

SB

10



ALASKA STATE LEGISLATURE
SENATOR GRETCHEN GUESS
SENATOR FRED DYSON

Sponsor Statement

Senate Bill 10:

"An Act relating to liability for destruction of property by unemancipated minors; and providing for an effective date."

The intent of SB 10 is to hold minors who vandalize and their parents financially accountable for the minor's action in a fair and humane manner, but to hold them fully accountable.

Current Alaska law limits restitution to \$15,000 (and \$25,000 if an insurance policy will pay for the restitution) if a minor vandalizes. Additionally, current law holds only parents/guardians accountable for this restitution not the minor who made the choice to vandalize.

Senate Bill 10 would remove the cap, allowing full restitution for any vandalism performed by a minor. Additionally, it would allow the courts to recover damages from the minor along with the parents. As a result, for example, the court could take away a minor's permanent fund dividend check.

In the past, the legislature has not removed the cap because of a concern of bankrupting families. SB 10 has two provisions responding to this concern while still ensuring full accountability. First, SB 10 requires the courts to develop a payment plan based on financial resources. We know a family with \$10,000 in assets is different from a family with \$1 million in assets. Under SB 10, both families will be held accountable for the damages but may have different payment schedules.

Second, SB 10 holds the minor solely responsible for the remaining restitution when he/she turns 18, and again the courts are required to create a reasonable payment plan based on financial ability. For example, a 16 year old does \$50,000 worth of damage to a school play yard. The court may determine the parents must pay \$5,000 a year for two years. When the minor turns 18, he/she will be responsible for the remaining \$40,000 with the court deciding he/she can and must pay \$2,000 a year. In the end, the restitution will be paid in full.

It is our hope holding minors who vandalize fully accountable for their action may make them think twice before vandalizing. If it does not, they (not the taxpayers, business owner, or homeowner) will be accountable for the restitution.

Thank you for your consideration.

Wayne Leighty

From: Fiedler_Roger [Fiedler_Roger@asdk12.org]
Sent: Tuesday, December 21, 2004 11:03 AM
To: Sen. Gretchen Guess; Wayne Leighty
Subject: Playground arson repair costs

Senator Guess,

On your behalf, Wayne Leighty requested from the Anchorage School District the cost of damage repair and replacement for the five playground arsons that occurred during the summer of 2004. Listed below are the actual costs of cleanup and removal of burned material and equipment, and purchase and installation of replacement material and equipment.

Please note that the costs listed are as of December 21, 2004. Costs on some of these projects could rise. For example, at Alpenglow Elementary School pea gravel was used to replace the playground's burned rubber-mulch surface material, due to local availability of pea gravel and the need to make the playground usable as quickly as possible. Should the district decide to return the playground to a rubber-mulch surface, the cost listed below will rise by a significant amount.

Alpenglow Elementary School: \$126,890.72
Kasuun Elementary School: \$61,570.20
Scenic Park Elementary School (two incidents, combined cost): \$42,756.51
Susitna Elementary School: \$9,285.07

Roger

Roger Fiedler
ASD Communications Office
907-742-4151
P.O. Box 196614, Anchorage, AK 99519-6614
fiedler_roger@asdk12.org
www.asdk12.org

Bears win

Boys, girls claim
on second day
of City Classic

SPORTS • PAGE B1



Stingy Americans?

Comment by U.N. official
that rich nations aren't doing
enough irks White House

NATION • PAGE A7



Dying bruins

Environmentalists worry
about 31 dead grizzlies this
year in Glacier Nat'l Park

NATION • PAGE C7



JUNEAU EMPIRE

WEDNESDAY

Dec. 29, 2004

50 cents

empire.com

The voice of Alaska's capital city since 1912

Volume 93 No. 299

Bill would have vandals pay more

Measure would remove caps on parents' liability

By **TIMOTHY INKLEBARGER**
JUNEAU EMPIRE

A Republican and Democrat
in the Alaska Senate have pro-
posed a bill for the 2005 legisla-
tive session to toughen laws on
minors caught vandalizing.

The proposal by Sen.

Gretchen
Guess, D-An-
chorage, and
Sen. Fred
Dyson, R-Eagle
River, removes
caps on parents'
liability for
their childrens'
vandalism, al-
lows the court
to establish a
payment plan and makes the mi-
nor responsible for debt before
and after they turn 18. State law
now caps parent liability at



SEN. FRED
DYSON



SEN. GRETCHEN
GUESS

\$25,000, ac-
cording to
Guess.

The bill also
would allow
the state to ar-
rnish Alaska
Permanent
Fund dividend
checks for van-
dals who have
not repaid their

debts, Guess said.

"For the first time it could
hold minors accountable, if the
court sees fit, before the child

turns 18," Guess said.

Dyson could not be reached
for comment.

Guess said the Anchorage
School District budgets
\$300,000 annually to cover van-
dalism costs. This year Anchor-
age schools suffered five cases of
playground vandalism by mi-
nors, costing between \$10,000
and \$123,000, according to
Guess.

Juneau School District Su-
perintendent Peggy Cowan

Please see **VANDALS**, Page A8

Vandals: It will cost more

Continued from Page A1

said she supports the proposal. The district expects to pay about \$40,000 for acts of vandalism committed in 2004. Much of the cost comes from an incident this June at the Meendenhall River Community School, where vandals smashed 16 windows, three glass doors, a computer and stole other school equipment.

"It communicates that vandalism is vandalism and we take it very seriously and there is accountability," Cowan said. "We obviously are interested in the limited dollars we have going to classrooms, teachers and textbooks rather than paying for repairs to vandalism."

District funds not only go toward repairing damaged property but also preventing future vandalism, said School Board President Mary Becker.

She said installing surveillance cameras was one of the additions to Juneau-Douglas High

It's the concept that you might be paying \$50 a month for the rest of your life.

SEN. GRETCHEN GUESS
D-Anchorage

School when it underwent renovations in 2003.

"(Vandalism) hurts everybody," Becker said. "It stops growth that we could otherwise have. It's a waste of money."

Guess said payment plans would be up to the discretion of the courts and that she intends the proposal to capture payment for damages without "bankrupting families."

"It's the concept that you might be paying \$50 a month for the rest of your life," she said.

• Timothy Inkebarger can be reached at timothy.inkebarger@junequampire.com



meagancfooster@hotmail.com

Printed: Thursday, January 13, 2005 12:07 PM

From : NewsBank -- service provider for Anchorage Daily News Archives <newslibrary@newsbank.com>
Sent : Thursday, January 13, 2005 12:03 PM
To : meagancfooster@hotmail.com
Subject : Anchorage Daily News Document

Anchorage Daily News (AK)

Anchorage Daily News (AK)

December 31, 2004

Vandals may face new laws

TOUGH: State senators want to lift \$15,000 cap for suits against minors.

