degree if the person uses or threatens the use of force against a person or property to induce a person to participate in a criminal street gang or to commit a crime on behalf of a criminal street gang.

(b) Recruiting a gang member in the first degree is a class C felony. (§ 2 ch 60 SLA 1996)

Sec. 11.61.165. Recruiting a gang member in the second degree. (a) A person commits the crime of recruiting a gang member in the second degree if the person is 18 years of age or older and, without force or the threat of force, encourages or recruits a person who is under 18 years of age and at least three years younger than the offender to participate in a criminal street gang.

(b) Recruiting a gang member in the second degree is a class A misdemeanor. (§ 2 ch 60 SLA 1996)

Article 2. Weapons and Explosives.

Section

- 190. Misconduct involving weapons in the first degree
- 195. Misconduct involving weapons in the second degree
- 200. Misconduct involving weapons in the third degree

Section

- 210. Misconduct involving weapons in the fourth degree
- 220. Misconduct involving weapons in the fifth degree
- 240. Criminal possession of explosives
- 250. Unlawful furnishing of explosives

Collateral references. — 31A Am. Jur. 2d, Explosions and Explosives, §§ 214, 216, 219-223, 225-228, 232, 233, 235, 237, 238, 245-250; 79 Am. Jur. 2d, Weapons and Firearms, §§ 1-34.

35 C.J.S., Explosives, § 1 et seq; 94 C.J.S., Weapons, §§ 9-51.

Validity and construction of gun control laws, 28 ALR3d 845; 86 ALR4th 931; 37 ALR Fed. 696; 60 ALR Fed. 305; 125 ALR Fed. 613.

Validity of state statutes restricting right of aliens to bear arms, 28 ALR4th 1096.

Sufficiency of evidence of possession in prosecution under statute prohibiting persons under indictment for or convicted of crime from acquiring, having, carrying or using firearms or weapons, 43 ALR4th 788.

Validity of state statute proscribing possession or carrying of knife, 47 ALR4th 651.

Sec. 11.61.190. Misconduct involving weapons in the first degree. (a) A person commits the crime of misconduct involving weapons in the first degree if the person

(1) uses or attempts to use a firearm during the commission of an offense under AS 11.71.010 — 11.71.040; or

(2) discharges a firearm from a propelled vehicle while the vehicle is being operated and under circumstances manifesting substantial and unjustifiable risk of physical injury to a person or damage to property.

(b) Misconduct involving weapons in the first degree is a class A felony. (§ 10 ch 79 SLA 1992; am § 3 ch 60 SLA 1996)

NOTES TO DECISIONS

Offense required proof of both specified conduct and a specified result. — The State was required to prove two different culpable mental states; offense required proof of a particular type of conduct: knowing discharge of a firearm from an operated vehicle, proof was also required that defendant's conduct created a specified result: the risk of physical injury to a person or damage to property. *Smith v. State*, 28 P.3d 323 (Alaska Ct. App. 2001).

Sentence. — A five-year presumptive term applied to first felony offenders convicted of first-degree weapons misconduct as the legislature could not have intended to impose a seven-year presumptive term when a drive-by shooting endangered a person but a lesser five-year presumptive term if the shooting resulted in death. *Smith v. State*, 28 P.3d 323 (Alaska Ct. App. 2001).

Collateral references. — What constitutes "constructive possession" of unregistered or otherwise prohibited weapon under state law. 88 ALR5th 121.

Sec. 11.61.195. Misconduct involving weapons in the second degree. (a) A person commits the crime of misconduct involving weapons in the second degree if the person knowingly

(1) possesses a firearm during the commission of an offense under AS 11.71.010 — 11.71.040;

(2) violates AS 11.61.200(a)(1) and is within the grounds of or on a parking lot immediately adjacent to

(A) a public or private preschool, elementary, junior high, or secondary school without the permission of the chief administrative officer of the school or district or the designee of the chief administrative officer; or

(B) a center, other than a private residence, licensed under AS 47.33 or AS 47.35 or recognized by the federal government for the care of children; or

(3) discharges a firearm at or in the direction of

(A) a building with reckless disregard for a risk of physical injury to a person; or

(B) a dwelling.

(b) Misconduct involving weapons in the second degree is a class B felony. (§ 10 ch 79 SLA 1992; am § 1 ch 124 SLA 1994; am § 2 ch 130 SLA 1994; am § 1 ch 89 SLA 1997; am § 3 ch 58 SLA 1999; am § 3 ch 99 SLA 2004)

Effect of amendments. — The 1999 amendment, effective July 1, 2000, inserted a section reference in subparagraph (a)(2)(B).

The 2004 amendment, effective June 26, 2004, deleted "AS 14.37" following "licensed under" in paragraph (a)(2)(B), and made related changes.

NOTES TO DECISIONS

Nexus between firearm possession and drug offense. — Paragraph (a)(1) requires proof of a nexus between a defendant's possession of the firearm and the defendant's commission of the felony drug offense. *Collins v. State*, 977 P.2d 741 (Alaska Ct. App. 1999).

Convictions for possession of a firearm during the commission of a felony drug offense requires proof of a nexus between a defendant's possession of a firearm and the defendant's commission of the felony drug offense; therefore, where the state never presented evidence of this element of the offense to the grand jury and the trial jury never was asked to evaluate this evidence at trial, there was no basis to sustain the convictions. *Lewis v. State*, 9 P.3d 1028 (Alaska Ct. App. 2000).

Paragraph (a)(1) requires proof of a nexus between a defendant's possession of the firearm and the defendant's commission of the felony drug offense, and the court's findings must demonstrate that the state proved the nexus. *Murray v. State*, 12 P.3d 784 (Alaska Ct. App. 2000).

Where the trial court's instruction did not allow the jury to consider the nexus element of the felony drug offense and possession or exercise of control over a firearm, the error was not harmless beyond a reasonable doubt; a jury reasonably could have found no connection between defendant's possession of marijuana and his possession of the firearms, and accordingly, the appellate court reversed defendant's conviction of second-degree misconduct involving a weapon. *Maness v. State*, 49 P.3d 1128 (Alaska Ct. App. 2002).

Because AS 11.61.195(a)(1) requires proof of a nexus between defendant's possession of the firearm and his commission of the felony drug offense, and the fact that the firearm and drugs were located in the same house was insufficient to establish it, the appellate court remanded for reconsideration of the nexus issue. *Murray v. State*, 54 P.3d 821 (Alaska Ct. App. 2002).

Collateral references. "constructive possession" of a prohibited weapon under s

Sec. 11.61.200. Mi son commits the crim

(1) knowingly poss having been convicted would constitute a fel United States, or a co

(2) knowingly sells a person who has beer States, or a court of a

(3) manufactures, p

(4) knowingly sells condition is substantia or controlled substanc

(5) removes, covers, with intent to render 1

(6) possesses a firea covered, altered, or d covered, altered, or de

(7) violates AS 11.46 when the person's phys of an intoxicating liqu

(8) violates AS 11.46 or in a propelled vehic. 18.66.100 — 18.66.180

the violation, possesses an ordinary pocketknif

(9) communicates in communication, posses than an ordinary pock

(10) resides in a dwel one's person or a prohib felony by a court of this territory, unless the per is a concealable weapon tion or from the head dwelling is located;

(11) discharges a fire: in circumstances other

(12) knowingly posse convicted of a felony or a felony if committed by a court of another state

(b) It is an affirmativ

(1) under (a)(1) of thi

(A) the person convic pardon for that convicti

(B) the underlying coi AS 12.55.085 or as a res

(C) a period of 10 y unconditional discharge

Vanessa Tondini

From: Harvey, Tom [AK] [Tom.Harvey@neaalaska.org]
Sent: Monday, February 14, 2005 11:07 AM
To: Rep. Kevin Meyer; Rep. Bruce Weyhrauch
Cc: Rep. Lesil McGuire; Rep. Bob Lynn; Alcantra, John [AK]; Bjork, Bill [AK]
Subject: Assault on Public School Employees

Rep. Meyer & Rep. Weyhrauch,

Per my brief conversations with you on Friday, I am forwarding to you language that would address the issue of school bus drivers, who are contracted by school districts and therefore not employees of the district. In talking with Rep. McGuire on Saturday at the Anchorage Caucus meeting, I understand that she has had the language put in the bill. NEA-Alaska supports the amendment and CSHB41.

The language to clarify the issue is : "against a school employee or an individual who has been authorized by the school district to provide pupil services." This language would cover the contracted school bus drivers and other personnel, who are contracted to provide pupil services, such as school psychologists.

Please call if you have any questions.

Tom Harvey

NEA-Alaska Executive Director
1-800-996-3225, ext. 527
1-907-274-0551 (FAX)

Advocating for public education that achieves excellence and equity for every Alaskan child.

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STATE OF ALASKA

DEPARTMENT OF LAW CRIMINAL DIVISION

**FRANK H.
MURKOWSKI
GOVERNOR**

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February 16, 2005

Representative Lesil McGuire
Chair, House Judiciary Committee
Alaska Legislature
State Capitol, Room 118
Juneau, AK 99801-1182

Re: H.B. 88 – automatic waiver of juveniles for weapons offenses

Dear Committee Chair:

During my testimony in support of the bill automatically waiving juveniles ages 16 and 17 to adult court for misconduct involving weapons in the first and second degrees, some committee members asked whether prosecutors had had difficulty utilizing discretionary waiver in juvenile cases. I have gathered information regarding our experience with discretionary waiver and I am writing to respond to those questions.

Since 2001, the prosecutors in juvenile cases in the Anchorage office of the Attorney General or the District Attorney have tried to use the discretionary waiver provisions of juvenile law in four cases. We were unsuccessful in three of the four. Two of the three unsuccessful applications were in murder cases; one was in an attempted murder case.

The four details of the four cases are as follows.

R.B. was a fourteen-year-old Anchorage resident who participated in the murder of Rachael Peace. While his eighteen-year-old accomplice strangled her to death, R.B. held his hand over Rachael Peace's mouth and nose. R.B. did not know Rachael Peace prior to night of her murder. R.B. and his co-defendant later attempted to destroy the evidence of the crime by burning Rachael Peace's body at Crow Creek Pass near Girdwood, Alaska. The Division of Juvenile Justice in consultation with the Department

of Law filed a petition to waive juvenile jurisdiction. Superior Court Judge Dan Hensley declined to waive juvenile jurisdiction.

J.W. was a sixteen-year-old from Kenai, Alaska, who got engaged in a verbal argument with the driver of a truck and, as the truck drove away, pulled a .357 out of his back pack and fired three shots at the driver. The shots struck the back of the cab of the truck. One bullet lodged behind the driver's seat but did not penetrate any further. Two other bullets passed through the rear window of the truck. One of those bullets lodged in the passenger doorframe, almost striking the passenger. No one was hurt during the incident. A petition to waive juvenile jurisdiction was filed in Kenai. Superior Court Judge Hal Brown declined to waive juvenile jurisdiction.

P.T. was a fifteen-year-old Anchorage teenager who participated in the robbery and murder of Anchorage businesswoman Chong Cho. Three robbers, two adults and P.T., robbed Ms. Cho of the day's receipts from her restaurant as she returned home from work. One of the robbers shot in the head, killing her. Police did not have evidence identifying which of the three robbers did the shooting. A petition to waive juvenile jurisdiction was filed by the Division of Juvenile Justice and the Department of Law. Superior Court Judge John Reese declined to waive juvenile jurisdiction.

B.K. was a fifteen-year-old in Pilot Point, who shot his cousin in the head with a .22 rifle and sexually assaulted her as she lay dying. A petition to waive juvenile jurisdiction was filed. Superior Court Judge Fred Torissi waived juvenile jurisdiction.

Since judges would not waive juvenile jurisdiction in three out of four murder or attempted murder cases, we do not believe we would be successful in seeking discretionary waiver in a case of a drive-by shooting, in which no one has actually been injured. If you would like any additional information regarding these cases, please let me know.

Sincerely,

SCOTT J. NORDSTRAND
ACTING ATTORNEY GENERAL

By:


Leonard M. Linton, Jr.
District Attorney

Outcomes for 16- and 17-Year-Old Youths Referred to DJJ for Misconduct Involving Weapons I & II

February 11, 2005

The Legislature is currently considering a bill that would add Misconduct Involving Weapons (MIW) in the First and Second Degrees to the list of autowaiver offenses in A.S. 47.12.030. The Legislature has asked for information on outcomes for youths currently charged with either of these offenses to help determine if these youths are indeed particularly dangerous and at high risk to reoffend, indicating the need for a different response than is currently provided through the juvenile justice system.

Sixteen youths ages 16-17 were referred to DJJ on a total of 26 charges over the two-year period FY 03-FY 04 for MIW 1 & 2 offenses. Some youths received multiple charges for this offense. For example, one youth was charged five times for MIW 2 because he discharged a gun into five different cars. In several cases the MIW 1 or 2 charge was eventually reduced to a lower-level MIW charge.

Of the 16 youths charged with this offense:

- 10 were adjudicated
- 6 were adjusted, diverted, placed on informal probation, or held in abeyance

Of those adjudicated:

- 5 were given institutional ("B-1") orders. Two remain in secure treatment at this writing.
- 3 were placed on formal probation ("B-2") orders.
- 1 was ordered to supervision with custody in a nonsecure setting. ("B-3" orders)
- 1 was given a restitution order only

Based on an examination of JOMIS and APSIN records:

- 12 of the youth have committed no further offenses following their disposition on the MIW/ referral. (Four did commit probation violations following their disposition, but these did not rise to the level of a new criminal offense.)
- One youth later committed a C Felony (Burglary 2) that was adjusted with a conference; as an adult he has been charged again with the same offense, which is pending.
- Two youths were charged as adults with Driving Under the Influence.
- One youth absconded while in aftercare and remains at large.

Further details on these cases follow:

Juvenile 1: charged with MIW I (2) in Sept. 2002. Shot at girlfriend's unoccupied car. B(1) Institutional order at McLaughlin Youth Center; released 10/20/03. No further referrals.

Juvenile 2: charged with MIW 1 (2) in Sept. 2002, but was eventually adjudicated on MIW 4 (reckless discharge). B(2) order and CWS. Successfully completed and released from supervision. No further referrals.

Juvenile 3: Charged with five counts of MIW 1 (2) in May 03 with several criminal mischief charges. Was adjudicated on charges of MIW 1, received a deferred B(1) and given opportunity to participate in Alaska Youth Military Academy. Violated probation and was institutionalized at MYC, where he remains.

Juvenile 4: charged with MIW 1 in Sept. 2002 for same incident as Juvenile 2. Had a history of criminal mischief charges. Received a deferred B(1) and given opportunity to participate in Alaska Youth Military Academy and placed in a foster home. Did violate probation but otherwise successfully completed AYMA program and discharged from custody in April 04. No further referrals.

Juvenile 5: Had a history of minor thefts and assaults. Out riding with friends and discharged gun into five unoccupied cars. Charges were reduced to MIW 4 and youth placed on formal probation. Placed on electronic monitoring, attended groups at AYPF, ordered to pay restitution of \$1,100. Did violate probation. However, he did pay restitution,, kept up grades, got a job—successful closure in Nov. 2004. No further referrals.

Juvenile 6: No history. Committed a MIW 2 that was reduced to MIW 4. Received an adjudication with restitution order for \$100. Paid and case closed. No further referrals.

Juvenile 7: Charged with shooting at a dwelling (MIW 2), along with criminal mischief, Assault 4, reckless endangerment. Charge reduced to MIW 4, adjudicated, received formal probation. Successfully completed 2/7/04. Charged with Driving Under the Influence as an adult.

Juvenile 8: Charged with MIW 2, shooting at a building, and reckless endangerment. Adjusted with a conference and case closure. No further referrals.

Juvenile 9: Youth was drunk, tried to kill himself but hit building instead. Charged with MIW 2. Placed on informal probation and received a behavioral health evaluation and services from NSBH. Completed informal probation successfully. No further referrals.

Juvenile 10: MIW 2 dismissed by judge as not legally sufficient. Youth had no other history. No further referrals.

Juvenile 11: referred for MIW 2 (involving drugs) and 4 and MICS charges. Adjudicated on MICS. Given a B3 order, placed in JYS, did not do well and violated probation conditions; transferred to Alaska Challenge Military Academy, completed and released from DHSS custody on 9/28/04. No further referrals.

Juvenile 12: charged with MICS and MIW 2 (involving drugs); placed on diversion agreement given problems in establishing culpability (his friends likely set him up, but he was known to use drugs). Completed his CWS and diversion agreement successfully. Charged with Driving Under the Influence as an adult.

Juvenile 13: MIW 2 adjusted with community work service. Later committed Burg 2 (C Felony) that was adjusted with a conference in juvenile system; APSIN says current charge pending on Burg 2 committed on 1/16/2005.

Juvenile 14: Long history of criminal mischief, trespass, MIW, probation violations. Charged with MIW 2 (drug). Received a B(1) order and institutionalized at McLaughlin Youth Center. During transition to aftercare was placed in a foster home. Is now missing. Warrant out for his arrest.

Juvenile 15: Charged with attempted murder and waived to adult system. Because of difficulty in establishing attempted murder charge, judge agreed to reduced charges of MIW and Assault 3. Youth was referred back to the juvenile system and adjudicated on a B(1) institutional order. Currently serving term of treatment at Bethel Youth Facility.

Juvenile 16: Youth had been charged with MICS, petition was held in abeyance. Youth committed MIW charge as a probation violation. Youth moved to Seattle to live with grandparents and enroll in a substance abuse program. Reported to be doing well. No further referrals.

HOUSE BILL 88

Sectional Analysis

Section 1 adopts the title "School Violence Prevention Act of 2005".

Section 2 proposes findings, including one of legislative and public concern for violent crime among Alaska youth; information from the Alaska Department of Health and Social Services Youth Risk Behavior Study of 2003; and the Anchorage School District survey in 2003 indicating that 13% of Anchorage students who responded to the survey did not feel safe at school. **Section 2** also adopts legislative intent to deter violence involving weapons by minors, and discouraging school violence in Alaska.

Section 3 adopts an aggravating factor for sentencing persons convicted of crimes against a person in violation of AS 11.41. AS 11.41 includes homicide, assault, kidnapping, sexual offenses, and robbery, and related offenses.

The new aggravating factor applies to a sentence for a person convicted of an offense under AS 11.41, if the person directed the crime against a school employee while on school grounds or at a school-sponsored event.

Aggravating factors apply to sentences for felonies. However, at misdemeanor sentencing proceedings, the prosecution may and often does argue that the court should consider aggravating factors in sentencing defendants convicted of a misdemeanor.

Section 4. Generally minors who commit crimes come under the juvenile justice system. For certain serious crimes, however, the law requires that minors 16 and 17 years of age be prosecuted as adults. These crimes include murder, manslaughter, assault in the first degree, first degree sexual assault and first degree sexual abuse, and arson. **Section 4** adds misconduct in the first and second degrees to these crimes. Misconduct involving weapons in the first degree is a class A felony. Misconduct involving weapons in the second degree is a class B felony. Both address criminal conduct with firearms. For example, the first degree offense prohibits discharging a firearm from a moving propelled vehicle under circumstances manifesting substantial risk of harm to a person or property. The second degree offense prohibits, for example, possession of a firearm during the commission of a drug crime.

STATE OF ALASKA

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL

FRANK H. MURKOWSKI,
GOVERNOR

P.O. BOX 110300
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January 20, 2005

The Honorable Lesil McGuire, Chair
House Judiciary Committee
Alaska State Legislature
State Capitol, Room 118
Juneau, Alaska 99801-1182

Re: HB 88 - School Violence Prevention Act of 2005

Dear Representative McGuire:

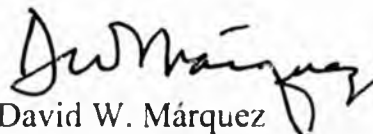
The Department of Law would appreciate scheduling of the above bill for a hearing in your committee, at your earliest convenience. The bill now resides in your committee and is a high priority of the Administration.

If you have any questions, please feel free to contact me.

Sincerely,

GREGG D. RENKES
ATTORNEY GENERAL

By:


David W. Márquez
Assistant Attorney General

DWM:DEB:pvp

cc: Kevin Jardell, Legislative Director, Office of the Governor
Deborah Behr, Legislation and Regulations Attorney, Department of Law

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 88
 (H) Publish Date: 1/19/05
 Dept. Affected: Health & Social Services

Revision Date/Time (Note if correction):

Title WEAPONS OFFENSES INVOLVING MINORS
AND OFFENSES AGAINST SCHOOL
EMPLOYEES

RDU Juvenile Justice

Component Probation Services

Sponsor (RLS) BY REQUEST OF THE
GOVERNOR

Requester GOVERNOR

Component No. 2134

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This proposed legislation will not have a significant impact on workloads of the Division of Juvenile Justice staff. Therefore, this zero fiscal note is entered to reflect negligible fiscal impact.

Prepared by: Patty Ware
 Division: Juvenile Justice
 Approved by: Joel S. Gilbertson, Commissioner
 Agency: Department of Health and Social Services

Phone 465-2112
 Date/Time _____
 Date 01/06/2005

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: HB 88
 (H) Publish Date: 1/19/05

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title "An Act relating to penalties for certain weapons offenses involving minors; to delinquent minors..." RDU CRIMINAL
 Sponsor _____ Component CDCC
 Requester Governor Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill seeks to address the issue of school violence by adopting an aggravating factor in sentencing a person convicted of felony assault directed at a school employee. The bill would deter minors 16 years and older from committing felony offenses involving misconduct with weapons in the first and second degrees by holding them accountable to the same legal consequences as adults. Passage of this legislation will not have a foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn Daughetee, Director Phone 465-5427
 Division: Administrative Services Date/Time 1/18/05 3:14 PM
 Approved by: Kathryn Daughetee for Gregg D. Renkes, Attorney General Date 1/18/2005
 Agency: Department of Law

2003 Youth Risk Behavior Survey (YRBS)



**A Joint Project Between
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Acknowledgments

The 2003 Alaska Youth Risk Behavior Survey would not have been possible without the support of many individuals working cooperatively at all phases of the project. We would like to thank:

- School district superintendents and administrators, school boards, secondary school principals, teachers, parents and guardians who cooperated with and supported the survey
- The U.S. Centers for Disease Control and Prevention, Division of Adolescent and School Health, and Westat, Inc. for their technical assistance; and most importantly;
- The Alaska students who participated in the survey

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Introduction

As the State of Alaska moves into the 21st century, it is more important than ever to provide quality instruction to children across our state. Research tells us that many of our students struggle with issues and problems not addressed within the typical school day. In order to better understand and provide assistance with those issues, the Alaska Department of Health and Social Services conducted this survey to assess students' self-reported health risk behaviors.

With a better understanding of the risk behaviors that may lead to early morbidity and mortality, schools, agencies and communities will be better equipped to provide effective interventions, resources and quality prevention services. By addressing risk behaviors early and providing support and guidance, schools will provide students with a much greater opportunity to succeed in school and beyond.

This report describes the methods used to conduct and the results of the 2003 Alaska Youth Risk Behavior Survey (YRBS). The 2003 results are compared to the 1995 YRBS results for an overview of how risk behaviors have changed over the last several years among youth in Alaska. Where data are available, Alaska results are compared to U.S. 2001 YRBS results. The survey is intended to provide a better understanding of the health risk behaviors for students in public school settings. The YRBS asks students to self-report on their behaviors in six major areas of health that directly lead to morbidity and mortality in adult populations within our country.

How To Use This Report

The results of the YRBS can help detect changes in risk behaviors over time and provide an important piece of program evaluation. The information from the YRBS will identify and highlight the differences and similarities in risk behaviors among high school students in Alaska and the US. This information will help schools, communities and parents focus primary prevention efforts and better utilize limited resources.

Think of this report as a tool for starting discussions, for encouraging parent involvement, for educating the community, for planning and evaluating programs, for comparing Alaska students with other students nationwide and strengthening existing programs and policies.

- **Starting the Conversation.** Use this report to begin a conversation with young people about the personal choices they make or about the health of their community. Ask them if the results accurately reflect what they see happening around them. How do they explain the results? What ideas do they have about ways to promote healthy behaviors? From their perspective, what seems to be working and what isn't working?
- **Increasing Awareness.** This report provides an opportunity to make community members aware of the risks that their young people face. It can dispel myths and correct misinformation about the "average teenager." In addition, you can use the YRBS to **accentuate the positive**, and to celebrate the fact that many students are abstaining from behaviors that endanger their health and their ability to succeed.

- **Planning and Evaluating Programs.** The results of this report can serve as the basis for a school and/or community needs assessment. It can help identify strengths and weaknesses in current programs and can suggest strategies to address gaps in services to students. Identifying areas that need strengthening can expand professional development efforts within schools and in the larger community.
- **Alaska and National Comparisons.** The Centers for Disease Control and Prevention (CDC) conducts a biennial YRBS of a national sample of high school students. These results permit us to draw comparisons between Alaska and the nation.
- **Alaska Comparisons 1995 to 2003.** The Centers for Disease Control and Prevention provides a Trend Analysis Report to states who have conducted and received weighted data from the YRBS in multiple years. The report indicates where statistically significant trends exist for each standard YRBS question and helps states to determine if behaviors have increased, decreased, or stayed the same over time. We have noted the statistically significant changes throughout this document wherever applicable. They are noted with an * by the 2003 percentage value in the charts and graphs and stated as significant in the text.

Youth Risk Behavior Survey Background

The Youth Risk Behavior Survey (YRBS) is part of an epidemiological surveillance system that was established in 1988 by the U.S. Centers for Disease Control and Prevention (CDC) to help monitor the prevalence of behaviors that not only influence adolescent health, but also put youth at risk for the most significant health and social problems that can occur during adolescence and adulthood.

The YRBS specifically investigates behaviors related to the leading causes of mortality, morbidity and social problems among youth in the United States. Among deaths occurring to youths aged 10-24 years, 70% are due to intentional and unintentional injuries (motor-vehicle crashes, homicide, suicide and other unintentional injuries).¹ Results from the 2003 YRBS demonstrate that numerous high school students are engaging in these behaviors increasing their likelihood of dying from these four causes. Additionally, many behaviors that contribute to preventable adult deaths are initiated during adolescence. Among adults in the U.S. over 25 years of age, 64.6% of deaths are caused by cardiovascular disease (41.0%) and cancer (23.6%).¹ Behaviors related to these causes of death include: use of tobacco; excessive consumption of fats, calories and sodium; insufficient consumption of milk, fiber, fruits and vegetables; and insufficient physical activity.

Voluntary behaviors directly contribute to the deaths, diseases and social problems described above. Examples of risk behaviors include: carrying a weapon, physical fighting, suicide attempts, drinking or using drugs, lack of seatbelt or helmet use and unprotected sexual intercourse.

