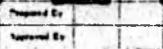


46

HJ : FILE NO. 6

0012



To enable the Court System to hold Superior Court trials in every election district, it is essential that a plan for a building of 5,800 square feet be provided with a construction schedule as follows:

Judicial District	Location	Elect Dist	Population 1970	% Native Population	Form of Government	Judge Superior District (Metropolitan)	City or Village Police	AST of St. Pol. V. No. Police	Transportation Rds/Water	Airport By Type	Electric Power	School By Type & Grades	Military	Library	Community Centers
FY 72/73 W.H.W.															
3	Colo Bay	14 (3)	256	15	NO FORMAL	M	CITY	NONE	DOCK	450, F, ACI	GEN	STR 1-8	USAF	NONE	NONE
3	Dillingham	15 (12)	914	64	2 ND CLASS	M	CITY	1ST	DOCK/LOCAL	650, F, ACI	"	STR K-12	NG	CITY	"
4	Tanner	18 (15)	120	17	1 ST CLASS	M	NONE	1ST	DOCK	600, F, ACI	GEN	STR 1-12	NONE	"	"
3	St Marys	24 (19)	389	91	2 ND CLASS	M	NONE	5 TH P	DOCK	650, F, ACI, 2	AVL/DC	STR K-12	NONE	NONE	R/W
FY 73/74															
3	Valdez	8 (6)	1005	15	Home Rule	M	CITY	1ST	DOCK	600, F, ACI	CITY	CITY K-12	NONE	CITY	K/T, APW
3	Homer	12 (10)	1083	5	1 ST CLASS	M	CITY	1ST	DOCK	600, F, ACI	CITY (GR)	K-12	NG	CITY	J
3	Haines	6 (5)	463	24	1 ST CLASS	M	CITY	1ST	DOCK	600, F, ACI	CITY	H.B. K-12	USA	NONE	"
3	St. George	17 (15)	299	39	1 ST CLASS	M	NONE	NONE	DOCK	600, F, ACI	GEN	STR 1-12	USAF	NONE	"
3	Beaufort	8 (6)	363	11	NO FORMAL	M	NONE	1ST 5	DOCK	600, F, ACI	GEN	STR K-12	NONE	NONE	R/T
4	Delta Junction	19 (6)	703	1	4 TH CLASS	M	?	1ST	DOCK	600, F, ACI	GEN	CITY K-12	USA	NONE	"
FY 74/75															
1	Yakutat	6 (3)	190	82	2 ND CLASS	M	CITY	NONE	DOCK	600, F, ACI	CITY	CITY K-12	NONE	"	"
3	Cordova	7 (6)	1164	16	Home Rule	M	CITY	1ST	DOCK	600, F, ACI	CITY	CITY K-12	NONE	"	"
3	Old Harbor	13 (1)	290	93	4 TH CLASS	Prop M	CITY	NONE	DOCK	600, F, ACI	MISC/DF	K-12	NONE	"	"
1	Petersburg	5 (2)	2042	15	Home Rule	M	CITY	1ST	DOCK	600, F, ACI	CITY	CITY K-12	NONE	NONE	R/T
4	Tok	19 (16)	214	12	NO FORMAL	M	NONE	1ST	DOCK	600, F, ACI	PR	STR K-12	NONE	NONE	"

** Fish & Game Protection Officer
 5 = proposed 5th Judicial District
 (2) (4) = present Judicial District
 3 = possible proposed extension of 3rd Judicial District

The Alaska Court System in conjunction with the State Police and Village Police

Programs for up-grading services and minor bush facilities propose the following 3-year Program for new facilities of approximately 3,784 sq ft per building.

FY 72/73

Judicial District	LOCATION	Exact Dist W.H. Was	POPULATION 1970	% NATIVE Population	Form of Government	JUDICIAL DISTRICT MINISTERS	City or Village Police	St. Troop/ St Pt Village Police	TRANSPORTATION Rts Int'l	AIRPORT By Type	ELECTRIC POWER	SCHOOL Type & GRADES	MILITARY	LIBRARY/ JAIL	COMMUN CATIONS	
1	1	ARIADON	4 (3)	400	94	4th CLASS	REG M	City	NONE	200 AC 200 AC 200 AC 200 AC	AVEC/DG	STR K-8	NONE	NONE	R/T	
2	1	ERRIS	1	272	56	2nd "	M	City	FST	WTA-DGCE LCL ROL	5100 F AC	City	City K-12	NONE	NONE	R/T
3	1	PELLAN	6 (5)	133	20	2nd "	AUTH M	City	NONE	DOCK LCL ROL	5100 F AC	City	City K-12	NONE	NONE	R/T
4	1	SKAGWAY	6 (5)	694	61	PT "	M	City	NONE	FERRY/AC	H33, F, AC	City DG	City K-12	"	"	R/T
5	2	BUCKLAND	22 (17)	104	97	4th CLASS	M	Village	NONE	LCL ROL	620 AC 20	LCL GEN	STR 1-8	NONE	NONE	R/T
6	2	GAMBELL	23 (16)	372	96	4th "	M	NONE	SPVP	DOCK	H45, AC 20	AVEC/DG	BIA K-8	NG	"	R
7	2	POINT HOPE	22 (18)	324	99	4th "	M	Village	NONE	DOCK	6416 F AC	"	STR 1-6	NONE	"	R
8	3	TOLLER	23 (17)	220	89	4th "	M	NONE	SPVP	DOCK	610 AC 3	LCL GEN	STR 1-8	"	"	R
9	2	UNALAKLEET	23 (17)	434	92	IRA	M	"	"	NONE	H62, F, AC	"	BIA K-12	USAF	"	R
10	2	WAINWRIGHT	21 (17)	315	97	4th CLASS	M	Village	NONE	"	D44, AC 3	"	" K-8	NONE	"	R
11	3	GIRDWOOD	10 (8)	120	20	2nd CLASS	PROP M	NONE	NONE	SAMBAID H LCL ROL	620	PR1	STR	NONE	NONE	R/T
12	3	NAKIEK	15 (13)	178	21	2nd "	M	"	FST	DOCK	H45, AC 20	City	BIA K-12	USAF	"	R/T
13	3	PORT HELEN (PROPOSED)	13 (4)	207	81	4th "	PROP M	City	NONE	DOCK	624 AC 6	KIWA	KIB-K-8	NONE	City, LB	R/T
14	3	UNALASKA	14 (6)	178	69	PT "	M	City	"	DOCK	546, AC 2	City DG	City K-12	"	NONE	R/T
15	4	EAGLE	20 (10)	56	11	1st CLASS	PROP M	NONE	NONE	Summerville 170k	630 AC 20	PR1 GEN	STR 1-8	NONE	NONE	R/T
16	4	FORT YUKON	17 (16)	448	84	4th "	M	City	"	LCL ROL	650 F AC	City	STR K-12	USAF	"	R/T
17	4	SALINA	18 (15)	320	88	TRADL	M	NONE	FST	DOCK	H44, F, AC	PR1 GEN	STR 1-8	USAF	"	R/T
18	4	NEENAH	18 (15)	362	39	1st CLASS	M	Village	"	H44-100 DOCK	636 F AC	City GEN	City K-12	NONE	"	R/T
19	5 (4) 3	FINIAK	17 (15)	205	12	TRADL	M	Village	NONE	NONE	650 F AC	AVEC/DG	STR	USAF	NONE	R/T
20	5 (2) 3	COMMONAK	24 (19)	139	96	4th CL	M	NONE	SPVP	"	DASH, AC 3	"	BIA K-8	NG	"	R
21	5 (2) 3	HOOPER BAY	24 (17)	490	97	4th "	M	Village	NONE	"	H40 AC 3	"	" K-8	NA	"	R
22	5 (2) 3	MT. VILLAGE	24 (17)	417	94	4 "	M	NONE	SPVP	DOCK	621 AC 3	"	TRAC BIA K-8	NONE	"	R
23	5 (2) 3	PIKORAIUK (N3)	16 (14)	249	94	4 "	M	Village	NONE	DOCK	630 AC 20	"	DB BIA K-8	"	"	R
24	5 (4) 3	QUINNAGAN	16 (14)	310	98	IRA Village	PROP M	"	"	NONE	620 AC	"	BIA K-8	"	"	R
25	5 (2) 3	TUNUNAK	16 (14)	294	99	UNITED 4th	M	NONE	SPVP	LCL ROL	624 AC 1	"	BIA K-8	"	"	R

* 5 = proposed 5th Judicial District
 () = present Judicial District
 3 = possible proposed extension of 3rd Judicial District

The Alaska Court System in conjunction with the State Police and Village Police

Programs for upgrading services and minor bush facilities propose the following 3-year program for new facilities of approximately 3,784 sq ft per building.

FY 73/74

Judicial District	LOCATION	Elect Dist	Dist	Population 1970	% Native Population	Form of Government	Judicial District	City or Village	ST Trans/ST PNO	TRANSPORTATION Rds/WRA	AIRPORT By Type	ELECTRIC Power	SCHOOL By Type	MILITARY	LIBRARY/JAIL	COMMUNITY
1 1	Hoonah	6 (5)		948	92	1st Class	M	City	AST	FERRY LCL RDS	F ACB 628, 550	City	City, K-12	USNA	LIB	R/I
2 1	Kake	3 (2)		448	91	1st "	M	City	NONE	LCL RDS	550 F	City	City, K-12	USNA	NONE	R/I
3 2	SAN	()		174	97	4th Class	TBP-M	Village	NONE	NONE	DIB ACS	AVEC/DG	BIA K-8	NG	LIB	R
4 2	Kiana	22 (19)		278	97	4th "	M	NONE	SPUR	DOCK	640 F ACS	"	BIA K-8	NONE	NONE	R
5 2	Noatak	22 (19)		283	98	IRA Village	TBP-M	Village	NONE	BARRE	624 AC2	"	STR 1-8	"	"	R
6 2	Norvik	22 (19)		462	97	4th Class	M	"	"	DOCK	618 ACS	"	STR 1-8	"	"	R
9 2	Sitka	23 (18)		364	97	4th "	PROP M	NONE	SPUR	NONE	640 AC2	"	BIA K-8	"	"	R
8 2	Seward	22 (17)		429	98	4th "	M	"	"	DOCK	DIB ACS	"	STR 1-8	"	"	R
9 2	Walrus	23 (18)		131	92	4th "	M	Village	NONE	"	DIB, ACS	LCL GEN	" 1-8	"	"	R
10 3	Manokotak	15 (13)		214	96	4th Class	TBP-M	Village	NONE	NONE	626	AVEC/DG	STR 1-8	NONE	NONE	R
11 3	Sand Point	14 (12)		360	74	4th "	M	NONE	AST	LCL RDS	630 F, 124	LCL GEN	STR 1-8	"	LIB	R/I
12 3	St Paul Island	14 (12)		450	95	1st "	M	City	AST	DOCK	652 F	CITY	STR K-8	"	JAIL	R
13 3	Seldovia	12 (10)		437	32	1st "	PROP M	City	NONE	LCL RDS	620 F	PRICOP	KPB 8-12	"	"	R/I
14 3	Talkeetna	9 (7)		188	5	No formal	TBP-M	NONE	"	LCL RDS	640 F	" GEN	MSB 1-12	"	NONE	R/I
15 3	Togiak	15 (13)		383	98	4th Class	TBP-M	Village	"	NONE	630 ACS	AVEC/DG	STR 1-8	"	"	R/I
16 3	Whittier	10 (9)		130	4	"	PROP M	City	"	LCL RDS	NONE	City	STR 1-8	"	"	R/I
17 4	Arctic Village	21 (16)		85	97	TENDL	TBP-M	NONE	NONE	NONE	6-45 ACS	PRIGEN	STR K-7	NG	NONE	R/I
18 4	Bettles	18 (15)		100	75	Unknown	AUTH M	NONE	"	LCL RDS	550 AC	PRIGEN	STR 1-8	NONE	"	R/I
19 4	Cantwell	18 (15)		62	69	PROZ	M	"	AST-2	NONE	626 F	LCL GEN	STR	"	"	R/I
20 4	Nulato	18 (15)		308	97	4th Class	PROP M	"	NONE	DOCK	624 F, ACS	AVEC/DG	STR 1-10	"	"	R/I
21 4	Ruby	18 (15)		145	92	TENDL	TBP-M	"	"	BARRE	626 ACS	PRIGEN	STR 1-8	"	"	R/I
22 5 (2)	Chevak	24 (19)		387	97	4th Class	TBP-M	Village	NONE	DOCK	DIB, ACS	AVEC/DG	BIA K-8	NG	NONE	R
23 5 (2)	Holy Cross	16 (14)		199	97	"	"	"	"	"	622 F, ACS	"	STR 1-8	NONE	NONE	R/I
24 5 (2)	Nunapitchuk	19 (14)		200	95	"	"	"	"	NONE	620 AC	LCL GEN	BIA K-8	"	"	R
25 5 (2)	Tulksak	16 (14)		195	99	"	"	"	"	"	D25 AC2	"	" K-8	"	"	R

- * 5 = proposed 5th Judicial District
- (1) = present Judicial District
- 3 = possible proposed extension of 3rd Judicial District
- ** TBP-M = to be proposed Magistrate post

The Alaska Court System in conjunction with the State Police and Village Police Programs for upgrading services and minor bush facilities propose the following 3-year program for new facilities of approximately 3,784 sq ft per building.