Author: KATIE PESZNECKER
Anchorage Daily News

Staff

Edition: Final
Section: Alaska
Page: B1

Estimated printed pages: 4

Article Text:

You break it, you buy it, or so they say.

But that hasn't necessarily been the case in Alaska.

When kids here are caught vandalizing property, state law says that a minor's parents or guardians can only be sued for up to \$15,000 -- \$25,000 if they have homeowners' insurance -- even though damage may exceed that amount.

Sens. Fred Dyson and Gretchen Guess want that cap eliminated and are co-sponsoring legislation to do that. Their bill would allow courts to make minors pay, too, and would make the minor responsible for any debt remaining when he or she turns 18. The legislation also asks that courts use a payment plan based on a minor's or family's financial situation.

Dyson, an Eagle River Republican, said this bill is similar to but more sophisticated than one he launched two sessions ago. Guess, an Anchorage Democrat, was among its co-sponsors. The limit then for payback was \$10,000. But instead of eliminating the cap, lawmakers bumped it to \$15,000. Some said it didn't seem right to pass legislation that could potentially bankrupt parents.

"There was the argument that parents can't control their kids and shouldn't be responsible," Dyson said. "Well phooey! And maybe this will encourage parents to do a better job. Because if the kid and the parents don't pay, the general taxpayers get to, and that ain't fair."

Costly vandalism at Anchorage-area schools has largely fueled the move to increase or eliminate how much minors' parents can be sued for. The district's insurance only covers damage over \$1 million. The School Board routinely budgets \$300,000 a year for vandalism expenses and the district usually spends it -- on everything from broken windows to kicked-in doors to graffiti.

"That's, what, six teachers at least that could be in our classrooms?" Guess said. "When people pay taxes for the Anchorage School District, they're paying it because they want money in the classroom enhancing learning, not repairing vandalism."

Higher-profile acts of vandalism have angered the community, too. Among them: sliced brake lines on 50 school buses in summer 2003 and hallways at Dimond High School trashed with spray paint and glue that same summer. Last summer, vandals damaged four playgrounds -- from torching swings and slides to breaking gates and signs to lobbing Molotov cocktails at wooden play equipment.

And vandalism isn't limited to schools. An Eagle River church was vandalized three times in less than a year. In spring 2003, vandals slashed 50 tires on parked cars and trucks in a Muldoon neighborhood. Later that fall, vandals destroyed Hilltop Ski Area's Owl's Nest lodge.

By pre-filing the legislation, Guess and Dyson were able to co-sponsor the bill across party lines. Once the session starts Jan. 10, politicians from opposing parties cannot both appear as primary sponsors on a bill.

Guess said they tried this time around to create a bill that would eliminate the cap while still appealing lawmakers who worried about bankrupting families.

"Let's create a system, which is what I call fair and humane, that still holds people accountable," Guess said. "I'm hoping that this does (pass), or maybe it will spur a conversation about how to find that balance and lifting the cap."

By giving courts the power to hold both minors and their parents accountable, "the courts could take the minor's Permanent Fund dividend check," Guess said. "They could actually put some of the financial burden on the minor."

Also, requiring courts to make a payment schedule for families based on their incomes and assets is a more realistic way to get them to pay compensation, she said.

"If a minor is going to pay \$50 a month for the rest of their life, that's OK," Guess said. "I don't want to financially ruin families nor do I want to financially ruin minors."

Dyson hopes penalties for youths will help curb vandalism. He compared it to when someone gets a ticket for driving drunk: It makes their friends think twice about getting behind the wheel, he said.

"The kid's dividend is on the line, and the judge can decide the kid couldn't get any student loans, house loans, anything else until they satisfy this according to the judge's payment schedule," Dyson said. "The message will get around to other kids. You've got a friend who has his nose tied to the grindstone and is out making restitution, maybe that will be a learning opportunity for you."

Dyson said he thinks lawmakers may be more receptive to eliminating the liability cap this time.

"Just the accelerating number and severity of vandalism we're seeing, not only in schools but in neighborhoods, is really irritating people," Dyson said. "We've got to close the responsibility loop and let the people who do the damage pay the piper."

Anchorage Superintendent Carol Comeau said she is thrilled the legislation is being introduced. District administrators and School Board members have pushed to remove the cap, she said.

"Our emphasis is on holding the youth accountable, not bankrupting the parents," Comeau said. "I applaud these two legislators. It's a bipartisan effort which is very significant to me, and we'll be looking forward to working with them and testifying in support of it."

Daily News reporter Katie Pesznecker can be reached at kpesznecker@adn.com.

Caption:

Dyson

Guess

January 2005



W) 907-742-4322 (F) 907-742-4417
 Wiget_Larry@asdk12.org

TO: SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

FROM CAROL COMEAU, SUPERINTENDENT
 TIM STEELE, PRESIDENT, ANCHORAGE SCHOOL BOARD

Carol Comeau
Tim Steele

CONTACT: LARRY WIGET, DIRECTOR, GOVERNMENT RELATIONS

SUBJECT: SB 10: RELATING TO LIABILITY FOR DESTRUCTION OF
 PROPERTY BY UNEMANCIPATED MINORS

The Anchorage School District supports SB 10 (24-LS0115/I) and encourages the Legislature to lift the liability limit for damage done by under aged vandals. We believe that offenders should be held fully accountable for the damage done to our school and facilities; parents must also accept some responsibility for their children's acts.

Between December 2001 and August 2004 vandals did over \$841,000 in major damage to our schools and facilities (Attachment A). Of this amount, \$386,915 was incurred this past summer by juveniles who set fire to playgrounds and equipment in four of our elementary schools.

To date, from 2001 - 2005, we have recovered only \$1,700 in restitution. While the arson cases this past summer are still pending in court, current law restricts the ability of the court to impose full restitution in these cases; rather, the judge will assess how much a juvenile can pay in restitution while under the jurisdiction of the court. We feel this is intolerable and sends the wrong message to juveniles that they can get away from long-time consequences of crimes committed when they are under the age of 18, and that their records will be kept confidential. We believe that juveniles should have to sign a commitment to repay full restitution no matter how long it takes them to repay the cost of the vandalism. We believe this will reinforce the importance of parents knowing who their children are with when they are out of their parents' direct supervision.

Our community, the Anchorage Police Department, the Mayor, and our locally elected officials, as well as the Anchorage Daily News (Attachment B) support this statutory change. We must do something to stop this type of juvenile crime!