The YRBS survey examines six categories of adolescent behavior:

- behaviors that result in unintentional and intentional injuries;
- tobacco use;
- alcohol and other drug use;
- sexual behaviors that can result in HIV infection, other sexually transmitted diseases (STD's) and unintended pregnancies;
- dietary behaviors; and
- physical activity.

The YRBS high school survey was first implemented at the national level in 1990. Since that time CDC has sponsored national and state surveys in 1991, 1993, 1995, 1997, 1999, 2001 and, most recently, in 2003. Alaska first participated in the YRBS in 1995 at both the high school and middle school levels and obtained weighted (representative) statewide data. Due to external factors, the YRBS was not administered in 1997. It was administered in 1999, however the 1999 sample did not include the Anchorage School District, the state's largest school district. Without Anchorage, the data were not representative of the state as a whole. The survey was administered in 2001 with the participation of Anchorage, but not enough student responses statewide were collected, and so no data were analyzed. A major obstacle in 2001 was the active parental consent law that had just gone into effect at the end of the 1999 survey administration. In 2003 the survey was administered statewide with active parental consent and weighted (representative) data were obtained. Comparisons with 1995 data, the only other representative statewide data, are highlighted throughout this report.

Methodology

The 2003 YRBS was a replica of the 1995 YRBS with the exception that active parental consent was used in 2003 and additional questions were added. As a result, the 2003 survey results are comparable to 1995.

A two-stage sample design was used to select the students eligible for participation. The first stage consisted of selecting schools. Schools were selected with probability proportional to the size of their enrollment. Alaska has a large number of small schools, which means more schools were needed to obtain the number of students required for the desired precision. Once a school was selected, classes were selected as the second stage. Eligible classes were those where a student would be enrolled in one and only one class at a time. For example second period or required English. This gave each student an equal opportunity of being selected. At any time a school district, an individual school, a student's parents, or a specific student had the opportunity to decline to participate.

The samples were scientifically selected with each eligible student in the school population having an equal probability of being selected. This sampling process is most often referred to as probability sampling. The size of a sample is related directly to the size of the eligible population, the estimated student response rate, and the desired precision of the results. The eligible student population was determined from the official 2002 October enrollment counts reported by the Alaska Department of Education & Early Development. The enrollment count was edited to include only students in grades 9 through 12. The school list was edited to remove boarding, correspondence, home study, alternative, and correctional schools. A sufficient number of students were selected to give a plus or minus five percent margin of error for each question.

The numbers sampled in each stage were adjusted upward in anticipation that some schools and students would fail to participate. To ensure that sample results can be generalized to the total population, the overall participation rate (school participation rate multiplied by the student participation rate) must be equal to or greater than 50 percent. The overall 2003 high school YRBS participation rate exceeded 60 percent and the results are weighted to represent risk behaviors of all students enrolled in Alaska public high schools in grades 9-12.

At the classroom level, teachers were given a script to read to students that established guidelines for student privacy and anonymity and the importance of the survey. Each student was given an unmarked envelope in which to seal his or her survey before turning it in. These survey envelopes remained sealed until received at a central state collection site. No individual identifiers were recorded on the surveys or sealed envelopes.

The Centers for Disease Control and Prevention (CDC) and Westat, Inc, a CDC contractor, analyzed the state survey data. Analysis included performance of extensive edit checks to identify survey inconsistencies. When inconsistencies were found, responses were excluded from the analysis. For example, if a student reported in one question having never been in a physical fight, but then reported in another question being hurt in a physical fight, the data on that student were excluded for the two questions related to physical fighting. These inconsistencies occurred with a frequency of less than 2% on average. There were only 14 questions which had logic inconsistencies higher than 5% and all were less than 11%.

At the same time that Alaska implemented the YRBS, a national YRBS was conducted at the high school level. Because the results of the national YRBS 2003 survey were not available at the time this report was written, when applicable, 2001 national YRBS results were used for comparison.

Survey Limitations

The 2003 YRBS provides descriptive data on the who, what, where and when of the self-reported behaviors in a number of major risk categories. The YRBS survey does not attempt to answer the questions of why and how. The descriptive data apply only to students attending public high schools (grades 9-12) in Alaska.

Participation in the Statewide Survey

The high school sample was drawn with a desired precision of ± 5 percent. The high school sample included 42 schools from 19 districts and sought 2,175 completed questionnaires. The overall response rate was 62 percent with 90 percent of the schools and 68 percent of the students participating. The high school survey results can be generalized to the eligible students in grades 9 - 12. Table 1 provides a comparison of the sampled student characteristics to those characteristics in the statewide enrollment as well as the characteristics in the eligible population. As can be seen the adjusted weighted percentages closely mirror the percentages of students by sex and grade, but not race/ethnicity. This is because the gender/grade characteristics reported by each participating class were used to calculate the final weighted value.

Table 1: High School Student Demographic Characteristics

		% Total Statewide Enrollment	% Eligible for Sample Selection	% In Sample	Adjusted Weighted %
Sex	Female	48.1	47.8	47.9	48.1
	Male	51.9	52.2	51.4	51.9
	Refused Response	n/a	n/a	0.7	**
Grade	9th	29.7	30.2	34.4	30.0
	10th	25.6	25.8	21.1	25.7
	11th	22.7	22.8	24.4	22.7
	12th	22.0	21.2	18.4	21.1
	Other/Missing	n/a	n/a	1.6	0.5
Race/Ethnicity	Alaskan/American Native	23.0	22.9	19.9	23.0
	Asian/Pacific Islander	6.3	6.8	7.2	8.1
	African American/Black	4.3	4.4	2.9	1.8
	Hispanic	3.1	3.2	4.3	3.0
	White	61.4	61.5	60.7	61.4
	Multiple Races	2.0	1.2	4.2	2.7
	Refused Response	n/a	n/a	0.9	**

n/a indicates not available.

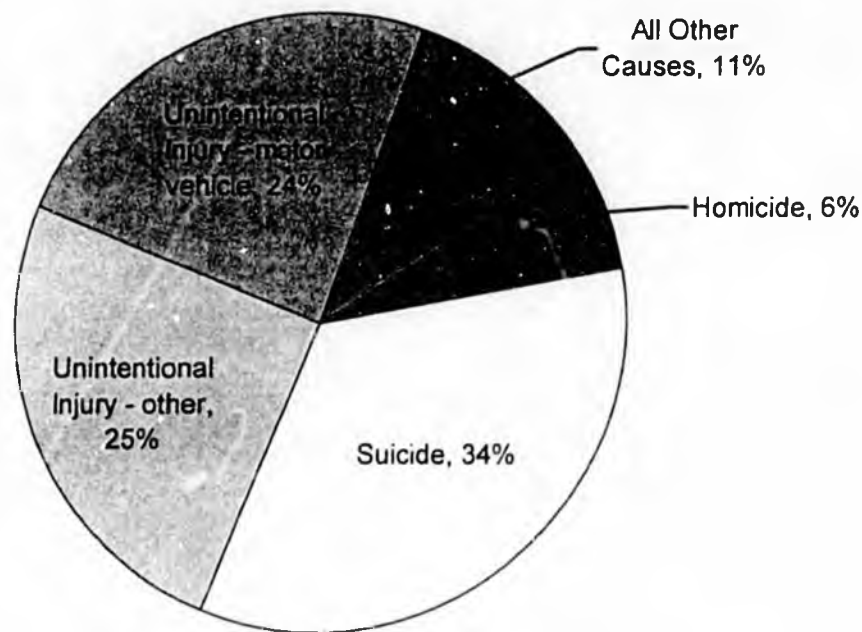
** indicates responses excluded from weighted calculations.

Section I: Injury

Background

Injuries are the leading causes of death among children, adolescents and young adults.¹ As shown in the accompanying graph, 89% of the deaths among young people in Alaska (ages 14- 19 years) are attributable to injuries, including motor vehicle crashes, homicide, suicide and other unintentional injuries.

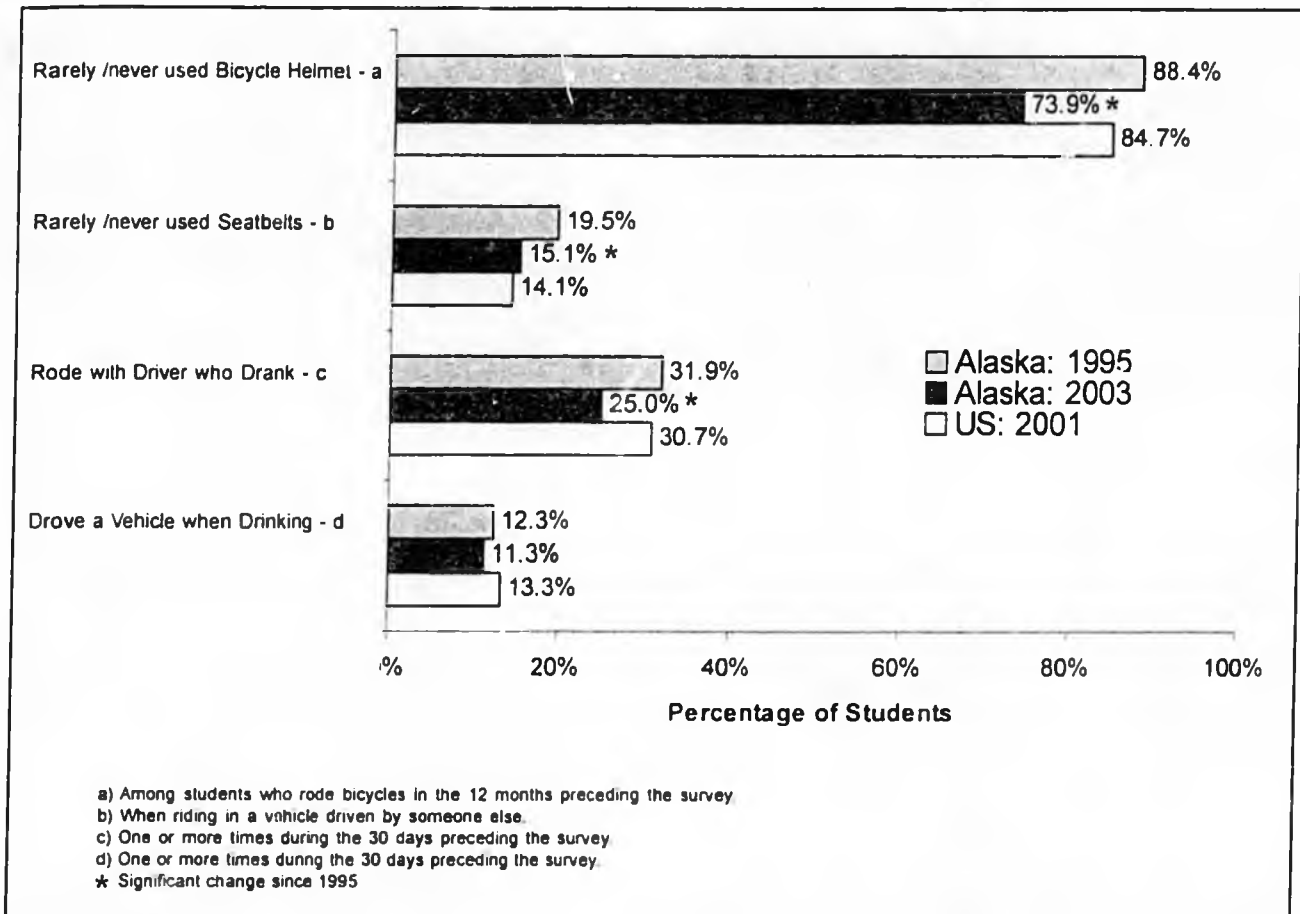
**Percentage of Deaths by Cause Among Alaskans Aged 14-19 Years
1999-2001 (N=177)**



Source: National Center for Health Statistics (NCHS), Vital Statistics System

Safety Behaviors Regarding Vehicles and Bicycles

Among high school students, only 15.1% report rarely or never using seatbelts. This is a decrease of about 4% from 1995. Among those who ride bicycles, 73.9% report not wearing helmets. Within the 30 days prior to the survey, 25.0% of students rode with an automobile driver who had been drinking alcohol, and 11.3% drove a vehicle when drinking alcohol, a significant decline for both from 1995.

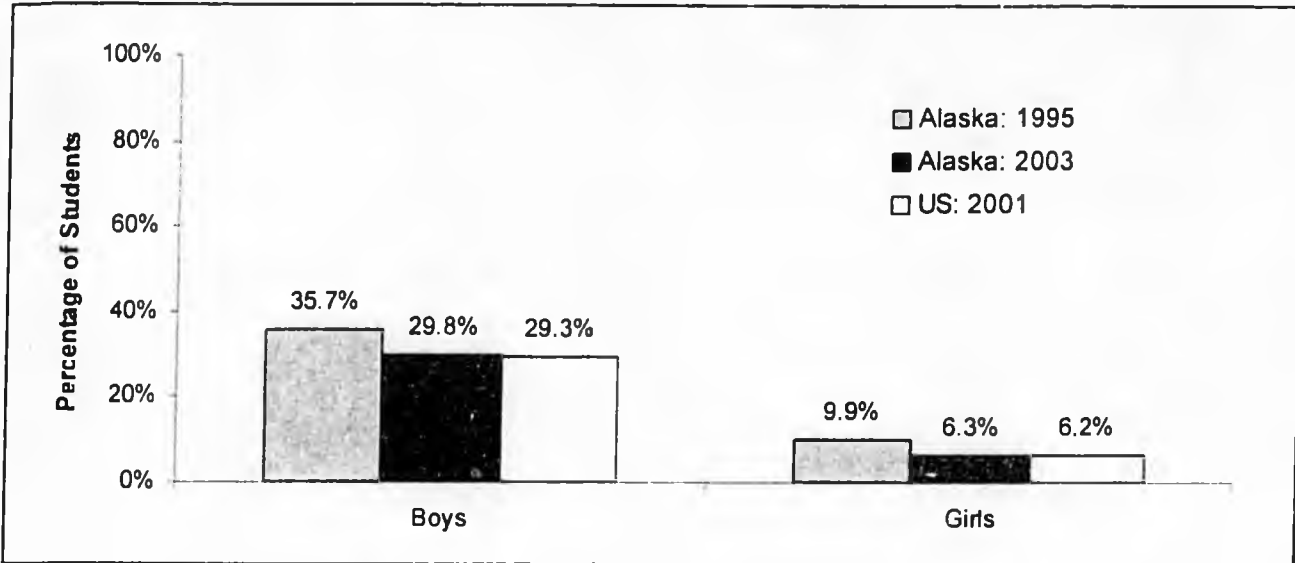


Healthy Alaskans 2010 Objective:

- ▶ Reduce to 20% the proportion of adolescents who ride in vehicle with a driver who has been drinking alcohol (percentage of high school students grades 9-12 who report riding at least once with a driver who had been drinking alcohol within the past 30 days)

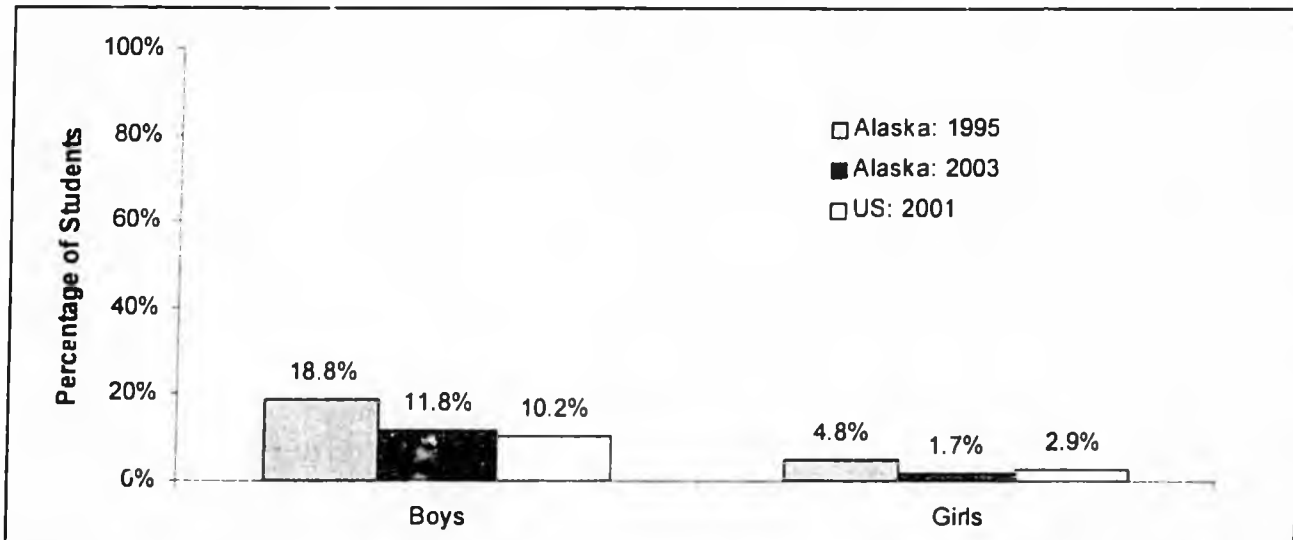
Carried a Weapon

About 6.3% of girls report carrying a weapon compared to 29.8% of boys. Both Alaska boys and girls report similar weapon carrying behavior as U.S. boys and girls. Significant decreases have occurred in weapon carrying behavior for combined sexes since 1995.



Carried a Weapon on School Property

Among Alaska high school students, 11.8% of boys and 1.7% of girls report having carried a weapon, such as a gun, knife or club, on school property in the previous 30 days. Both boys and girls show a significant decrease in weapon carrying on school property from 1995. In 2003 Alaska boys were somewhat (11.8%) more likely to report carrying a weapon on school property than were 2001 U.S. boys (10.2%).

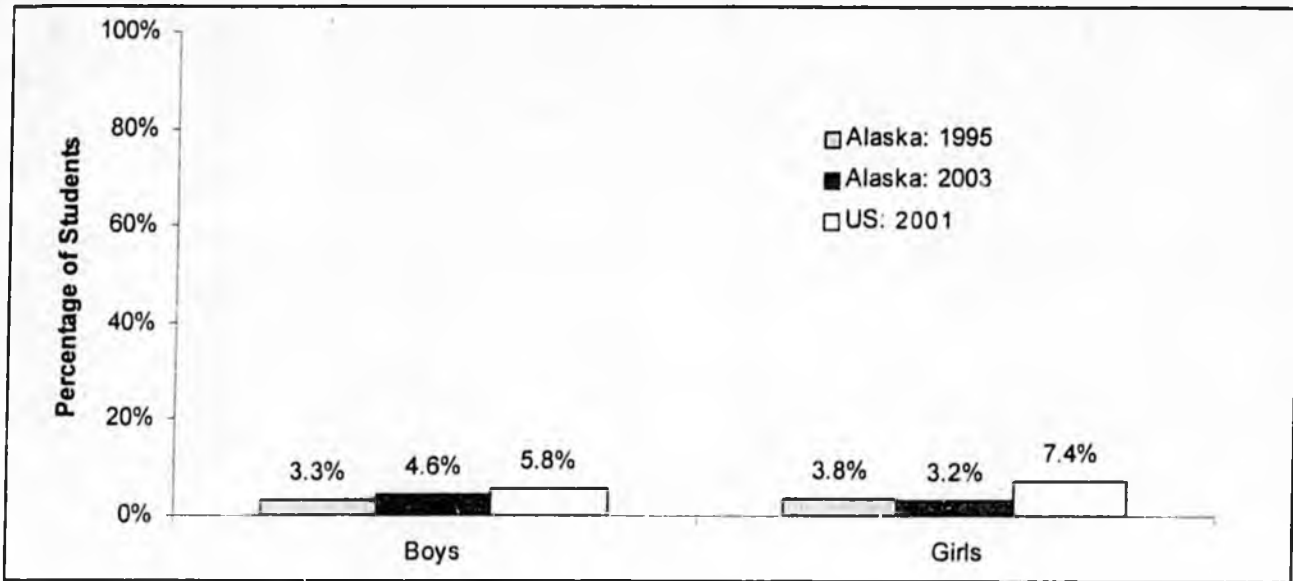


Healthy Alaskans 2010 Objective:

- ▶ Reduce to 3% weapon carrying by high school students on school property (percentage of students who carried a weapon on school property in the past 30 days)

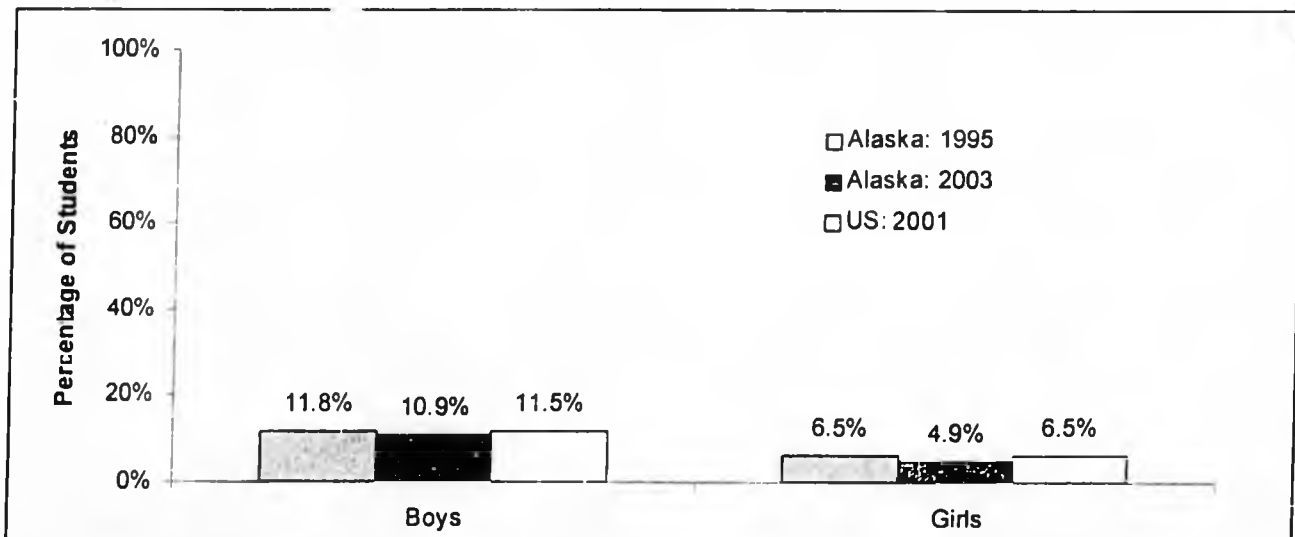
Did Not Go to School on One or More Days in Past 30 Days Because They Felt Unsafe

Among Alaska high school students fewer than 5% of either boys or girls did not go to school because they felt unsafe. Boys show a slight increase (1.3%) from 1995, as where among girls there appears to be no difference.



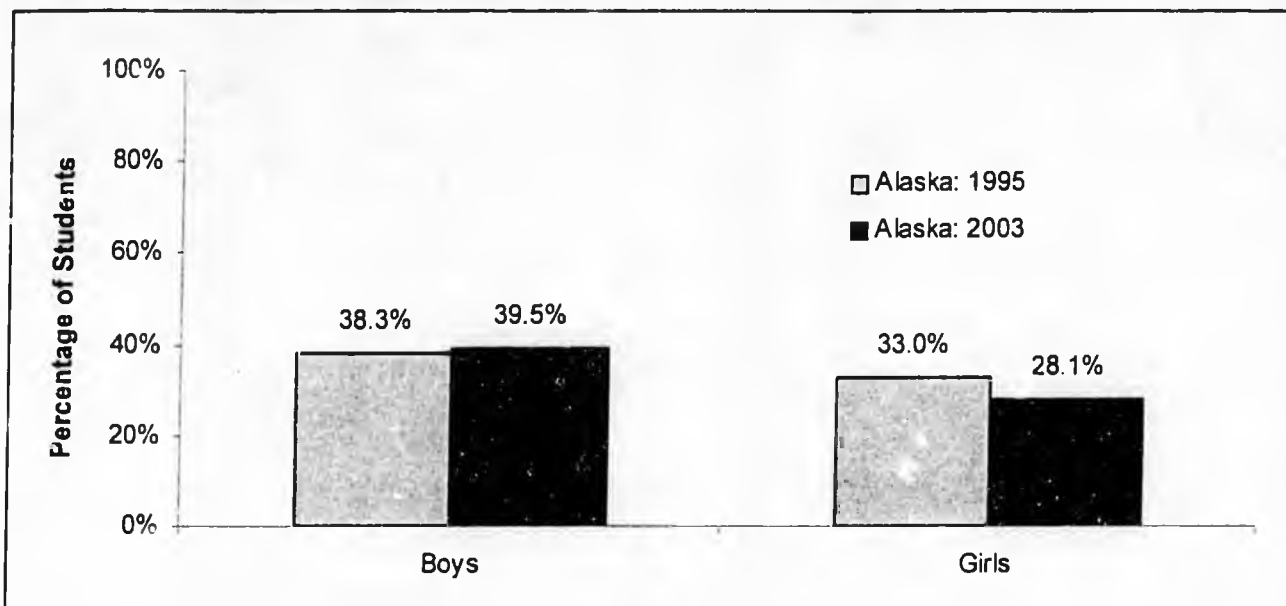
Threatened or Injured by a Weapon on School Property

Among Alaska high school students, 10.9% of boys and 4.9% of girls report having been threatened or injured with a weapon such as a gun, knife or club on school property within the past 12 months. There has been little or no change in this behavior since 1995. A smaller percentage of both Alaska boys and girls report having been threatened or injured with a weapon on school property than U.S. boys and girls report.