FY 74/75

Judicial District	Location	Elector Dist	Population 1970	% Native Population	Form of Government	Superior District Magistrate	City or Village	St. Trooper/Police	Transportation	Airport	Electric Power	School By Type	Military	Library	Comments
		Will Was										GRADES			
1 2	AMBLER	22(17)	169	94	TRADL	TBP-M	Village	NONE	BARGE	017 AC2	LCL GEN	STR 1-8	NONE	NONE	R
2 2	DEERING	23(17)	85	98	4th class	" "	"	"	"	523 AC2	PRI "	STR 1-8	NG	"	R
3 2	SHUNG-NAK	23(18)	165	99	" "	" "	"	"	BARGE	614 AC2	AVEC/DE	" 1-8	NONE	"	R/T
4 2	KIVALINA	22(17)	188	97	4th class	TBP-M	NONE	NONE	BARGE	020 AC2	AVEC/DE	STR 1-8	NONE	NONE	R
5 2	KAYUK	23(18)	127	100	" "	" "	"	SPUP	NONE	620 AC2	" "	" 1-8	"	"	R
6 2	ST MICHAEL	23(18)	809	92	" "	" "	Village	NONE	DOCK	DOOF AC3	" "	BIAK-8	"	"	R
7 2	SHAKTOOLIK	23(18)	151	95	" "	" "	"	"	NONE	627 AC2	" "	" K-8	"	"	R
8 3	EGEBIK	15(13)	148	50	TRADL	TBP-M	NONE	NONE	DOCK	619 AC3	PRI GEN	STR 1-8	NONE	NONE	R
9 3	KOLIGANEK	15(13)	142	94	" "	" "	"	"	BARGE	622 AC5	" "	" "	"	"	R
10 3	LARSEN BAY (K1)	13(11)	109	82	" "	" "	"	"	DOCK	510 AC3	" "	K1B K-8	"	"	R
11 3	TYOUEK	12(16)	232	95	IRA Village	" "	"	"	LCL &	635 AC	" "	KPB K-8	"	"	R/T
12 4	ALLAKAK ETIC (ALATNA) (K2)		194	97	TRADL	TBP-M	NONE	NONE	NONE	630 AC3	PRI GEN	STR 1-8	NONE	NONE	R/T
13 4	BEAVER	20(16)	101	86	" "	" "	"	"	BARGE	637 AC1	" "	BIAK-8	NONE	"	R
14 4	BARTER ISLAND (LAKTOUK)	16(10)	123	88	" "	" "	"	"	"	648 AC2	" "	" K-8	USAF/118	"	R/T
15 4	STEVENS VILLAGE	21(16)	94	97	IRA Village	" "	"	"	"	622 AC3	" "	STR 1-8	NONE	"	R
16 5(4)3	AKIAK	16(14)	171	99	4th class	TBP-M	Village	NONE	NONE	622 AC	PRI GEN	BIA K-8	NG	NONE	R
17 5(4)3	AKIASHAK	16(14)	312	96	IRA Vil.	" "	"	"	"	619 AC	" "	" K-8	NONE	"	R
18 5(4)3	ALAKANUK	24(19)	265	93	4th cl.	" "	"	"	"	615 AC3	" "	BIA K-8	NG	"	R
19 5(4)3	EBK	16(14)	186	90	" "	" "	NONE	SPUP	DOCK	550 AC2	AVEC/DE	BIA K-8	NONE	"	R
20 5(4)3	NAPAKIAK	16(14)	270	98	" "	" "	"	"	NONE	510 AC5	PR GEN	" "	"	"	R
21 5(4)3	KIPNUK	16(14)	325	98	TRADL	" "	"	"	DOCK	530 AC2	" "	" "	"	"	R
22 5(4)3	KWOTHUK	16(14)	408	96	IRA Vil	" "	Village	NONE	BARGE	618 AC2	LCL GEN	" K-8	NG	"	R
23 5(4)3	TOOKSOOK BAY	16(14)	259	95	TRADL	" "	VILLAGE	NONE	NONE	620 AC2	AVEC/DE	" K-8	NONE	"	R

- 5 = proposed 5th Judicial District
- (1) = present Judicial District
- 3 = possible proposed extension of 3rd Judicial District

** TBP-M = to be proposed Magistrate Post

MAJOR COURT FACILITIES

PRESENT SPACE AND PRESENT DEFICIENCIES

FY 1972/73

Bethel:

Located in the Fourth Judicial District - court presided over by District Court Judge, Nora Guinn.

Current Space - ASHA - The court has 1,654 sq. ft. of space in the Bethel State Building shared with other state agencies.

Deficiencies of present space:

1. Courtroom too small - inadequate jury area;
2. No space for a judge's office or secretarial or in-court deputy work area;
3. No private room for conference purposes;
4. No vault or storage areas;
5. Inadequate clerical work area and the general public must wait in the open hall;
6. Unsatisfactory reference library both as to content and space provision;
7. No jury or witness assembly areas;
8. No provision for a reading section;
9. No space provided for ancillary court agencies.

Barrow:

Located in the Second Judicial District - court presided over by full-time Magistrate, Sadie Neakok.

Current Space - Up until January 25, 1972 Magistrate Neakok held court and operated from her home. As of January 25 we have rented 324 sq. ft. of office space in the post office building.

Projected Space Programs - The Court System joined in the planning for an ASHA combined state facility. Funds were appropriated for construction last year. All development was held in abeyance subject to possible inclusion of state agencies along with the City of Barrow in a federally funded airport facility, the Barrow Terminal Corporation.

MAJOR COURT FACILITIES

PRESENT SPACE AND PRESENT DEFICIENCIES

FY 1972/73

Deficiencies of present space:

1. No courtroom or jury space;
2. Inadequate court facilities for clerical work area and no space for recording functions;
3. Unsatisfactory reference library both as to content and space provision;
4. No space for ancillary court agencies.

Kotzebue:

Located in the Second Judicial District - court presided over by Magistrate, Fletcher Gregg.

Current Space - Court is presently being held at the magistrate's home. By March 15, 1972 we will have two small offices comprising 360 sq. ft. total, located in the police building, for Magistrate Gregg.

Projected Space Program - The Court System joined in the planning for an ASHA combined state facility. Funds were appropriated by the legislature last year. However, this space is not adequate under present and future court needs.

Deficiencies of present space:

1. No courtroom or jury space;
2. Inadequate court facilities for clerical work area and no space for recording functions;
3. Unsatisfactory reference library both as to content and space provision;
4. No space for ancillary court agencies.

Sitka:

Located in the First Judicial District. Court System judicial officers:

MAJOR COURT FACILITIES

PRESENT SPACE AND PRESENT DEFICIENCIES

FY 1972/73

1. Superior Court Judge, Victor Carlson;
2. District Court Judge, Roger DuBrock;
3. Magistrate, Ernest W. Hillman.

Current Space - Court facilities are comprised of 4,686 sq. ft. leased from C & R Builders, other state agencies have space in this building.

Deficiencies of present space:

1. No superior courtroom or jury space;
2. Inadequate space for superior court support staff and all related court functions;
3. No vault or storage areas;
4. District court has insufficient space for the recording section;
5. Unsatisfactory reference library;
6. Need improved jury and witness assembly areas;
7. More space is required for ancillary court agencies;
8. Additional rest rooms and mechanical facilities are desperately needed;
9. Present parking space unsatisfactory.

MAJOR COURT FACILITIES

PRESENT SPACE AND PRESENT DEFICIENCIES

FY 1973/74

Kenai:

Located in the Third Judicial District. Court System judicial officers:

1. Superior Court Judge, James Hansen;
2. Magistrate, Jess Nicholas, Jr.

Current Space - Court facilities are comprised of 3,310 sq. ft. leased from Reliable Builders.

Deficiencies of present space:

1. Additional courtroom (hearing room) and jury space required;
2. Inadequate space for superior court support staff and related court functions;
3. No vault or storage areas;
4. Magistrate court has insufficient clerical working area as well as a need for recording space;
5. Need additional jury and witness assembly areas;
6. Require a prisoner holding facility;
7. Unsatisfactory reference library both as to content and space;
8. More space required for ancillary court agencies;
9. Additional parking space required.

Palmer:

Located in the Third Judicial District. Court presided over by Magistrate, Dorothy B. Saxton.

Current Space - Court facilities are comprised of 900 sq. ft. leased from the American Legion in Palmer.

Deficiencies of present space:

1. Additional courtroom and jury space is required;
2. Inadequate vault and storage areas;
3. Magistrate court has insufficient clerical working area as well as a need for recording space.

MAJOR COURT FACILITIES

PRESENT SPACE AND PRESENT DEFICIENCIES

FY 1973/74

4. Need jury and witness assembly areas;
5. No prisoner holding facility;
6. Unsatisfactory reference library both as to content and space;
7. No space for ancillary court agencies;
8. Parking space required.

Seward:

Located in the Third Judicial District. Court presided over by Magistrate, Genevieve Schaefermeyer.

Current Space - Court facilities are comprised of 833 sq. ft. of space in the Seward State Court Building and City Hall. Other state agencies have 5,139 sq. ft. of space.

Deficiencies of present space:

1. Additional courtroom and jury space is required;
2. Inadequate vault and storage areas;
3. Magistrate court has insufficient clerical working area as well as a need for recording space;
4. Need jury and witness assembly areas;
5. No prisoner holding facility;
6. Unsatisfactory reference library both as to content and space;
7. No space for ancillary court agencies;
8. Parking space required.

Wrangell:

Located in the First Judicial District. Court System judicial officers:

1. District Court Judge, Harris Bullerwell;
2. Magistrate, Joel Wing.

MAJOR COURT FACILITIES

PRESENT SPACE AND PRESENT DEFICIENCIES

FY 1973/74

Current Space - Court facilities are comprised of 511 sq. ft. of space leased from GSA. This space is located in the Post Office Building in Wrangell.

Deficiencies of present space:

1. Inadequate space for superior courtroom use and has no jury facilities;
2. Inadequate vault and storage areas;
3. Magistrate court has insufficient clerical working area as well as a need for recording space;
4. Need jury and witness assembly areas;
5. No prisoner holding facility;
6. Unsatisfactory reference library both as to content and space;
7. No space for ancillary court agencies;
8. Parking space required.

BUSH FACILITIES PROPOSAL

12,000 sq. ft. buildings, each providing for Superior, District, and Magistrate Courts. Estimated cost per building by location and year.

FY 72/73

Bethel: Anchorage cost $62.98 + 20\% + 6\% + 6\% = \84.92 sq. ft.*
2 floors $12,000 \times 84.92 = \$ 1,019,040$
foundation $6,000 \times 42.46 = \underline{254,760}$
Total $\$ 1,273,800$

Barrow: Anchorage cost $62.98 + 50\% + 6\% + 6\% = \106.15 sq. ft.*
2 floors $12,000 \times 106.15 = \$ 1,273,800$
foundation $6,000 \times 53.08 = \underline{318,480}$
Total $\$ 1,592,280$

Kotzebue: Anchorage cost $62.98 + 30\% + 6\% + 6\% = \92.09 sq. ft.*
2 floors $12,000 \times 92.09 = \$ 1,105,080$
foundation $6,000 \times 46.05 = \underline{276,300}$
Total $\$ 1,381,380$

Sitka: Juneau cost $65.02 + 6\% + 6\% = \$73.06$ sq. ft.*
2 floors $12,000 \times 73.06 = \$ 876,720$
foundation $6,000 \times 36.53 = \underline{219,180}$
Total $\$ 1,095,900$

FY 73/74

Kenai: Anchorage cost $62.98 + 5\% + 6\% + 6\% + 6\% = \78.77 sq.ft.*
2 floors $12,000 \times 78.77 = \$ 945,240$
foundation $6,000 \times 39.39 = \underline{236,340}$
Total $\$ 1,181,580$

Palmer: Anchorage cost $62.98 + 6\% + 6\% + 6\% = \75.02 sq. ft.*
2 floors $12,000 \times 75.02 = \$ 900,240$
foundation $6,000 \times 37.51 = \underline{225,060}$
Total $\$ 1,125,300$

* This figure was arrived at from the SUA, Inc., Volumes 1 and 2, Analysis of Facilities Requirements, State of Alaska.

BUSH FACILITIES PROPOSAL

Seward: Anchorage cost $62.98 + 5\% + 6\% + 6\% + 6\% = \78.77 sq. ft.*
2 floors 12,000 x 78.77 = \$ 945,240
foundation 6,000 x 39.39 = 236,340
Total \$ 1,181,580

Wrangell: Juneau cost $65.02 + 6\% + 6\% + 6\% = \77.44 sq. ft.*
2 floors 12,000 x 77.44 = \$ 929,280
foundation 6,000 x 38.72 = 232,320
Total \$ 1,161,600

Grand Total per 8 buildings \$ 9,993,420

* This figure was arrived at from the SUA, Inc., Volumes 1 and 2, Analysis of Facilities Requirements, State of Alaska.

BUSH FACILITIES PROPOSAL

5,800 sq. ft. buildings enabling Superior Court trials in every election district. Estimated cost per building by location and year.

FY 72/73

Cold Bay:	\$55.00 per sq. ft.* x 5,800 = \$	319,000
Dillingham:	\$55.00 per sq. ft.* x 5,800 = \$	319,000
Tanana:	\$55.00 per sq. ft.* x 5,800 = \$	319,000
Saint Marys:	\$55.00 per sq. ft.* x 5,800 = \$	<u>319,000</u>
	Total per FY 72/73	\$ 1,276,000

FY 73/74

Delta Junction: (Big Delta)	\$60.00 per sq. ft.* x 5,800 = \$	348,000
Glenallen:	\$60.00 per sq. ft.* x 5,800 = \$	348,000
Haines:	\$60.00 per sq. ft.* x 5,800 = \$	348,000
Homer:	\$60.00 per sq. ft.* x 5,800 = \$	348,000
McGrath:	\$60.00 per sq. ft.* x 5,800 = \$	348,000
Valdez:	\$60.00 per sq. ft.* x 5,800 = \$	<u>348,000</u>
	Total per FY 73/74	\$ 2,088,000

FY 74/75

Cordova:	\$65.00 per sq. ft.* x 5,800 = \$	377,000
Old Harbor: (K.I.)	\$65.00 per sq. ft.* x 5,800 = \$	377,000

* Division of Buildings, Alaska State Housing Authority - five year bid experience of these two state agencies with buildings in these areas is the estimated cost per sq. ft. as shown.

BUSH FACILITIES PROPOSAL

Petersburg:	\$65.00 per sq. ft.* x 5,800 = \$	377,000
Tok:	\$65.00 per sq. ft.* x 5,800 = \$	377,000
Yakutat:	\$65.00 per sq. ft.* x 5,800 = \$	<u>377,000</u>
	Total per FY 74/75	\$ 1,885,000
	Grand Total per 15 buildings	<u>\$ 5,249,000</u>

* Division of Buildings, Alaska State Housing Authority - five year bid experience of these two state agencies with buildings in these areas is the estimated cost per sq. ft. as shown.

BUSH FACILITIES PROPOSAL

3,800 sq. ft. buildings up-grading minor bush facilities. Estimated cost per building by location and year.