The Anchorage School Board and Administration urge the Legislature to lift the cap for damage done by under-aged vandals. We must hold the offenders and their parents fully accountable.

Increase Liability For Destruction of Property by Minors

Vandalism damages a school district's physical plant, has a negative impact on student learning, and demoralizes hard-working staff and students. Every dollar spent on repairing vandalism is a taxpayer dollar a school district cannot invest in textbooks, teachers or technology.

In 2003, the Alaska Legislature took the first step by increasing the amount school districts can recover from either parent, both parents, or the legal guardian of an un-emancipated minor under the age of 18 years, who, as a result of a knowing or intentional act, destroys real or personal property belonging to a school district from \$10,000 to \$15,000 for a parent without an insurance policy to \$25,000 for a parent with an insurance policy.

The Anchorage School Board urges the Alaska Legislature to allow a school district to recover, with appropriate judicial protections, the full amount of damages to school property from an un-emancipated minor and from either parent, both parents, or the legal guardian of the minor who, as a result of a knowing or intentional act, destroys real or personal property belonging to a school district. We believe that school districts will reasonably evaluate when to seek full recovery, and that the courts will remain able to weigh circumstances in which full recovery is inappropriate due to family or financial circumstances, but that an artificial ceiling is unfair to the taxpaying public.

-2005 ASD Legislative Priority

cc: Anchorage School Board
Mayor Mark Begich
Anchorage Assembly
Chief of Police Walt Monegan.

(Attachment B)

Anchorage Daily News Editorial

(Published: January 15, 2005)

Vandals' \$

No reason to limit liability

As the Legislature starts work, the Alaska Senate has been offered a good way to strike a quick note of bipartisanship. Republican Fred Dyson and Democrat Gretchen Guess combined forces on a bill that lets victims of juvenile vandalism recoup the full cost of damage from the perpetrators and their parents. Speedily passing the bill would help the Senate overcome last year's acrimony and get off to a constructive start.

Current law caps parents' liability for their children's vandalism at \$15,000. The Dyson-Guess bill would eliminate the cap and make the juvenile vandal potentially responsible for at least a portion of the repayment. To make sure a family isn't bankrupted, the courts can structure a repayment plan that considers financial circumstances. Part of the plan can include payments by the vandal after he or she turns 18.

Removing the cap on damages would drive home the message that a costly vandalism spree is not a joke that can be shrugged off as a youthful indiscretion. Anchorage has seen too many incidents where vandals have inflicted tens of thousands of dollars' worth of damage. Those vandals should face full financial responsibility for their crimes, even if they're underage at the time.

BOTTOM LINE: Lift the liability limit for damage done by under aged vandals.



ALASKA STATE LEGISLATURE
SENATOR GRETCHEN GUESS

Memorandum

Date: January 13, 2005

To: Senator Fred Dyson
Chair, Health, Education, and Social Services Committee

From: Senator Gretchen Guess

Re: Hearing Request for SB 10.

Please consider this memorandum a formal request for a hearing of Senate Bill 10, "*An act relating to liability for destruction of property by unemancipated minors; and providing for an effective date.*" This bill holds minors who vandalize and their parents financially accountable for the entire damage caused.

If you have any questions regarding SB 10, please feel free to contact me or my aide, Wayne Leighty, at x2435.

Thank you very much for your consideration.

24-LS0115C
Cook
3/31/05

CS FOR SENATE BILL NO. 10()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS GUESS AND DYSON, Ellis, Bunde

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to civil liability for acts of unemancipated minors; relating to court
2 revocation of a minor's privilege to drive; relating to restitution for acts of minors; and
3 amending Rule 60, Alaska Rules of Civil Procedure."

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

5 * Section 1. AS 04.16.050(c) is amended to read:

6 (c) A person is guilty of repeat minor consuming or in possession or control if
7 the person was placed on probation under (b) of this section or has been previously
8 convicted, and the person violates (a) of this section. Upon conviction in the district
9 court, the court shall

10 (1) impose a fine of \$1,000 and require at least 48 hours of community
11 work;

12 (2) revoke the person's driver's license for three months unless
13 AS 28.15.185(b)(2) applies;

14 (3) take possession of the person's driver's license; and

1 (4) suspend up to \$500 of the fine and place the person on probation
2 under (e) of this section.

3 * Sec. 2. AS 04.16.050(d) is amended to read:

4 (d) A person is guilty of habitual minor consuming or in possession or control
5 if the person was placed on probation under (c) of this section, or has been previously
6 convicted twice, and the person violates (a) of this section. Habitual minor consuming
7 or in possession or control is a class B misdemeanor. Upon conviction, the court may
8 impose an appropriate period of imprisonment and fine and place the person on
9 probation under (e) of this section and shall

10 (1) impose at least 96 hours of community work;

11 (2) revoke the person's driver's license for six months unless
12 AS 28.15.185(b)(2) applies;

13 (3) within five working days, notify the agency responsible for the
14 administration of motor vehicle laws of the revocation; and

15 (4) take possession of the person's driver's license.

16 * Sec. 3. AS 09.68 is amended by adding a new section to read:

17 **Sec. 09.68.112. Civil liability for acts of unemancipated minors.** (a) A
18 person may recover damages in a civil action and court costs from either parent or
19 both parents of a child, and from the child, who as a result of a knowing or intentional
20 act committed while the child is an unemancipated minor under 18 years of age, harms
21 the person or damages or destroys property belonging to the person. For purposes of
22 this subsection, the parent or parents are liable for damages only if the minor was in
23 the legal custody of the parent or parents when the act was committed. Recovery in
24 damages shall be apportioned by the court between the parents without regard to legal
25 custody but with due consideration for the actual care and custody of the minor
26 provided by the parents. The child is not liable, but the parent or parents are liable, for
27 that portion of damages that exceeds \$5,000, as adjusted under this subsection.
28 However, the total amount of parental liability for damages under this subsection may
29 not exceed \$15,000, as adjusted under this subsection. The child is liable for that
30 portion of the total damages that the parent or parents are not liable for under this
31 subsection. Monetary amounts in this subsection shall be adjusted according to and to

1 the extent of changes in the Consumer Price Index for all urban consumers for the
2 Anchorage metropolitan area compiled by the Bureau of Labor Statistics, United
3 States Department of Labor (the index). The index for January of 2005 is the
4 reference base index.

5 (b) The court shall set a payment schedule for each individual liable for
6 damages that is fair and takes into account each individual's ability to make payments.
7 The schedule must separately address payments the child may have to make after
8 reaching 18 years of age. The court may order an individual who is liable for damages
9 under this subsection to apply for one or more permanent fund dividends.