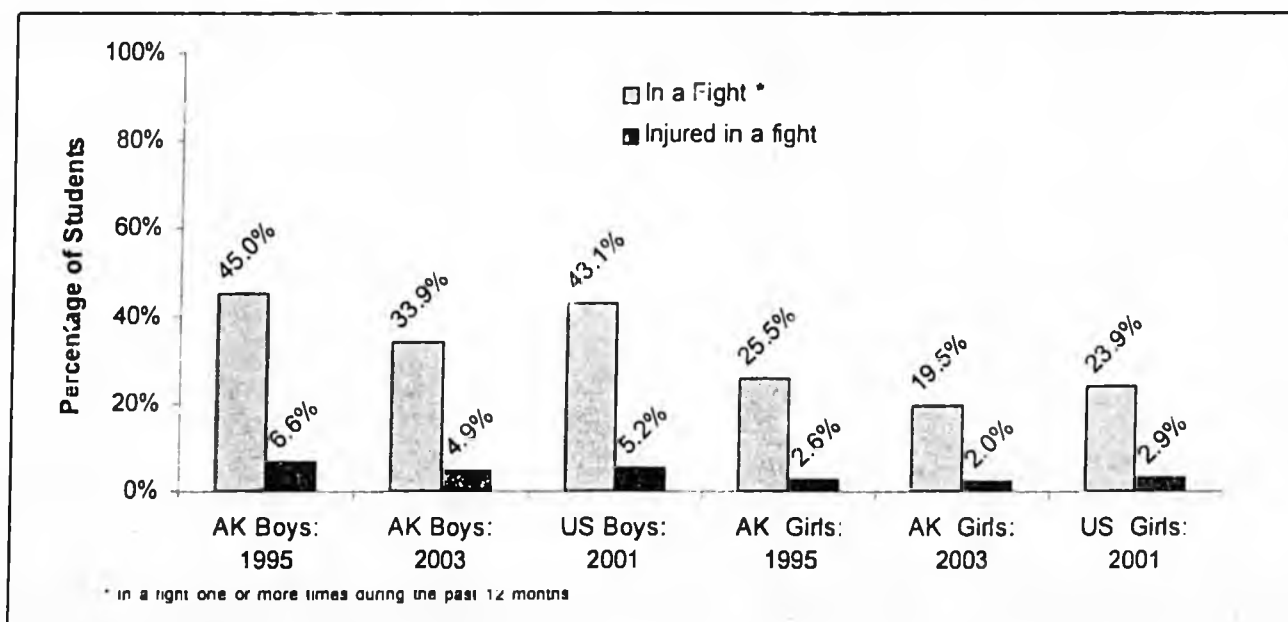
Had Property Stolen at School During Past 12 Months

Among Alaska high school boys, 39.5% report having had property stolen at school compared to 28.1% of girls. Although girls report a drop from 1995, boys show no real change.



Physical Fighting in Past Twelve Months

Among Alaska high school boys, 33.9% report having been in a physical fight within the past 12 months, and 4.9% report having been injured (requiring treatment by a doctor or nurse) in a physical fight. Girls are less likely to report physical fighting. Alaska high school students show a significant decrease in physical fighting since 1995. Alaska boys (33.9%) are significantly less likely to have reported being in a physical fight in the past 12 months than U.S. boys (43.1%).

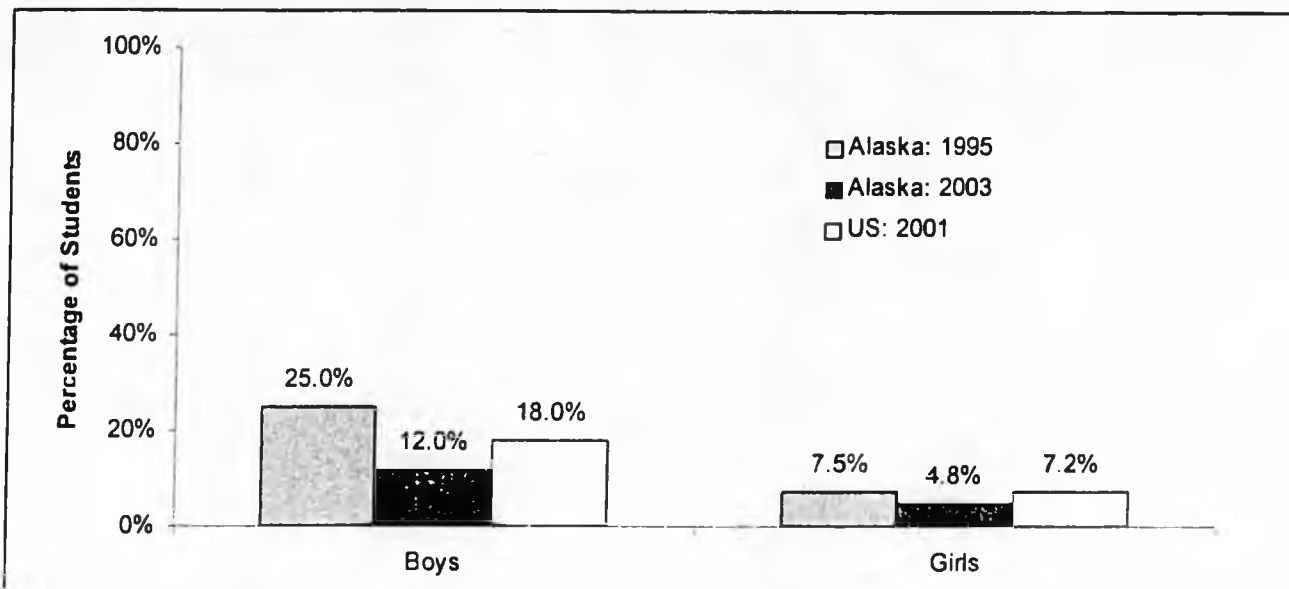


Healthy Alaskans 2010 Objective:

- ▶ Reduce to 20% physical fighting among high school students (percentage of students who have been in a fight in the past 12 months)

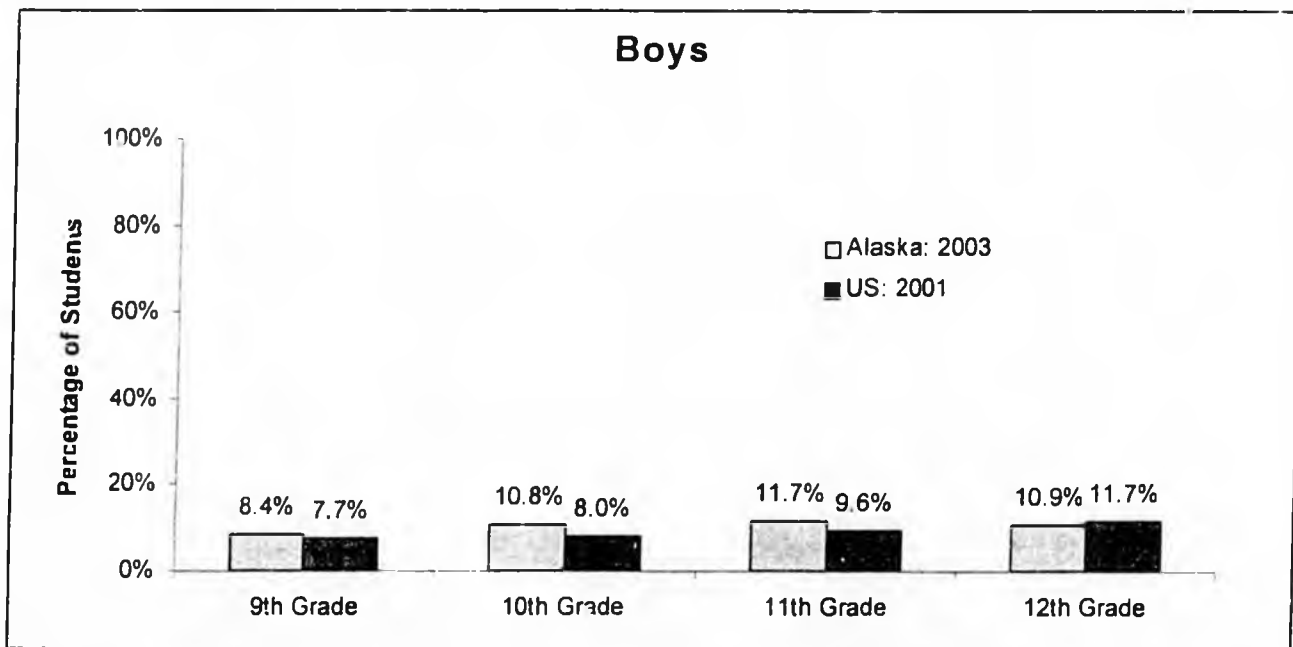
Physical Fighting on School Property in Past 12 Months

Physical fighting among high school boys on school property has decreased by over 50% since 1995, from 25.0% to 12.0%, well below 18.0% for U.S. boys. Among Alaska high school girls the drop is less significant, dropping from 7.5% in 1995 to 4.8% in 2003. When compared to 1995 data, significant changes have occurred for both sexes.



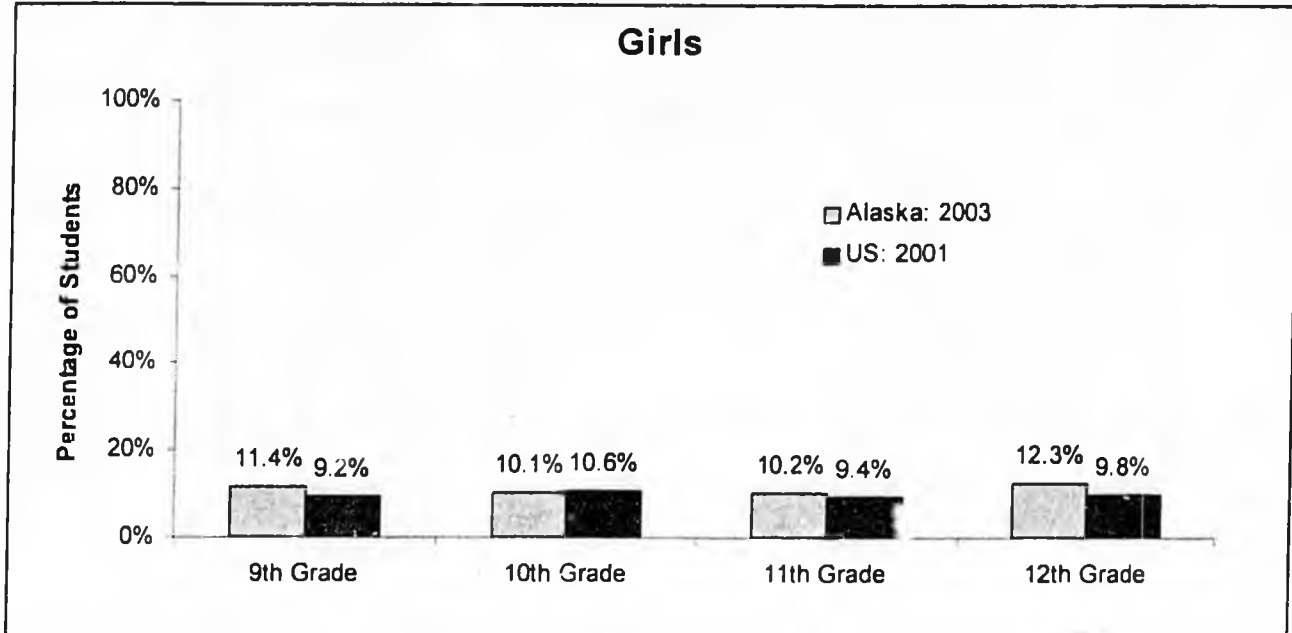
Ever Been Hit, Slapped or Physically Hurt on Purpose During the Past 12 Months

In 2003, among Alaskan high school students (both genders), 10.8% report ever having been slapped or physically hurt by their boyfriend or girlfriend. This is slightly higher than U.S. 2001 students report at 9.5%. Alaska tenth and eleventh grade boys also report a higher rate than U.S. tenth and eleventh grade boys.



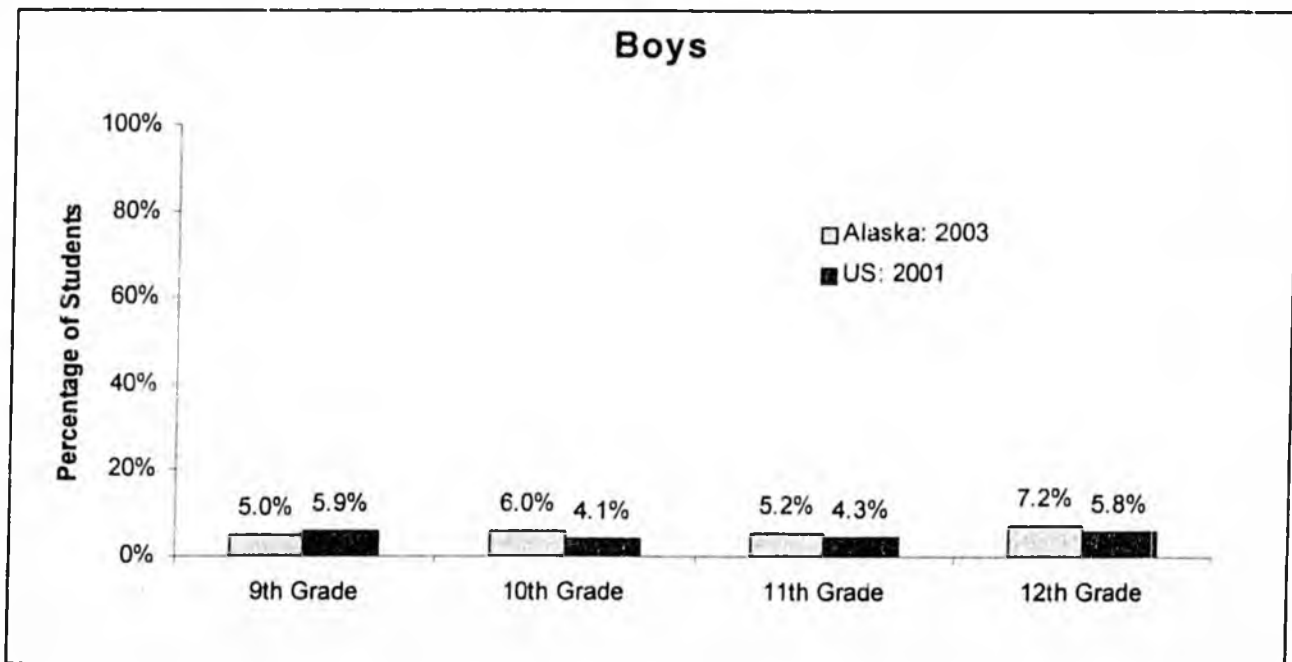
Ever Been Hit, Slapped or Physically Hurt on Purpose During the Past 12 Months

Twelfth grade Alaska girls (12.3%) report being slapped or hit at a slightly higher rate than U.S. girls (9.8%).



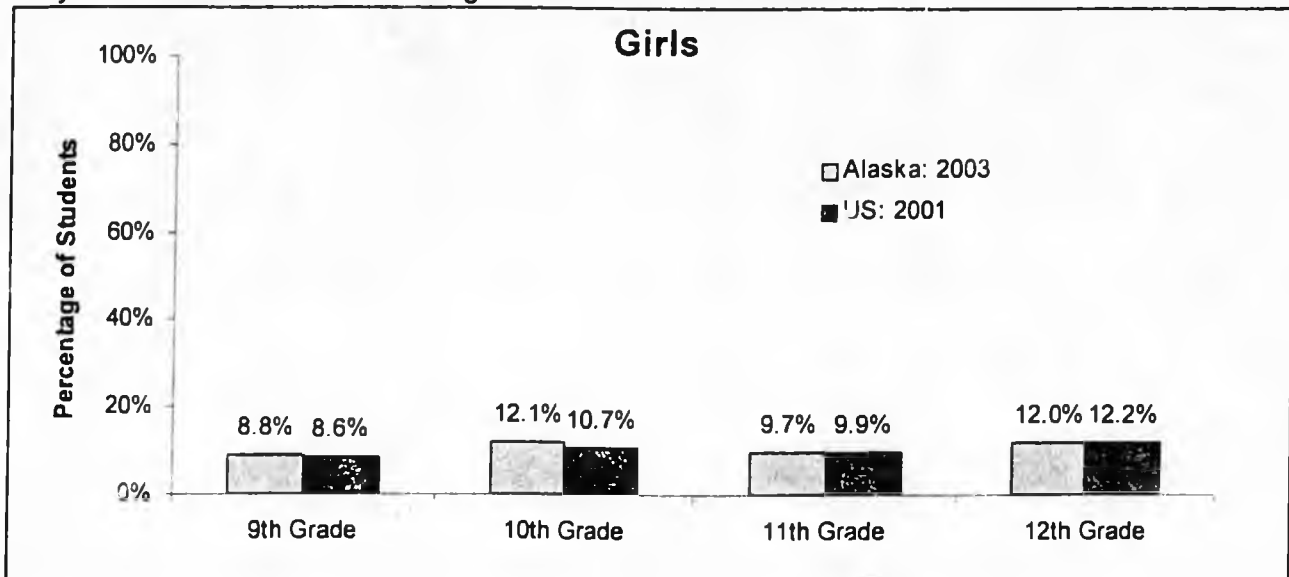
Physically Forced to Have Sex When They Did Not Want to

With the exception of tenth grade boys, Alaska boys are similar to U.S. boys in reporting that they were forced to have sex when they did not want to.



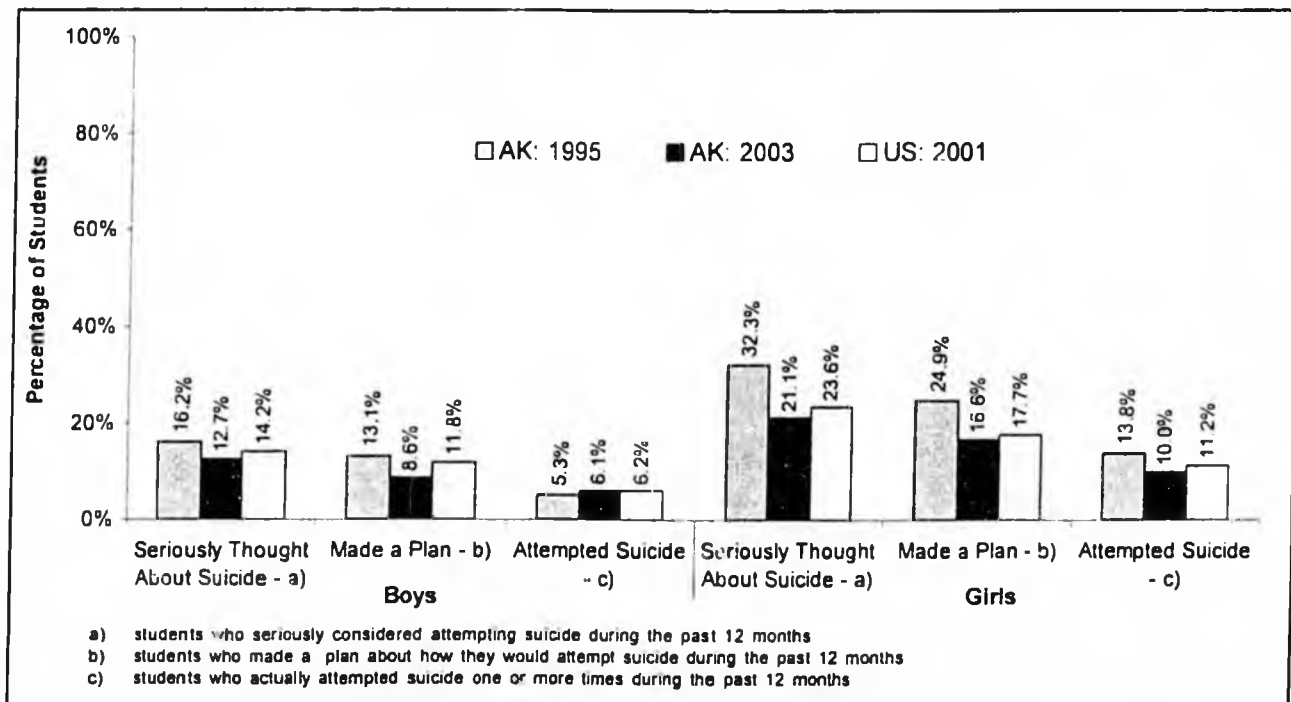
Physically Forced to Have Sex When They Did Not Want to

Ninth and tenth grade Alaska girls are more likely to report having been forced to have sex when they did not want to than are U.S. girls.



Suicide

Girls are more likely to report suicide thoughts, plans and attempts within the past 12 months than are boys. Among Alaska girls, 21.1% have seriously thought about suicide, 16.6% have made a plan and 10.0% report suicide attempts. Among Alaska boys, 12.7% have seriously thought about suicide, 8.6% have made a plan and 6.1% report suicide attempts. Significantly fewer Alaska students report having made a plan to commit suicide in 2003 than in 1995.



Healthy Alaskans 2010 Objective:

- ▶ Reduce to 1% the rate of suicide attempts among adolescents (percentage of high school students grades 9-12 who attempted suicide requiring medical attention in the past 12 months)

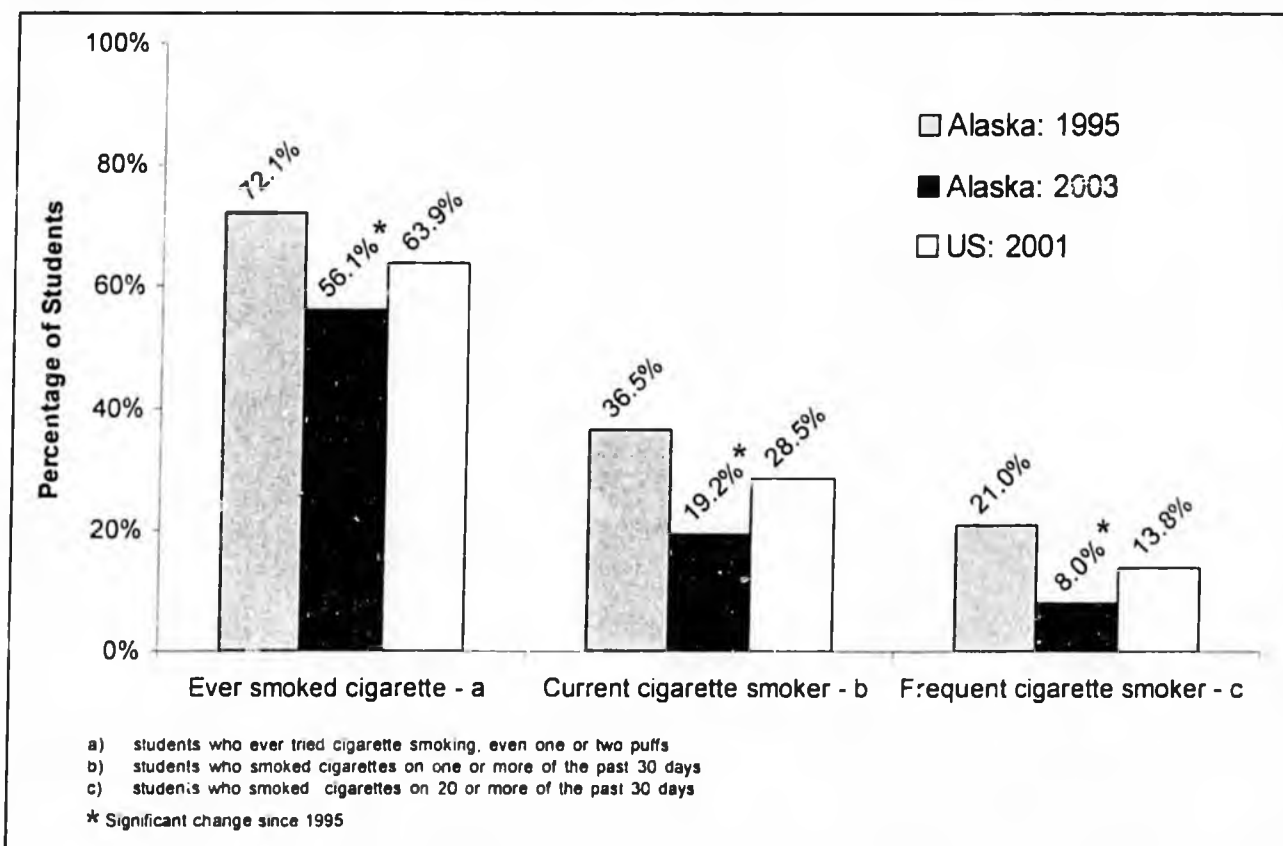
Section II: Tobacco Use

Background

Tobacco is the leading preventable cause of premature mortality in the United States. The majority of Alaska smokers (80%) began smoking between the ages of 10 and 20 years.² Alaskans have been working to decrease youth tobacco use through increasing the tax on tobacco products, education of young people, enforcement of laws restricting sales to minors, and a statewide ban on self-service tobacco displays. The 2003 YRBS data show a marked decrease in youth tobacco use.

Cigarette Smoking

Since the 1995 YRBS, significant reductions in the percentage of students who have ever smoked, currently smoke or are frequent smokers have occurred for both boys and girls. Among Alaska students, 19.2% report current smoking, compared to 36.5% in 1995, and frequent smokers fell from 21.0% in 1995 to 8.0% in 2003. The percentage of Alaska students reporting any cigarette use is significantly below that of U.S. students.