FY 72/73

Angoon:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Craig:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Pelican:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Skagway:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Buckland:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Gambell:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Point Hope:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Teller:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Unalakleet:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Wainwright:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Girdwood:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Naknek:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Port Lions: (Afognak Island)	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Unalaska:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Eagle	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Fort Yukon:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Galena:	\$55.00 per sq. ft.* x 3,800 = \$	209,000

* Division of Buildings, Alaska State Housing Authority - five year bid experience of these two state agencies with buildings in these areas is the estimated cost per sq. ft. as shown.

BUSH FACILITIES PROPOSAL

3,800 sq. ft. buildings for FY 72/73 continued

Nenana:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Aniak:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Emmonak:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Hooper Bay:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Mekoryuk: (Nunivak Island)	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Mountain Village:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Quinhagak:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Tununak:	\$55.00 per sq. ft.* x 3,800 = \$	<u>209,000</u>
	Total per FY 72/73	\$ 5,225,000

* Division of Buildings, Alaska State Housing Authority - five year bid experience of these two state agencies with buildings in these areas is the estimated cost per sq. ft. as shown.

BUSH FACILITIES PROPOSAL

3,800 sq. ft. buildings up-grading minor bush facilities. Estimated cost per building by location and year.

FY 73/74

Hoonah:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Kake:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Elim:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Kiana:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Noatak:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Noorvik:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Savoonga:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Selawik:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Wales:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Manokotak:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Sand Point:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
St. Paul Island:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Seldovia:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Talkeetna:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Togiak:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Whittier:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Arctic Village:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Bettles:	\$60.00 per sq. ft.* x 3,800 = \$	228,000

* Division of Buildings, Alaska State Housing Authority - five year bid experience of these two state agencies with buildings in these areas is the estimated cost per sq. ft. as shown.

BUSH FACILITIES PROPOSAL

3,800 sq. ft. buildings for FY 73/74 continued

Cantwell:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Nulato:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Ruby:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Chevak:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Holy Cross:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Nunapitchuk:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Tuluksak:	\$60.00 per sq. ft.* x 3,800 = \$	<u>228,000</u>
	Total per FY 73/74	\$ 5,700,000

* Division of Buildings, Alaska State Housing Authority - five year bid experience of these two state agencies with buildings in these areas is the estimated cost per sq. ft. as shown.

BUSH FACILITIES PROPOSAL

3,800 sq. ft. buildings up-grading minor bush facilities. Estimated cost per building by location and year.

FY 74/75

Ambler:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Deering:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Kivalina:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Kovuk:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Saint Michael:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Shaktoolik:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Shungnak:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Egegik:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Koliqanek:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Larsen Bay: (K.I.)	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Tyonek:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Allakaketc: (Alatna)	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Barter Island: (Kaktovik)	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Beaver:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Stevens Village:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Akiak:	\$65.00 per sq. ft.* x 3,800 = \$	247,000

* Division of Buildings, Alaska State Housing Authority - five year bid experience of these two state agencies with buildings in these areas is the estimated cost per sq. ft. as shown.

BUSH FACILITIES PROPOSAL

3,800 sq. ft. buildings for FY 74/75 continued

Akiachak:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Alakanuk:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Bek:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Kipnuk:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Kwethluk:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Napakiak:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Tooksook Bay:	\$65.00 per sq. ft.* x 3,800 = \$	<u>247,000</u>
	Total per FY 74/75	\$ 5,681,000

Grand Total per 73 buildings \$16,606,000

* Division of Buildings, Alaska State Housing Authority - five year bid experience of these two state agencies with buildings in these areas is the estimated cost per sq. ft. as shown.

BUSH FACILITIES PROPOSAL

Total for 8 12,000 sq. ft. buildings	\$ 9,993,420
Total for 15 5,800 sq. ft. buildings	5,249,000
Total for 73 3,800 sq. ft. buildings	<u>16,606,000</u>
GRAND TOTAL for 3 year building project	\$ 31,848,420

NO ATTEMPT HAS BEEN MADE TO DETERMINE COSTS OF PROVIDING WATER FOR ANY FACILITIES UNDER THIS REQUEST NOR ANY ACCOUNTING FOR WASTE DISPOSAL. IT IS OUR UNDERSTANDING THAT THE STATE AND FEDERAL GOVERNMENTS HAVE SPECIFIC RESPONSIBILITIES UNDER SEVERE TIME SCHEDULES AS DESIGNATED IN THE WATER QUALITY ACT.

No. 6

MEMORANDUM**State of Alaska**

TO: The Honorable William J. Moran
State House of Representatives

DATE : April 26, 1971

FROM: Robert P. Isaac *RPI*
Assistant to the Commissioner
Department of Education

SUBJECT: Re CSSB 1

In regard to CSSB 1, it would appear that paragraph 3, Sec. 18.65.220 pertaining to curriculum development would be in conflict with 14.40.170 (b) (2) relating to the course of instruction for the university.

Perhaps a better approach would be: "The Board of Regents, in cooperation with the Police Standards Council, shall establish minimum curriculum standards . . ." This would avoid the conflict and yet permit the Council to have considerable input.

Michigan State University has one of the most widely acclaimed police education programs. Perhaps the Legislative Council could determine who establishes their curriculum, etc.

In our opinion there is no question that various agencies and organizations have a lot to offer in curriculum development; and, generally, those involved in curriculum development will seek their assistance. However, it is a well accepted principle that responsibility for curriculum development should be with the educational agency.

RPI:mg

File: 023.1

SB-28

Table 4.—Index of Crime by State, 1970

Area	Population	Total Crime Index	Violent crime	Property crime	Murder and non-negligent manslaughter	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny \$50 and over	Auto theft
ALABAMA											
Standard Metropolitan Statistical Area...	1,091,085	44,314	5,130	39,184	190	323	1,978	3,339	18,000	14,016	6,261
Area actually reporting.....	89,875	17,455	5,511	11,944	230	356	1,317	3,601	20,291	15,114	6,306
Estimated total.....	109,070	541,894	5,891	985	4,879	26	26	100	623	2,905	2,012
Other cities.....	59,771	10,071	1,652	8,419	44	41	108	1,391	1,911	3,372	791
Area actually reporting.....	100,071	1,068,170	2,398	1,005	1,393	50	79	72	891	138	593
Rural.....	33,307	193,827	3,919	3,919	17	237	216	2,430	1,673	1,570	359
Area actually reporting.....	193,827	2,441,165	64,219	19,485	31,734	101	637	1,731	7,413	28,261	29,055
Estimated total.....	3,441,165	1,863.1	395.7	1,597.2	11.7	18.6	50.3	216.2	761.1	748.2	232.5
State total.....											
Rate per 100,000 inhabitants.....											
ALASKA											
Standard Metropolitan Statistical Area...	None										
Other cities.....	93,689	1,551	594	957	18	51	181	330	1,119	1,309	979
Area actually reporting.....	100,071	3,376	954	2,422	19	28	36	171	1,908	1,738	726
Estimated total.....	216,714	8,130	810	7,320	37	79	217	507	2,887	3,147	1,701
Rural.....	100,071	2,029.5	278.0	2,011.5	12.2	26.1	71.8	107.8	766.9	1,071.3	561.3
Area actually reporting.....	302,173										
Estimated total.....											
State total.....											
Rate per 100,000 inhabitants.....											
ARIZONA											
Standard Metropolitan Statistical Area...	1,329,193	51,073	5,558	45,515	141	162	1,967	3,075	13,875	15,791	3,013
Area actually reporting.....	99,871	51,004	5,309	45,695	141	163	1,967	3,050	13,877	15,315	3,000
Estimated total.....	100,071	5,167	611	4,556	6	36	138	41	1,375	2,102	35
Other cities.....	97,071	5,329	630	4,699	6	37	132	45	1,365	2,130	42
Area actually reporting.....	100,071	2,192	255	1,937	10	21	16	108	311	63	29
Estimated total.....	277,620	3,937	398	3,539	18	75	39	263	1,299	1,590	26
Rural.....	55,971	61,869	6,564	55,305	168	141	2,199	3,738	26,141	19,155	8,711
Area actually reporting.....	100,071	3,415.2	369.3	3,045.9	9.5	27.0	13.7	210.7	1,144.0	1,091.7	561.1
Estimated total.....	1,329,193										
State total.....											
Rate per 100,000 inhabitants.....											
ARKANSAS											
Standard Metropolitan Statistical Area...	835,100	16,500	2,191	14,309	81	179	625	1,510	7,911	7,226	1,431
Area actually reporting.....	59,871	17,519	2,775	14,744	48	161	571	1,645	7,221	7,152	1,771
Estimated total.....	100,071	1,926	227	1,699	72	51	15	327	2,131	1,741	49
Other cities.....	18,071	3,512	441	3,071	24	47	110	248	337	2,677	51
Area actually reporting.....	100,071	2,191	271	1,920	28	31	31	109	311	63	29
Estimated total.....	37,071	5,204	571	4,633	74	79	47	268	2,430	2,113	29
Rural.....	100,071	39,845	4,225	35,620	191	388	577	2,676	14,410	11,294	2,911
Area actually reporting.....	1,329,295	1,684.3	227.8	1,456.5	10.1	17.1	43.6	176.5	667.1	571.4	171
Estimated total.....											
State total.....											
Rate per 100,000 inhabitants.....											
CALIFORNIA											
Standard Metropolitan Statistical Area...	48,590,000	81,073	92,111	29,791	1,301	9,209	19,070	43,112	33,351	200,055	15,711
Area actually reporting.....	100,071	1,071	1,071	1,071	25	97	971	812	571	8,101	2,071
Estimated total.....	59,871	1,071	1,071	1,071	25	97	971	812	571	8,101	2,071
Other cities.....	100,071	1,071	1,071	1,071	25	97	971	812	571	8,101	2,071
Area actually reporting.....	801,307	1,071	1,071	1,071	25	97	971	812	571	8,101	2,071
Estimated total.....	100,071	1,071	1,071	1,071	25	97	971	812	571	8,101	2,071
Rural.....	100,071	1,071	1,071	1,071	25	97	971	812	571	8,101	2,071
Area actually reporting.....	19,354,151	1,307.0	1,307.0	1,307.0	6.9	39.1	39.1	223.9	1,771	1,307.0	1,307.0
Estimated total.....											
State total.....											
Rate per 100,000 inhabitants.....											

See footnote at end of table.

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K — STATE CAPITOL
JUNEAU 99801

SB-28
WILLIAM A. EGAN, GOVERNOR

February 8, 1972

Alaska State Legislature
House
Judiciary Committee
Pouch V
Juneau, Alaska

Re: Senate Bill No. 28 (Violent Crimes Compensation Board)

Dear Chairman Moran:

In response to your request of January 24, 1972, I will submit the information available from our records on this subject.

During the last nine months of 1971, the District Attorneys within the Department of Law processed the files of 444 defendants who were charged with crimes listed in Senate Bill No. 28.

Since our records only reflect those cases where an arrest was made it may not be a very meaningful statistic in the overall picture. I have spoken with the Commissioner of Public Safety and I believe that their report will be much more informative to the Committee because it will contain information on cases where no arrest was made.

If I may be of further service in this matter please advise.

Sincerely,



Norman C. Gorsuch
Deputy Attorney General

NCG:ss

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

POUCH N — STATE CAPITOL
JUNEAU 99801

5B-28
WILLIAM A. EGAN, GOVERNOR

February 4, 1972

Representative William J. Moran
Chairman, Judiciary Committee
Alaska State Legislature
Pouch V - State Capitol
Juneau, Alaska 99801

Reference: Senate Bill 28

Dear Representative Moran:

We have compiled such information as is available concerning victims of violent crimes during 1971, 1970 and 1969. Because precise data that we need was not available we have made interpolations based upon the best information we could draw from.

Assignment of cost figures to these interpolations is even more difficult because there are absolutely no reported data of that nature. To arrive at possible costs we allowed the maximum \$10,000 for a death and projected injuries at \$2,200, which is a figure used for injury cost by the National Safety Council in accident loss computations.

We find by these imprecise means that the cost of compensation during calendar 1971 might have been \$390,800.

Our 1970 figures were based upon the FBI Uniform Crime Report for 1970. These statistics indicated a possible cost of \$317,600.

The 1969 Uniform Crime Report statistics would indicate a possible cost of \$231,400.

I have enclosed the base data from which we arrived at these costs and hope that this may be of some use to you.

Very truly yours,

Emery W. Chapple, Jr.
Emery W. Chapple, Jr.
Commissioner

Enclosures

FOLLOWING DATA PREPARED FOR USE IN CONSIDERATION OF SENATE BILL 28,
COMPENSATION FOR VICTIMS OF VIOLENT CRIMES

ALASKA STATE TROOPER CASES ONLY - 1971

11	20	HOMICIDES: (50% of Total)	9 fall within the four items listed under Section 44.58.110 (b).
2	20	MANSLAUGHTER: (10% of Total)	18 fall within the four items listed under Section 44.58.110 (b).
	54	RAPES (Reported): (6% of Total)	12 of which were unfounded. It is unknown how many of remaining 22 fall within the four items listed under Section 44.58.110 (b), however, it is felt very few if any. Depending upon interpretation of "personal injury" it is unlikely more than two would be compensational under SB 28.
	12	ATTEMPTED RAPES - 0 -	1 of which was unfounded. Remaining 11 as above.
	193	ASSAULTS WITH DEADLY WEAPON 10% of total	Which includes assault with intent to kill, maim, etc. Appears only ten to fifteen percent would be eligible for compensation. In most instances there either was no "personal injury"; relative involved; or person assaulted involved in criminal offense.
	142	SEX OFFENSES (Reported): - 0 -	This includes indecent acts with children; statutory rape; incest; lewd, indecent or obscene acts; crime against nature, etc. Again depending on interpretation of "personal injury", few (if any) would fall within category eligible for compensation.