10 (c) If damages are awarded under (a) of this section, the court shall require the
11 child who caused the damages to provide a written report to the court regarding

12 (1) financial resources of the child that are available for payment of
13 damages;

14 (2) the amount and type of restitution the child has already made to the
15 claimants; and

16 (3) what, if anything, the child has learned from the civil justice
17 process.

18 (d) A court may modify the payment schedule set under (b) of this section if
19 the court determines that a change in the circumstances of a party to the original action
20 requires the modification. If a party to the original action opposes the modification of
21 the payment schedule and the modification is granted, the court shall enter on the
22 record its reasons for the modification.

23 (e) A parent is not liable under (a) of this section for the acts of a runaway or
24 missing minor that are committed after a parent of the minor has made a report to a
25 law enforcement agency, as authorized by AS 47.10.141(a), that the minor has run
26 away or is missing. In this subsection, "runaway or missing minor" means a minor
27 who a parent reasonably believes is absent from the minor's residence for the purpose
28 of evading a parent or who is otherwise missing from the minor's usual place of abode
29 without the consent of a parent.

30 (f) Subsection (a) of this section does not authorize the recovery of damages
31 from

1 (1) a legal guardian other than a parent;
2 (2) a person, other than the minor's parent, with temporary or
3 permanent legal custody of the minor at the time the minor committed the act for
4 which damages were awarded; or

5 (2) an adoptive parent of the minor as a hard-to-place child if, at the
6 time the minor committed the act for which damages were awarded, the adoptive
7 parent was receiving financial assistance from the state as a result of the adoption; in
8 this paragraph, "hard-to-place child" has the meaning given in AS 25.23.240.

9 (h) This section does not apply to the recovery of damages resulting when a
10 minor shoplifts merchandise. For purposes of this subsection, "shoplifts merchandise"
11 has the meaning given in AS 09.68.110(e).

12 * Sec. 4. AS 28.15.185(a) is amended to read:

13 (a) A person is subject to revocation, under (b) of this section, of the person's
14 driver's license or permit, privilege to drive, or privilege to obtain a license if the
15 person

16 (1) is at least 13 years of age but not yet 21 years of age and is
17 convicted of or is adjudicated a delinquent minor by a court for misconduct involving
18 a controlled substance under AS 11.71 or violation of a municipal ordinance with
19 substantially similar elements; or

20 (2) is at least 13 years of age but not yet 18 years of age and is
21 convicted of or is adjudicated a delinquent minor by a court for a misdemeanor,
22 felony, [AN OFFENSE INVOLVING THE ILLEGAL USE OR POSSESSION OF A
23 FIREARM THAT IS PUNISHABLE UNDER AS 11] or violation of a municipal
24 ordinance with elements that are substantially similar to those of a misdemeanor or
25 felony [ELEMENTS].

26 * Sec. 5. AS 28.15.185(b) is amended to read:

27 (b) The court shall impose the revocation for an offense described in (a) of this
28 section as follows:

29 (1) except as provided in AS 04.16.050(c) and (d), for a first
30 conviction or adjudication when the conviction or adjudication is for a
31 misdemeanor or violation of an ordinance with substantially similar elements, the

1 revocation may be for a period not to exceed 90 days;

2 (2) for a second or subsequent conviction or adjudication when the
3 second or subsequent conviction or adjudication is for a misdemeanor or
4 violation of an ordinance with substantially similar elements, the revocation may
5 be for a period not to exceed one year;

6 (3) for a first conviction or adjudication when the conviction or
7 adjudication is for a felony or violation of an ordinance with substantially similar
8 elements, the revocation may be for a period not to exceed 180 days;

9 (4) for a second or subsequent conviction or adjudication when the
10 second or subsequent conviction or adjudication is for a felony or violation of an
11 ordinance with substantially similar elements, the revocation may be for a period
12 not to exceed two years or until the person reaches 18 years of age, whichever is
13 longer.

14 * Sec. 6. AS 28.15.201(a) is amended to read:

15 (a) A court of competent jurisdiction revoking a person's driver's license,
16 privilege to drive, or privilege to obtain a license under AS 28.15.181(b) or
17 28.15.185(a) may, if the person is at least 16 years of age and for good cause,
18 impose limitations upon the driver's license of a person that will enable the person to
19 earn a livelihood without excessive risk or danger to the public. A limitation may not
20 be placed upon a driver's license until after a review has been made of the person's
21 driving record and other relevant information, and a limitation may not be imposed
22 when a statute specifically prohibits the limitation of a license for a violation of its
23 provisions.

24 * Sec. 7. AS 43.23.065(b) is amended to read:

25 (b) An exemption is not available under this section for permanent fund
26 dividends taken to satisfy

27 (1) child support obligations required by court order or decision of the
28 child support services agency under AS 25.27.140 - 25.27.220;

29 (2) court ordered restitution under AS 12.55.045 - 12.55.051,
30 12.55.100, or AS 47.12.120(b)(4);

31 (3) claims on defaulted education loans under AS 43.23.067;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

(4) court ordered fines;

(5) writs of execution under AS 09.35 of a judgment that is entered

(A) against a minor in a civil action to recover damages and court costs;

(B) under AS 09.68.112 [AS 34.50.020] against an individual for damages resulting from a knowing or intentional act [THE PARENT, PARENTS, OR LEGAL GUARDIAN] of an unemancipated minor;

(6) a debt owed by an eligible individual to an agency of the state, including the University of Alaska, unless the debt is contested and an appeal is pending, or the time limit for filing an appeal has not expired;

(7) a debt owed to a person for a program for the rehabilitation of perpetrators of domestic violence required under AS 12.55.101, AS 18.66.100(c)(15), AS 25.20.061(3), or AS 33.16.150(f)(2).