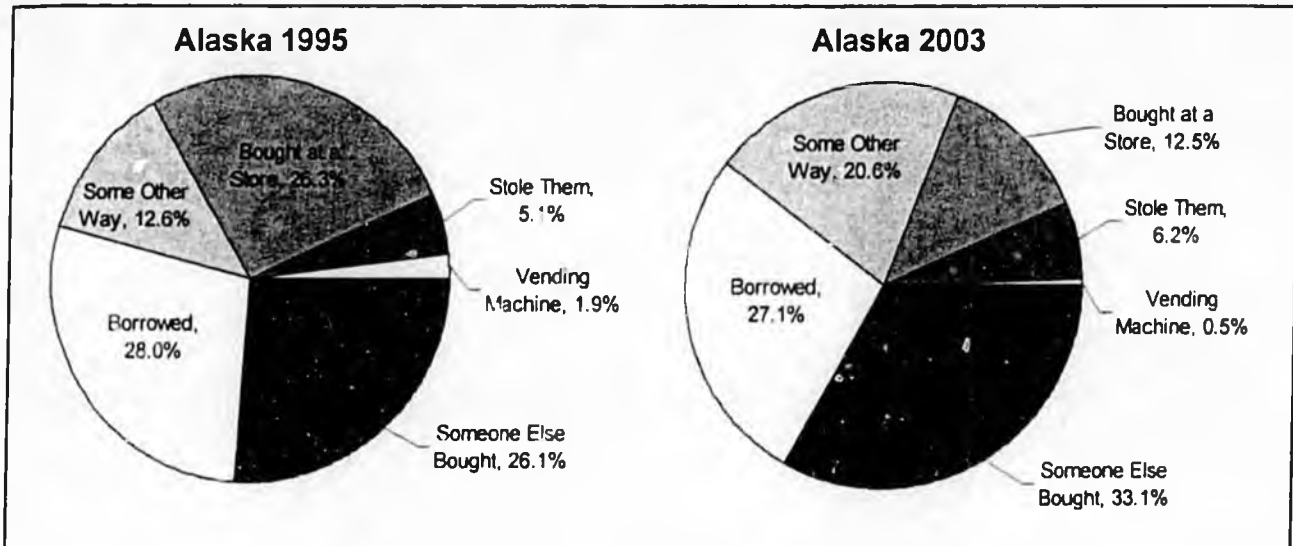


Healthy Alaskans 2010 Objective:

- ▶ Reduce to 17% cigarette smoking by adolescents (percentage of high school students grades 9-12 who have smoked cigarettes on one or more of the past 30 days)

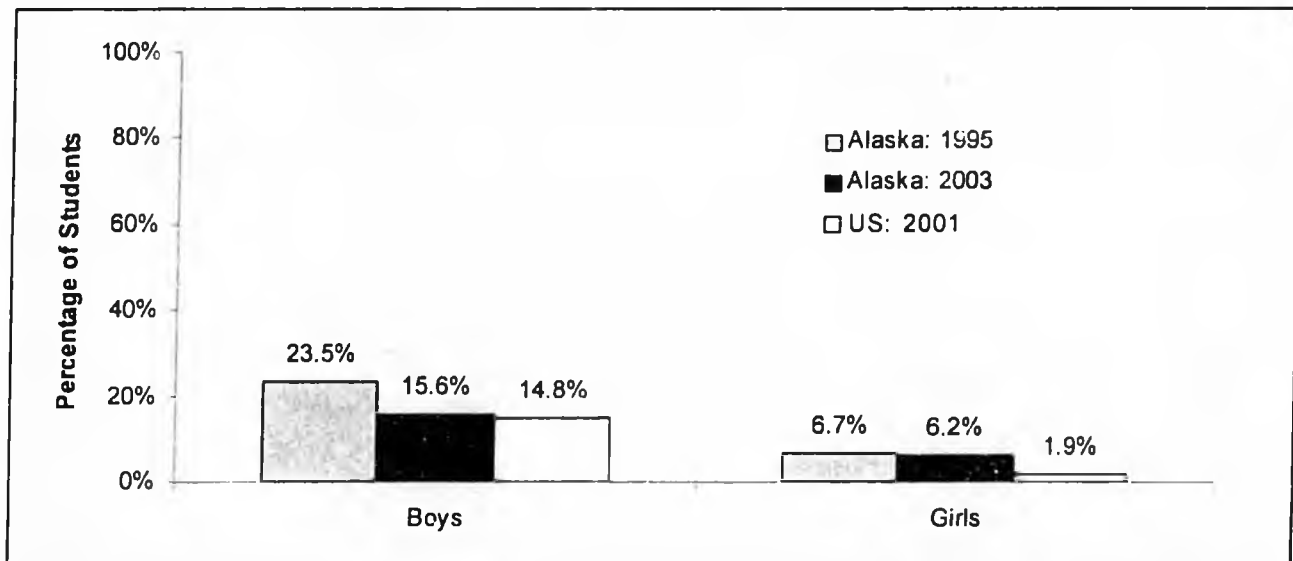
Where are Students Getting Cigarettes?

Among Alaska students, 12.5% report purchasing cigarettes at a store, a reduction of over 50% from 26.3% in 1995. This compares to 13.1% of U.S. students who report purchasing cigarettes at a store. The majority of students report getting their cigarettes by borrowing them from someone else (27.1%) or having someone else buy them (33.1%).



Chewing Tobacco and Snuff

Among Alaska boys, 15.6% report having used chewing tobacco or snuff in the 30 days prior to the survey. This is a decline of about 8.0% from 1995. There is relatively no change for girls between 1995 (6.7%) and 2003 (6.2%). However, Alaska girls (6.2%) are far more likely to report use of chewing tobacco or snuff the 30 days prior to the survey than are U.S. girls (1.9%). Overall, significantly fewer Alaska students report using chewing tobacco and snuff in 2003 than in 1995.

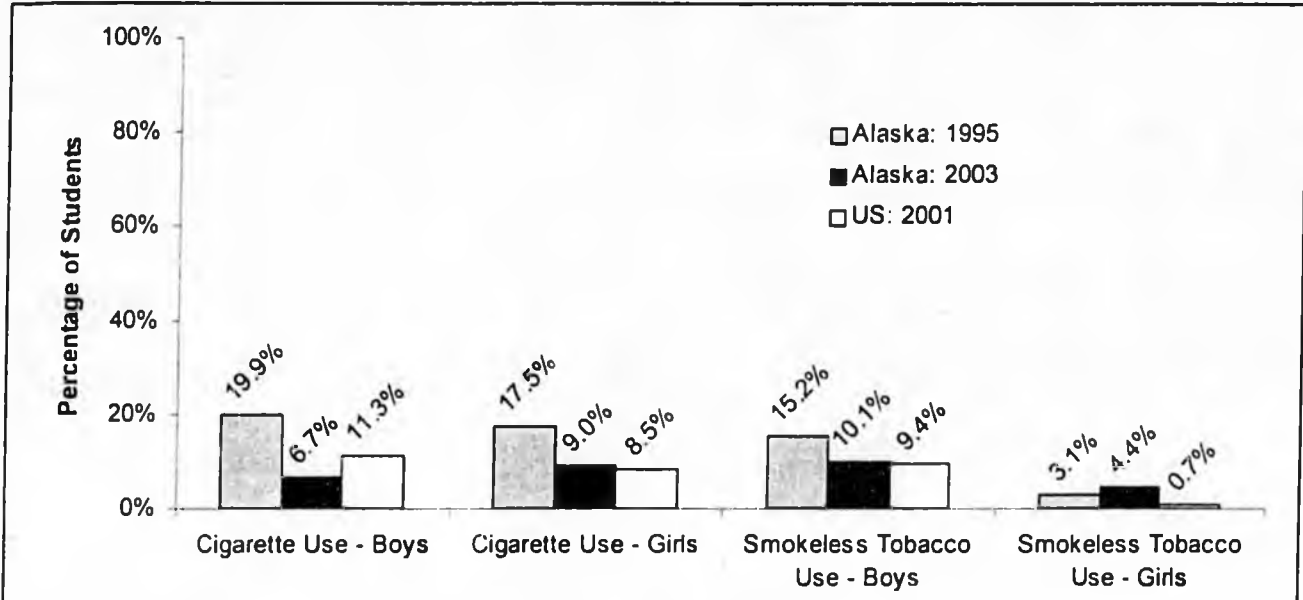


Healthy Alaskans 2010 Objective:

- ▶ Decrease to 8% the proportion of high school students who have used smokeless tobacco on one or more of the past 30 days.

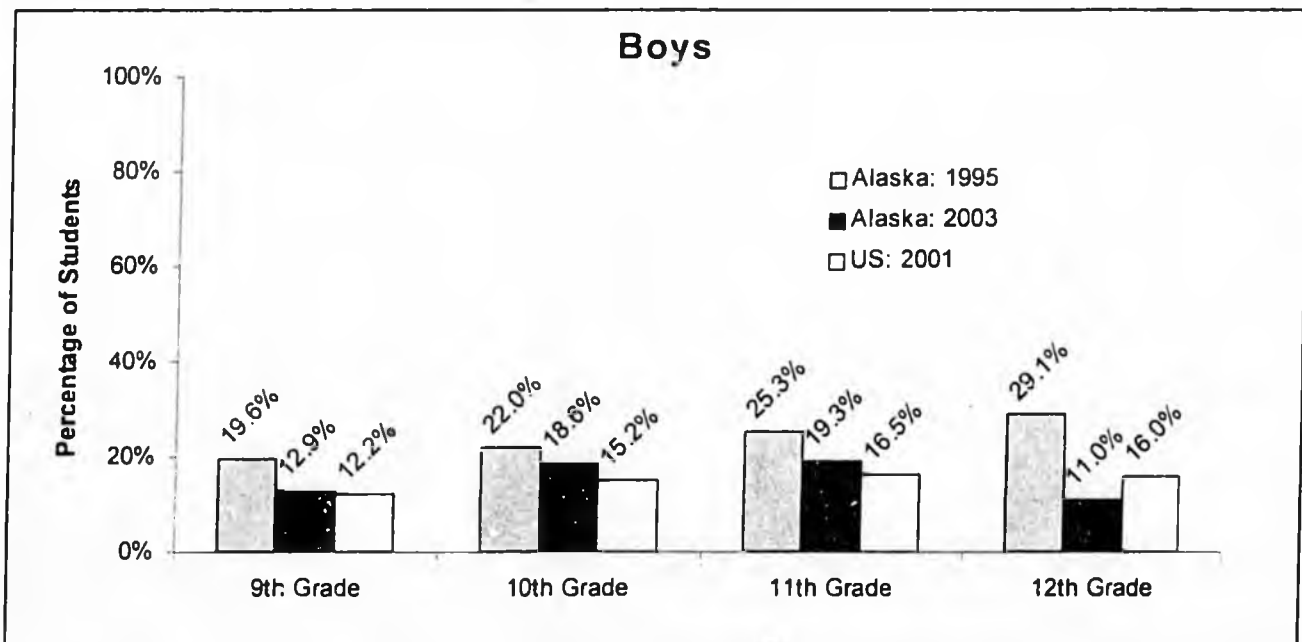
Cigarette and Chewing Tobacco Use on School Property

The percentage of Alaska high school boys who report the use of cigarettes on school property fell from 19.9% in 1995 to 6.7% in 2003. For smokeless tobacco, use for boys fell from 15.2% in 1995 to 10.1% in 2003. Similar decreases can be seen among Alaska girls as well. While the percentage of Alaska boys (6.7%) who report smoking cigarettes on school property has fallen below that for U.S. boys (11.3%), the percentage of Alaska girls (4.4%) who report the use of smokeless tobacco on school property is still more than six times that of U.S. girls (0.7%). Since 1995, cigarette use on school property has significantly decreased.



Chewing Tobacco and Snuff

The percentage of boys in 2003 who report using chewing tobacco or snuff in the 30 days prior to the survey has declined at all grade levels from 1995, with the largest decline occurring in the twelfth grade.



Healthy Alaskans 2010 Objective:

- ▶ *Reduce to 17% cigarette smoking by adolescents (percentage of students grades 9-12 who have smoked cigarettes on one or more of the past 30 days).*
- ▶ *Decrease to 20% the proportion of high school students who have used any tobacco products in the past 30 days (percentage of students grades 9-12 who have smoked cigarettes or cigars or used chewing tobacco or snuff on one or more of the past 30 days).*
- ▶ *Increase to 60% smoking cessation attempts among adolescents (percentage of students grades 9-12 who smoked twenty or more of the past 30 days who have ever tried to quit).*

Section III - Drug and Alcohol Use

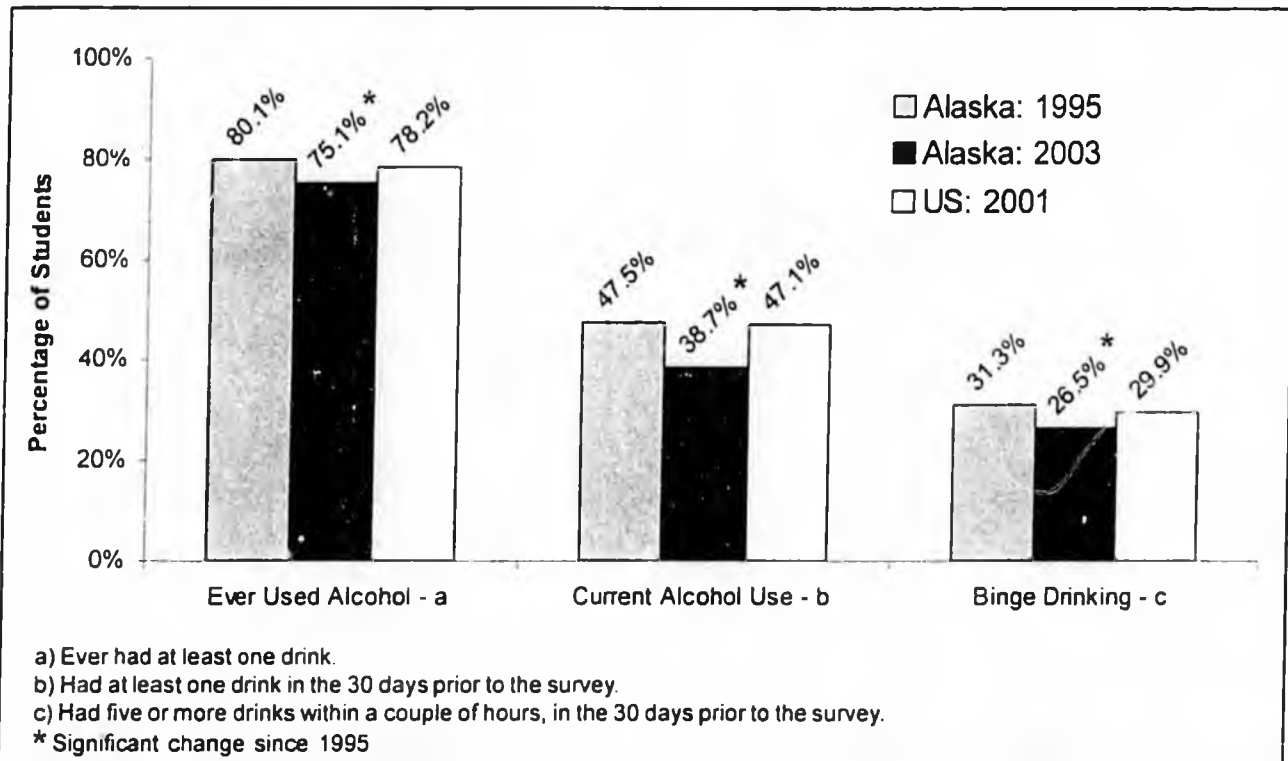
Background

Alcohol and drug abuse are major contributing factors in homicides, suicides and motor vehicle crashes, which are the leading causes of death and disability among young people in the U.S. and in Alaska. Heavy drinking and drug abuse among youth are linked to physical fights, destroyed property, job problems, school failure, delinquency, unwanted pregnancies and transmission of sexually transmitted diseases.³

An estimated 29.9% of Alaska adults report binge drinking (having five or more drinks on an occasion, one or more time in the past month). Alaska's rate of binge drinking is among the highest in the U.S.⁴

Use of Alcohol by High School Students

Among Alaska high school students, 38.7% report having had at least one drink of alcohol in the past 30 days, a decrease from 47.5% in 1995. The percentage of students reporting binge drinking and having ever consumed alcohol also showed significant declines. Rates for binge drinking and ever used alcohol are similar to the U.S., while rates for current alcohol use are significantly lower than the U.S.

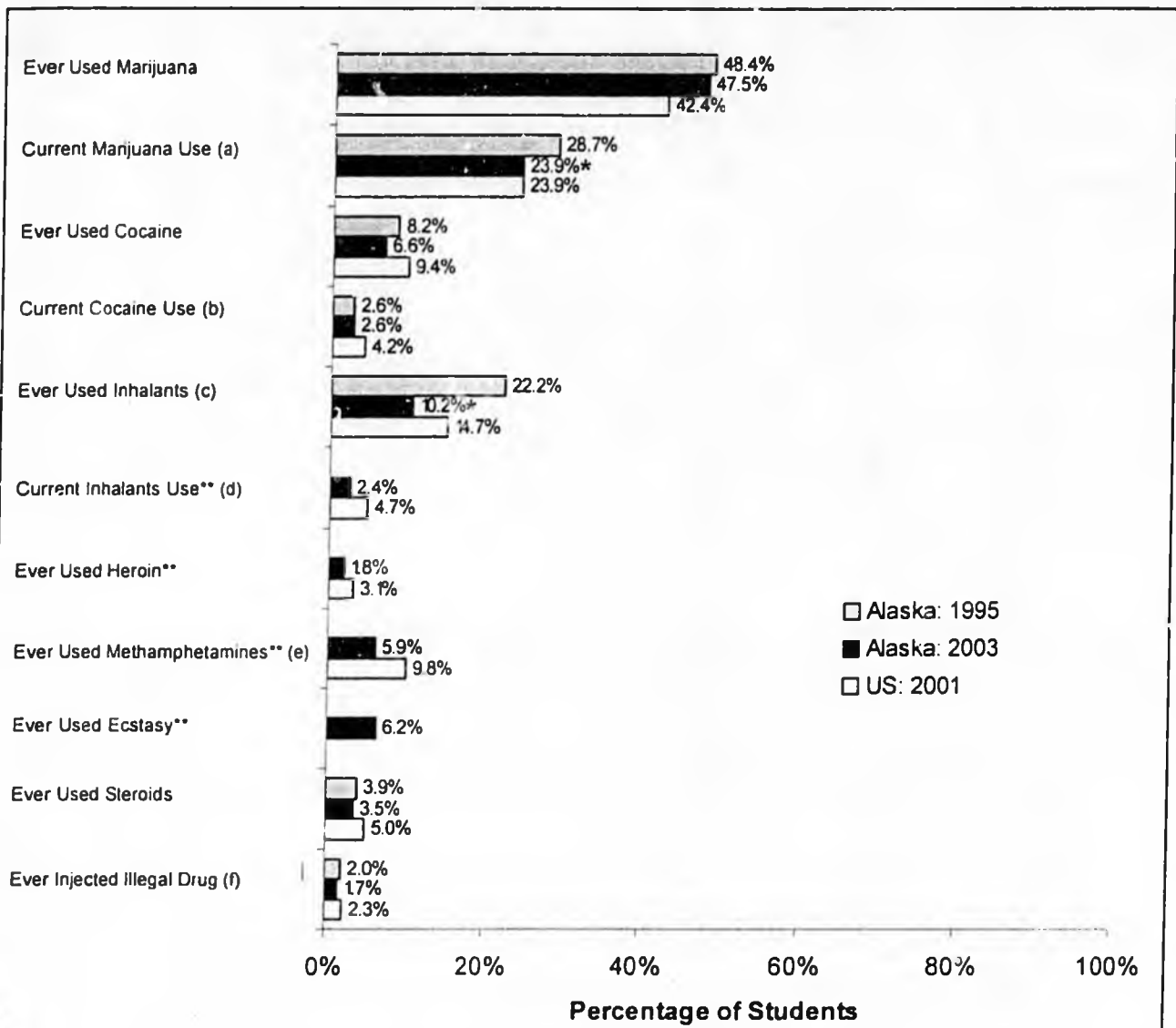


Healthy Alaskans 2010 Objective:

- ▶ Reduce to 30% binge drinking among adolescents (percentage of students grades 9-12 who consume 5 or more alcoholic drinks in a row within a couple of hours, at least once in the 30 days prior to the survey).
- ▶ Increase the average age of first use of alcohol among adolescents grades 9-12 to 16.1 years of age (mean age in years, based on students reporting having at least one drink of alcohol in life).

Use of Drugs by High School Students

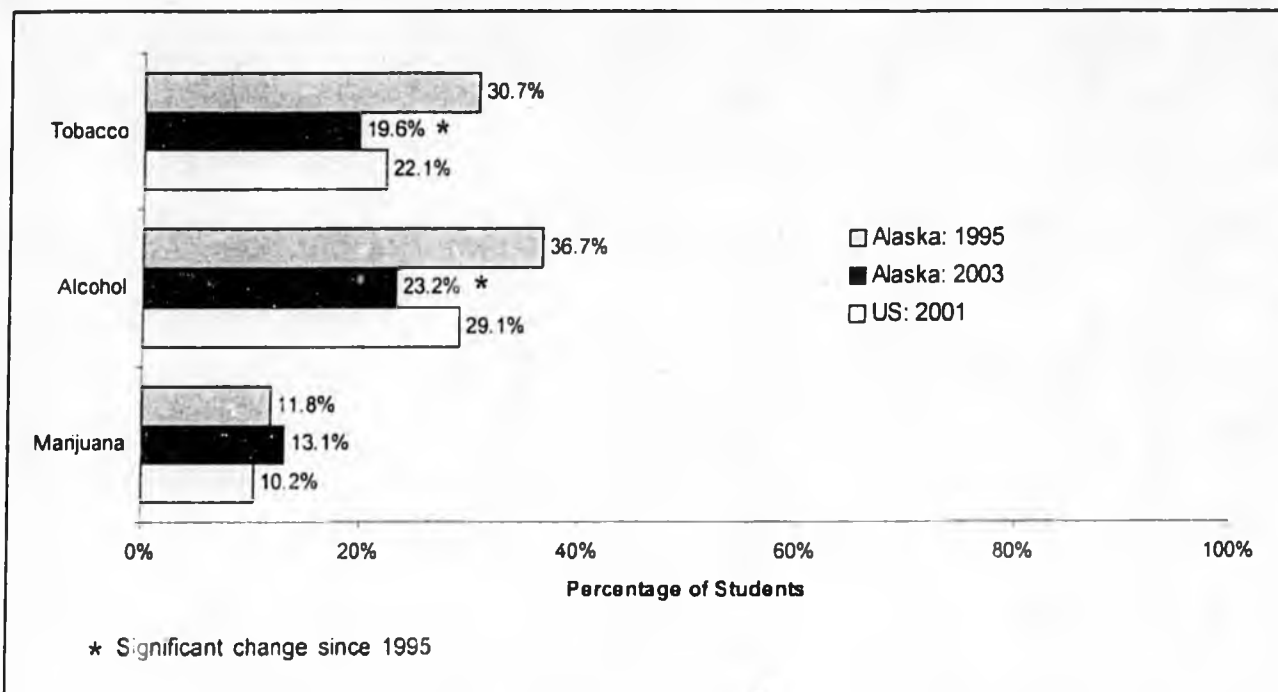
The most common drug (excluding alcohol) used by Alaska high school students remains marijuana. However, fewer students in 2003 report having ever used or being current users of marijuana than in 1995. Alaska students who report ever using inhalants has fallen from 22.2% in 1995 to 10.2% in 2003, and this is below the 14.7% of U.S. students who report ever using inhalants.



- a) Used marijuana one or more times in the 30 days preceding the survey.
- b) Used cocaine on one or more days in the 30 days prior to the survey.
- c) Ever sniffed glue, breathed contents of spray cans or inhaled paints or sprays to get high.
- d) Used inhalants on one or more days in the 30 days prior to the survey.
- e) Ever used methamphetamines (speed, crystal, crank, or ice).
- f) Ever used a needle to inject an illegal drug.
- ** Asked in 2003 only
- * Significant change since 1995

Use of Tobacco, Alcohol or Marijuana Before the Age of 13

Among Alaska high school students, 23.2% report having had a first drink of alcohol before age 13, a decrease from 36.7% in 1995. Alaska students reporting use of marijuana before age 13 has risen from 11.8% in 1995 to 13.1% in 2003. Alaska boys are more likely than Alaska girls to report use alcohol, tobacco or marijuana before age 13.

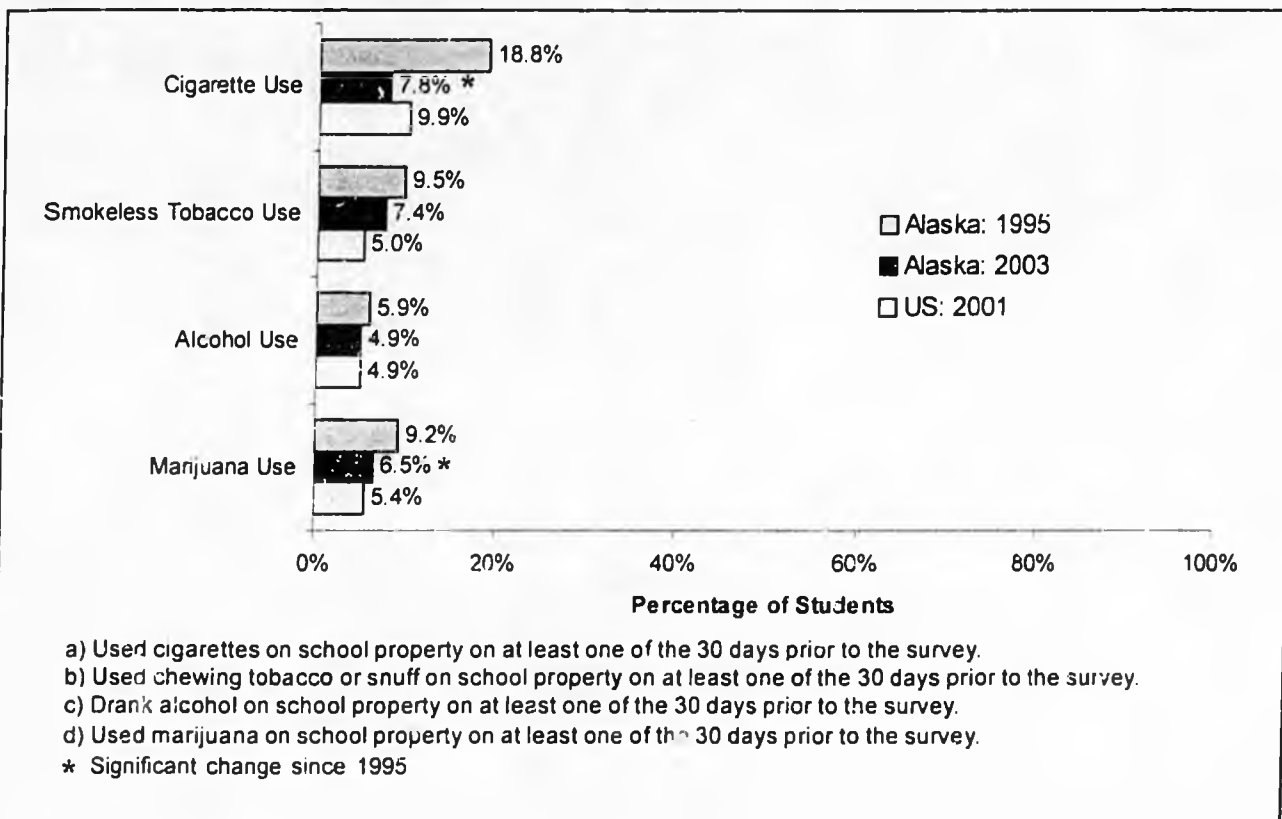


Healthy Alaskans 2010 Objective:

- ▶ Increase the average age of first use of marijuana among adolescents grades 12 to 17.4 years of age (mean age in years, based on students using marijuana at least once in lifetime).
- ▶ Reduce to 4% the proportion of adolescents who have used illegal steroids (percentage of students grades 9-12 who have ever used steroids pills or shots).
- ▶ Reduce to 2% inhalant use among high school students (percentage of students grades 9-12 who sniffed glue, breathed the contents of aerosol spray cans, or inhaled any paints or sprays to get high 1 or more times in past month).
- ▶ Increase to 60% the proportion of adolescents not using alcohol or illicit drugs during the past 30 days (percentage of students grades 9-12 who have not used alcohol, marijuana or cocaine in the past 30 days).
- ▶ Increase the average age of first use of alcohol among adolescents grades 9-12 to 16.1 years (mean age in years, based on students reporting having at least one drink of alcohol in life)

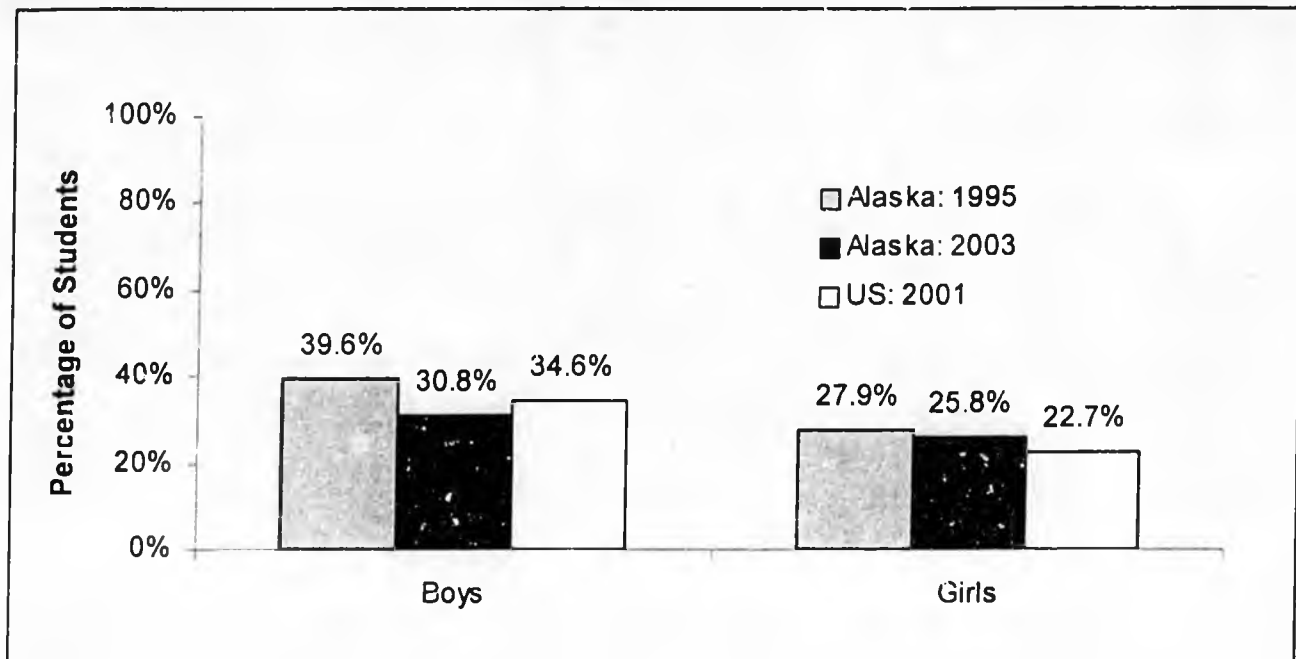
Tobacco, Alcohol, and Drug Use on School Property

While the use of tobacco, alcohol and marijuana still takes place on school property, the percentages of Alaska students reporting having used tobacco (cigarette and smokeless), alcohol or marijuana on school property on at least one of the 30 days prior to the survey has declined for all three categories since 1995. The most significant decline is among those students who report cigarette use on school property (18.8% in 1995 to 7.8% in 2003). Alaska students are less likely to use cigarettes on school property than are U.S. students. Alaska students are more likely to use smokeless tobacco and marijuana than are U.S. students on school property. Rates for alcohol use on school property for Alaska students (4.9%) are equal to those for U.S. students (4.9%).