CITY POLICE - 1971 (9 MAJOR POLICE DEPARTMENTS)

22	HOMICIDES	Breakdown as given above on ASI cases not available from any of the city police departments.
4	MANSLAUGHTER	
71	RAPES	
10	ATTEMPTED RAPES	
385	ASSAULTS WITH DEADLY WEAPON	
255	SEX OFFENSES	

FOLLOWING DATA PREPARED FOR USE IN CONSIDERATION OF SENATE BILL 28,
COMPENSATION FOR VICTIMS OF VIOLENT CRIMES

ALASKA STATE TROOPER CASES ONLY - 1971

20	HOMICIDES:	9 fall within the four items listed under Section 44.58.110 (b).
20	MANSLAUGHTER:	18 fall within the four items listed under Section 44.58.110 (b).
34	RAPES (Reported):	12 of which were unfounded. It is unknown how many of remaining 22 fall within the four items listed under Section 44.58.110 (b), however, it is felt very few if any. Depending upon interpretation of "personal injury" it is unlikely more than two would be compensational under SB 28.
12	ATTEMPTED RAPES	1 of which was unfounded. Remaining 11 as above.
193	ASSAULTS WITH DEADLY WEAPON	Which includes assault with intent to kill, maim, etc. Appears only ten to fifteen percent would be eligible for compensation. In most instances there either was no "personal injury"; relative involved; or person assaulted involved in criminal offense.
142	SEX OFFENSES (Reported):	This includes indecent acts with children; statutory rape; incest; lewd, indecent or obscene acts; crime against nature, etc. Again depending on interpretation of "personal injury", few (if any) would fall within category eligible for compensation.

CITY POLICE - 1971 (9 MAJOR POLICE DEPARTMENTS)

22	HOMICIDES	
4	MANSLAUGHTER	
71	RAPES	Breakdown as given above on AST cases not available from any of the city police departments.
10	ATTEMPTED RAPES	
385	ASSAULTS WITH DEADLY WEAPON	
235	SEX OFFENSES	

ALASKA STATE TROOPERS CASES ONLY - 1969

14 HOMICIDES: 9 fall within the four items listed under Section 44.58.110 (b)
8 MANSLAUGHTER: All fall within the four items listed under Section 44.58.110 (b)
1 KIDNAPPING
50 RAPES Reported: 17 of which were unfounded. It is unknown how many of remaining 33 fall within the four items listed under Section 44.58.110 (b), however, it is felt very few if any.
10 ATTEMPTED RAPES: 5 of which were unfounded. Remaining 7 same as above.
116 ASSAULTS WITH A DEADLY WEAPON: Statistics not available to indicate how many would fall within items listed under Section 44.58.110 (b).
189 SEX OFFENSES reported: This includes indecent acts with children, statutory rape, incest, lewd, Indecent or obscene acts, crime against nature, etc. Appears only 26 victims may possibly be eligible for compensation under requirements set forth in SB

JUNEAU CITY POLICE DEPARTMENT

None of the requested statistics available.

FAIRBANKS POLICE DEPARTMENT - 1969

4 HOMICIDES
0 MANSLAUGHTER
0 KIDNAPPING
5 RAPES
21 ASSAULTS WITH DEADLY WEAPON
39 SEX OFFENSES

No breakdown available as given in ASV cases

ANCHORAGE POLICE DEPARTMENT - 1968 (Latest year available)

7 HOMICIDES
2 MANSLAUGHTER
20 RAPES
2 ATTEMPTED RAPES
26 ASSAULTS WITH DEADLY WEAPON
117 SEX OFFENSES

No breakdown available as given in ASV cases

1970 Unf. - 37 - 79

Number of incidents - 37, - 79 ASV cases

1969 30-83-321

Table 4.—Index of Crime by State, 1969

[See footnotes at end of table]

Area	Population	Total Crime Index	Violent crime	Property crime	Murder and non-negligent manslaughter	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny \$50 and over	Auto theft
ALABAMA											
Standard Metropolitan Statistical Area.....	1,951,000										
Area actually reporting.....	91.3%	39,405	5,142	34,263	217	279	1,115	3,501	16,929	12,465	4,809
Estimated total.....	100.0%	41,316	5,452	35,914	271	305	1,468	3,698	17,829	13,050	5,014
Other cities.....	615,000										
Area actually reporting.....	61.5%	5,040	709	4,331	31	34	79	365	2,038	1,615	455
Estimated total.....	100.0%	8,197	1,153	7,044	59	65	129	919	3,317	2,932	745
Rural.....	965,000										
Area actually reporting.....	37.9%	2,312	855	1,457	62	51	57	685	751	606	97
Estimated total.....	100.0%	6,104	2,287	3,817	104	131	151	1,663	1,991	1,600	276
State total.....	3,531,000	55,617	8,542	46,595	485	491	1,743	6,415	23,158	17,682	6,015
Rate per 100,000 inhabitants.....		1,576.0	250.4	1,323.5	13.7	14.0	41.0	191.7	655.8	498.5	171.2
ALASKA											
Standard Metropolitan Statistical Area.....	None										
Other cities.....	98,000										
Area actually reporting.....	92.6%	3,862	394	3,468	15	46	143	190	1,104	1,515	819
Estimated total.....	100.0%	4,179	426	3,753	16	59	155	205	1,193	1,637	917
Rural.....	184,000										
Area actually reporting.....	100.0%	3,279	193	3,081	14	33	35	116	1,292	1,063	751
State total.....	282,000	7,452	624	6,828	30	82	199	306	2,485	2,703	1,668
Rate per 100,000 inhabitants.....		2,642.6	221.3	2,421.3	10.6	29.4	67.4	116.8	870.6	959.2	601.3
ARIZONA											
Standard Metropolitan Statistical Area.....	1,233,000										
Area actually reporting.....	99.7%	47,561	4,959	42,615	82	391	1,551	2,979	19,119	13,781	6,655
Estimated total.....	100.0%	47,663	4,945	42,718	82	391	1,555	2,984	19,160	13,835	6,697
Other cities.....	191,000										
Area actually reporting.....	97.1%	4,894	517	4,377	10	31	167	369	1,754	2,112	421
Estimated total.....	100.0%	4,947	532	4,415	10	32	170	380	1,800	2,175	431
Rural.....	267,000										
Area actually reporting.....	96.4%	2,529	219	2,310	10	33	56	167	1,024	960	284
Estimated total.....	100.0%	2,624	225	2,399	10	34	57	169	1,061	1,002	295
State total.....	1,623,000	52,231	5,712	46,519	102	399	1,692	3,528	23,053	17,012	7,456
Rate per 100,000 inhabitants.....		3,285.2	353.2	2,703.1	6.0	23.9	99.9	219.2	1,392.6	1,094.8	468.6
ARKANSAS											
Standard Metropolitan Statistical Area.....	618,000										
Area actually reporting.....	100.0%	16,540	2,761	14,045	169	100	631	1,579	6,631	6,069	1,354
Other cities.....	455,000										
Area actually reporting.....	93.4%	4,175	589	3,586	21	19	74	459	1,785	1,533	263
Estimated total.....	100.0%	6,285	591	5,694	32	29	109	731	2,759	2,332	402
Rural.....	875,000										
Area actually reporting.....	41.7%	2,356	412	1,944	27	34	59	212	982	532	110
Estimated total.....	100.0%	5,594	958	4,636	65	129	142	672	2,536	1,756	291
State total.....	1,953,000	28,295	4,299	23,995	197	147	854	2,999	11,917	10,179	2,039
Rate per 100,000 inhabitants.....		1,418.1	220.1	1,234.2	9.9	17.4	44.4	148.4	607.3	529.7	101.3
CALIFORNIA											
Standard Metropolitan Statistical Area.....	17,392,000										
Area actually reporting.....	60.9%	750,600	88,894	661,706	1,303	6,755	38,487	43,319	305,227	231,778	127,719
Estimated total.....	100.0%	1,231,260	146,947	1,084,313	1,564	6,759	38,511	40,373	304,432	232,012	127,839
Other cities.....	515,000										
Area actually reporting.....	60.9%	13,500	1,438	12,062	34	69	431	914	9,113	10,419	2,480
Estimated total.....	100.0%	24,616	1,475	23,141	34	69	433	919	9,153	10,491	2,492
Rural.....	1,056,000										
Area actually reporting.....	101.0%	24,336	1,476	22,860	48	295	296	597	12,211	8,087	1,614
State total.....	19,413,000	799,292	89,878	709,414	1,385	7,053	39,213	42,199	325,891	251,199	131,941
Rate per 100,000 inhabitants.....		4,119.5	462.3	3,618.3	7.1	36.3	201.8	217.0	1,676.1	1,293.5	673.6

Table 4.—Index of Crime by State, 1970

Area	Population	Total Crime Index	Violent crime	Property crime	Murder and non-negligent manslaughter	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny \$50 and over	Auto theft
ALABAMA											
Standard Metropolitan Statistical Area...	1,801,095										
Area actually reporting.....	84.8%	44,311	5,130	33,181	190	323	1,278	3,339	18,906	14,016	6,262
Estimated total.....	100.0%	47,485	5,314	31,571	210	359	1,317	3,601	20,291	15,114	6,866
Other cities.....	544,891										
Area actually reporting.....	25.7%	5,891	983	4,879	20	26	100	893	2,397	2,012	472
Estimated total.....	100.0%	9,509	1,452	8,157	44	41	168	1,396	4,011	3,372	791
Rural.....	1,058,176										
Area actually reporting.....	33.3%	2,368	1,005	1,393	50	79	72	804	654	432	113
Estimated total.....	100.0%	6,935	3,019	3,918	153	237	216	2,476	1,978	1,599	359
State total.....	3,404,163	61,219	19,183	51,041	404	637	1,731	7,443	29,291	20,083	7,693
Rate per 100,000 inhabitants.....		1,865.4	265.7	1,560.7	11.7	18.5	50.3	215.2	783.1	583.2	223.5
ALASKA											
Standard Metropolitan Statistical Area...	None										
Other cities.....	89,059										
Area actually reporting.....	100.0%	1,251	384	3,064	18	51	181	336	1,119	1,569	919
Estimated total.....											
Rural.....	216,144										
Area actually reporting.....	100.0%	3,576	251	3,222	19	28	29	171	1,368	1,329	726
Estimated total.....											
State total.....	302,173	8,159	810	7,229	37	79	217	507	2,587	3,237	1,694
Rate per 100,000 inhabitants.....		2,699.5	278.0	2,412.5	12.2	26.1	71.8	167.8	789.9	1,071.2	551.3
ARIZONA											
Standard Metropolitan Statistical Area...	1,370,151										
Area actually reporting.....	98.8%	51,693	5,558	46,135	111	462	1,997	3,015	29,828	15,291	8,013
Estimated total.....	100.0%	51,804	5,266	46,228	111	463	1,999	3,050	29,867	15,315	8,026
Other cities.....	174,765										
Area actually reporting.....	97.6%	5,167	611	4,256	6	36	128	441	1,925	2,162	158
Estimated total.....	100.0%	5,329	630	4,629	6	37	132	455	1,997	2,230	172
Rural.....	277,623										
Area actually reporting.....	66.5%	2,197	265	1,924	10	21	16	158	84	883	215
Estimated total.....	100.0%	3,932	368	3,564	15	33	29	283	1,099	1,599	348
State total.....	1,722,182	61,066	6,564	54,501	168	473	2,139	3,788	26,814	19,155	8,593
Rate per 100,000 inhabitants.....		3,488.2	379.3	3,171.9	9.8	27.0	123.2	218.7	1,556.0	1,099.7	501.2
ARKANSAS											
Standard Metropolitan Statistical Area...	535,079										
Area actually reporting.....	93.7%	16,926	2,134	14,192	81	179	625	1,416	7,013	6,276	1,293
Estimated total.....	100.0%	17,810	2,255	14,955	88	191	651	1,625	7,234	6,457	1,291
Other cities.....	471,642										
Area actually reporting.....	66.6%	4,928	623	4,093	21	31	15	477	3,283	1,731	336
Estimated total.....	100.0%	7,312	947	6,265	33	47	141	723	3,469	2,627	869
Rural.....	873,573										
Area actually reporting.....	37.1%	2,181	242	1,889	28	34	31	199	927	833	129
Estimated total.....	100.0%	5,793	774	5,019	71	69	82	628	2,993	2,213	299
State total.....	1,521,293	53,845	1,275	47,079	193	328	117	2,875	12,116	11,297	2,099
Rate per 100,000 inhabitants.....		3,538.8	282.3	3,158.4	10.1	17.1	45.6	191.5	658.1	627.4	109.9
CALIFORNIA											
Standard Metropolitan Statistical Area...	18,760,000										
Area actually reporting.....	100.0%	810,642	92,111	724,531	1,361	6,752	49,016	43,442	350,867	200,025	134,911
Other cities.....	591,891										
Area actually reporting.....	100.0%	20,872	1,363	19,519	25	97	419	812	8,616	8,608	2,397
Rural.....	801,327										
Area actually reporting.....	100.0%	21,879	1,277	20,292	10	156	242	829	16,095	8,407	1,871
State total.....	19,953,154	839,293	94,741	744,622	1,376	7,605	49,377	45,983	369,778	277,130	157,311
Rate per 100,000 inhabitants.....		4,307.9	471.8	3,732.1	6.9	38.1	283.9	225.9	1,773.0	1,384.9	392.2

See footnotes at end of table.

Some States Aid Victims of Crime

EDITOR'S NOTE—There has long been a clamor for society to compensate victims of crime. Seven states now have laws providing compensation to victims of crime or persons injured in aiding victims of crime, and with federal government backing, there may be more on the books soon. A report on the situation:

By LOUISE COOK
Associated Press Writer
Donna M. Morrissey, a young registered nurse, was shot in

the left shoulder by an unknown assailant as she got out of a car at a Boston skating rink Dec. 23, 1970.

While Donna was recovering, her father told her about a Massachusetts law which, under certain conditions, provides monetary compensation for victims of a criminal act.

On March 22, 1971, Donna filed a claim for compensation and after a June 14 hearing, the 25-year-old nurse was awarded \$765.20. Three months later, Donna received her money.

Massachusetts is one of six states in the nation with laws compensating victims of crime. A seventh, Nevada, compensates persons injured in aiding the victims of crime.

A bipartisan group of legislators hopes to encourage other states to enact similar laws and, as a stimulus, is preparing a bill for Senate action under which the federal government would pay 75 per cent of the costs of compensation programs established by the states in accordance with federal standards.

Arguments in favor of such legislation include:

William Brown, attorney general of Ohio: "We do everything we can to rehabilitate the criminal, so it's only fair that we help the victim."

Robert Morris, University of Chicago Law School professor, who helped draft a crime compensation bill pending in Illinois:

"It's an extraordinary community which says help your neighbor, but the hell with it if you get hurt."

In addition to Massachusetts, the states already with such victims-of-crime compensation laws are New York, New Jersey, California, Hawaii and Maryland.

