

SB

65

<TARGET><BILL>SB 65</BILL><SUBJECT>SB
65</SUBJECT><COMM>SHSS29</COMM></TARGET>

29th Alaska State Legislature

Session:
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Senator Lesil McGuire

Sponsor Statement

SB 65 "Juvenile Delinquency Adjudications"

The U.S. Constitution provides that in all criminal prosecutions, the accused shall enjoy the right to a speedy trial. Currently in Alaska, adult criminal cases are required by the court to be adjudicated within 120 days. Senate Bill 65 establishes a similar speedy trial rule for juveniles.

SB 65 requires that an adjudication hearing be scheduled within 120 days of the petition for adjudication being filed with the court. Not only does this affirm a constitutional right that forms the bedrock of our criminal justice system, there are numerous other benefits: cost savings due to reduced length of detention, lower recidivism, better outcomes for victims, and most importantly, earlier intervention and accountability for juveniles.

SENATE BILL NO. 65

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY SENATOR MCGUIRE

Introduced: 3/2/15

Referred: Health and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to juvenile justice proceedings; and amending Rule 21, Alaska
2 Delinquency Rules of Procedure."

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

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

6 DIRECT COURT RULE AMENDMENT. Rule 21, Alaska Delinquency Rules
7 of Procedure, is amended by adding a new subsection to read:

8 (h) An adjudication hearing shall be scheduled not more than 120 days after
9 the date a petition for adjudication is filed with the court. Except when it is
10 inconsistent with these rules, the provisions of Rule 45, Alaska Rules of Criminal
11 Procedure, apply to delinquency proceedings.

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

14 **APPLICABILITY.** Section 1 of this Act applies only to proceedings related to

1 offenses committed on or after the effective date of this Act.

Alaska Federation of Natives
2014 Annual Convention
Resolution 14 - 38

TITLE: RESOLUTION SUPPORTING JUVENILE JUSTICE REFORM IN THE 2015 LEGISLATIVE SESSION

WHEREAS: The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska and its membership includes 151 federally-recognized tribes, 134 village corporations, 12 regional corporations, and 12 regional nonprofit and tribal consortiums that contract and compact to run federal and state programs; and

WHEREAS: The mission of AFN is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community; and

WHEREAS: Senate Bill 64 passed on July 16, 2014, established the Alaska Criminal Justice Commission, whose membership includes a member from the Alaska Native Justice Center, tasked with evaluating criminal justice practices; and

WHEREAS: There is also a recognized need to evaluate and reform the juvenile justice system, including the disproportionate number of Alaska Native Youth in the juvenile justice system; and

WHEREAS: It is important to ensure that victims, witnesses, parents, foster parents, guardians and juvenile offenders are treated with dignity, respect, courtesy, and cultural sensitivity throughout all legal proceedings and are assured fair legal proceedings during which constitutional and other legal rights are recognized and enforced; and

WHEREAS: Juveniles currently have no statutory right to a speedy trial or to a jury trial without notice restrictions, are shackled without cause in the courtroom, are held in solitary confinement for weeks and months when charged as adults, among other concerns; and

WHEREAS: The goals of improving the outcomes in the lives of Alaskan children in crisis, reducing juvenile recidivism, and improving public safety have not been fully realized.

NOW THEREFORE BE IT RESOLVED that the delegates of the 2014 Annual Convention of the Alaska Federation of Natives Convention express their support for juvenile justice reform and

BE IT FURTHER RESOLVED THAT AFN requests that state political leaders support and actively work to reform the Alaska Juvenile Justice System.

BE IT FURTHER RESOLVED that this resolution shall be the policy of AFN until it is withdrawn or modified by subsequent resolution.

SUBMITTED BY: ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS AND NATIVE VILLAGE OF KOTZEBUE
COMMITTEE ACTION: DO PASS
CONVENTION ACTION:

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version: SB 65
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB065-LAW-CRIM-04-10-15
Title: JUVENILE JUSTICE ADJUDICATIONS
Sponsor: MCGUIRE
Requester: Senate Health and Social Services

Department: Department of Law
Appropriation: Criminal Division
Allocation: Criminal Justice Litigation
OMB Component Number: 2202

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates				
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES	FY 2016	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial version; not applicable.

Prepared By: Valerie Rose, Budget Analyst	Phone: (907)465-3674
Division: Administrative Services Division	Date: 04/10/2015 08:32 AM
Approved By: Craig W. Richards, Attorney General	Date: 04/10/15
Agency: Department of Law	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

BILL NO. SB 65

Analysis

This legislation requires a juvenile delinquency adjudication hearing to be scheduled not more than 120 days after the petition for adjudication is filed with the court. It also specifies that Rule 45, Alaska Rules of Criminal Procedure apply to juvenile delinquency proceedings. Rule 45 establishes several rules surrounding the right to a speedy trial including priorities in scheduling cases and the granting of continuances.