Students Who Were Offered, Sold, or Given Drugs on School Property

Among Alaska high school boys, 30.8% report having been offered, sold or given illegal drugs on school property during the past 12 months prior to the survey, down from 39.6% in 1995 and still under the U.S. rate for boys of 34.6%. Alaska girls have seen similar decreases (27.9% in 1995 to 25.8% in 2003), but are slightly higher than reported rates for U.S. girls (22.7%). Since 1995, significantly fewer Alaska students have been offered, sold or given drugs on school property.



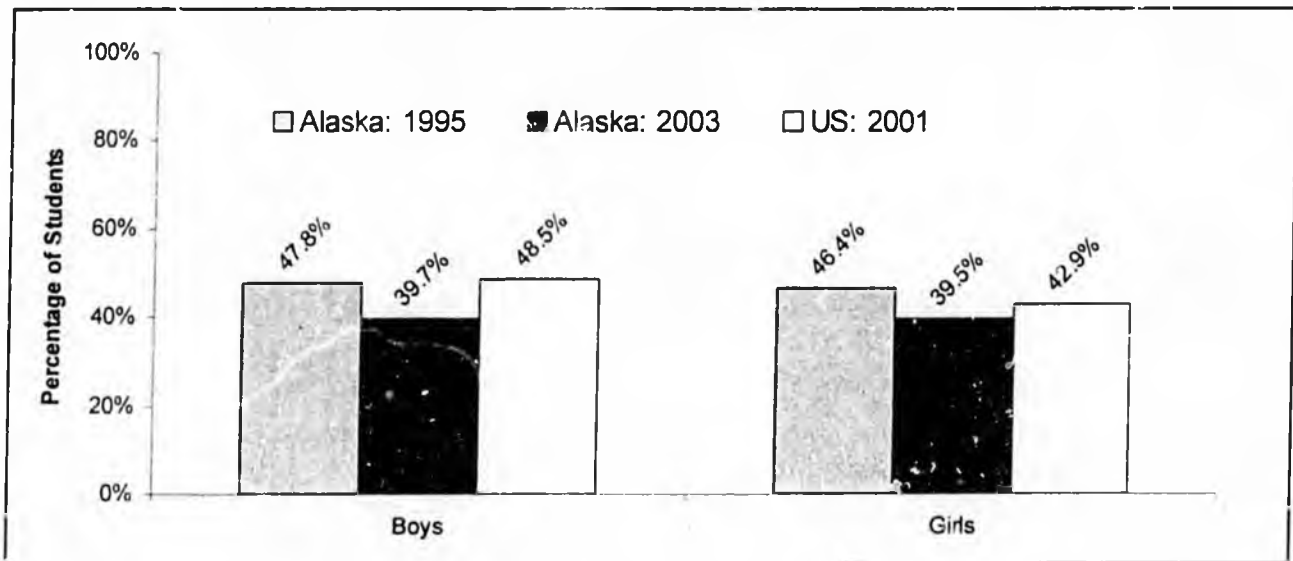
Section IV - Sexual Behaviors

Background

Early sexual activity can be associated with unintended pregnancy and sexually transmitted diseases, including HIV infection. Sexually transmitted diseases can lead to infertility, pelvic inflammatory disease, and other complications. HIV infection, which can lead to AIDS, is not curable and preventive efforts are the only means of decreasing the spread of the disease. In 2001 and 2002, Alaska reported the highest Chlamydia case rates in the U.S. Since 1996, individuals aged 15-24 accounted for 70% to 74% of the total Chlamydia cases in Alaska. Gonorrhea case rates in Alaska continue to rise as well. Of the total Gonorrhea cases in Alaska since 1996, individuals aged 15-24 have accounted for 44% to 53% of the total cases.⁵

Ever Had Sexual Intercourse

About forty percent of Alaska high school students report ever having had intercourse. The rates for Alaska high school students have fallen significantly since 1995. Alaska rates for both boys (39.7%) and girls (39.5%) are lower than U.S. rates for boys (48.5%) and girls (42.9%).

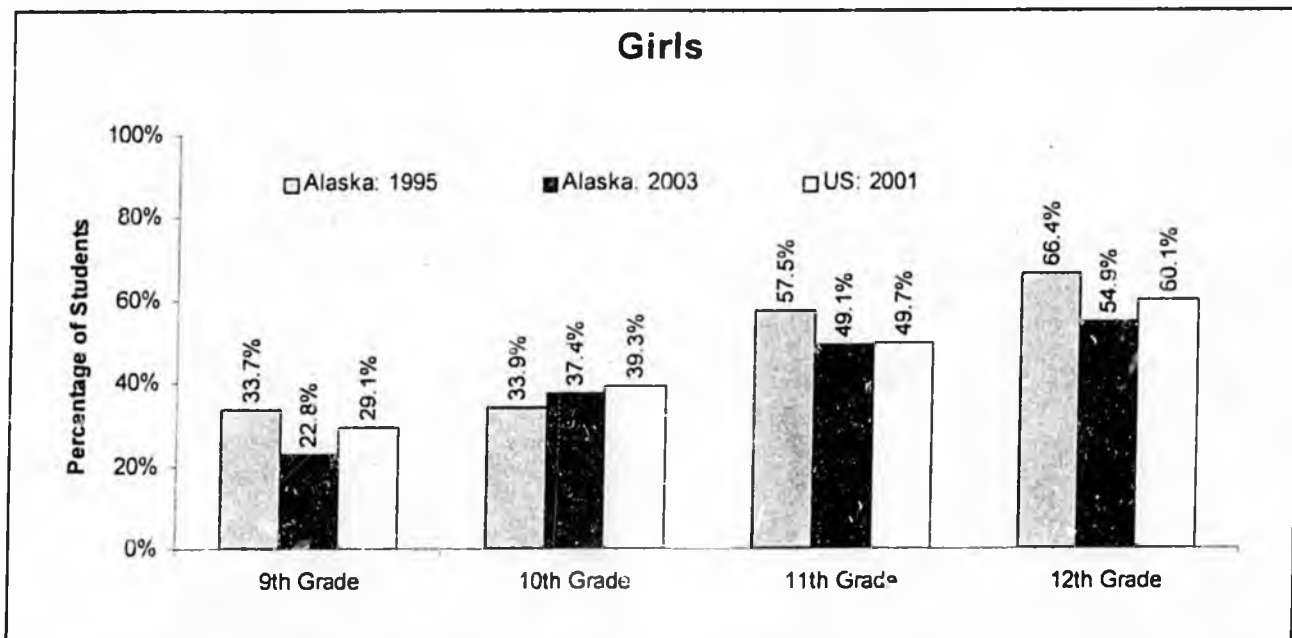
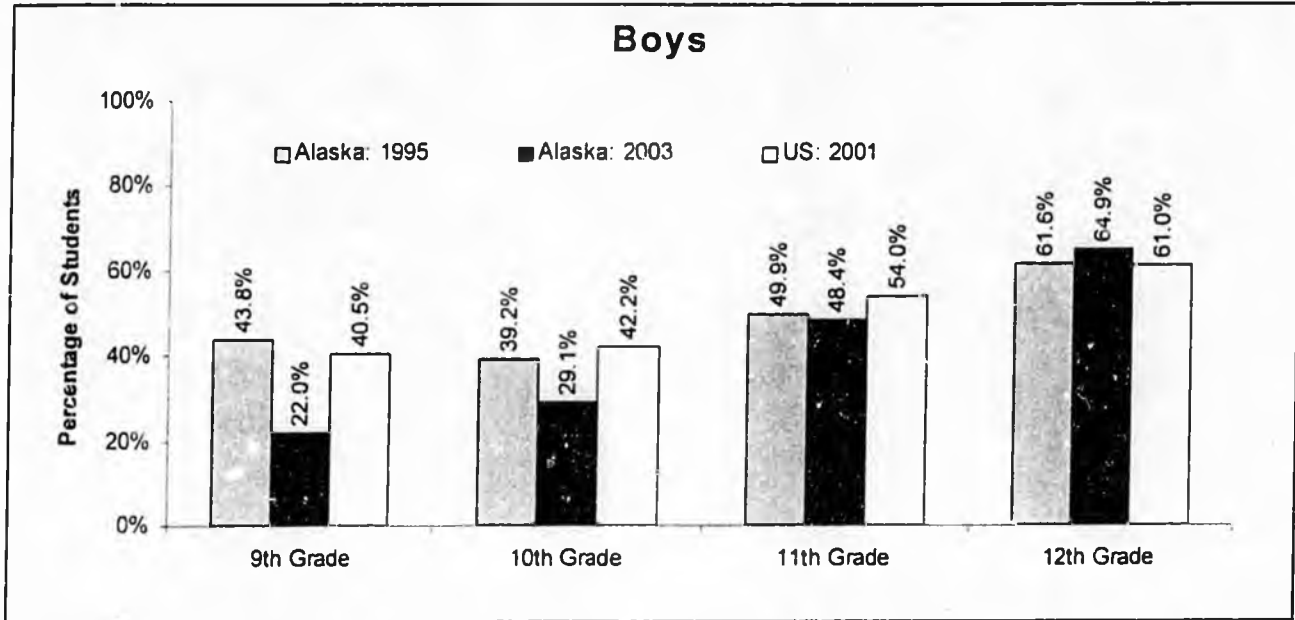


Healthy Alaskans 2010 Objective:

- Increase to 65% the proportion of adolescents who abstain from sexual intercourse (percentage of high school students grades 9-12 who have never had intercourse)

Ever Had Sexual Intercourse - Grade and Gender

The percentage of Alaska students reporting having ever had sexual intercourse increases from 22.4% in the ninth grade to 60.0% in the twelfth grade. Significantly fewer ninth graders in 2003 reported having ever had sexual intercourse than did in 1995, suggesting a delayed initiation of sexual intercourse amongst Alaska high school students. With the exception of twelfth grade boys, both Alaska boys and girls for all grades have lower rates than U.S. boys and girls for reporting ever had sexual intercourse.

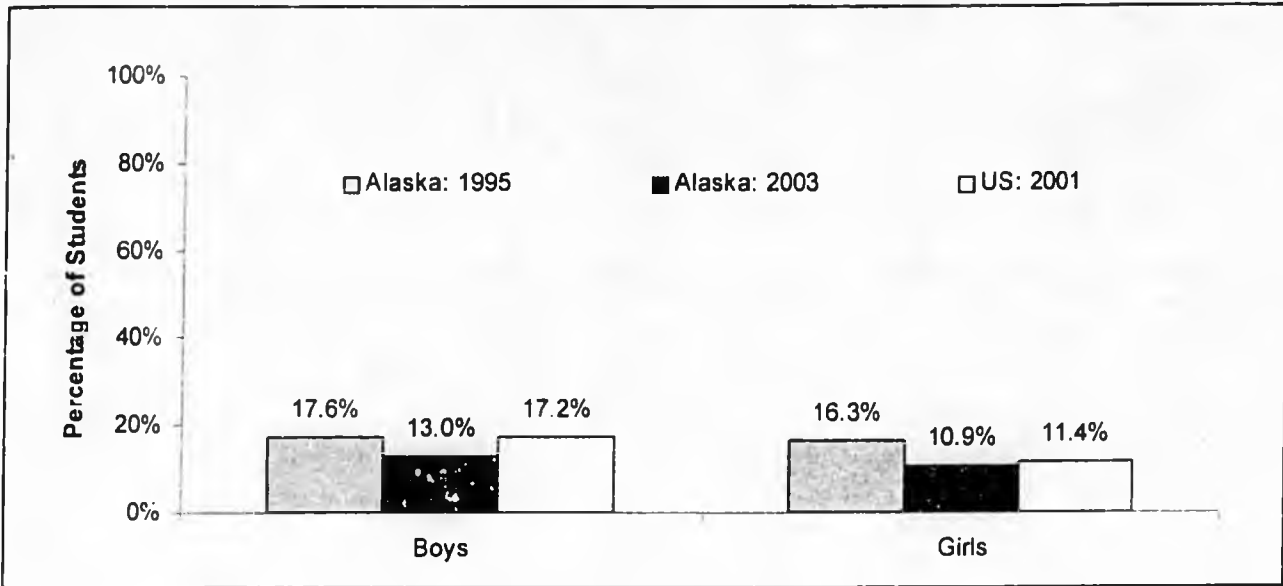


Healthy Alaskans 2010 Objective:

- ▶ Increase to 85% the proportion of high school students who respond they have never had sexual intercourse before age 15 years

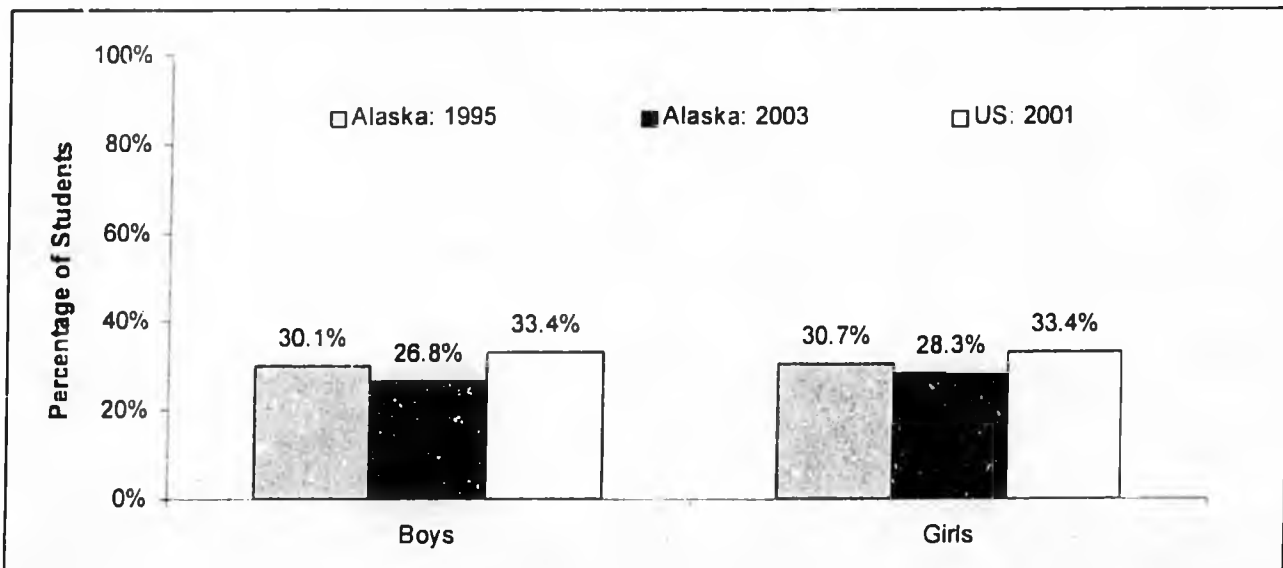
Had Sexual Intercourse With Four or More Partners

In 2003 significantly fewer Alaska high school students report having had sexual intercourse with four or more partners during their life than in 1995. Alaska rates for both boys (13.0%) and girls (10.9%) are lower than that for U.S. boys (17.2%) and girls (11.4%).



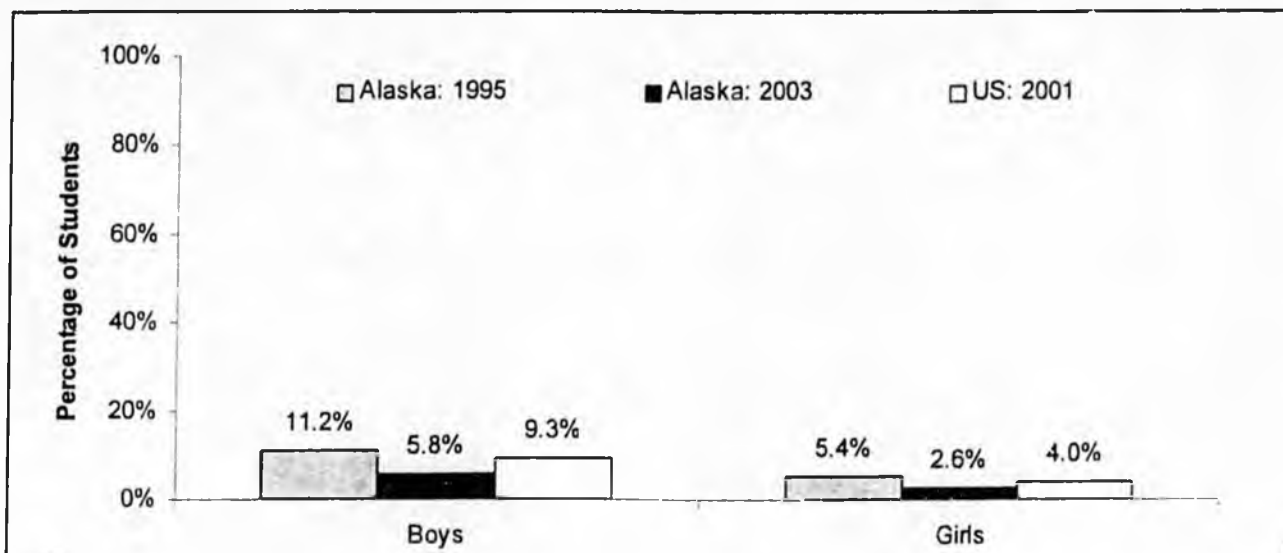
Current Sexual Activity

Among Alaska high school boys, 26.8% report having had sexual intercourse with one or more people during the past three months. Among Alaska high school girls, 28.3% report having had sexual intercourse with one or more people during the past three months. Rates for Alaska students have fallen since 1995 and are below that of U.S. students.



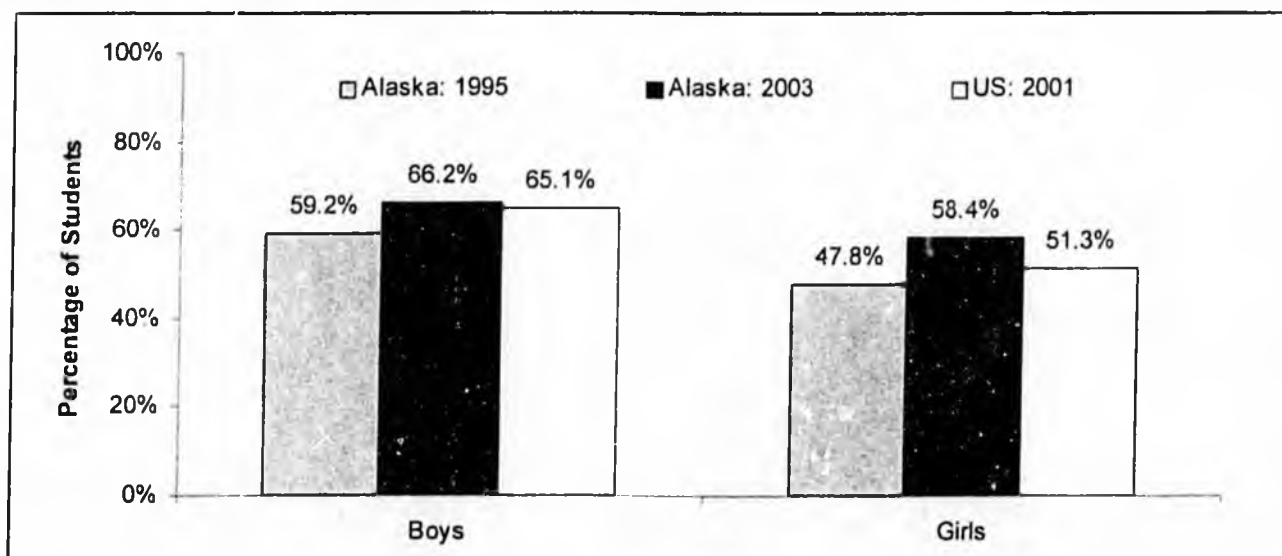
First Sexual Intercourse before Age 13

Among Alaska high school students, 5.8% of boys and 2.6% of girls report first sexual intercourse before age 13. When compared to 1995, significantly fewer students are reporting first sexual intercourse before age 13. Alaska rates for both boys and girls are below that of U.S. boys (9.3%) and girls (4.0%).



Used Condoms During Last Sexual Intercourse

Over 62% of Alaska high school students report having used a condom during the last sexual intercourse. When compared to 1995, the percentages of Alaska high school students who report having used a condom during the last sexual intercourse have increased significantly for both sexes (7.0% increase for boys and 10.6% increase for girls) and are above U.S. rates.

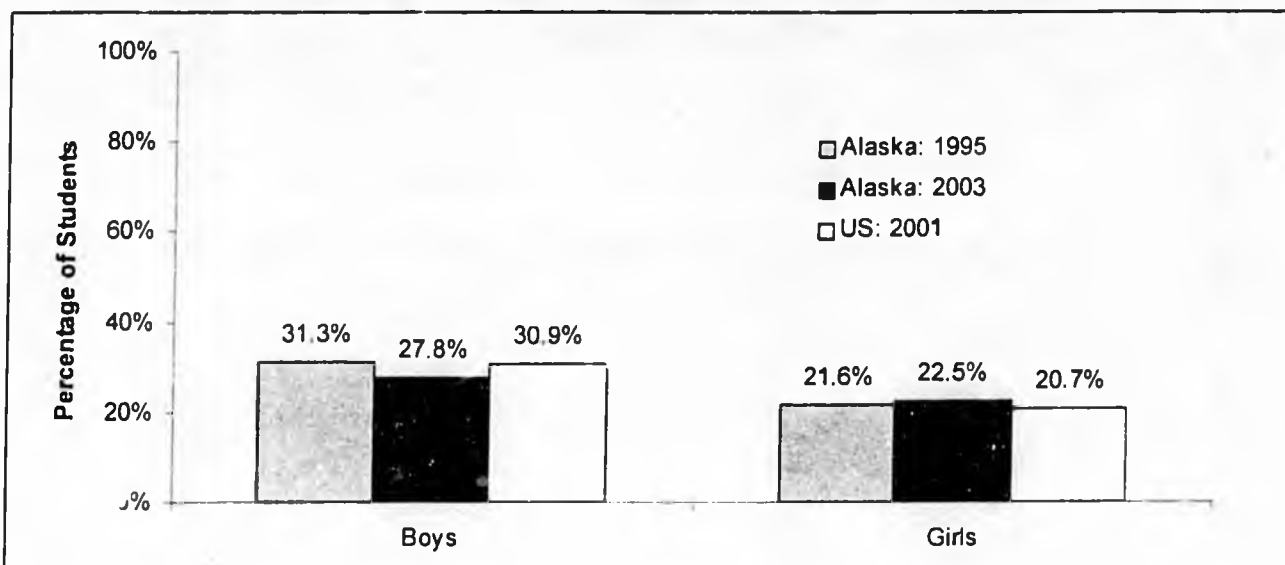


Healthy Alaskans 2010 Objective:

- ▶ Increase to 85% the proportion of currently sexually active high school students using condom or hormonal method at last intercourse
- ▶ Increase to 75% the proportion of sexually active adolescents who use condoms (percentage of high school students grades 9-12 who had intercourse in past 30 days)

Used Alcohol or Drugs before Sexual Intercourse

Slightly over 25% of Alaska high school students reported having used alcohol or drugs before last sexual intercourse. Alaska high school boys were more likely than girls to have used alcohol or drugs before last sexual intercourse (27.8% for boys compared to 22.5% for girls), however, when compared to 1995, fewer boys report using alcohol or drugs before last sexual intercourse.