The Massachusetts law is fairly typical of the compensation statutes, although the different states have different maximum awards.

It allows the filing of claims for compensation by victims injured in a crime or by certain dependents of victims killed in a crime.

The law provides for compensation of up to \$10,000 to victims who have lost more

than \$100 or two continuous weeks of earnings or support, provided the sum is not covered by public or private insurance. All expenses—including medical costs—are included in the \$100 figure which is automatically deducted from any compensation payment. Donna Morrissey, therefore, actually received \$665.20 of her \$765.20 award.

Claims are filed in District Court and payments are determined by the court which must decide whether a crime was committed, whether the crime directly resulted in personal injury or death and whether police records show the crime was reported promptly.

The law took effect July 1, 1968 and the state attorney general, Robert F. Quinn, says most of the claims filed since then have resulted from assault and battery cases. The state paid \$4,498.58 in fiscal 1968-69, \$60,885.76 in 1970 and \$27,162.33 for the first four months of 1971—the last period for which figures were available.

The number of claims has been lower than expected, according to a spokesman in the attorney general's office. "Most people don't know about this program," he said. "I've even met lawyers who don't know what it is."

The proposal before Congress, in addition to picking up part of the tab for state compensation programs, also would provide compensation up to \$50,000 for victims of violent crimes committed in the District of Columbia, in national parks and forests, on Indian reservations and aboard airplanes and ships.

Even without the hope of federal money, many states and officials have been considering some sort of compensation law.

An Associated Press sampling showed proposals for such a law pending in a group of states that includes Pennsylvania, Georgia, Illinois, Milwaukee, Michigan, Florida, Missouri and Ohio. Washington, Delaware, Kansas and Arkansas legislators considered such measures in the past and defeated them and there are moves to introduce compensation bills in Colorado and Rhode Island.

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

09.30.220, but the undertaking shall not be for an amount exceeding the judgment. (§ 15.04 ch 101 SLA 1962)

Cross reference. See Civ. R. 69. Am. Jur., AR and C.J.S. references. 21 Am. Jur., Arrests, §§ 31 to 113; 21 Am. Jur., Executions, §§ 17 to 116. 21 Am. Jur., Judgments, §§ 16 to 502; 30A Am. Jur., Judgments, §§ 479 to 567. Construction and applicability of statute authorizing arrest and civil action for personal injury, 33 ALR 618. Conflicts new of law arising out of the statute in 33 ALR 81. 33 C.J.S., Arrests, § 197 et seq.

Sec. 09.35.050. Imprisonment on execution. A person arrested on execution shall be imprisoned in jail and kept at his own expense until satisfaction of the execution or his legal discharge. (§ 15.05 ch 101 SLA 1962)

Cross reference. See Civ. R. 69. ALR reference. Construction and applicability of statute authorizing

Sec. 09.35.060. Execution after death of judgment debtor. If the judgment debtor dies after judgment, execution may be issued on the judgment in the manner and with the effect as if he were still living, except that no action may be taken within six months from the granting of letters testamentary or of administration upon the estate of the deceased without leave of the court having jurisdiction over the probate of the estate. (§ 15.06 ch 101 SLA 1962)

Cross reference. See Civ. R. 69-(d)(2).

Sec. 09.35.070. Property liable. All goods, chattels, money, or other property, both real and personal, or an interest in the property of the judgment debtor not exempt by law, and all property and rights of property seized and held under attachment in the action are liable to execution. (§ 15.07 ch 101 SLA 1962)

Cross reference. See Civ. R. 69-(b)(1).

Levy and sale of railroad line and franchises. The term "property" includes general corporate franchises. The Citizens v. Lathrop, 1 Ala. 107.

The general franchise of a corporation is not real property, neither franchise, the right to control land, the right to control a line or collect tolls thereon, any partake of the nature of real property. The Citizens v. Lathrop, 1 Ala. 107.

Am. Jur. and ALR references. — 21 Am. Jur., Executions, §§ 16 to 502; 30A Am. Jur., Judgments, §§ 479 to 567.

Levy on property of public utility under federal control, 4 ALR 1630; 8 ALR 969; 19 ALR 956; 11 ALR 1453; 19 ALR 698.

Money or other property taken from prisoner as subject of seizure under execution, 16 ALR 378; 45 ALR 574; 48 ALR 583; 151 ALR 758.

Municipal funds and credits as subject to levy under execution against municipality, 89 ALR 863.

Growing crops as subject to levy and seizure, 103 ALR 464.

Interest of spouse in estate by the entirety as subject to execution for individual debt, 166 ALR 969.

selected and reserved by the judgment debtor or his agent at the time of the levy, or as soon after levy and before sale as the existence of the property becomes known to him:

(1) the tools, implements, apparatus, motor vehicles, books, office furniture, business files, animals, laboratory, and any other article necessary to enable any person to carry on the trade, occupation, or profession by which that person habitually earns his living to the value of \$1,800, including sufficient quantity of food to support the animals, if any, for six months;

(2) books, pictures, and musical instruments belonging to the judgment debtor not to exceed \$300 in value;

(3) necessary wearing apparel belonging to the judgment debtor for the use of himself or his family; watches or jewelry not to exceed \$200 in value;

(4) the tools, implements, apparatus, motor vehicles, books, office furniture, business files, animals, laboratory, and any other article necessary to enable any person to carry on the trade, occupation, or profession by which that person habitually earns his living to the value of \$1,800, including sufficient quantity of food to support the animals, if any, for six months;

(5) the following property belonging to the judgment debtor and in actual use or kept for use by and for his family: animals, household goods, furniture, and utensils to the value of \$1,200, including food sufficient to support the animals, if any, for six months, and provisions actually provided for family use and necessary for the support of that person and family for six months;

(6) all property of a public or municipal corporation;

(7) no article of property mentioned in this section is exempt from execution issued on a judgment recovered for its price, and, in the event the article of property has been sold or exchanged for other property, the proceeds of the sale or the article for which it was exchanged is not exempt from execution. (§ 15.08 ch 101 SLA 1962)

Cross reference. See Civ. R. 69-(b)(1).

Sec. 09.35.090. Homestead exemption. The homestead of any family is, or the proceeds of the homestead are exempt from judicial sale for the satisfaction of any liability contracted or judgment on debt except as provided in this section. The homestead consists of the actual abode of and owned by the family or some member of the family. It shall not exceed \$8,000 in value, and not exceed 160 acres in extent if located outside a town or city

re SB 28

am

laid off into blocks or lots, or not exceed one-fourth of one acre if located in a town or city. This section does not apply to decrees for the foreclosure of a mortgage or deed of trust properly executed. If the owners of a homestead are married, it shall be executed by husband and wife. When an officer levies upon a homestead, the owner or the wife, husband, agent, or attorney of the owner may notify the officer that he claims the premises as his homestead, describing it by metes and bounds, lot or block, or legal subdivision. The officer shall notify the creditor of the claim, and if the homestead exceeds the maximum in this section and he deems it of greater value than \$8,000, then he may apply to the court for the appointment of three disinterested persons to appraise the homestead, commencing with the 20 acres of the lot upon which the dwelling is located, appraising each lot or 20 acres separately; and, if the homestead exceeds \$8,000, then the officer shall proceed to sell all in excess of \$8,000 by lots or smallest legal subdivisions, offering them in the order directed by the judgment debtor if he chooses to direct; otherwise, he shall sell them so as to leave the homestead as compact as possible. The homestead is exempt from sale or legal process after the death of the person entitled to the homestead for the collection of a debt for which it could not have been sold during his lifetime. (§ 15.09 ch 101 SLA 1962)

Cross reference.—See Civ. R. 69-(b)(1).

The right of homestead exemption is a personal right and can be exercised any time after levy and before sale. *Wendler v. Brenneman*, 7 Alaska 13.

Order of confirmation may preserve right to raise question of homestead. Where the confirmation of sale is allowed without prejudice to defendant's right thereafter to make sale of her homestead exemption by proceeding within the jurisdiction of the court, defendant may raise question of her homestead exemption later by an action of ejectment to quiet title, if the purchaser has possession, or she may bring an action to obtain a perpetual injunction to prevent the issuance of a deed to the purchaser after the expiration of the time for redemption. *Williams v. Thompson*, 7 Alaska 601.

It was the legislative intent to make the mere assertion of a homestead claim conclusive, either on the parties or the court. *Williams v. Thompson*, 7 Alaska 601.

Jurisdiction of court to determine claim of homestead.—See *Williams v. Thompson*, 7 Alaska 601.

Only one tract can be claimed as homestead.—One may have several tracts of land, houses, or homes; but only the one which he actually designates, points out, and selects as provided by law, can be claimed as the homestead. *Seagreen v. Wendler*, 5 Alaska 715.

It is not necessary for a person to live continuously on his homestead; but the fact of absence suggests, at least, the possibility that property claimed as a homestead was not a homestead. *Williams v. Thompson*, 7 Alaska 601.

Homestead character is not lost by use for business as well as residence purposes.—The homestead character of property is not destroyed by its use for business purposes while at the same time being occupied mainly as a residence. *Wendler v. Brenneman*, 7 Alaska 13.

Tenants in common are each entitled to a homestead exemption in the same property. *Wendler v. Brenneman*, 7 Alaska 13.

And right can only be waived intentionally.—Before it could be said that tenants in common, or either of them, waived their legal right of homestead exemption, there must be both knowledge of the right and the intention to relinquish it. *Wendler v. Brenneman*, 7 Alaska 13.

Statements to creditors do not estop claim.—One claiming a homestead exemption cannot be estopped by virtue of statements made to creditors. *Wendler v. Brenneman*, 7 Alaska 13.

Homestead may be purchased with nonexempt property.—A debtor may acquire a homestead and hold it exempt from execution for pre-existing debts not then reduced to judgment, although the homestead is purchased with, or obtained by exchange for, nonexempt property, and fraud cannot be imputed to such an act. *In re Bocash*, 10 Alaska 206.

Even by insolvent debtor.—An insolvent debtor, knowing himself to be insolvent, may acquire a homestead for himself and family, and hold the same exempt from his creditors, although purchased with nonexempt assets, and fraud cannot be imputed to such fact. *In re Bocash*, 10 Alaska 206.

The homestead exemption may be asserted even as to property purchased by an insolvent debtor with the proceeds of nonexempt property, in the absence of any specific equity existing in favor of a creditor, and the fact that the purchase is made for the very purpose of acquiring a homestead exempt from execution does not alter the rule. *In re Bocash*, 10 Alaska 206.

And service of notice of proceedings supplementary to execution does

not prevent purchase.—The service on a judgment debtor of a notice requiring him to appear and answer regarding his assets, in a proceeding supplementary to and in aid of execution, without any order being made forbidding the transfer or other disposition of his property by him, does not give the judgment creditor any lien on his funds, nor prevent him from purchasing and paying for a homestead with them, which cannot be sold for the satisfaction of the judgment. *In re Bocash*, 10 Alaska 206.

As a general rule fraud cannot be predicated upon a disposition of the homestead; the same being exempt, the creditor could not subject the same to the satisfaction of his claim, and is therefore not injured or prejudiced by a conveyance or transfer thereof. *Seagreen v. Wendler*, 5 Alaska 715.

But transfer to put homestead beyond reach in event of moving may be fraudulent.—The transfer of the homestead from the husband to the wife is a fraud upon creditors, where it is not the bona fide intent to invest the wife with the real ownership, but to put it beyond the reach of the husband's creditors, in the event of their removal from said homestead. *Seagreen v. Wendler*, 5 Alaska 715.

Failure to introduce evidence waives allegation as to value.—Where no evidence was introduced upon either side as to the value of property in which a homestead exemption was claimed, defendant's allegation as to the value of the property was deemed abandoned. *Wendler v. Brenneman*, 7 Alaska 13.

See 09.35.100. Execution against property. The person to whom the writ is directed shall execute the writ against property of the judgment debtor until the judgment is satisfied. (§ 15.10 ch 101 SLA 1962)

Cross reference.—See Civ. R. 69. ALR and C.J.S. references.—Injunction against waste to protect judgment lien, 103 ALR 387.

33 C.J.S. Executions § 124.

See 09.35.110. Execution procedure. All property shall be levied upon or released from levy in the manner that similar property is attached or released from attachment, and the proceed-

THE PRECEDING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

arrangements for disposition of the matter as are just under the circumstances.

(5) If the judgment creditor cannot, after due diligence, locate the judgment debtor, he may file an affidavit of that fact with the court, and upon application, the court may authorize him to serve the notice required under this section by mailing the notice by certified mail to the last known address of the judgment debtor.

(6) Each court which issues writs of execution shall, by order, designate a trustee or other individual as the officer for administration of this section. This individual shall receive funds paid into the court, and is the appropriate person for service of claims for exemption by the judgment debtor and for performance of other duties that the court may direct. (§ 1 ch 175 SLA 1970)

Legislative committee report.—For report on ch. 175, SLA 1970 (HB 363 am S), see 1970 House Journal Supplement No. 3.

Sec. 09.35.070. Property liable.

Liquor license is not subject to attachment or execution.—A liquor license issued by the State of Alaska is not a property right but merely a personal privilege and, as such is, not subject to attachment or execution. 1967 Ops. Att'y Gen., No. 4.

Action against insurer. — A judgment creditor is entitled to an assignment of any claim its judgment debtor may have against the debtor's insurance carrier, without regard to whether or not such a claim in fact

exists. Pennington v. Rimmer, 8 Alas. L.J. No. 5, p. 92 (May, 1970).

In Theodore v. Zurich Gen. Accident & Liab. Ins. Co., Sup. Ct. Op. No. (File No. 43), 364 P.2d 51 (1961), the Alaska supreme court held that a judgment creditor of the assured could maintain an action against the insurer (no assignment by the assured was stated in the decision to have been given). Pennington v. Rimmer, 8 Alas. L.J. No. 5, p. 92 (May, 1970).