* Sec. 8. AS 47.12.060(b) is amended to read:

(b) When the department or the entity selected by it decides to make an informal adjustment of a matter under (a)(2) of this section, that informal adjustment

(1) must be made with the agreement or consent of the minor and the minor's parents or guardian to the terms and conditions of the adjustment;

(2) must give the minor's foster parent an opportunity to be heard before the informal adjustment is made;

(3) must include notice that informal action to adjust a matter is not successfully completed unless, among other factors that the department or the entity selected by it considers, [AS TO THE VICTIM OF THE ACT OF THE MINOR THAT IS THE BASIS OF THE DELINQUENCY ALLEGATION, THE MINOR PAYS RESTITUTION IN THE AMOUNT SET BY THE DEPARTMENT OR THE ENTITY SELECTED BY IT OR AGREES AS A TERM OR CONDITION SET BY THE DEPARTMENT OR THE ENTITY SELECTED BY IT TO PAY THE] restitution is paid as required under (c) - (g) of this section;

(4) for a violation of habitual minor consuming or in possession or control under AS 04.16.050(d) must include an agreement that the minor perform 96 hours of community work, provide that the minor's driver's license or permit, privilege

1 to drive, or privilege to obtain a license be revoked for six months unless
2 AS 28.15.185(b)(2) applies, and provide that the driver's license or permit, privilege
3 to drive, or privilege to obtain a license be revoked for an additional six months if the
4 informal adjustment is not successful because the minor has failed to perform
5 community work as ordered, or has failed to submit to evaluation or successfully
6 complete the education or treatment recommended; the department or an entity
7 selected by the department shall notify the agency responsible for issuing driver's
8 licenses of an informal adjustment under this paragraph or of an unsuccessful
9 adjustment described in this paragraph;

10 (5) of an offense described in AS 28.15.185(a) [AS 28.15.185(a)(1)]
11 must include an agreement that the minor's driver's license or permit, privilege to
12 drive, or privilege to obtain a license be revoked as provided in AS 28.15.185(b); the
13 department or an entity selected by the department shall notify the agency responsible
14 for issuing driver's licenses of an informal adjustment under this paragraph.

15 * Sec. 9. AS 47.12.060 is amended by adding new subsections to read:

16 (c) An informal action under this section must include restitution for damages
17 resulting from the act of the minor that is the basis of the delinquency allegation,
18 including restitution to the victim and to any person who is or will be providing
19 counseling, medical care, or shelter to the victim, unless the restitution is expressly
20 waived by the person entitled to receive it. When supported with credible evidence,
21 unless expressly waived, the restitution shall include compensation to a nonprofit
22 organization for the value of labor or goods provided by volunteers of the organization
23 if the labor or goods were necessary to alleviate or mitigate the effects of the minor's
24 act. In determining the amount of restitution, the department may not consider the
25 ability to pay of the minor or a parent of the minor. In determining the amount and
26 method of payment of restitution or compensation, the department shall take into
27 account the

28 (1) public policy that favors requiring compensation for damages and
29 injury that results from criminal acts;

30 (2) financial burden placed on the victim and those who provide
31 services to the victim and other persons injured by the criminal conduct of the minor;

1 (3) amount and type of restitution that has already been made for the
2 act that is the basis of the delinquency allegation.

3 (d) If the minor was in the legal custody of the minor's parent or parents when
4 the act of the minor that is the basis of the delinquency allegation was committed the
5 minor is not responsible, but the minor's parent or parents are responsible, for that
6 portion of the restitution that exceeds \$5,000, as adjusted under this subsection.
7 However, the total amount of parental responsibility for restitution under this
8 subsection may not exceed \$15,000, as adjusted under this subsection. The minor is
9 responsible for that portion of the total restitution that the parent or parents are not
10 responsible for under this subsection. Monetary amounts in this subsection shall be
11 adjusted according to and to the extent of changes in the Consumer Price Index for all
12 urban consumers for the Anchorage metropolitan area compiled by the Bureau of
13 Labor Statistics, United States Department of Labor (the index). The index for
14 January of 2005 is the reference base index.

15 (e) The department shall set a payment schedule for each individual
16 responsible for restitution that is fair and takes into account each individual's ability to
17 make payments. The schedule must separately address payments the minor may have
18 to make after reaching 18 years of age. The department may modify the payment
19 schedule if it determines that a change in the circumstances of an individual
20 responsible for the restitution requires the modification. The department may require
21 an individual who is responsible for restitution to agree to apply for one or more
22 permanent fund dividends.

23 (f) A parent is not responsible for restitution required as a result of the acts of
24 a runaway or missing minor that are committed after a parent of the minor has made a
25 report to a law enforcement agency, as authorized by AS 47.10.141(a), that the minor
26 has run away or is missing. In this subsection, "runaway or missing minor" means a
27 minor who a parent reasonably believes is absent from the minor's residence for the
28 purpose of evading a parent or who is otherwise missing from the minor's usual place
29 of abode without the consent of a parent.

30 (g) This section does not authorize the recovery of restitution payments from

31 (1) a legal guardian other than a parent;

1 (2) a person, other than the minor's parent, with temporary or
2 permanent legal custody of the minor when the minor committed the act that is the
3 basis of the delinquency allegation; or

4 (3) an adoptive parent of the minor as a hard-to-place child if, at the
5 time the minor committed the act that is the basis of the delinquency allegation, the
6 adoptive parent was receiving financial assistance from the state as a result of the
7 adoption; in this paragraph, "hard-to-place child" has the meaning given in
8 AS 25.23.240.

9 * Sec. 10. AS 47.12.120(b) is amended to read:

10 (b) If the minor is not subject to (j) of this section and the court finds that the
11 minor is delinquent, it shall

12 (1) order the minor committed to the department for a period of time
13 not to exceed two years or in any event extend past the day the minor becomes 19
14 years of age, except that the department may petition for and the court may grant in a
15 hearing (A) two-year extensions of commitment that do not extend beyond the minor's
16 19th birthday if the extension is in the best interests of the minor and the public; and
17 (B) an additional one-year period of supervision past age 19 if continued supervision
18 is in the best interests of the person and the person consents to it; the department shall
19 place the minor in the juvenile facility that the department considers appropriate and
20 that may include a juvenile correctional school, juvenile work camp, treatment facility,
21 detention home, or detention facility; the minor may be released from placement or
22 detention and placed on probation on order of the court and may also be released by
23 the department, in its discretion, under AS 47.12.260;

24 (2) order the minor placed on probation, to be supervised by the
25 department, and released to the minor's parents, guardian, or a suitable person; if the
26 court orders the minor placed on probation, it may specify the terms and conditions of
27 probation; the probation may be for a period of time not to exceed two years and in no
28 event to extend past the day the minor becomes 19 years of age, except that the
29 department may petition for and the court may grant in a hearing

30 (A) two-year extensions of supervision that do not extend
31 beyond the minor's 19th birthday if the extension is in the best interests of the

1 minor and the public; and

2 (B) an additional one-year period of supervision past age 19 if
3 the continued supervision is in the best interests of the person and the person
4 consents to it;