Section V - Weight and Dietary Behaviors

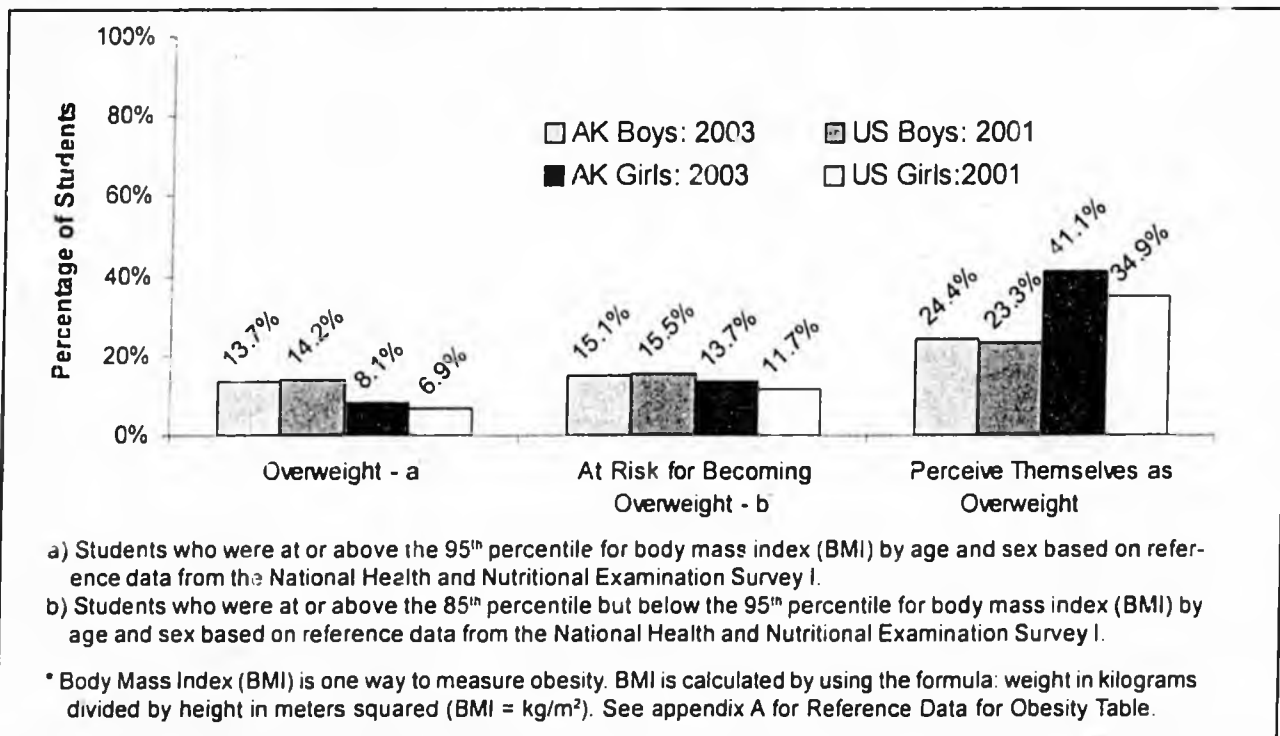
Background

National data show that obesity is increasing among children and adolescents. Obesity acquired during childhood often persists into adulthood, increasing the later risk for diabetes, high blood pressure and heart disease. In addition, obesity can cause social and psychological stress to children and adolescents.⁶

An overemphasis on thinness may also be unhealthy. To avoid problems of obesity and eating disorders, healthy eating habits should be encouraged among adolescents. Current dietary guidelines include increasing consumption of whole grains, eating at least five to nine servings of fruits and vegetables per day and maintaining a healthy weight.⁷

Students Who Are Overweight and Students at Risk for Becoming Overweight (As Determined by Body Mass Index BMI*) and Students Who Describe Themselves as Overweight

Among Alaska high school students, 11.0% are overweight and 14.4% are at risk for becoming overweight. Alaska high school boys were both more often overweight (13.7% for boys compared to 8.1% for girls) and at greater risk for becoming overweight than were girls (15.1% for boys and 13.7% for girls). Although, Alaska high school boys were overweight and at greater risk for becoming overweight than were girls, Alaska high school girls were more likely to describe themselves as overweight than were boys (24.4% for boys compared to 41.1% for girls). These differences in perception are similar to U.S. boys and girls.

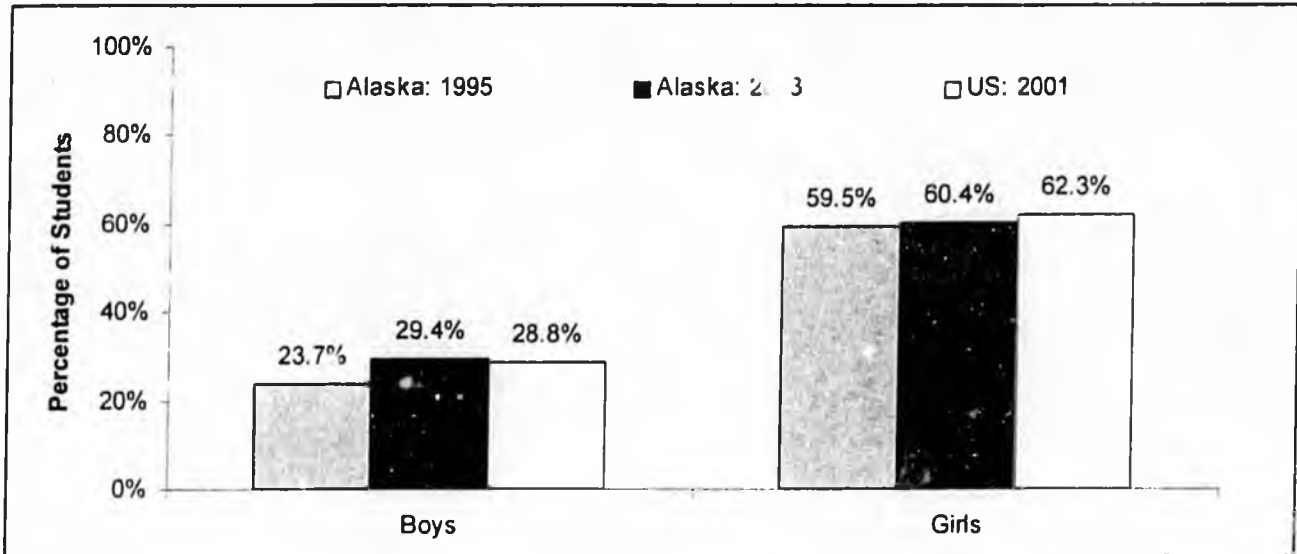


Healthy Alaskans 2010 Objective:

- ▶ Reduce to 5% the proportion of adolescents who are overweight (percentage of students grades 9-12 with body mass index greater than or equal to the 95th percentile, based on age-sex specific NHANES 1).

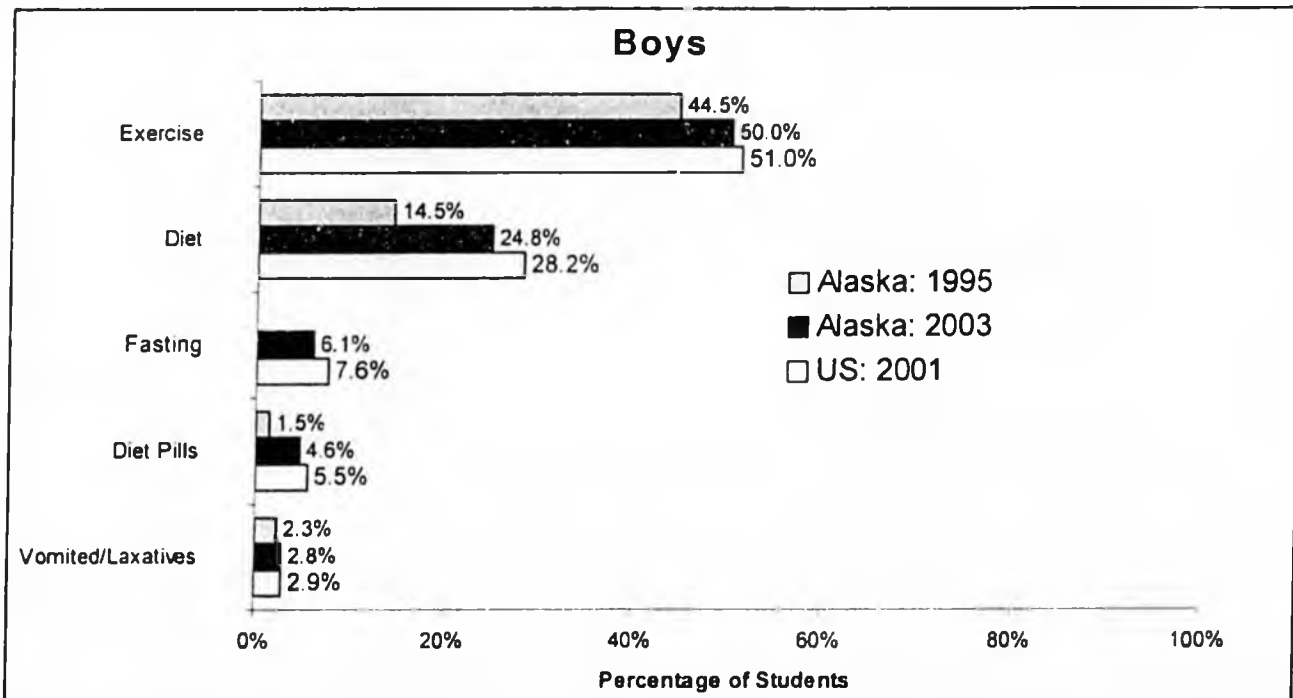
Trying to Lose Weight

Among Alaska high school students, 44.3% describe themselves as trying to lose weight. Alaska high school girls were more likely to describe themselves as trying to lose weight than were boys. The percentage of girls who describe themselves as trying to lose weight (60.4%) is disproportional to the percentage that describe themselves as being overweight (41.1%), while the percentage of boys who describe themselves as trying to lose weight (29.9%) more closely matches the percentage who describe themselves as being overweight (24.4%).

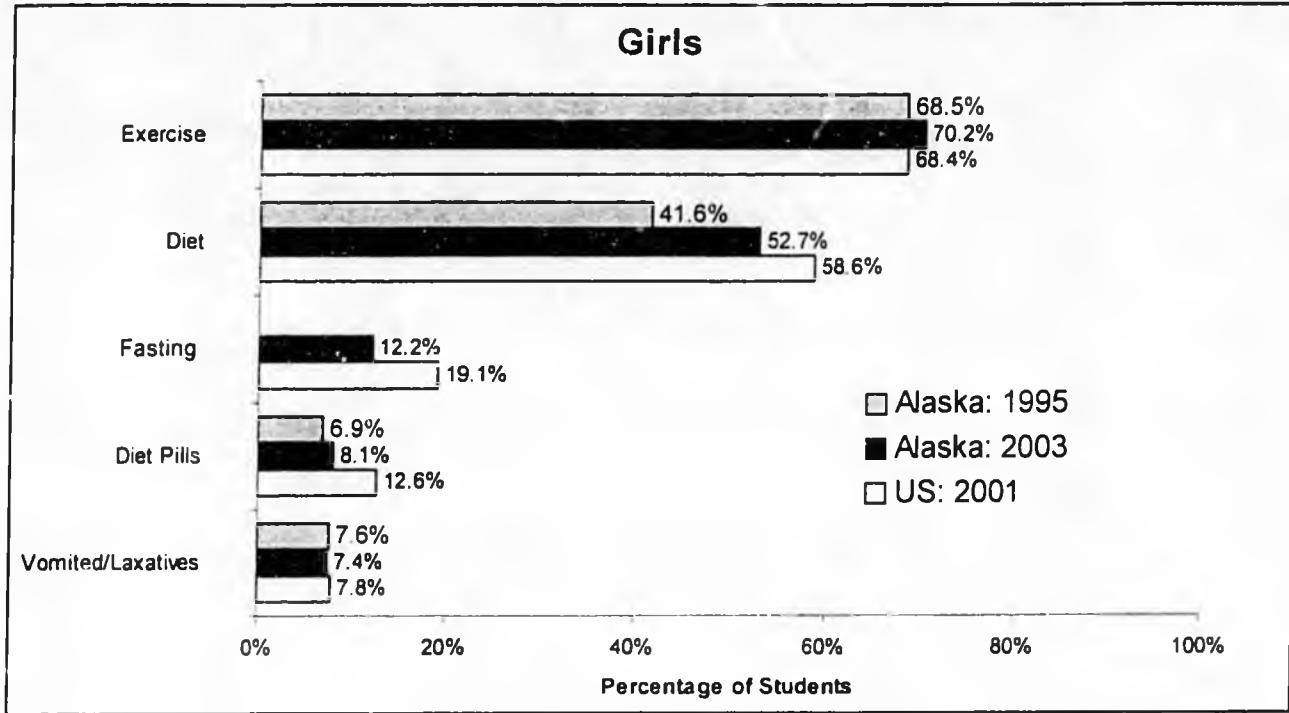


Methods Used to Lose or Keep from Gaining Weight in Past 30 Days

Exercise and diet are the most common methods used by Alaska high school students to lose or keep from gaining weight. Among students who report using exercise to keep from gaining weight, girls (70.2%) were more likely to report using exercise than were boys (50.0%).

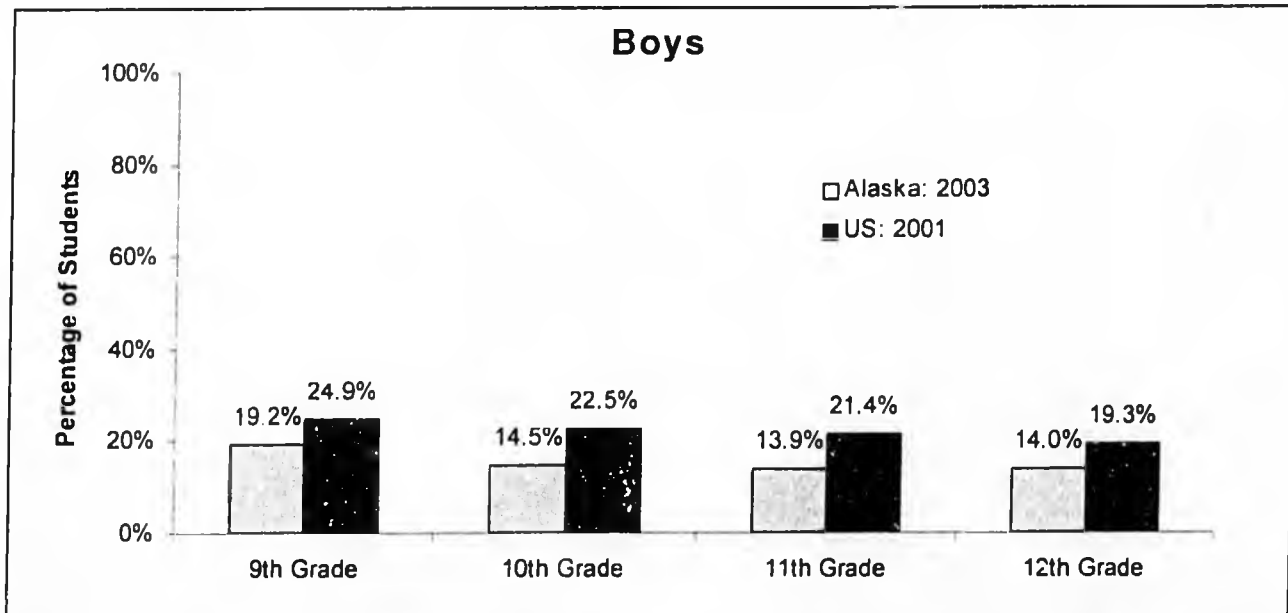


Methods Used to Lose or Keep from Gaining Weight in Past 30 Days

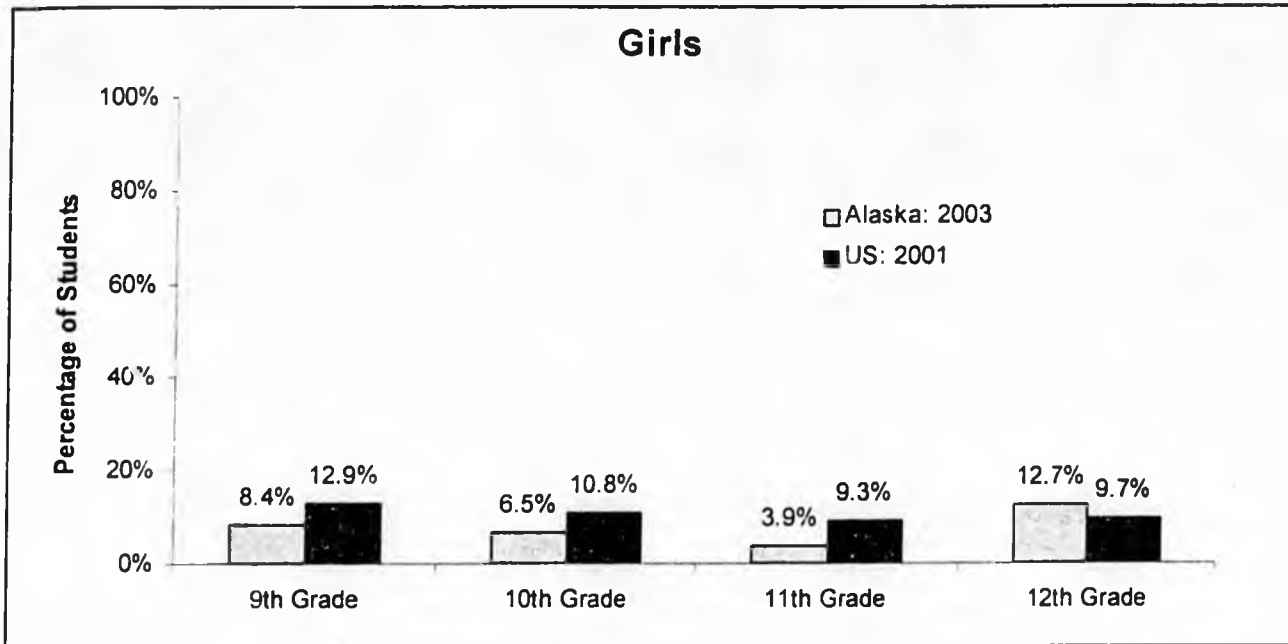


Nutrition Behaviors: Drank Three or More Glasses of Milk per Day During the Last 7 Days

Alaska high school boys (15.7%) are more likely to report having drunk three or more glasses of milk during the last 7 days than are girls (7.7%). With the exception of 12th grade girls, Alaska rates for milk consumption are below U.S. rates.

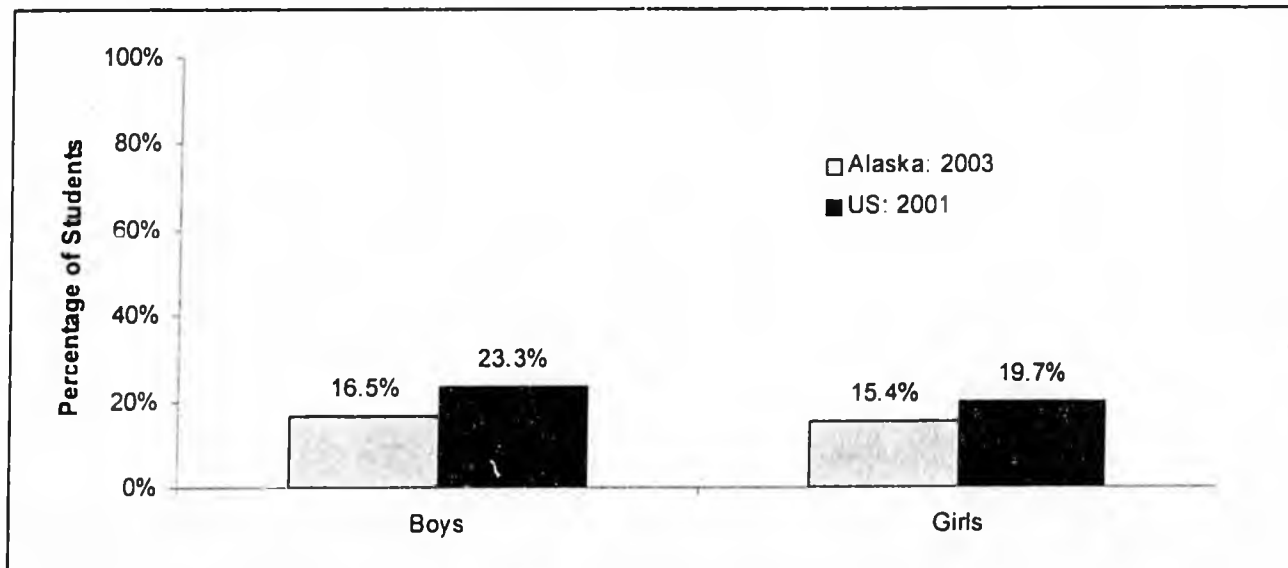


**Drank Three or More Glasses of Milk per Day
During Last 7 Days**



Nutrition Behaviors: Percentage of Students Who Ate 5 or More Servings of Fruits and Vegetables per Day During the Past 7 Days

Both Alaska high school boys and girls are less likely to report eating five or more servings of fruits and vegetables per day for the past seven days than are U.S. students.



Healthy Alaskans 2010 Objective:

- ▶ Increase to 30% the number of adolescents who consume at least 5 daily servings of fruit and vegetables (percentage of high school students grades 9-12)

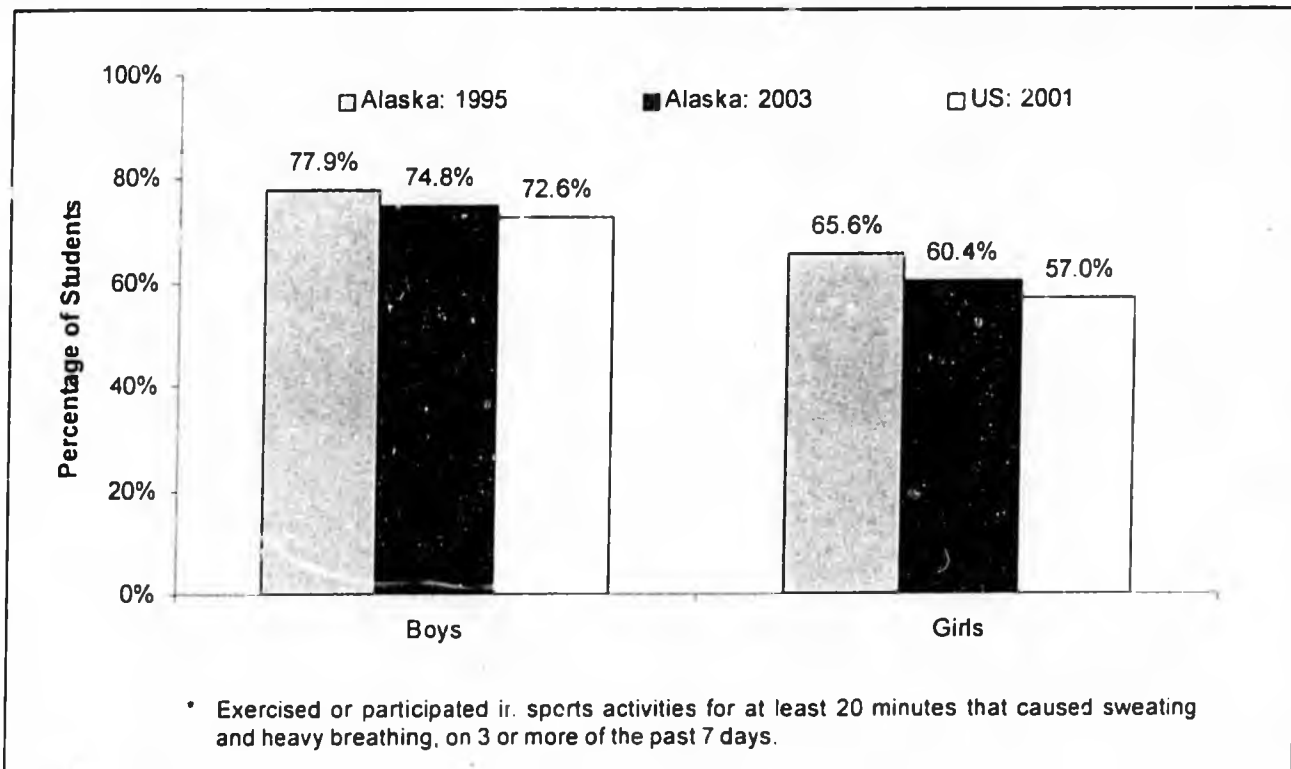
Section VI - Physical Activity

Background

Regular physical activity can increase life expectancy and plays a major role in maintaining a healthy weight. Physical activity can also enhance mental health and self-esteem, of particular benefit to adolescents. As with nutrition, development of good exercise habits in childhood and adolescence, which are maintained into adulthood, can prevent or delay many chronic diseases.⁸

Participated in Vigorous Physical Activity*

Among Alaska high school students, 74.8% of boys and 60.4% of girls report having participated in vigorous physical activity on 3 or more of the past seven days. Although the data show greater rates for Alaska students participating in vigorous physical activity than U.S. students, declines in vigorous physical activity rates have occurred for both boys and girls since 1995.