Sec. 09.35.080. Exemptions. The following property is exempt from execution, except as otherwise specifically provided when selected and reserved by the judgment debtor or his agent at the time of the levy, or as soon after levy and before sale as the existence of the levy becomes known to him:

(1) the income of the judgment debtor, regardless of when it became payable, for work performed during the preceding 30 days, or otherwise earned or inured to his benefit within the 30-day period; the 30-day period shall be reckoned back from the date of the levy, but the exemption may not exceed \$350 if he is the head of a family, and the amount of \$200 if he is not the head of a family; the amount of the exemption shall be computed after deductions and payments, required by law or court order, so as to assure the judgment debtor the receipt of the first \$350 per month if he is the head of a family or \$200 if he is not the head of a family, when it appears by the debtor's affidavit or otherwise that the income is necessary for his use or for the use of his family which is supported in whole or in part by his income;

(2) books, pictures, and musical instruments belonging to the judgment debtor not to exceed \$200 in value;

(3) debtor not to

(4) office article pation living to sup

(5) and in househ includ month sary fo

(6) (7)

from e in the other p it was SLA 19

Cross As to ment sal cess, see Effect amendm amended

Sec. dition t which t trustee Civil Pa

Legisla legislativ

Sec. C exempti cense of SLA 196

Revisor SLA 196 09.35.087

Sec. C lien cred after th amount

(3) necessary wearing apparel belonging to the judgment debtor for the use of himself or his family; watches or jewelry not to exceed \$200 in value;

(4) the tools, implements, apparatus, motor vehicles, books, office furniture, business files, animals, laboratory, and any other article necessary to enable any person to carry on the trade, occupation, or profession by which that person habitually earns his living to the value of \$1,800, include sufficient quantity of food to support the animals, if any, for six months;

(5) the following property belonging to the judgment debtor and in actual use or kept for use by and for his family: animals, household goods, furniture, and utensils to the value of \$1,200, including food sufficient to support the animals, if any, for six months, and provisions actually provided for family use and necessary for the support of that person and family for six months;

(6) all property of a public or municipal corporation;

(7) no article of property mentioned in this section is exempt from execution issued on a judgment recovered for its price, and, in the event the article of property has been sold or exchanged for other property, the proceeds of the sale or the article for which it was exchanged is not exempt from execution. (§ 15.08 ch 101 SLA 1962; am § 1 ch 31 SLA 1966; am § 1 ch 96 SLA 1969)

Cross reference.

As to exemption of teachers' retirement salaries from taxation and process, see AS 14.25.200.

Effect of amendments.—The 1967 amendment rewrote paragraph (1) as amended in 1966.

Legislative committee reports.—For legislative committee report on ch. 31, SLA 1966, see House Journal (1966), p. 591. For report on ch. 96, SLA 1969 (CSSB 191 am H), see 1969 House Journal, p. 718.

Sec. 09.35.085. Exemption for child support payments. In addition to the exemptions set out in § 80 of this chapter, the amount which the judgment debtor has been ordered to pay to a court trustee as child support payments under Rule 67 of the Rules of Civil Procedure is exempt from execution. (§ 2 ch 31 SLA 1966)

Legislative committee report.—For SLA 1966, see House Journal (1966), legislative committee report on ch. 31, p. 591.

Sec. 09.35.087. Exemption for liquor licenses. In addition to the exemptions set out in §§ 80 and 85 of this chapter, the liquor license of a judgment debtor is exempt from execution. (§ 1 ch 18 SLA 1968)

Revisor's note (1968).—In ch 18 SLA 1967 the first portion of AS 09.35.087 provided that "since a liquor license is a privilege granted by the state . . . this privilege should be revocable only by the state."

Sec. 09.35.230. Redemption by lien creditor from purchaser. A lien creditor may redeem the property at any time within 60 days after the date of the order confirming the sale on paying the amount of the purchase money, with interest at the rate of eight

adequate comparison of credit costs as between different types of open end credit plans. (Pub. L. 90-321, title I, § 143, May 29, 1968, 82 Stat. 158.)

EFFECTIVE DATE

Section effective July 1, 1969, see section 504(b) of Pub. L. 90-321, set out as a note under section 1631 of this title.

§ 1664. Advertising of credit other than open end plans.

(a) Exclusion of open end credit plans.

Except as provided in subsection (b) of this section, this section applies to any advertisement to aid, promote, or assist directly or indirectly any consumer credit sale, loan, or other extension of credit subject to the provisions of this subchapter, other than an open end credit plan.

(b) Advertisements of residential real estate.

The provisions of this section do not apply to advertisements of residential real estate except to the extent that the Board may by regulation require.

(c) Rate of finance charge expressed as annual percentage rate.

If any advertisement to which this section applies states the rate of a finance charge, the advertisement shall state the rate of that charge expressed as an annual percentage rate.

(d) Requisite disclosures in advertisement.

If any advertisement to which this section applies states the amount of the downpayment, if any, the amount of any installment payment, the dollar amount of any finance charge, or the number of installments or the period of repayment, then the advertisement shall state all of the following items:

- (1) The cash price or the amount of the loan as applicable.
- (2) The downpayment, if any.
- (3) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended.
- (4) The rate of the finance charge expressed as an annual percentage rate.

(Pub. L. 90-321, title I, § 144, May 29, 1968, 82 Stat. 158.)

EFFECTIVE DATE

Section effective July 1, 1969, see section 504(b) of Pub. L. 90-321, set out as a note under section 1631 of this title.

§ 1665. Nonliability of advertising media.

There is no liability under this part on the part of any owner or personnel, as such, of any medium in which an advertisement appears or through which it is disseminated. (Pub. L. 90-321, title I, § 145, May 29, 1968, 82 Stat. 159.)

EFFECTIVE DATE

Section effective July 1, 1969, see section 504(b) of Pub. L. 90-321, set out as a note under section 1631 of this title.

SUBCHAPTER II.—RESTRICTIONS ON GARNISHMENT

§ 1671. Congressional findings and declaration of purpose.

(a) The Congress finds:

- (1) The unrestricted garnishment of compensation due for personal services encourages the

making of predatory extensions of credit. Such extensions of credit divert money into excessive credit payments and thereby hinder the production and flow of goods in interstate commerce.

(2) The application of garnishment as a creditors' remedy frequently results in loss of employment by the debtor, and the resulting disruption of employment, production, and consumption constitutes a substantial burden on interstate commerce.

(3) The great disparities among the laws of the several States relating to garnishment have, in effect, destroyed the uniformity of the bankruptcy laws and frustrated the purposes thereof in many areas of the country.

(b) On the basis of the findings stated in subsection (a) of this section, the Congress determines that the provisions of this subchapter are necessary and proper for the purpose of carrying into execution the powers of the Congress to regulate commerce and to establish uniform bankruptcy laws. (Pub. L. 90-321, title III, § 301, May 29, 1968, 82 Stat. 163.)

EFFECTIVE DATE

Section 504(c) of Pub. L. 90-321 provided that: "Title III [which enacted this section and sections 1672—1677 of this title] takes effect on July 1, 1970."

§ 1672. Definitions.

For the purposes of this subchapter:

(a) The term "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program.

(b) The term "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld.

(c) The term "garnishment" means any legal or equitable procedure through which the earnings of any individual are required to be withheld for payment of any debt. (Pub. L. 90-321, title III, § 302, May 29, 1968, 82 Stat. 163.)

EFFECTIVE DATE

Section effective July 1, 1970, see section 504(c) of Pub. L. 90-321, set out as a note under section 1671 of this title.

§ 1673. Restriction on garnishment.

(a) Maximum allowable garnishment.

Except as provided in subsection (b) of this section and in section 1675 of this title, the maximum part of the aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed

(1) 25 per centum of his disposable earnings for that week, or

(2) the amount by which his disposable earnings for that week exceed thirty times the Federal minimum hourly wage prescribed by section 206

(a) (1) of Title 29 in effect at the time the earnings are payable,

whichever is less. In the case of earnings for any pay period other than a week, the Secretary of Labor shall by regulation prescribe a multiple of the Federal minimum hourly wage equivalent in effect to that set forth in paragraph (2).

(b) Exceptions.

The restrictions of subsection (a) of this section do not apply in the case of

- (1) any order of any court for the support of any person.
- (2) any order of any court of bankruptcy under chapter XIII of the Bankruptcy Act.
- (3) any debt due for any State or Federal tax.

(c) Execution or enforcement of garnishment order or process prohibited.

No court of the United States or any State may make, execute, or enforce any order or process in violation of this section. (Pub. L. 90-321, title III, § 303, May 29, 1968, 82 Stat. 163.)

REFERENCES IN TEXT

Chapter XIII of the Bankruptcy Act, referred to in subsec. (b) (2), is classified to section 1001 et seq. of Title 11, Bankruptcy.

EFFECTIVE DATE

Section effective July 1, 1970, see section 504(c) of Pub. L. 90-321, set out as a note under section 1671 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1675 of this title.

§ 1674. Restriction on discharge from employment by reason of garnishment.

(a) No employer may discharge any employee by reason of the fact that his earnings have been subjected to garnishment for any one indebtedness.

(b) Whoever wilfully violates subsection (a) of this section shall be fined not more than \$1,000, or imprisoned not more than one year, or both. (Pub. L. 90-321, title III, § 304, May 29, 1968, 82 Stat. 163.)

EFFECTIVE DATE

Section effective July 1, 1970, see section 504(c) of Pub. L. 90-321, set out as a note under section 1671 of this title.

§ 1675. Exemption for State-regulated garnishments.

The Secretary of Labor may by regulation exempt from the provisions of section 1673(a) of this title garnishments issued under the laws of any State if he determines that the laws of that State provide restrictions on garnishment which are substantially similar to those provided in section 1673(a) of this title. (Pub. L. 90-321, title III, § 305, May 29, 1968, 82 Stat. 164.)

EFFECTIVE DATE

Section effective July 1, 1970, see section 504(c) of Pub. L. 90-321, set out as a note under section 1671 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1673 of this title.

§ 1676. Enforcement by Secretary of Labor.

The Secretary of Labor, acting through the Wage and Hour Division of the Department of Labor, shall enforce the provisions of this subchapter. (Pub. L. 90-321, title III, § 306, May 29, 1968, 82 Stat. 164.)

EFFECTIVE DATE

Section effective July 1, 1970, see section 504(c) of Pub. L. 90-321, set out as a note under section 1671 of this title.

§ 1677. Effect on State laws.

This subchapter does not annul, alter, or affect, or exempt any person from complying with, the laws of any State

(1) prohibiting garnishments or providing for more limited garnishment than are allowed under this subchapter, or

(2) prohibiting the discharge of any employee by reason of the fact that his earnings have been subjected to garnishment for more than one indebtedness.

(Pub. L. 90-321, title III, § 307, May 29, 1968, 82 Stat. 164.)

EFFECTIVE DATE

Section effective July 1, 1970, see section 504(c) of Pub. L. 90-321, set out as a note under section 1671 of this title.

Chapter 42.—INTERSTATE LAND SALES [NEW]

Sec.

- 1701. Definitions.
- 1702. Exemptions.
- 1703. Prohibitions relating to sale or lease of lots or subdivisions; voidability of contracts or statements.
- 1704. Registration of subdivisions.
 - (a) Filing of statement of record.
 - (b) Payment of fees; use by Secretary.
 - (c) Filing deemed to have taken place upon receipt of statement of record accompanied by fee.
 - (d) Availability of information to public.
- 1705. Information required in statement of record.
- 1706. Effective date of statements of record and amendments thereto.
 - (a) Thirtieth day after filing or such other date as determined by Secretary; continuation of subsequent statements of record earlier recording.
 - (b) Incomplete or inaccurate statements of record.
 - (c) Amendment of statement of record.
 - (d) Suspension of statement of record containing untrue statement or omission of material fact; notice and hearing; termination of order of suspension.
 - (e) Examination to determine issuance of order of access to records; order suspending statement of record upon failure to cooperate.
 - (f) Service of notices.
- 1707. Information required in property report; use for promotional purposes.
- 1708. Cooperation with State authorities; jurisdiction of real estate commission or similar body of State.
- 1709. Civil liabilities.
 - (a) Suit for untrue statement or omission of state material fact in statement of record.
 - (b) Suit for sale or lease in violation of section 1703 of this title or by means of property report containing untrue statement or omission to state material fact.
 - (c) Damages recoverable.
 - (d) Contribution.
 - (e) Amount recoverable.
- 1710. Review of orders; jurisdiction; procedure; conclusiveness of findings; additional evidence; modification of findings by Secretary; stay.
- 1711. Limitation of actions.
- 1712. Contrary stipulations void.
- 1713. Additional remedies.
- 1714. Investigations, injunctions, and prosecution of offenses.
 - (a) Permanent or temporary injunction or restraining order; jurisdiction.
 - (b) Investigations; publication of information concerning violations.
 - (c) Oaths and affirmations; subpoena power.
 - (d) Contempt; court order requiring attendance and testimony of witnesses; jurisdiction.
 - (e) Self-incrimination.
- 1715. Administration; delegation of functions; duties and powers; hearing officers; appeals from decisions; public hearings; record of hearings.

3B-68

DAN STARR
Publisher

LOUIS R. GUZZO
Managing Editor

HAROLD D. KELSEY
Business Manager

JACK DOUGHTY
Associate Editor

CHARLES J. DUNSIRE
Editorial Page Editor

ARNOLD E. WALLSTROM
Advertising Director

JAMES BONNEAU
Circulation Director

Established 1868

B2

February 13, 1972

PM

Youth

Mass. Closing Juvenile Jails

BY BILL KOVACH
The New York Times

AMHERST, Mass. — The State of Massachusetts is moving ahead rapidly with a program to abolish institutions for juvenile offenders and to replace them with community-based work and educational programs.

The program, in the formative stages for nearly two years, is designed to, within the next six months, make this the first state to abolish all juvenile prisons.

The experiment has received federal grants to aid its implementation.

In the past two months, three juvenile institutions — including the nation's oldest jails for boys and girls — have been closed and more than 200 of the state's 800 young offenders are in community-based facilities.

According to Dr. Jerome G. Miller, head of the Youth Services Department, directing the effort, the only way to reform the penal system is to dismantle its institutions.

"We made a basic decision after I took this job two years ago that it would do no good to pump more money and more programs into the existing system because the system can chew up reforms faster than you can dream up new ones," said Miller. "It is a sick system that destroys the best efforts of everyone in it and we decided to look for alternatives."

The per capita cost of jailing a juvenile for a year was about \$10,000, or, as Miller pointed out, "enough to send a child to Harvard University with a \$100 a week allowance, a summer vacation in Europe, and once a week psychotherapy."

Most of that money was required to maintain the institutions and, he said he decided it could be better spent for more personal work with the youthful offender in a program designed to integrate him back into the community rather than to segregate him.