The Department of Law does not anticipate a fiscal impact.

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version: SB 65
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB065-DOA-PDA-04-10-15
Title: JUVENILE JUSTICE ADJUDICATIONS
Sponsor: MCGUIRE
Requester: Senate Health and Human Services

Department: Department of Administration
Appropriation: Legal and Advocacy Services
Allocation: Public Defender Agency
OMB Component Number: 1631

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates				
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES	FY 2016	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: Quinlan Steiner, Public Defender
Division: Public Defender Agency
Approved By: Sheldon Fisher, Commissioner
Agency: Department of Administration

Phone: (907)334-4414
Date: 04/10/2015 01:00 PM
Date: 04/10/15

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

BILL NO. SB 65

Analysis

This bill amends the Court Rules to provide for timely resolution of juvenile adjudications.

The Public Defender does not anticipate a fiscal impact from this legislation. The agency, therefore, submits a zero fiscal note.

Alaska Dispatch News

Published on *Alaska Dispatch News* (<http://www.adn.com>)

[Home](#) > Readers write: Letters to the editor, April 11, 2015

Speedy trials for juveniles improves outcomes for everyone involved

What is Senate Bill 65 and why is a juvenile's right to a speedy trial important?

SB 65, granting juveniles the same right to a speedy trial as adults, has been introduced to address the need to hold juvenile offenders accountable in a more timely fashion. In doing so, victims are likely to be made whole within a reasonable amount of time. In addition, offending juveniles will be less likely to recidivate both during the course of the legal proceedings and while on probation if their cases were resolved in a timely manner. This will pay dividends to the community as a whole by enhancing public safety and reducing costs to the state treasury.

How would a juvenile's right to a speedy trial enhance the mission of the Division of Juvenile Justice and improve outcomes for victims?

Every Alaskan can go to the Division of Juvenile Justice's official state website and the first page informs our citizens of its mission: "Accountability, Community Protection and Competency Development." This evidence-based model is commonly known as "restorative justice." The "right" to a speedy trial is not just a right extended to a juvenile, but it addresses the rights of victims to have juvenile offenders be held accountable in a timely manner and to receive restitution in a timely manner. In addition, juvenile delinquency legal proceedings will move more efficiently in the court system and save the state treasury costs.

In conclusion, it is DJJ's mission and duty to hold juvenile offenders accountable in a timely manner in order to address the needs of victims, restoring juvenile competency, reducing recidivism and enhancing public safety. These goals can be diminished and compromised in part because without SB 65 there is no juvenile right to a speedy trial.

— *Chris Provost, Provost Law Office*
Anchorage

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It's About Time, Victims & Families Deserve Better” by Chris Provost

What is Senate Bill 65 and why is a juvenile’s right to a speedy trial important?

Senate Bill 65, granting juveniles the same right to a speedy trial as adults, has been introduced to address the need to hold juvenile offenders accountable in a more timely fashion. In doing so, victims are likely to be made whole within a reasonable amount of time. In addition, offending juveniles will be less likely to recidivate both during the course of the legal proceedings and while on probation if their cases were resolved in a timely manner. This will pay dividends to the community as a whole by enhancing public safety and reducing costs to the state treasury.

How would a juvenile’s right to a speedy trial enhance the mission of the Division of Juvenile Justice and Improve Outcomes for Victims?

Every Alaskan can go to the Division of Juvenile Justice’s official state webpage and the first page informs our citizens of its mission: “Accountability, Community Protection and Competency Development”. This evidence based model is commonly known as “restorative justice”. The “right” to a speedy trial is not just a right extended to a juvenile, but it addresses the rights of victims to have juvenile offenders be held accountable in a timely manner and to receive restitution in a timely manner.

Juvenile Delinquency Legal Proceedings will move more efficiently in the court system and save the state treasury costs.

In conclusion, DJJ’s mission and duty to hold juvenile offenders accountable in a timely manner in order to address the needs of victims and restoring juvenile competency, reducing recidivism and enhancing public safety is diminished and compromised in part because there is no right to a speedy trial.

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Senator Lesil McGuire

To: Senator Bert Stedman, Chairman
Senate Health & Social Services Committee

Cc: Melissa Kookesh, Aide
Senate Health & Social Services Committee

From: Senator Lesil McGuire

Date: March 5, 2015

Re: Hearing request for SB 65 "Juvenile Delinquency Adjudications"

Please schedule Senate Bill 65, relating to Juvenile Justice Adjudications, at your earliest convenience.

Attached to this Memo please find:

- SB 65, the original bill, Version W
- Sponsor Statement
- Request for teleconferencing

The contact for SB 65 is Trevor Gutierrez, 465-8219