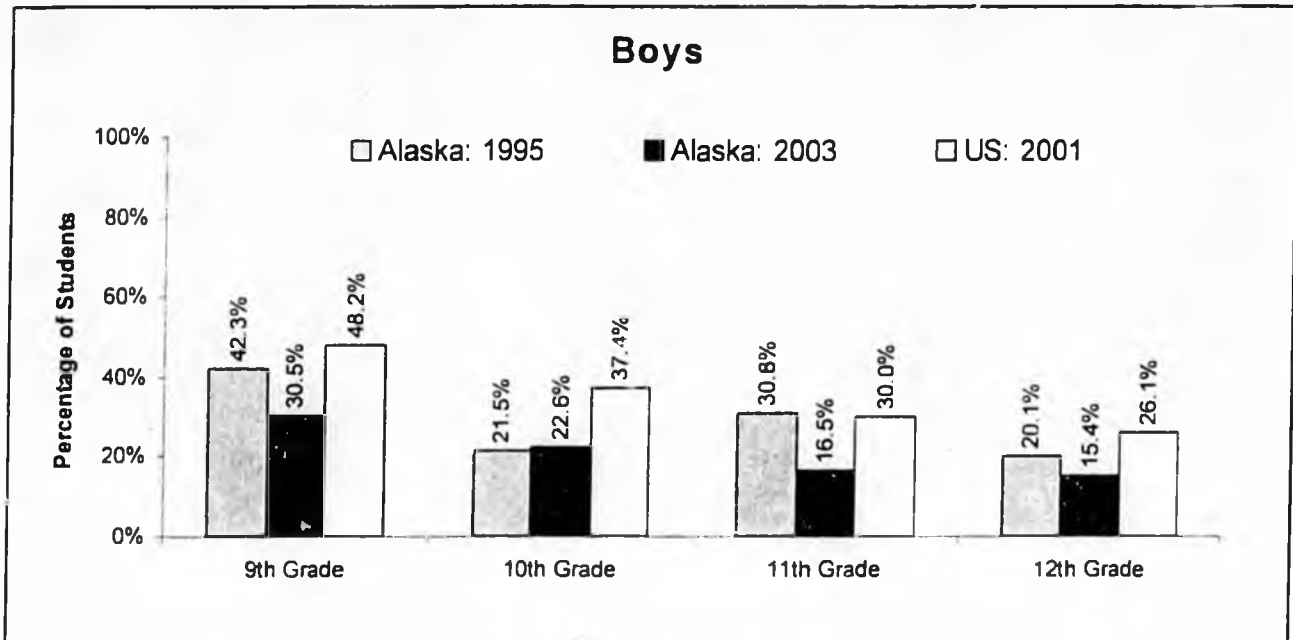


Healthy Alaskans 2010 Objective:

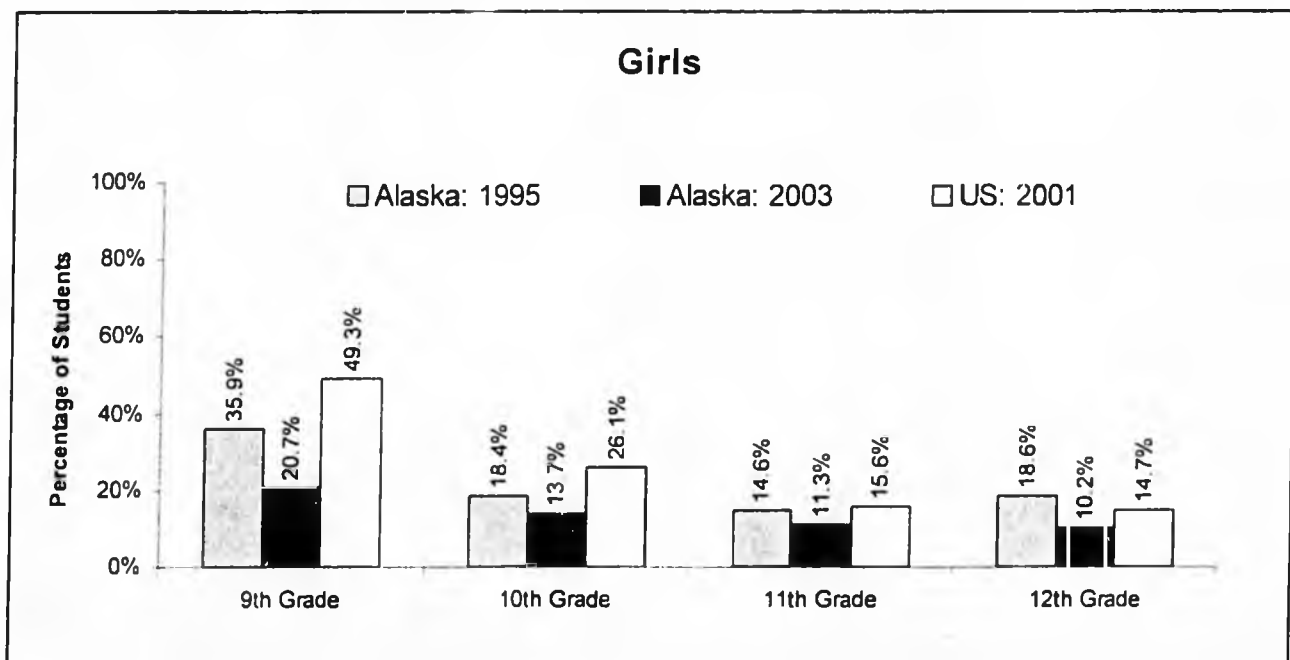
- ▶ Increase to 85% the proportion of adolescents who engage in vigorous physical activity (percentage of students grades 9-12 who exercise or participate in sports activities for at least 20 minutes that caused sweating and heavy breathing, on 3 or more of the past 7 days).

Attend Daily Physical Education Class

Among Alaska high school students who report attending daily physical education class, boys (21.8%) were more likely to report attending daily physical education class than were girls (14.3%). Since 1995, with the exception of tenth grade boys, the percentage of Alaska high school students reporting attendance in daily physical education class has significantly declined. Alaska rates are below the rates for U.S. students. [Corrected April 2004]

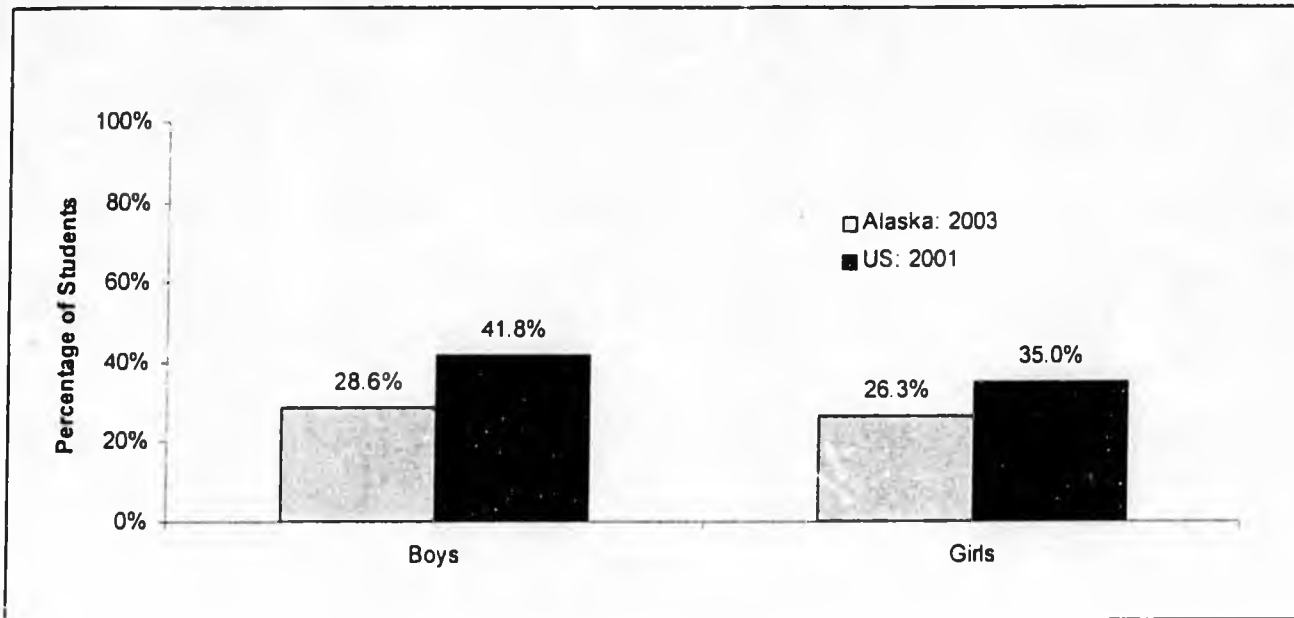


Attend Daily Physical Education Class



Television Viewing Behaviors

Among Alaska high school students, boys (28.6%) were more likely to report having watched 3 or more hours of TV during an average school day than were girls (26.3%). Alaska rates for both boys and girls are below the rates for U.S. boys (41.8%) and girls (35.0%).



Healthy Alaskans 2010 Objective:

- ▶ Increase to 45% the proportion of adolescents who participate in daily school physical education (percentage of students grades 9-12 who attend PE class daily).
- ▶ Increase to 97% the proportion of adolescents who are physically active during physical education class (percentage of students grades 9-12 attending PE class who exercise more than 20 minutes per class).

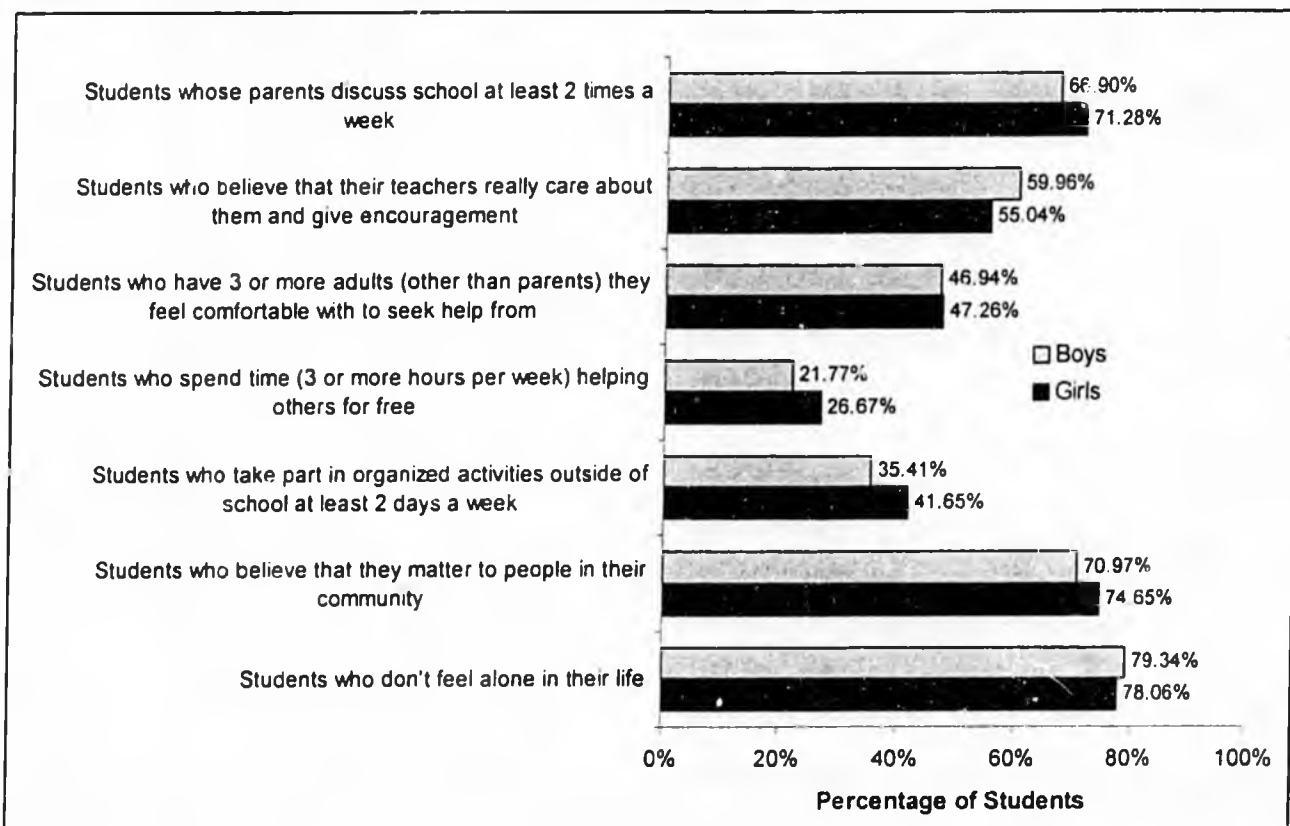
Section VII - Connectedness

Background

"Connectedness" is a key protective factor correlated with a decrease in youth risk behaviors (use of tobacco, alcohol and other drugs, suicide ideation, violence and early sexual activity).⁹ The term *connectedness*, in this context, refers to the feeling of support and connection youth feel from their school and their community. Youth involved in helping, community service-type of activities are less likely to be involved in anti-social behaviors, in-school suspensions or teen pregnancy.¹⁰ These activities also provide an opportunity for youth to form close relationships with other caring adults. While family support and closeness remain paramount throughout adolescence, the 2003 YRBS did not ask questions related to family matters.¹¹

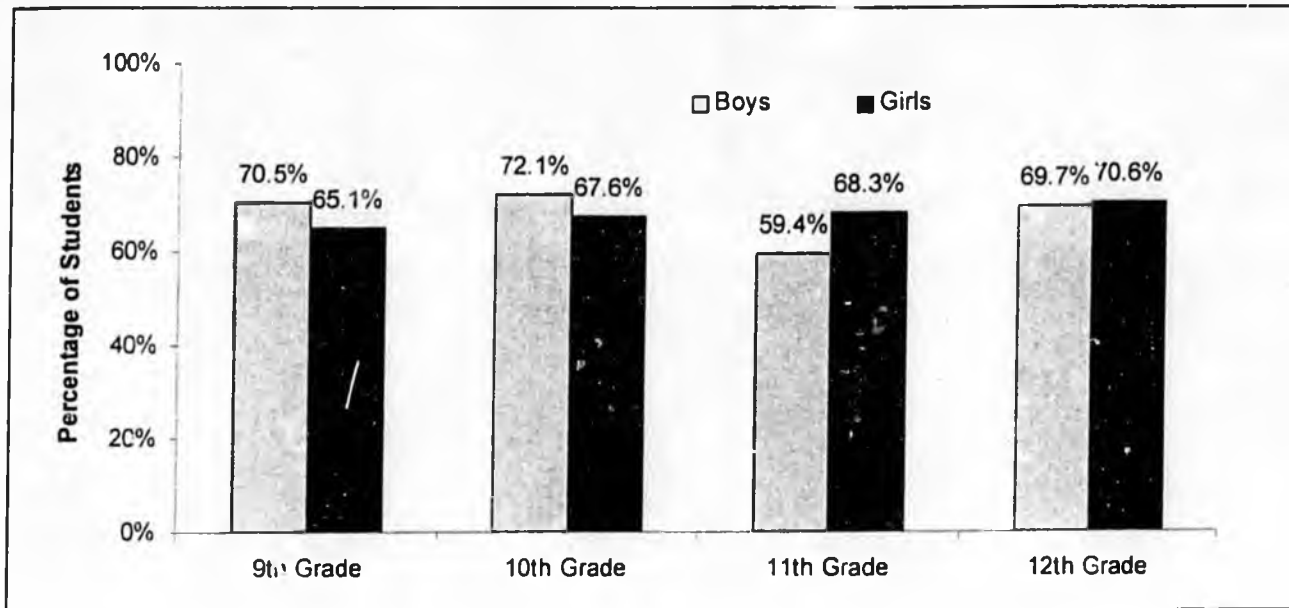
Connectedness

Among Alaska high school students, 79.3% of boys and 78.1% of girls report they don't feel alone in their life. Most Alaska high school students, 71.0% of boys and 74.6% of girls, believe they matter to people in their community. The majority of boys (60.0%) and girls (55.0%) report they have teachers who care about them and give encouragement.



Clear Rules for School Behavior

Among Alaska high school students, the majority (67.7%) of students feel their school has clear rules and consequences for behavior. Boys (68.1%) were only slightly more likely to report their school has clear rules and consequences for behavior than were girls (67.5%)



References

1. Anderson RN. Deaths: Leading Causes of Death for 1999. *National Vital Statistics Report* 2001; 49 (11):1-88.
2. Alaska Department of Health and Social Services. *Alaska 2001 Behavioral Risk Factor Survey*, Juneau, AK.
3. Blanken, AJ (1993). Measuring use of alcohol and other drugs among adolescents. *Public Health Reports* 108(1): 25 - 30.
4. Alaska Department of Health and Social Services. *Alaska 2002 Behavioral Risk Factor Survey*, Juneau, AK
5. Alaska Department of Health and Social Services: Section of Epidemiology, 2003 Unpublished Morbidity Data, Anchorage, AK
6. Dietz WH. Health consequences of obesity in youth: childhood predictors of adult disease. *Pediatrics* 101:518-525, 1998.
7. Public Health Service, U.S. Department of Health and Human Services. (1988). *The Surgeon General's Report on Nutrition and Health*. DHHS Pub. No. (PHS)88-50210. Washington, DC: U.S. Government Printing Office.
8. U.S. Department of Health and Human Services. *Physical Activity and Health: A Report of The Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, 1996.
9. Scales, P, Leffert, N. *Developmental Assets: A Synthesis of the Scientific Research On Adolescent Development*. 1999 Search Institute
10. Resnick, Michael, et al., Protecting Adolescents from Harm: Findings from the National Longitudinal Study on Adolescent Health. *JAMA*. 1997; 278:823-832;
11. Borowsky IW et al. Suicide Attempts Among American Indian and Alaska Native Youth: Risk & Protective Factors; *Archives of Adolescent Medicine* June 1999

Appendices

A.B	<i>Body Mass Index</i>	40
B.2	<i>2003 Questionnaire</i>	41

Body Mass Index

Reference Data for Obesity used in 2003 YRBS Processing

Age	Males		Females	
	85th	95th	85th	95th
≥9	18.97	21.58	19.51	22.35
10	19.75	22.64	20.39	23.52
11	20.57	23.69	21.27	24.66
12	21.4	24.67	22.13	25.74
13	22.22	25.59	22.94	26.75
14	23.03	26.42	23.67	27.67
15	23.8	27.18	24.34	28.49
16	24.55	27.88	24.92	29.25
17	25.27	28.58	25.43	29.95
≥18	25.98	29.3	25.87	30.64

Reference for BMI percentiles: Kuczmarski RJ, Ogden CL, Grummer-Strawn LM, et al. CDC growth charts: United States. Advance data from Vital and Health Statistics; no. 314, Hyattsville, Maryland: National Center for Health Statistics. 2000.

2003 Alaska Youth Risk Behavior Survey

This survey is about health behavior. It has been developed so you can tell us what you do that may affect your health. The information you give will be used to develop better health education for young people like yourself.

DO NOT write your name on this survey. The answers you give will be kept private. No one will know what you write. Answer the questions based on what you really do.

Completing the survey is voluntary. Whether or not you answer the questions will not affect your grade in this class. If you are not comfortable answering a question, just leave it blank.

The questions that ask about your background will be used only to describe the types of students completing this survey. The information will not be used to find out your name. No names will ever be reported.

Make sure to read every question. Fill in the circles completely. When you are finished, follow the instructions of the person giving you the survey.

Thank you very much for your help.

Directions

- Use a #2 pencil only.
- Make dark marks.
- Fill in a response like this: A B ● D.
- To change your answer, erase completely.

1. How old are you?
 - A. 12 years old or younger
 - B. 13 years old
 - C. 14 years old
 - D. 15 years old
 - E. 16 years old
 - F. 17 years old
 - G. 18 years old or older

2. What is your sex?
 - A. Female
 - B. Male

3. In what grade are you?
 - A. 9th grade
 - B. 10th grade
 - C. 11th grade
 - D. 12th grade
 - E. Ungraded or other grade

4. How do you describe yourself?
(Select one or more responses.)
 - A. American Indian or Alaska Native
 - B. Asian
 - C. Black or African American
 - D. Hispanic or Latino
 - E. Native Hawaiian or Other Pacific Islander
 - F. White

5. During the past 12 months, how would you describe your grades in school?
 - A. Mostly A's
 - B. Mostly B's
 - C. Mostly C's
 - D. Mostly D's
 - E. Mostly F's
 - F. None of these grades
 - G. Not sure

6. How tall are you without your shoes on?
Directions: Write your height in the shaded blank boxes. Fill in the matching oval below each number.

Example

Height	
Feet	Inches
5	11
③	⑩
④	①
●	②
⑥	③
⑦	④
	⑤
	⑥
	⑦
	⑧
	⑨
	⑩
	●

7. How much do you weigh without your shoes on?
 Directions: Write your weight in the shaded blank boxes. Fill in the matching oval below each number.

Example

Weight		
Pounds		
1	5	2
●	Ⓐ	Ⓐ
②	Ⓑ	Ⓑ
③	Ⓒ	Ⓒ
	Ⓓ	●
	Ⓔ	Ⓔ
	●	Ⓜ
	Ⓨ	Ⓨ
	Ⓩ	Ⓩ
	Ⓟ	Ⓟ
	Ⓛ	Ⓛ

The next 4 questions ask about personal safety.

8. When you rode a bicycle during the past 12 months, how often did you wear a helmet?
- A. I did not ride a bicycle during the past 12 months
 - B. Never wore a helmet
 - C. Rarely wore a helmet
 - D. Sometimes wore a helmet
 - E. Most of the time wore a helmet
 - F. Always wore a helmet
9. How often do you wear a seat belt when riding in a car driven by someone else?
- A. Never
 - B. Rarely
 - C. Sometimes
 - D. Most of the time
 - E. Always

10. During the past 30 days, how many times did you ride in a car or other vehicle driven by someone who had been drinking alcohol?
- A. 0 times
 - B. 1 time
 - C. 2 or 3 times
 - D. 4 or 5 times
 - E. 6 or more times
11. During the past 30 days, how many times did you drive a car or other vehicle when you had been drinking alcohol?
- A. 0 times
 - B. 1 time
 - C. 2 or 3 times
 - D. 4 or 5 times
 - E. 6 or more times

The next 11 questions ask about violence-related behaviors.

12. During the past 30 days, on how many days did you carry a weapon such as a gun, knife, or club?
- A. 0 days
 - B. 1 day
 - C. 2 or 3 days
 - D. 4 or 5 days
 - E. 6 or more days
13. During the past 30 days, on how many days did you carry a gun?
- A. 0 days
 - B. 1 day
 - C. 2 or 3 days
 - D. 4 or 5 days
 - E. 6 or more days

14. During the past 30 days, on how many days did you carry a weapon such as a gun, knife, or club **on school property**?
- A. 0 days
 - B. 1 day
 - C. 2 or 3 days
 - D. 4 or 5 days
 - E. 6 or more days
15. During the past 30 days, on how many days did you **not** go to school because you felt you would be unsafe at school or on your way to or from school?
- A. 0 days
 - B. 1 day
 - C. 2 or 3 days
 - D. 4 or 5 days
 - E. 6 or more days
16. During the past 12 months, how many times has someone threatened or injured you with a weapon such as a gun, knife, or club **on school property**?
- A. 0 times
 - B. 1 time
 - C. 2 or 3 times
 - D. 4 or 5 times
 - E. 6 or 7 times
 - F. 8 or 9 times
 - G. 10 or 11 times
 - H. 12 or more times
17. During the past 12 months, how many times has someone stolen or deliberately damaged your property such as your car, clothing, or books **on school property**?
- A. 0 times
 - B. 1 time
 - C. 2 or 3 times
 - D. 4 or 5 times
 - E. 6 or 7 times
 - F. 8 or 9 times
 - G. 10 or 11 times
 - H. 12 or more times
18. During the past 12 months, how many times were you in a physical fight?
- A. 0 times
 - B. 1 time
 - C. 2 or 3 times
 - D. 4 or 5 times
 - E. 6 or 7 times
 - F. 8 or 9 times
 - G. 10 or 11 times
 - H. 12 or more times
19. During the past 12 months, how many times were you in a physical fight in which you were injured and had to be treated by a doctor or nurse?
- A. 0 times
 - B. 1 time
 - C. 2 or 3 times
 - D. 4 or 5 times
 - E. 6 or more times

20. During the past 12 months, how many times were you in a physical fight on school property?
- A. 0 times
 - B. 1 time
 - C. 2 or 3 times
 - D. 4 or 5 times
 - E. 6 or 7 times
 - F. 8 or 9 times
 - G. 10 or 11 times
 - H. 12 or more times

21. During the past 12 months, did your boyfriend or girlfriend ever hit, slap, or physically hurt you on purpose?
- A. Yes
 - B. No

22. Have you ever been physically forced to have sexual intercourse when you did not want to?
- A. Yes
 - B. No

The next 5 questions ask about sad feelings and attempted suicide. Sometimes people feel so depressed about the future that they may consider attempting suicide, that is, taking some action to end their own life.

23. During the past 12 months, did you ever feel so sad or hopeless almost every day for **two weeks or more in a row** that you stopped doing some usual activities?
- A. Yes
 - B. No
24. During the past 12 months, did you ever **seriously** consider attempting suicide?
- A. Yes
 - B. No

25. During the past 12 months, did you make a plan about how you would attempt suicide?
- A. Yes
 - B. No

26. During the past 12 months, how many times did you actually attempt suicide?
- A. 0 times
 - B. 1 time
 - C. 2 or 3 times
 - D. 4 or 5 times
 - E. 6 or more times

27. **If you attempted suicide** during the past 12 months, did any attempt result in an injury, poisoning, or overdose that had to be treated by a doctor or nurse?
- A. **I did not attempt suicide** during the past 12 months
 - B. Yes
 - C. No

The next 14 questions ask about tobacco use.