One of the alternatives to buildings and bars is a program at the University of Massachusetts campus here called Juvenile Opportunities Extension, or JOE.

Directed by Larry L. Dye, JOE is a recognized student activity (funded and run by the students) and is part of a major effort by the university's students to involve themselves in community affairs. Through JOE, 100 former inmates of the now-closed juvenile prisons are paired with student volunteers from their home community.

The juvenile and the student (called an advocate) live together in dormitories or apartments and jointly work together to find a way to bring the juvenile back into his local community. Designed as a month-long program, the two are expected to develop a living arrangement, at home if possible, and an educational or employment schedule.

Other alternatives serve 130 former juvenile inmates. Most of these are in group homes where the youngsters are directed and supervised by foster parents. Some of the larger group homes have staffs enlarged by the addition of state employees who formerly worked at the institutions that have been shut down.

"Whatever the arrangement," Miller said, "the thrust is the same — to get the kid out of an impersonal institution and into a more personal situation where he or she can be worked with more intensively."

By LESTER VELIE

The Child Trappers

The game is called "trap the child." It is played by judges, social workers and corrections officials in courtrooms, in bureaucratic mazes and in prison cells. It is known officially as the juvenile-court system, and yearly it mangles the lives of thousands of our children

FOR AN outsider, the first glimpse of a fellow human being caged in solitary confinement in a six-by-ten-foot cell—prisoners call it "the hole"—is a harrowing one. But when the caged one is a child, the sight will trouble sleep that night, and for many nights thereafter.

Last August, at the Illinois Industrial School for Boys at Sheridan, I counted 26 boys, some as young as 15, who had been locked in the hole from five days to two months. One was Carman Tate, a slim, fine-featured boy of 17 whose dark-tan coloring reflected his black-Latin origins. Some deep, inner cry of protest so filled the boy's eyes with pain

96

that one winced to look at him.

Carman had already spent three of his adolescent years locked away from mother, friends and school when I first saw him. What crime had he committed while outside? None known to the criminal code. The charge that set him on the path to this maximum-security prison was "running away from home for two days." His story reveals how the juvenile-court system traps and mangles children in the name of saving them.

The "saving" of Carman Tate began when he was 13. In the ghetto rioting that followed the assassination of Martin Luther King, Jr.,

some drapes were in Carman's neighborhood, who, with thousands milling around the was picked up and arson. Since childr boy spent 28 days local detention ce position of his turned out, the for lack of evidence faced a still more his parents' word late, was "beyond

Actually, as a and a psychiatrist Carman's parents control. When Ca stepfather had et Chicago policeman and quick with hi man of young C send him to a dar out of his wits, th the youngster's t father also had a Carman work lo hours, without p When the boy r father beat him. mother interceded

At the time of t rival, Carman wa dent, attending Soon, however, he class and, because in the store, some

*In many states, is minor under 18, after his being "beyond the or a "habitual truant," he is paroled or until

some drapes were set afire in a school in Carman's neighborhood. Carman, who, with thousands of others, was milling around the streets that night, was picked up and charged with the arson. Since children get no bail, the boy spent 28 days behind bars in the local detention center awaiting disposition of his case. Then, as it turned out, the case was dismissed for lack of evidence. But Carman faced a still more difficult charge: his parents' word that he stayed out late, was "beyond their control."*

Actually, as a court investigator and a psychiatrist reported, it was Carman's parents who were beyond control. When Carman was nine, a stepfather had entered his life—a Chicago policeman, giant in size and quick with his fists. To make a man of young Carman, he would send him to a dark cellar, scare him out of his wits, then yell "sissy!" at the youngster's terror. The stepfather also had a store and made Carman work long, after-school hours, without pay or allowance. When the boy rebelled, the stepfather beat him. When Carman's mother interceded, he beat her, too.

At the time of the stepfather's arrival, Carman was an average student, attending school regularly. Soon, however, he became listless in class and, because of the long hours in the store, sometimes fell asleep.

*In some states, including Illinois, any minor under 18, after a second complaint of his being "beyond the control of his parents" or a "habitual truant," can be locked up until he is paroled or until he reaches 21.

He had to repeat the fifth grade. Once, when Carman was 13, he stayed away from school for 25 days. The reason, his mother told a social worker, was that Carman had to baby-sit for his sisters while his mother worked. But to the school, he was a habitual truant.

All this was spread before the juvenile-court judge after the arson charge had been dismissed, plus the psychiatrist's advice that Carman's parents, as well as Carman, get counseling. But juvenile courts are not in business to save adults. Only Carman got the treatment—a year on probation. Having become a ward of the court, he was ordered to obey his parents, observe a curfew and attend school regularly—or else. Since Carman's probation did nothing about his difficulty with his stepfather, the "or else" descended within four months. Carman was adjudged a delinquent for violating probation and turned over to the Illinois Youth Commission.

Prior to assigning Carman to one of the state's 18 juvenile detention centers, the commission tested him at a "diagnostic center." Here a social worker strongly recommended "family counseling." Carman's place, obviously, was in his home.

But Carman didn't go home. Somewhere out there in the corrections bureaucracy, some paper-shuffler had pinned crimes on the boy that he had never committed: unlawful possession of narcotics, and setting fire to a school. Carman had

Child ers

is played by
cials in court-
on cells. It is
em, and year-
our children

to look at him.
ready spent three
ears locked away
ends and school
him. What crime
d while outside?
the criminal code.
t him on the path
n-security prison
y from home for
tory reveals how
system traps and
in the name of

Carman Tate be-
13. In the ghetto
ed the assassina-
luther King, Jr.,

never been accused of a narcotics charge; the arson complaint had been dismissed. Yet the final diagnostic-staff decision concluded: "Because of his possible arsonist tendencies," the boy had to be put away in a secure setting. He was bundled off in a prison van to the state training school for boys at St. Charles, the second most secure juvenile-detention facility in Illinois.

It took eight leisurely months for the child-savers at St. Charles to discover that Carman merited parole. But less than two weeks after his release, Carman was back on a parole-violation charge. He was defiant, his parents had told the parole officer. True. Ordered out of the house by his stepfather, Carman had cried out to his mother: "If I can't be with you, I might as well be locked up!"

Sent again to the diagnostic center at Joliet, Carman learned that his stepfather had died. Since a happy home now awaited him, reason screamed: *Send this boy home!* Instead, he was taken to the training school for boys at Sheridan, the maximum-security institution where I met him. It was a routine department matter; no judge, lawyer or parent was advised.

During his first year at Sheridan, Carman spent a total of 82 days—1968 hours—in solitary. Once (eight days) was for threats (by the slightly built 15-year-old) to hit a guard; another time (14 days) for disrespect to a counselor and refusing an order. When he was not in solitary, he

lived with some of the most desperate young felons in the state.

As the months passed, with no word about parole, Carman descended into bitterness. He came to feel that only a black revolution against an oppressive white establishment could free him. So, in the spring of 1971, Carman joined other inmates in a "black revolution" riot aimed at calling attention to their plight.

The spark was the authorities' use of a powerful tranquilizer, Thorazine, injected to immobilize misbehavers. A psychiatrist later testified at an inquiry into Sheridan that "Thorazine is a dangerous drug which should be used only as part of a program of psychiatric therapy." Yet Sheridan's part-time psychiatrist was not consulted about the drug's use. Nor did the prison's part-time doctor always examine the injected boy. The result was that one asthmatic inmate, 19-year-old Anthony Jones, subjected to a heavy daily dose for four consecutive days, died by strangulation.

Because Jones was a leader of the Black Power organization inside Sheridan, inmates looked on his death as calculated murder. During the riot that subsequently broke out, inmates knifed one guard to death. Later another guard was seriously beaten, and Carman was accused in this incident. Since this was a serious charge, Carman, now 16, was taken before an adult criminal court and indicted for aggravated battery—which carries a one-to-ten-year sentence in Illinois.

Last October were planning guilty to the ch specific sentence tentiary which-good behavior—within a year.

of juvenile cor man could exte the juvenile-cou ting" a crime, h

The Crime c man's case is n Each year, more non-criminal m trapped by our ju

Item: Over 1 pleas to let 15- go home, a juve the girl to an I Police said the beyond the nine few and had sas

Item: Fifteen- an intelligent ch three years lock appealed to a Ch when Pamela, emotional probl spent months a foster homes an —until 1969 w order, she was c insane asylum, sane. Here, for was spread-eagl ankles and hand once for 28 day 30 days. When of her tormento with assault an juvenile court

e of the most des-
lons in the state.
hs passed, with no
le, Carman descend-
ss. He came to feel
k revolution against
white establishment
So, in the spring of
oined other inmates
olution" riot aimed
tion to their plight.
as the authorities' use
tranquilizer, Thora-
o immobilize misbe-
biatrist later testified
into Sheridan that
a dangerous drug
e used only as part of
psychiatric therapy."
part-time psychiatrist
ted about the drug's
he prison's part-time
examine the injected
t was that one asth-
19-year-old Anthony
ed to a heavy daily
onsecutive days, died
n.
es was a leader of
er organization inside
ates looked on his
ated murder. During
subsequently broke
knifed one guard to
another guard was
n, and Carman was
s incident. Since this
harge, Carman, now
n before an adult
t and indicted for
tery—which carries a
sentence in Illinois.

Last October, Carman's lawyers were planning to plead the boy guilty to the charge, in return for a specific sentence in an adult penitentiary which—with time off for good behavior—could free Carman within a year. In the mad world of juvenile correction, then, Carman could extricate himself from the juvenile-court trap by "committing" a crime, his first.

The Crime of Childhood. Carman's case is not an isolated one. Each year, more than 440,000 other non-criminal minors under 18 are trapped by our juvenile-court system. *Item:* Over her parents' tearful pleas to let 15-year-old Sharon R. go home, a juvenile-court judge sent the girl to an Indiana reformatory. Police said the girl had stayed out beyond the nine o'clock minors' curfew and had sassed a policeman.

Item: Fifteen-year-old Pamela W., an intelligent child, has spent almost three years locked up. Her mother appealed to a Chicago juvenile court when Pamela, at ten, developed emotional problems. Pamela then spent months alternating between foster homes and detention centers—until 1969 when, without court order, she was dumped into a state insane asylum, although she was sane. Here, for "treatment," Pamela was spread-eagled on a bed, her ankles and hands bound with ropes, once for 28 days, another time for 30 days. When the girl struck one of her tormentors, she was charged with assault and committed by a juvenile court to a state training

school where, at age 13, she endured 792 hours of solitary confinement. When I saw her last fall, she was still awaiting parole.

How did crimes against children like these begin? The juvenile court and the concept of juvenile delinquency are American inventions, mothered by welfare workers of the 1880s, to save children from lives of crime. The way to do it, they theorized, was to catch the youngster in "pre-delinquent" misbehavior, remove him from his family and put him into "protective custody," where he would get the care and discipline to prepare him for solid citizenship.

However, this well-intentioned theory was codified in vague laws that gave the state awesome power to intervene in the lives of non-criminal children. Indeed, some statutes seem to make childhood itself a crime. California's law, for example, says: "Any person under 21 who persistently refuses to obey his parents, guardian, custodian or school authorities or who from any cause is in danger of leading an idle, dissolute or immoral life is within the jurisdiction of the juvenile court."⁶

Because those caught up in such broad legal nets were to become "wards of the court," and the state was to become their parent, a new kind of court was created to deal only with juveniles. (In many states,

⁶As this article was written, the constitutionality of part of this law was under consideration by the U.S. Supreme Court.

however, adult criminal courts continue to handle serious offenders over 15, and in some states over 12.) The new court would be run by a new kind of judge—a wise and benign counselor who would prescribe treatment for the child, instead of passing sentence. And presumably, this judge would have the tools for therapy: psychiatric care, counseling and foster homes.

But neither judges nor tools matched the lofty aims of the child-savers. Today the National Council on Crime and Delinquency (NCCD), which has studied juvenile courts and detention in almost every state, says: "The quickest route to a criminal career is via the juvenile court." One study has found that one fifth of all juvenile-court judges were not members of the bar; one half hadn't even graduated from college.

In El Paso, Texas, one judge bundled children off to detention without ever seeing them. He simply initialed a mimeographed form, filled out by a parent, declaring the child to be a delinquent. One such "delinquent" was a 16-year-old girl whose mother went off on a two-week spree with a lover and signed away the child as an "incorrigible"—so using the detention home as a baby-sitter.

The Trap Is Set. For a close-up view of a juvenile court at work, let's visit Illinois' Cook County (Chicago). Here, to enter a juvenile courtroom, you need the written permission of the chief judge. This,

you are told, is to protect the anonymity of the juvenile. But the secrecy protects the system more than it does the child.

The court I entered is where the first step in the juvenile judicial process takes place—an arraignment that leads to the dismissal of a case or to more court appearances. A black 11-year-old stands mute, as adults take three minutes flat to agree on a decision that may damage him for the rest of his life.

An assistant state's attorney reads the accusation which charges the boy with "illegal trespass to a vehicle," i.e., joyriding in a stolen car, driven by another. The young public defender, who had not seen the boy before, does not speak to his client or challenge the state's attorney. He pleads the boy guilty.

The judge questions the boy to determine whether he understands what has been said. Then, as the boy stands silent, he tells him that he will be placed under court supervision for six months. At the end of that time, if the boy has behaved, the charge will be dismissed and the case record destroyed.

The trap has been set. Truancy from school, disobeying his parents or a probation officer's complaint will bring the boy back to court. Then he may go to jail for disobeying the judge's orders—although, because of the guilty plea, the original charge was never tried and proved.

Strangely, as other children face the judge, the public defender pleads

virtually all his In the Cook C parents and ch tioned by law law graduates tors" for the pu about ten mi They note th school record, any, and then

"We kind of (guilty pleas) kid has anyth the charge," a How the inv this is not clea vestigating. T ing what he child into, u guilty plea and

Even where yers fight to s heavy case loa cult. In some c each handle a cases a day. many juvenik legal niceties OEO lawyers court in Texa ing failure t rights, the U. Eastern Texas to some 2400 j the state. Half a lawyer.

To all this, a tice of "dur children, who centers while j ers seek a fost psychiatric ca

d, is to protect the another juvenile. But the sets the system more than child.

at I entered is where the in the juvenile judicial place—an arraignment to the dismissal of a case to the court appearances. A 17-year-old stands mute, as three minutes flat to decision that may damage the rest of his life.

ant state's attorney reads a motion which charges the illegal trespass to a vehicle—joyriding in a stolen car, another. The young public defender, who had not seen the child, does not speak to his challenge the state's attorney pleads the boy guilty.