5 (3) order the minor committed to the custody of the department and
6 placed on probation, to be supervised by the department and released to the minor's
7 parents, guardian, other suitable person, or suitable nondetention setting such as with a
8 relative or in a foster home or residential child care facility, whichever the department
9 considers appropriate to implement the treatment plan of the predisposition report; if
10 the court orders the minor placed on probation, it may specify the terms and conditions
11 of probation; the department may transfer the minor, in the minor's best interests, from
12 one of the probationary placement settings listed in this paragraph to another, and the
13 minor, the minor's parents or guardian, the minor's foster parent, and the minor's
14 attorney are entitled to reasonable notice of the transfer; the probation may be for a
15 period of time not to exceed two years and in no event to extend past the day the
16 minor becomes 19 years of age, except that the department may petition for and the
17 court may grant in a hearing

18 (A) two-year extensions of commitment that do not extend
19 beyond the minor's 19th birthday if the extension is in the best interests of the
20 minor and the public; and

21 (B) an additional one-year period of supervision past age 19 if
22 the continued supervision is in the best interests of the person and the person
23 consents to it;

24 (4) order the minor and the minor's parent to make suitable restitution
25 as provided in (l) - (n) of this section in lieu of or in addition to the court's order
26 under (1), (2), or (3) of this subsection; under this paragraph,

27 (A) except as provided in (B) of this paragraph, the court may
28 not refuse to make an order of restitution to benefit the victim of the act of the
29 minor that is the basis of the delinquency adjudication; under this
30 subparagraph, the court may require the minor to use the services of a
31 community dispute resolution center that has been recognized by the

1 commissioner under AS 47.12.450(b) to resolve any dispute between the minor
2 and the victim of the minor's offense as to the amount of or manner of payment
3 of the restitution;

4 (B) the court may not order payment of restitution by

5 (i) the parent of a minor who is a runaway or missing
6 minor for an act of the minor that was committed by the minor after the
7 parent has made a report to a law enforcement agency, as authorized by
8 AS 47.10.141(a), that the minor has run away or is missing; for
9 purposes of this subparagraph, "runaway or missing minor" means a
10 minor who a parent reasonably believes is absent from the minor's
11 residence for the purpose of evading the parent or who is otherwise
12 missing from the minor's usual place of abode without the consent of
13 the parent;

14 (ii) a legal guardian other than a parent;

15 (iii) a person, other than the minor's parent, with
16 temporary or permanent legal custody of the minor when the
17 minor committed the offense; or

18 (iv) an adoptive parent of the minor as a hard-to-
19 place child if, at the time the minor committed the offense, the
20 adoptive parent was receiving financial assistance from the state as
21 a result of the adoption; in this paragraph, "hard-to-place child"
22 has the meaning given in AS 25.23.240; and

23 (C) at the request of the department, the Department of Law,
24 the victims' advocate, or on its own motion, the court shall, at any time, order
25 the minor and the minor's parent, if applicable, to submit financial information
26 on a form approved by the Alaska Court System to the court, the department,
27 and the Department of Law for the purpose of establishing the amount of
28 restitution or enforcing an order of restitution under AS 47.12.170; the form
29 must include a warning that submission of incomplete or inaccurate
30 information is punishable as unsworn falsification under AS 11.56.210;

31 (5) order the minor committed to the department for placement in an

1 adventure-based education program established under AS 47.21.020 with conditions
2 the court considers appropriate concerning release upon satisfactory completion of the
3 program or commitment under (1) of this subsection if the program is not satisfactorily
4 completed;

5 (6) in addition to an order under (1) - (5) of this subsection, order the
6 minor to perform community service; for purposes of this paragraph, "community
7 service" includes work

8 (A) on a project identified in AS 33.30.901; or

9 (B) that, on the recommendation of the city council or
10 traditional village council, would benefit persons within the city or village who
11 are elderly or disabled; or

12 (7) in addition to an order under (1) - (6) of this subsection, order the
13 minor's parent or guardian to comply with orders made under AS 47.12.155, including
14 participation in treatment under AS 47.12.155(u)(1).

15 * Sec. 11. AS 47.12.120(k) is amended to read:

16 (k) A court that adjudicates a delinquent minor for repeat minor consuming or
17 in possession or control under AS 04.16.050(c) or for habitual minor consuming or in
18 possession or control under AS 04.16.050(d) shall revoke the minor's driver's license
19 or permit, privilege to drive, or privilege to obtain a license as provided in
20 AS 04.16.050(c) or (d). A court that adjudicates a delinquent minor for another [AN]
21 offense [INVOLVING A CONTROLLED SUBSTANCE UNDER AS 11.71 OR
22 INVOLVING A FIREARM UNDER AS 11] shall revoke the minor's driver's license
23 or permit, privilege to drive, or privilege to obtain a license as provided in
24 AS 28.15.185.

25 * Sec. 12. AS 47.12.120 is amended by adding new subsections to read:

26 (l) A court that adjudicates a delinquent minor must include restitution for
27 damages resulting from the offense, including restitution to the victim and to any
28 person who is or will be providing counseling, medical care, or shelter to the victim,
29 unless the restitution is expressly waived by the person entitled to receive it. When
30 supported with credible evidence, unless expressly waived, the restitution shall include
31 compensation to a nonprofit organization for the value of labor or goods provided by

1 volunteers of the organization if the labor or goods were necessary to alleviate or
2 mitigate the effects of the minor's offense. In determining the amount of restitution,
3 the court shall take into account the

4 (1) public policy that favors requiring compensation for damages and
5 injury that results from criminal acts; and

6 (2) financial burden placed on the victim and those who provide
7 services to the victim and other persons injured by the criminal conduct of the minor;

8 (3) amount and type of restitution that has already been made for the
9 offense.

10 (m) If the minor was in the legal custody of the minor's parent or parents when
11 the offense was committed by the minor, the minor is not responsible, but the minor's
12 parent or parents are responsible, for that portion of the restitution that exceeds
13 \$5,000, as adjusted under this subsection. However, the total amount of parental
14 responsibility for restitution under this subsection may not exceed \$15,000, as adjusted
15 under this subsection. The minor is responsible for that portion of the total restitution
16 that the parent or parents are not responsible for under this subsection. Monetary
17 amounts in this subsection shall be adjusted according to and to the extent of changes
18 in the Consumer Price Index for all urban consumers for the Anchorage metropolitan
19 area compiled by the Bureau of Labor Statistics, United States Department of Labor
20 (the index). The index for January of 2005 is the reference base index.

21 (n) The court shall set a payment schedule for each individual responsible for
22 restitution that is fair and takes into account each individual's ability to make
23 payments. The schedule must separately address payments the minor may have to
24 make after reaching 18 years of age. The court may modify the payment schedule if it
25 determines that a change in the circumstances of an individual responsible for the
26 restitution requires the modification. The court may require an individual who is
27 responsible for restitution to agree to apply for one or more permanent fund dividends.