28. Have you ever tried cigarette smoking, even one or two puffs?
- A. Yes
 - B. No
29. How old were you when you smoked a whole cigarette for the first time?
- A. I have never smoked a whole cigarette
 - B. 8 years old or younger
 - C. 9 or 10 years old
 - D. 11 or 12 years old
 - E. 13 or 14 years old
 - F. 15 or 16 years old
 - G. 17 years old or older

30. During the past 30 days, on how many days did you smoke cigarettes?
- A. 0 days
 - B. 1 or 2 days
 - C. 3 to 5 days
 - D. 6 to 9 days
 - E. 10 to 19 days
 - F. 20 to 29 days
 - G. All 30 days
31. During the past 30 days, on the days you smoked, how many cigarettes did you smoke **per day**?
- A. I did not smoke cigarettes during the past 30 days
 - B. Less than 1 cigarette per day
 - C. 1 cigarette per day
 - D. 2 to 5 cigarettes per day
 - E. 6 to 10 cigarettes per day
 - F. 11 to 20 cigarettes per day
 - G. More than 20 cigarettes per day
32. During the past 30 days, how did you **usually** get your own cigarettes? (Select only **one** response.)
- A. I did not smoke cigarettes during the past 30 days
 - B. I bought them in a store such as a convenience store, supermarket, discount store, or gas station
 - C. I bought them from a vending machine
 - D. I gave someone else money to buy them for me
 - E. I borrowed (or bummed) them from someone else
 - F. A person 18 years old or older gave them to me
 - G. I took them from a store or family member
 - H. I got them some other way
33. During the past 30 days, on how many days did you smoke cigarettes **on school property**?
- A. 0 days
 - B. 1 or 2 days
 - C. 3 to 5 days
 - D. 6 to 9 days
 - E. 10 to 19 days
 - F. 20 to 29 days
 - G. All 30 days
34. Have you ever smoked cigarettes daily, that is, at least one cigarette every day for 30 days?
- A. Yes
 - B. No
35. During the past 12 months, did you ever try to **quit** smoking cigarettes?
- A. I did not smoke during the past 12 months
 - B. Yes
 - C. No
36. During the past 30 days, on how many days did you use **chewing tobacco, snuff, or dip**, such as Redman, Levi Garrett, Beechnut, Skoal, Skoal Bandits, or Copenhagen?
- A. 0 days
 - B. 1 or 2 days
 - C. 3 to 5 days
 - D. 6 to 9 days
 - E. 10 to 19 days
 - F. 20 to 29 days
 - G. All 30 days

37. During the past 30 days, on how many days did you use **chewing tobacco, snuff, or dip on school property**?
- A. 0 days
 - B. 1 or 2 days
 - C. 3 to 5 days
 - D. 6 to 9 days
 - E. 10 to 19 days
 - F. 20 to 29 days
 - G. All 30 days
38. During the past 30 days, on how many days did you smoke **cigars, cigarillos, or little cigars**?
- A. 0 days
 - B. 1 or 2 days
 - C. 3 to 5 days
 - D. 6 to 9 days
 - E. 10 to 19 days
 - F. 20 to 29 days
 - G. All 30 days
39. During the past 7 days, on how many days were you in the same room with someone who was smoking **cigarettes**?
- A. 0 days
 - B. 1 or 2 days
 - C. 3 or 4 days
 - D. 5 or 6 days
 - E. 7 days
40. During the past 7 days, on how many days did you ride in a car with someone who was smoking **cigarettes**?
- A. 0 days
 - B. 1 or 2 days
 - C. 3 or 4 days
 - D. 5 or 6 days
 - E. 7 days
41. Do you think the smoke from other people's cigarettes is harmful to you?
- A. Definitely yes
 - B. Probably yes
 - C. Probably not
 - D. Definitely not
- The next 5 questions ask about drinking alcohol. This includes drinking beer, wine, wine coolers, and liquor such as rum, gin, vodka, or whiskey. For these questions, drinking alcohol does not include drinking a few sips of wine for religious purposes.**
42. During your life, on how many days have you had at least one drink of alcohol?
- A. 0 days
 - B. 1 or 2 days
 - C. 3 to 9 days
 - D. 10 to 19 days
 - E. 20 to 39 days
 - F. 40 to 99 days
 - G. 100 or more days
43. How old were you when you had your first drink of alcohol other than a few sips?
- A. I have never had a drink of alcohol other than a few sips
 - B. 8 years old or younger
 - C. 9 or 10 years old
 - D. 11 or 12 years old
 - E. 13 or 14 years old
 - F. 15 or 16 years old
 - G. 17 years old or older

44. During the past 30 days, on how many days did you have at least one drink of alcohol?
- A. 0 days
 - B. 1 or 2 days
 - C. 3 to 5 days
 - D. 6 to 9 days
 - E. 10 to 19 days
 - F. 20 to 29 days
 - G. All 30 days
45. During the past 30 days, on how many days did you have 5 or more drinks of alcohol in a row, that is, within a couple of hours?
- A. 0 days
 - B. 1 day
 - C. 2 days
 - D. 3 to 5 days
 - E. 6 to 9 days
 - F. 10 to 19 days
 - G. 20 or more days
46. During the past 30 days, on how many days did you have at least one drink of alcohol **on school property**?
- A. 0 days
 - B. 1 or 2 days
 - C. 3 to 5 days
 - D. 6 to 9 days
 - E. 10 to 19 days
 - F. 20 to 29 days
 - G. All 30 days

The next 4 questions ask about marijuana use. Marijuana also is called grass or pot.

47. During your life, how many times have you used marijuana?
- A. 0 times
 - B. 1 or 2 times
 - C. 3 to 9 times
 - D. 10 to 19 times
 - E. 20 to 39 times
 - F. 40 to 99 times
 - G. 100 or more times
48. How old were you when you tried marijuana for the first time?
- A. I have never tried marijuana
 - B. 8 years old or younger
 - C. 9 or 10 years old
 - D. 11 or 12 years old
 - E. 13 or 14 years old
 - F. 15 or 16 years old
 - G. 17 years old or older
49. During the past 30 days, how many times did you use marijuana?
- A. 0 times
 - B. 1 or 2 times
 - C. 3 to 9 times
 - D. 10 to 19 times
 - E. 20 to 39 times
 - F. 40 or more times
50. During the past 30 days, how many times did you use marijuana **on school property**?
- A. 0 times
 - B. 1 or 2 times
 - C. 3 to 9 times
 - D. 10 to 19 times
 - E. 20 to 39 times
 - F. 40 or more times

The next 10 questions ask about other drugs.

51. During your life, how many times have you used any form of cocaine, including powder, crack, or freebase?
- A. 0 times
 - B. 1 or 2 times
 - C. 3 to 9 times
 - D. 10 to 19 times
 - E. 20 to 39 times
 - F. 40 or more times
52. During the past 30 days, how many times did you use any form of cocaine, including powder, crack, or freebase?
- A. 0 times
 - B. 1 or 2 times
 - C. 3 to 9 times
 - D. 10 to 19 times
 - E. 20 to 39 times
 - F. 40 or more times
53. During your life, how many times have you sniffed glue, breathed the contents of aerosol spray cans, or inhaled any paints or sprays to get high?
- A. 0 times
 - B. 1 or 2 times
 - C. 3 to 9 times
 - D. 10 to 19 times
 - E. 20 to 39 times
 - F. 40 or more times
54. During the past 30 days, how many times have you sniffed glue, breathed the contents of aerosol spray cans, or inhaled any paints or sprays to get high?
- A. 0 times
 - B. 1 or 2 times
 - C. 3 to 9 times
 - D. 10 to 19 times
 - E. 20 to 39 times
 - F. 40 or more times
55. During your life, how many times have you used heroin (also called smack, junk, or China White)?
- A. 0 times
 - B. 1 or 2 times
 - C. 3 to 9 times
 - D. 10 to 19 times
 - E. 20 to 39 times
 - F. 40 or more times
56. During your life, how many times have you used methamphetamines (also called speed, crystal, crank, or ice)?
- A. 0 times
 - B. 1 or 2 times
 - C. 3 to 9 times
 - D. 10 to 19 times
 - E. 20 to 39 times
 - F. 40 or more times
57. During your life, how many times have you used ecstasy (also called MDMA)?
- A. 0 times
 - B. 1 or 2 times
 - C. 3 to 9 times
 - D. 10 to 19 times
 - E. 20 to 39 times
 - F. 40 or more times

58. During your life, how many times have you taken **steroid pills or shots** without a doctor's prescription?
- A. 0 times
 - B. 1 or 2 times
 - C. 3 to 9 times
 - D. 10 to 19 times
 - E. 20 to 39 times
 - F. 40 or more times
59. During your life, how many times have you used a needle to inject any **illegal drug** into your body?
- A. 0 times
 - B. 1 time
 - C. 2 or more times
60. During the past 12 months, has anyone offered, sold, or given you an **illegal drug on school property**?
- A. Yes
 - B. No
- The next 8 questions ask about sexual behavior.**
61. Have you ever had sexual intercourse?
- A. Yes
 - B. No
62. How old were you when you had sexual intercourse for the first time?
- A. I have never had sexual intercourse
 - B. 11 years old or younger
 - C. 12 years old
 - D. 13 years old
 - E. 14 years old
 - F. 15 years old
 - G. 16 years old
 - H. 17 years old or older
63. During your life, with how many people have you had sexual intercourse?
- A. I have never had sexual intercourse
 - B. 1 person
 - C. 2 people
 - D. 3 people
 - E. 4 people
 - F. 5 people
 - G. 6 or more people
64. During the past 3 months, with how many people did you have sexual intercourse?
- A. I have never had sexual intercourse
 - B. I have had sexual intercourse, but not during the past 3 months
 - C. 1 person
 - D. 2 people
 - E. 3 people
 - F. 4 people
 - G. 5 people
 - H. 6 or more people
65. Did you drink alcohol or use drugs before you had sexual intercourse the **last time**?
- A. I have never had sexual intercourse
 - B. Yes
 - C. No
66. The **last time** you had sexual intercourse, did you or your partner use a condom?
- A. I have never had sexual intercourse
 - B. Yes
 - C. No

67. The **last time** you had sexual intercourse, what **one** method did you or your partner use to **prevent pregnancy**? (Select only **one** response.)
- A. I have never had sexual intercourse
 - B. No method was used to prevent pregnancy
 - C. Birth control pills
 - D. Condoms
 - E. Depo-Provera (injectable birth control)
 - F. Withdrawal
 - G. Some other method
 - H. Not sure
68. How many times have you been pregnant or gotten someone pregnant?
- A. 0 times
 - B. 1 time
 - C. 2 or more times
 - D. Not sure
- The next 7 questions ask about body weight.**
69. How do you describe your weight?
- A. Very underweight
 - B. Slightly underweight
 - C. About the right weight
 - D. Slightly overweight
 - E. Very overweight
70. Which of the following are you trying to do about your weight?
- A. **Lose** weight
 - B. **Gain** weight
 - C. **Stay** the same weight
 - D. I am **not trying to do anything** about my weight
71. During the past 30 days, did you **exercise** to lose weight or to keep from gaining weight?
- A. Yes
 - B. No
72. During the past 30 days, did you eat **less food, fewer calories, or foods low in fat** to lose weight or to keep from gaining weight?
- A. Yes
 - B. No
73. During the past 30 days, did you go **without eating for 24 hours or more** (also called fasting) to lose weight or to keep from gaining weight?
- A. Yes
 - B. No
74. During the past 30 days, did you **take any diet pills, powders, or liquids** without a doctor's advice to lose weight or to keep from gaining weight? (Do **not** include meal replacement products such as Slim Fast.)
- A. Yes
 - B. No
75. During the past 30 days, did you **vomit or take laxatives** to lose weight or to keep from gaining weight?
- A. Yes
 - B. No

The next 7 questions ask about food you ate or drank during the past 7 days. Think about all the meals and snacks you had from the time you got up until you went to bed. Be sure to include food you ate at home, at school, at restaurants, or anywhere else.

76. During the past 7 days, how many times did you drink **100% fruit juices** such as orange juice, apple juice, or grape juice? (Do **not** count punch, Kool-Aid, sports drinks, or other fruit-flavored drinks.)
- A. I did not drink 100% fruit juice during the past 7 days
 - B. 1 to 3 times during the past 7 days
 - C. 4 to 6 times during the past 7 days
 - D. 1 time per day
 - E. 2 times per day
 - F. 3 times per day
 - G. 4 or more times per day
77. During the past 7 days, how many times did you eat **fruit**? (Do **not** count fruit juice.)
- A. I did not eat fruit during the past 7 days
 - B. 1 to 3 times during the past 7 days
 - C. 4 to 6 times during the past 7 days
 - D. 1 time per day
 - E. 2 times per day
 - F. 3 times per day
 - G. 4 or more times per day
78. During the past 7 days, how many times did you eat **green salad**?
- A. I did not eat green salad during the past 7 days
 - B. 1 to 3 times during the past 7 days
 - C. 4 to 6 times during the past 7 days
 - D. 1 time per day
 - E. 2 times per day
 - F. 3 times per day
 - G. 4 or more times per day
79. During the past 7 days, how many times did you eat **potatoes**? (Do **not** count french fries, fried potatoes, or potato chips.)
- A. I did not eat potatoes during the past 7 days
 - B. 1 to 3 times during the past 7 days
 - C. 4 to 6 times during the past 7 days
 - D. 1 time per day
 - E. 2 times per day
 - F. 3 times per day
 - G. 4 or more times per day
80. During the past 7 days, how many times did you eat **carrots**?
- A. I did not eat carrots during the past 7 days
 - B. 1 to 3 times during the past 7 days
 - C. 4 to 6 times during the past 7 days
 - D. 1 time per day
 - E. 2 times per day
 - F. 3 times per day
 - G. 4 or more times per day

81. During the past 7 days, how many times did you eat **other vegetables**? (Do **not** count green salad, potatoes, or carrots.)
- A. I did not eat other vegetables during the past 7 days
 - B. 1 to 3 times during the past 7 days
 - C. 4 to 6 times during the past 7 days
 - D. 1 time per day
 - E. 2 times per day
 - F. 3 times per day
 - G. 4 or more times per day
82. During the past 7 days, how many **glasses of milk** did you drink? (Include the milk you drank in a glass or cup, from a carton, or with cereal. Count the half pint of milk served at school as equal to one glass.)
- A. I did not drink milk during the past 7 days
 - B. 1 to 3 glasses during the past 7 days
 - C. 4 to 6 glasses during the past 7 days
 - D. 1 glass per day
 - E. 2 glasses per day
 - F. 3 glasses per day
 - G. 4 or more glasses per day

The next 7 questions ask about physical activity.

83. On how many of the past 7 days did you exercise or participate in physical activity for **at least 20 minutes that made you sweat and breathe hard**, such as basketball, soccer, running, swimming laps, fast bicycling, fast dancing, or similar aerobic activities?
- A. 0 days
 - B. 1 day
 - C. 2 days
 - D. 3 days
 - E. 4 days
 - F. 5 days
 - G. 6 days
 - H. 7 days
84. On how many of the past 7 days did you participate in physical activity for **at least 30 minutes** that did **not** make you sweat or breathe hard, such as fast walking, slow bicycling, skating, pushing a lawn mower, or mopping floors?
- A. 0 days
 - B. 1 day
 - C. 2 days
 - D. 3 days
 - E. 4 days
 - F. 5 days
 - G. 6 days
 - H. 7 days

85. On how many of the past 7 days did you do exercises to **strengthen or tone your muscles**, such as push-ups, sit-ups, or weight lifting?
- A. 0 days
 - B. 1 day
 - C. 2 days
 - D. 3 days
 - E. 4 days
 - F. 5 days
 - G. 6 days
 - H. 7 days
86. On an average school day, how many hours do you watch TV?
- A. I do not watch TV on an average school day
 - B. Less than 1 hour per day
 - C. 1 hour per day
 - D. 2 hours per day
 - E. 3 hours per day
 - F. 4 hours per day
 - G. 5 or more hours per day
87. In an average week when you are in school, on how many days do you go to physical education (PE) classes?
- A. 0 days
 - B. 1 day
 - C. 2 days
 - D. 3 days
 - E. 4 days
 - F. 5 days
88. During an average physical education (PE) class, how many minutes do you spend actually exercising or playing sports?
- A. I do not take PE
 - B. Less than 10 minutes
 - C. 10 to 20 minutes
 - D. 21 to 30 minutes
 - E. 31 to 40 minutes
 - F. 41 to 50 minutes
 - G. 51 to 60 minutes
 - H. More than 60 minutes
89. During the past 12 months, on how many sports teams did you play? (Include any teams run by your school or community groups.)
- A. 0 teams
 - B. 1 team
 - C. 2 teams
 - D. 3 or more teams
- The next question asks about AIDS education.**
90. Have you ever been taught about AIDS or HIV infection in school?
- A. Yes
 - B. No
 - C. Not sure
- The next 9 questions are general items about you.**
91. How often does one of your parents talk with you about what you are doing in school?
- A. Never
 - B. Less than once a month
 - C. About once or twice a month
 - D. About once or twice a week
 - E. About every day
92. My teachers really care about me and give me a lot of encouragement.
- A. Strongly agree
 - B. Agree
 - C. Not sure
 - D. Disagree
 - E. Strongly disagree

93. Besides your parents, how many adults would you feel comfortable seeking help from if you had an important question affecting your life?
- A. None
 - B. 1 adult
 - C. 2 adults
 - D. 3 adults
 - E. 4 adults
 - F. 5 or more adults
 - G. Not sure
94. During an average week, how many hours do you spend helping other people without getting paid (such as helping elders or neighbors, watching young children, tutoring, helping out at a hospital, clinic, youth program, local agency, or doing other things) to make your community a better place for people to live?
- A. 0 hours
 - B. 1 hour
 - C. 2 hours
 - D. 3 to 5 hours
 - E. 6 to 10 hours
 - F. 11 or more hours
95. On how many of the past 7 days did you take part in organized after school, evening, or weekend activities (such as school clubs, community center groups, music/art/dance lessons, drama, church, cultural or other supervised activities)?
- A. 0 days
 - B. 1 day
 - C. 2 days
 - D. 3 days
 - E. 4 days
 - F. 5 days
 - G. 6 days
 - H. 7 days
96. I feel alone in my life.
- A. Strongly agree
 - B. Agree
 - C. Not sure
 - D. Disagree
 - E. Strongly disagree
97. In my community, I feel like I matter to people.
- A. Strongly agree
 - B. Agree
 - C. Not sure
 - D. Disagree
 - E. Strongly disagree
98. My school has clear rules and consequences for behavior.
- A. Strongly agree
 - B. Agree
 - C. Not sure
 - D. Disagree
 - E. Strongly disagree
99. During the school year, how many hours per week do you work at a part-time job?
- A. 0 hours
 - B. 1 to 4 hours
 - C. 5 to 11 hours
 - D. 12 to 20 hours
 - E. 20 or more hours

**This is the end of the survey.
Thank you very much for your
help.**

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rehabilitating juveniles to make them productive citizens, and imposing state tort liability for harm caused by released juveniles would have distorted this balance; likewise the policy of preventing future harm was not obviously going to be served by imposing a

duty, given that AS 47.12.010(b) limited commitment and re-commitment periods of time, and there was no clear correlation between the length of commitment and the rate of recidivism. *State v. Sandsness*, 72 P.3d 299 (Alaska 2003).

Sec. 47.12.020. Jurisdiction. Proceedings relating to a minor under 18 years of age residing or found in the state are governed by this chapter, except as otherwise provided in this chapter, when the minor is alleged to be or may be determined by a court to be a delinquent minor as a result of violating a criminal law of the state or a municipality of the state. (§ 46 ch 59 SLA 1996)

NOTES TO DECISIONS

Quoted in *Nao v. State*, 953 P.2d 522 (Alaska Ct. App. 1998).

Collateral references. — Homicide by juvenile as within jurisdiction of juvenile court, 48 ALR2d 662.

Age of child at time of alleged offense or delinquency, or at time legal proceedings are commenced, as criterion of jurisdiction of juvenile court, 89 ALR2d 506.

Truancy as indicative of delinquency or incorrigibility, justifying commitment of infant or juvenile. 5 ALR4th 1211, § 7.

Sec. 47.12.030. Provisions inapplicable. (a) When a minor who was at least 16 years of age at the time of the offense is charged by complaint, information, or indictment with an offense specified in this subsection, this chapter and the Alaska Delinquency Rules do not apply to the offense for which the minor is charged or to any additional offenses joinable to it under the applicable rules of court governing criminal procedure. The minor shall be charged, held, released on bail, prosecuted, sentenced, and incarcerated in the same manner as an adult. If the minor is convicted of an offense other than an offense specified in this subsection, the minor may attempt to prove, by a preponderance of the evidence, that the minor is amenable to treatment under this chapter. If the court finds that the minor is amenable to treatment under this chapter, the minor shall be treated as though the charges had been heard under this chapter, and the court shall order disposition of the charges of which the minor is convicted under AS 47.12.120(b). The provisions of this subsection apply when the minor is charged by complaint, information, or indictment with an offense

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

(2) of arson in the first degree; or

(3) that is a class B felony and the felony is a crime against a person in which the minor is alleged to have used a deadly weapon in the commission of the offense and the minor was previously adjudicated as a delinquent or convicted as an adult, in this or another jurisdiction, as a result of an offense that involved use of a deadly weapon in the commission of a crime against a person or an offense in another jurisdiction having elements substantially identical to those of a crime against a person, and the previous offense was punishable as a felony; in this paragraph, "deadly weapon" has the meaning given in AS 11.81.900(b).

(b) When a minor is accused of violating a statute specified in this subsection, other than a statute the violation of which is a felony, this chapter and the Alaska Delinquency Rules do not apply and the minor accused of the offense shall be charged, prosecuted, and sentenced in the district court in the same manner as an adult; if a minor is charged, prosecuted, and sentenced for an offense under this subsection, the minor's parent, guardian, or legal custodian shall be present at all proceedings; the provisions of this subsection apply when a minor is accused of violating

- (1) a traffic statute or regulation, or a traffic ordinance or regulation of a municipality;
 - (2) AS 11.76.105, relating to the possession of tobacco by a person under 19 years of age;
 - (3) a fish and game statute or regulation under AS 16;
 - (4) a parks and recreational facilities statute or regulation under AS 41.21;
 - (5) AS 04.16.050, relating to possession, control, or consumption of alcohol, except for conduct constituting habitual minor consuming or in possession or control under AS 04.16.050(d); and
 - (6) a municipal curfew ordinance, whether adopted under AS 29.35.085 or otherwise, unless the municipality provides for enforcement of its ordinance under AS 29.25.070(b) by the municipality; in place of any fine imposed for the violation of a municipal curfew ordinance, the court shall allow a defendant the option of performing community work; the value of the community work, which may not be lower than the amount of the fine, shall be determined under AS 12.55.055(c); in this paragraph, "community work" includes the work described in AS 12.55.055(b) or work that, on the recommendation of the municipal or borough assembly, city council, or traditional village council of the defendant's place of residence, would benefit persons within the municipality or village who are elderly or disabled.
- (c) The provisions of AS 47.12.010 — 47.12.260 and the Alaska Delinquency Rules do not apply to driver's license proceedings under AS 28.15.185; the court shall impose a driver's license revocation under AS 28.15.185 in the same manner as adult driver's license revocations, except that a parent or legal guardian shall be present at all proceedings. (§ 46 ch 59 SLA 1996; am § 2 ch 72 SLA 1997; am § 1 ch 9 SLA 1998; am § 16 ch 107 SLA 1998; am § 15 ch 65 SLA 2001)

Effect of amendments. — The 1997 amendment, effective September 9, 1997, added paragraph (b)(6) and made related stylistic changes.

The first 1998 amendment, effective July 7, 1998, added paragraph (a)(3) and made related stylistic changes.

The second 1998 amendment, effective July 1, 1998, rewrote the introductory language in subsection (a).

The 2001 amendment, effective July 4, 2001, added the exception in paragraph (b)(5).

Editor's notes. — Section 57, ch. 107, SLA 1998 provides that the 1998 amendments to subsection (a), made in § 16, ch. 107, SLA 1998, apply to offenses committed on or after July 1, 1998. Also, § 2, ch. 9, 1998 provides that paragraph (a)(3), added by § 1, ch. 9, SLA 1998, applies to offenses committed on or after July 7, 1998, but that references in (a)(3) to previous adjudications or convictions include offenses committed on, before, or after July 7, 1998.

NOTES TO DECISIONS

Constitutionality. — Subsection (a), placing the burden on defendant to prove his amenability to juvenile treatment, does not violate the equal protection and due process clauses of the Alaska Constitution. *Wilson v. State*, 967 P.2d 98 (Alaska Ct. App. 1998).

Constitutionality of criminal penalties faced by 16- and 17-year-olds. — Enactment of the provision changing criminal penalties faced by 16- and 17-year-olds for certain criminal acts did not violate Alaska Const., art. IV, § 15 since it did not alter the Delinquency Rules but, rather, it redefined the coverage of the delinquency law. *Nao v. State*, 953 P.2d 522 (Alaska Ct. App. 1998).

Rehabilitation, rather than punishment, is the express purpose of juvenile jurisdiction. Mere confinement without treatment does not contribute to the goal of rehabilitation; such confinement constitutes cruel and unusual punishment. *Rust v. State*, 582 P.2d 134 (Alaska 1978) (decided under AS 47.10.010).

Principal precept behind children's court concept is that a person under 18 years of age does not have mature judgment and may not fully realize the

consequences of his acts, and that therefore he should not generally have to bear the stigma of a criminal conviction for the rest of his life. *P.H. v. State*, 504 P.2d 837 (Alaska 1972) (decided under AS 47.10.010).

The phrase "under 18 years of age" refers to the age of the accused person at the time of the alleged offense. *P.H. v. State*, 504 P.2d 837 (Alaska 1972) (decided under AS 47.10.010).

Jurisdiction dependent upon age of offender at time of act. — Juvenile jurisdiction of the superior court in delinquency proceedings is dependent upon the age of the offender at the time of the delinquent acts. *Henson v. State*, 576 P.2d 1352 (Alaska 1978) (decided under AS 47.10.010).

Child is exempt from criminal prosecution until children's court waives jurisdiction. — From the moment a child commits an offense he is exempt from criminal prosecution until the children's court properly waives its jurisdiction. *P.H. v. State*, 504 P.2d 837 (Alaska 1972) (decided under AS 47.10.010).

Deferring action against child until 18th birthday would frustrate purpose of juvenile courts. — To allow officials charged with the execu-

tion of the law to pro-
criminal merely by del-
18th birthday would fr-
courts. *P.H. v. State*,
(decided under AS 47.1

Serious constitution-
nature of the proceedi-
were to depend on th-
enforcement officials.

(Alaska 1972) (decided

When person over
With respect to penal e-
over or under a certain i-
has reached that partici-
day or not. *State v. Linz*
(decided under AS 47.10

"Delinquent" status
conviction but upon proo-
acts which would have b-
an adult. *Rust v. State*,
(decided under AS 47.10

One who committed
age could be criminal)I
when he had been previ-
minor and the court had
diction over him until a-
P.2d 1352 (Alaska 1976) (

Former AS 17.12.110
Former AS 17.12.110(d)
person who, while unde-
controls or uses any amo-
conviction, guilty of a mi-
fine of not more than \$10
47.10.010(a)(1) and AS
State, 645 P.2d 1229 (Ala-
under AS 47.10.010).

State may interfere
children in need of ai-
alleged to be in need of su-
alleged to be in need of a
from home and foster hom-
tionally be interfered wit
State, 547 P.2d 827 (Alaak
47.10.010).

Interests to be prote
garding children in nee-
State, 547 P.2d 827 (Alask-
47.10.010).

Means chosen by the s
are closely and substan-
propriate government i-
547 P.2d 827 (Alaska 1-
47.10.010).

The purpose of the su
contemplated by the cr
need of supervision (see
and its predecessor noncrir
integration of the child int-
tion of parental custody ir-
L.A.M. v. State, 547 P.2d 8-
under AS 47.10.010)

Burden of proving am
as juvenile. — Where a n
adult for one of the felonies
is ultimately found guilty
provision imposing on the m
that he or she is amenable
does not violate the equal