28 * Sec. 13. AS 47.12.300(e) is amended to read:

29 (e) The court's official records prepared under this chapter and not made
30 public under this section are confidential and may be inspected only with the court's
31 permission and only by persons having a legitimate interest in them. A foster parent is

1 considered to have a legitimate interest in those portions of the court's official records
2 relating to a child who is already placed with the foster parent or who is recommended
3 for placement with the foster parent. A person with a legitimate interest in the
4 inspection of a confidential record maintained by the court also includes a victim who
5 suffered physical injury or whose real or personal property was damaged as a result of
6 an offense that was the basis of an adjudication or modification of disposition. If the
7 victim knows the identity of the minor, identifies the minor or the offense to the court,
8 and certifies that the information is being sought to consider or support a civil action
9 against the minor or against the minor and the minor's parents [OR GUARDIAN]
10 under AS 09.68.112 [AS 34.50.020], the court shall, subject to AS 12.61.110 and
11 12.61.140, allow the victim to inspect and use the following records and information
12 in connection with the civil action:

13 (1) a petition filed under AS 47.12.040(a) seeking to have the court
14 declare the minor a delinquent;

15 (2) a petition filed under AS 47.12.120 seeking to have the court
16 modify or revoke the minor's probation;

17 (3) a petition filed under AS 47.12.100 requesting the court to find that
18 a minor is not amenable to treatment under this chapter and that results in closure of a
19 case under AS 47.12.100(a); and

20 (4) a court judgment or order entered under this chapter that disposes
21 of a petition identified in (1) - (3) of this subsection.

22 * Sec. 14. AS 34.50.020 is repealed.

23 * Sec. 15. The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

25 **INDIRECT COURT RULE AMENDMENT.** AS 09.68.112(d), as added by sec. 3 of
26 this Act, amends Rule 60, Alaska Rules of Civil Procedure, relating to modifications of
27 payment schedules set in actions involving liability for the knowing or intentional acts of
28 unemancipated minors.



ALASKA STATE LEGISLATURE
SENATOR GRETCHEN GUESS
SENATOR FRED DYSON

Sponsor Statement

CS Senate Bill 10:

"An Act relating to civil liability for acts of unemancipated minors; relating to court revocation of a minor's privilege to drive, relating to restitution for acts of minors; amending Rule 60, Alaska Rules of Civil Procedure; and providing for an effective date."

Senate Bill (SB) 10 started out to lift the cap on civil liability for minor's vandalism, holding children and their parents accountable for the damage caused by minors.

In examining the current system, however, we found the juvenile system contains three processes for holding minors and their parents accountable for restitution: informal probation, criminal adjudication, and civil litigation. Each process approaches the crime of vandalism, non-vandalism crimes, the accountability of minors, and the accountability of parents differently.

The intent of Committee Substitute (CS) for SB 10 is to establish a consistent set of policies for all three processes to ensure full restitution, to hold minors and their parents appropriately accountable, and to improve the collection of restitution.

The key provisions of CS SB 10, applied to informal probation, criminal adjudication, and civil litigation processes, are as follows.

- All crimes are included except for shoplifting.
- All processes must result in full restitution being paid to the victim.
- Minors are accountable for the first \$5,000 of damages. Parents are accountable for the next \$15,000, and the minor pays the remaining amount. These allocations increase with the rate of inflation.
- The processes must develop payment plans based on ability to pay.
- Legal guardians, parents of runaway or missing minors, and adoptive parents of a hard-to-place child are exempt from liability.
- PFDs may be garnished and the court can order applying for a PFD.

Additionally, CS SB 10 revokes a minor's driver's license for any criminal adjudication.

Thank you for your consideration.



ALASKA STATE LEGISLATURE
SENATOR GRETCHEN GUESS
SENATOR FRED DYSON

Sectional Analysis

CS Senate Bill 10:

"An Act relating to civil liability for acts of unemancipated minors; relating to court revocation of a minor's privilege to drive, relating to restitution for acts of minors; amending Rule 60, Alaska Rules of Civil Procedure; and providing for an effective date."

- Section 1:** Amends current statute on the revocation of a minor's driver's license for repeat minor consumption or possession of alcohol to reference the new language under section five of this bill.
- Section 2:** Amends current statute on the revocation of a minor's driver's license for habitual minor consumption or possession of alcohol to reference the new language under section five of this bill.
- Section 3:** Creates a new section on civil liability for the acts of unemancipated minors.
- For any knowing or intentional act by a minor that harms a person or damages or destroys property, the child is liable for the first \$5,000 of harm, parents are liable for the next \$15,000 of harm, and the child is liable for any amount remaining. These specified monetary amounts will be adjusted to account for inflation.
 - Parents are liable only if they have legal custody when the act was committed. This section exempts from liability legal guardians other than parents, persons other than parents with legal custody, parents of a runaway or missing minor, and adoptive parents of a hard-to-place children.
 - The court will set a payment schedule for each individual liable for damages according to their ability to make payments and may modify these payment schedules if financial circumstances change.
 - The court may order an individual who is liable for damages to apply for a Permanent Fund Dividend.
 - The child who caused the damages must provide a written report to the court regarding the financial resources of the child available for payment of damages, the amount and type of restitution the child has already made to the claimants, and what, if anything, the child has learned from the civil justice process.
 - This section does not apply to shoplifting, which is covered in AS 09.68.110.

Section 4: Amends current statute on the revocation of a minor's driver's license to include all misdemeanor and felony offenses rather than just offenses involving misconduct with a controlled substance and illegal use or possession of a firearm.

Section 5: Amends current statute on the revocation of a minor's driver's license with the following provisions. Except for the existing statutes on repeat and habitual minor consumption or possession of alcohol, the court will revoke a minor's license for up to 90 days for a first misdemeanor, up to one year for subsequent misdemeanors, up to 180 days for a first felony, and up to two years or age 18 (whichever is longer) for subsequent felonies.

Section 6: Amends current statute allowing court issuance of a provisional driver's license to enable a person to earn a livelihood to include the provisions under section five of this bill.

Section 7: Clarifies 100 percent of a parent's or minor's PFD can be taken to satisfy their required debt under this bill.

Section 8: Amends current statute on informal adjustments to reference the new subsection created in section nine of this bill and the driver's license provisions in sections five and six of this bill.

Section 9: Creates a new subsection on informal actions for the acts of unemancipated minors.

- Informal action must include restitution for damages resulting from the act of a minor.
- In determining the amount of restitution, the department may not consider the minor's or parent's ability to pay and must take into account the public policy that favors requiring compensation for damages and injury that results from criminal acts, the financial burden placed on the victim, and the amount and type of restitution that has already been made for the act.
- The child is liable for the first \$5,000 of harm, parents are liable for the next \$15,000 of harm, and the child is liable for any amount remaining. These specified monetary amounts will be adjusted to account for inflation.
- Parents are liable only if they have legal custody when the act was committed. This section exempts from liability legal guardians other than parents, persons other than parents with legal custody, parents of a runaway or missing minor, and adoptive parents of a hard-to-place children.
- The court will set a payment schedule for each individual liable for damages according to their ability to make payments and may modify these payment schedules if financial circumstances change.

- The court may order an individual who is liable for damages to apply for a Permanent Fund Dividend.

Section 10: Amends current statute on criminal adjudication of a minor to reference the new subsections created in section 12 of this bill. Exempts from liability legal guardians other than parents, persons other than parents with legal custody, and adoptive parents of a hard-to-place children.

Section 11: Amends current statute on criminal adjudication to include the driver's license provisions in section five and six of this bill.

Section 12: Creates a new subsection on criminal adjudication for the acts of unemancipated minors.

- Adjudication of a delinquent minor must include restitution for damages resulting from the act of a minor.
- In determining the amount of restitution, the department must take into account the public policy that favors requiring compensation for damages and injury that results from criminal acts, the financial burden placed on the victim, and the amount and type of restitution that has already been made for the act.
- The child is liable for the first \$5,000 of harm, parents are liable for the next \$15,000 of harm, and the child is liable for any amount remaining. These specified monetary amounts will be adjusted to account for inflation.
- Parents are liable only if they have legal custody when the act was committed.
- The court will set a payment schedule for each individual liable for damages according to their ability to make payments and may modify these payment schedules if financial circumstances change.
- The court may order an individual who is liable for damages to apply for a Permanent Fund Dividend.

Section 13: Amends current statute on the confidentiality of court records to include the new section on civil actions created in section three of this bill.

Section 14: Repeals current statute on civil actions for the vandalism of an unemancipated minor.

Section 15: The new subsection on civil actions created in section three of this bill amends Rule 60 of the Alaska Rules of Civil Procedure relating to modifications of payment schedules set in actions involving liability for the knowing or intentional acts of unemancipated minors.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB010-LAW-CDCO-4-14
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title "An Act relating to liability for destruction of RDU CRIMINAL
property by unemancipated minors..." Component Criminal Justice Litigation
 Sponsor Senators Guess and Dyson
 Requester Senate Health, Education and Social Svces 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 - Regulatory Cost Charge						
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 amends AS 34.50.020(a) (Liability for destruction of property by minors) allowing recovery of damages and court costs from the child jointly with the either or both of the child's parents. Current statutes do not impose liability on the child. An additional change would end parental liability imposed under the section when the child reaches 18 years of age, but would not also end the child's liability.

Passage of this legislation will not result in a fiscal impact on the Criminal Division. There may be impact on the Civil Division's Collections Unit that we are assessing and may submit a second fiscal note to address that impact.

Prepared by: Kathryn Daughhete, Director Phone 465-3673
 Division Administrative Services Division Date/Time 4/1/05 4:38 PM
 Approved by: Kathryn Daughhete for David Marquez, Attorney General Date 4/1/2005
 Agency Department of Law

Current Liability Framework

	Restitution Required		Parent Liability		Juvenile Liability	
	Vandalism	Other Crimes	Vandalism	Other Crimes	Vandalism	Other Crimes
Informal (AS 47.12.060)	By Department	By Department	None Required	None Required	All	All
Criminal (AS 47.12.120)	Suitable	Suitable	Jointly AS 47.12.120 (4)	Jointly AS 47.12.120 (4)	Jointly AS 47.12.120 (4)	Jointly AS 47.12.120 (4)
Civil (AS 09)	By Court, Limited (AS 34.50.020) (minor's crime)	By Court, Sometimes Limited (AS 09) (all perpetrators)	CAP \$15 / 25 k (AS 34.50.020) (minor's crime)	By Court, By Fault AS 09.17.080 (all perpetrators)	None	By Court, By Fault AS 09.17.080 (all perpetrators)

Policy with CSSB 10

The key provisions of CSSB 10, applied to informal probation, criminal adjudication, and civil litigation processes, are as follows.

- **All crimes** are included except for shoplifting.
- All processes must result in **full restitution** being paid to the victim.
- Minor is accountable for the first **\$5,000** of damages. Parents are accountable for the next **\$15,000**. Minor is accountable for the **remaining** amount, even after 18. These allocations increase with the rate of inflation.
- **Payment plans** must be developed and based on ability to pay.
- Legal guardians, parents of runaway or missing minors, and adoptive parents of a hard-to-place child are **exempt from liability**.
- Community service is an acceptable form of payment if the victim agrees.

Other Provisions of CSSB 10

- If convicted of a crime, the minor's **driver's license** will be revoked, with allowance for a provisional driver's license for employment.
- **PFDs** may be garnished.
- The court can order the minor and/or parents to apply for a PFD.



ALASKA STATE LEGISLATURE
SENATOR GRETCHEN GUESS

Memorandum

Date: 4/11/05

To: Senate HESS Committee

From: Senator Gretchen Guess

Re: Conceptual Amendment to CSSB 10

I propose a conceptual amendment to CSSB 10 to accomplish the following.

- Direct the drafter to make the restitution provisions of this bill (sections 3, 8, 9, 10, 12, 13, 14 and 15) apply only to property crimes and harm to property. Statutes regarding non-property crimes and harm to persons would remain unchanged by this bill.
- Retain application of the driver's license provisions of this bill (sections 1, 2, 4, 5, 6 and 11) to all crime as currently specified in the bill.
- Retain application the PFD provision of this bill in section 7 to all crime and harm to persons or property as currently specified in the bill.

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 1/11/05

FURTHER: Judiciary

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 4.11.05

Health, Education and Social Services Committee considered

SENATE BILL NO. 10

SB 10 PARENTAL LIABILITY FOR CHILD'S DAMAGE

"An Act relating to liability for destruction of property by unemancipated minors; and providing for an effective date."

and recommends:

- be replaced with _____ CS SB 10 (HES)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- Same Title
 New Title

House Bill:

- Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
LAW	4/1			X	
ACS	1/19			X	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Garry Miller</i>			X	
<i>Ken Hill</i>			✓	
<i>Paul Ryan</i>	✓			
<i>James Collier</i>	✓			
<i>Lynna Green</i>			✓	
CHAIR: <i>Paul Ryan</i>	✓			