He questions the boy to determine whether he understands the charges. Then, as the judge is silent, he tells him that the boy is placed under court supervision for six months. At the end of the period, if the boy has behaved, he will be dismissed and the charges destroyed.

has been set. Truancy, disobedience, and a probation officer's complaint have sent the boy back to court. He may go to jail for disobeying the judge's orders—although, after the guilty plea, the original charge was never tried and

as other children face the public defender pleads

virtually all his clients guilty. Why? In the Cook County juvenile court, parents and children are first questioned by law students and recent law graduates who—as "investigators" for the public defender—spend about ten minutes on each case. They note the child's name, his school record, past difficulties, if any, and then advise the parents.

"We kind of push for admissions (guilty pleas) on arraignment if the kid has anything at all to do with the charge," a law student told me. How the investigator determines this is not clear, for he does no investigating. The parent, not knowing what he or she is getting the child into, usually agrees to the guilty plea and supervision.

Even where court-appointed lawyers fight to send the child home, heavy case loads make the job difficult. In some cities public defenders each handle as many as 50 juvenile cases a day. And in small towns, many juvenile-court judges waive legal niceties altogether. When OEO lawyers sued every juvenile court in Texas last summer, charging failure to protect children's rights, the U.S. District Court for Eastern Texas sent a questionnaire to some 2,400 jailed children all over the state. Half of them had not had a lawyer.

To all this, add the common practice of "dumping" non-criminal children, who languish in detention centers while judge and social workers seek a foster home, a shelter or psychiatric care. Such facilities are

extremely hard to come by. The President's Crime Commission has pointed out that more than 80 percent of juvenile-court judges "had no psychologist or psychiatrist available on a regular basis." In short, the juvenile-court system simply can't keep the promise—made by its inventors—to use the behavioral and medical sciences to prevent or cure delinquent behavior.

Let's return to the Cook County Juvenile Court to watch judge, public defender and social worker make a promise that, unkept, dumps a 15-year-old who has done no one any harm. The courtroom we now enter is where the judge decides what to do with a child who has been held over after arraignment. It takes him an average of 12 minutes.

A sturdy boy, Gregory C., faces the judge. At an earlier hearing, Gregory had been adjudged a "minor in need of supervision," a term by which Illinois differentiates non-criminal children from delinquents. That was two months ago, when Gregory's mother had complained that he stayed away from home overnight. Since then, he has been behind bars in the Audy Home, a high-security detention center, while a social worker looked for a foster home. The social worker tells the judge that he still hasn't found one. Gregory's mother refuses to take him home.

A public defender has an idea. He takes the mother aside, and in an off-the-record huddle, urges her to agree to a finding of neglect against

her. This will turn Gregory into a "neglected child" and it will be easier to find a place for him. The mother demurs, then agrees, and the judge orders Gregory back to the lockup—pending further search for a foster home.

Tragic Odds. Is such dumping unusual? No. The Chicago Citizens Committee on the Juvenile Court found that 331 children *under six* had been dumped into the Audy Home in a recent year. Another 447 were six to 12 years old. Sometimes the bureaucracy, having dumped a child, loses or forgets him. Billy N., left temporarily at Audy when he was six, remained there on and off until he was 16!

If Gregory had been adjudged a delinquent he would probably have been sent to a training school. Many of these places are massive maximum-security facilities—overcrowded, located far from the homes of the children, and, according to NCCD, control their inmates with physical repression.

For example, at the Gatesville State School for Boys in Texas, as U.S. Senate investigators heard: "Security is maintained by a 24-hour horse patrol, 24-hour jeep patrol, and an eager kennel of dogs who are trained to chase younger children. [In April 1969, 200 of the "school's" inmates were under 12.] ... A day without a brating is the

exception, and torment is the order of the day."

Says Massachusetts Youth Services Commissioner Jerome G. Miller: "Almost anything we could do is better than what we have been doing." He wants to shut down his state's ten juvenile-correction institutions by 1974.

What are the odds that a juvenile graduate from a training school or reformatory can go straight? Less than 50-50, says NCCD. When the FBI studied several thousand repeaters of all ages it found three of every four offenders under 20 were repeaters within the next four years. At the school at Sheridan, Ill., an official who used to inspect state prisons said: "Over the years, I saw hundreds of inmates at Pontiac (an adult prison) whom I had first met as Sheridan boys."

In Philadelphia, Family Court Administrative Judge Frank J. Montemuro, Jr., summed up the horror of our juvenile courts: "We're running a feeding system for the adult-criminal court."

The delinquency doctors are telling us that the treatment is part of the disease. Isn't it time we tried another treatment?

In Part II of this series, The Reader's Digest will examine some possible solutions to the problems of juvenile justice.

Half-truths are like half a brick—they can be thrown farther.

—Vice Admiral Hymen G. Rickover

th
Mo
Your I
A

Do you know
\$3900 in fe
income yo
your son to college
aside up to \$2500
paying tax on it un
and in a much lo
Last month we spe
the often-missed
should be aware o
out your 1971 tax
let's look at a larg
strategy to keep yo
possible.

Is there really
taxes on the incom
for your children's

Yes, by "income
flecting part of you

*See "Ways to Keep
Down," The Reader's E

SB-68

NIGHT LETTER

Sent 5-5-71 5:00 p.m.

To: Rep. Genie Chance, Juneau, Alaska

From: Harold J. Butcher, Anchorage

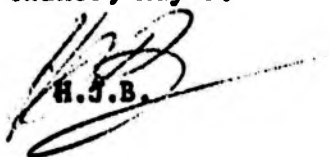
Strongly urge House conferees accept Senat Bill 68 as introduced by Thomas, et.al., as originally proposed by the undersigned and attached to memorandum of justification.

My proposal, as reflected in Senate Bill 68 simply adds one paragraph to the statute and requires no alteration or changes in preceding statutes. The language contained in the last line of Senate Bill 68 "on order of the court" simply reiterates the same language as presently contained in the last line of 47.10.080(b)(1), as adopted in 1970. That language "on order of the court" has never created any problems between the court and the Division of Corrections. That language "on order of the court" also reiterates the same language in the statute as it existed before the amendment of 1970 in the original statute as it has stood since its adoption in 1962. The House version, in my opinion, detracts from the clear purpose of the statute as it has stood since 1962.

Please do your best to get a bill passed as the amendment is badly needed now.

Lowell:

This telegram sent to Genie Chance, May 5.


H.J.B.

SB-68

§ 47.05.050

ALASKA STATUTES

§ 47.10.010

to take advantage of the training grants provisions of the Social Security Act, as amended, the state, through the department, consents and agrees to all conditions required by federal statute and regulation necessary for the state to participate fully in the training grants or other programs. (§ 51-1-3(p) ACLA 1949; added by § 4 ch 133 SLA 1957)

Sec. 47.05.050. Policy. It is the public policy of the state to cooperate and coordinate with the United States government and its agencies in providing for and administering federal and state laws for old age assistance and the other assistance which is provided for or extended to the people of the state. (§ 51-1-4 ACLA 1949)

Chapter 10. Delinquents and Wards of the Court.

Article

- 1. Juvenile Courts (§§ 47.10.010—47.10.142)
- 2. Juvenile Institutions (§§ 47.10.150—47.10.220)
- 3. Care of Children (§§ 47.10.230—47.10.260)
- 4. General Provisions (§§ 47.10.270—47.10.290)

Article 1. Juvenile Courts.

Section

- 10. Jurisdiction
- 20. Investigation and petition
- 30. Summons and custody of minor
- 40. Release of minor
- 50. Appointment of guardian ad litem
- 60. Waiver of jurisdiction
- 70. Hearings
- 75. Young adult advisory panels
- 80. Judgments and orders
- 90. Records

Section

- 100. Retention of jurisdiction over minor
- 110. Appointment of guardian or custodian
- 120. Support of minor
- 130. Detention
- 140. Temporary detention and detention hearing
- 142. Emergency custody and temporary placement hearing

Sec. 47.10.010. Jurisdiction. (a) 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

- (1) violates a law of the state, or an ordinance or regulation of a political subdivision of the state;
- (2) by reason of being wayward or habitually disobedient is uncontrolled by his parent, guardian or custodian;
- (3) is habitually truant from school or home, or habitually so conducts himself as to injure or endanger the morals or health of himself or others;
- (4) is abandoned by his parent, guardian or custodian;
- (5) lacks proper parental care by reason of the faults, habit or neglect of his parent, guardian or custodian;
- (6) associates with vagrant, vicious or immoral people, or engages in an occupation or is in a situation dangerous to life or limb or injurious to the health, morals, or welfare of himself or others;

§ 47.10.0

(7) is in custody and (8) has department (9) is in (b) WI regulation municipal procedur except th procedir prosecut an adult.

(c) In appoint a support f the Depa money to am § 1 ch 1969; am

Cross re Children's Court Proc to prosecut without ow (d).

Effect of amendment language of subsection (

The 196 sentence of 28.35.030, —28.35.110, and substi the second the amend. "may" and court."

The 197 "Departmen Services" fo Welfare" in (c).

Editor's n 1967, as am provides: "I under AS 4 designate di as masters v

Legislativ report on a Journal, p. 1969 (CSHB 362.

of the Social
ment, consents
and regulation
ing grants or
33 SLA 1957)

state to co-
ment and its
state laws for
vided for or

Court.

tion over minor
guardian or custo-

and detention

y and temporary

to a minor
verned by this
n the minor
egulation of a

isobedient is

habitually so
health of him-

abit or neglect

or engages in
b or injurious

(7) is an orphan who has no relatives willing and able to assume custody and care;

(8) has been released by his parent or parents, or guardian, to the department for adoptive purposes; or

(9) is in need of special care or training not otherwise provided.

(b) When a minor is accused of violating a traffic statute or regulation, or a traffic ordinance or regulation of an incorporated municipality, excepting a statute the violation of which is a felony, the procedure prescribed in §§ 20—90 of this chapter may not be followed, except that a parent, guardian or legal custodian shall be present at all proceedings. The minor accused of a traffic offense shall be charged, prosecuted, and sentenced in the district court in the same manner as an adult.

(c) In a controversy concerning custody of a minor, the court may appoint a guardian of the person and property of a minor and may order support from either or both parents. Custody of a minor may be given to the Department of Health and Social Services, and payment of support money to the department may be ordered. (§ 4 art I ch 145 SLA 1957; am § 1 ch 76 SLA 1961; am §§ 1, 2 ch 110 SLA 1967; am § 1 ch 64 SLA 1969; am § 6 ch 104 SLA 1971)

Cross references. — See Rules of Children's Procedure, Alaska Rules of Court Procedure and Administration. As to prosecution of minor driving vehicle without owner's consent, see AS 28.35.010 (d).

Effect of amendments — The 1967 amendment rewrote the introductory language of subsection (a) and rewrote subsection (c).

The 1969 amendment, in the first sentence of subsection (b), deleted "AS 28.35.030, 28.35.040, or AS 28.35.050 —28.35.110, or" following "excepting," and substituted "may" for "need." In the second sentence of that subsection the amendment substituted "shall" for "may" and inserted "in the district court."

The 1971 amendment substituted "Department of Health and Social Services" for "Department of Health and Welfare" in the last sentence in subsection (c).

Editor's note. — Section 7, ch. 110, SLA 1967, as amended by § 80, ch. 69, SLA 1970, provides: "In exercising its jurisdiction under AS 47.10, the superior court may designate district judges and magistrates as masters under Civil Rule 53."

Legislative committee reports. — For report on amending bill, see 1961 House Journal, p. 140. For report on ch. 64, SLA 1969 (CSHB 10), see 1969 House Journal, p. 362.

Jurisdiction to regulate custody of infants does not depend upon domicile of parents. Clegg v. Abood 13 Alaska 187 (1951).

It has its origin in the protection that is due to the incompetent or helpless. Clegg v. Abood, 13 Alaska 187 (1951).

The court acts as parent patriae, protecting the child whose custody is in dispute and making its award solely according to the interests and welfare of the child. This is true, regardless of the settled or transient character of the parents' residence, or even of a child abandoned by its parents. Clegg v. Abood, 13 Alaska 187 (1951).

Hence, the residence of the child suffices, though the domicile of the parents be elsewhere. Clegg v. Abood, 13 Alaska 187 (1951).

Effect of decree of another court in custody cases. — That a parent brings the child into the jurisdiction of a court in violation of the decree of another court, will not deprive the court of the state where the child presently resides from determining matters of custody in cases of changed circumstances. Clegg v. Abood, 13 Alaska 187 (1951).

When person over or under certain age. — With respect to penal statutes, whether a person is over or under a certain age depends upon whether he has reached that particular anniversary of his birthday or not. State v. Linn, Sup. Ct. Op. No. 47 (File No. 122), 363 P.2d 361 (1961).

Requisites to determination of delinquency. — Before a juvenile can be determined delinquent in a proceeding which could result in commitment to an institution, thus curtailing his freedom, certain requisites must be met. First, written notice of the charges must be given to the juvenile and his parents sufficiently in advance of the proceedings to allow preparation to meet the charges. Second, the child and his parents must be apprised of the right to counsel, including appointed counsel in case of indigency. Third, the child may exercise his privilege against self-incrimination. Lastly, absent a valid confession, the determination of delinquency cannot be sustained in the absence of sworn testimony, which is subject to cross-examination. *E.J. v. State*, Sup. Ct. Op. No. 628 (File No. 1144), 471 P.2d 367 (1970).

The required standard of proof has been increased from "a preponderance of the evidence" to "beyond a reasonable doubt" in the adjudicatory stages of at least those delinquency proceedings in which a child is charged with an act that would be a crime if committed by an adult. *E.J. v. State*, Sup. Ct. Op. No. 628 (File No. 1144), 471 P.2d 367 (1970).

Violations of AS 04.15.060. — In cases involving violations of AS 04.15.060, offenders between the ages of 18 and 21 years may be punished as for a misdemeanor by fine or imprisonment; but offenders between the ages of 17 and 18 years must instead be proceeded against

under the provisions of the juvenile laws. *Purdy v. United States*, 16 Alaska 173, 146 F. Supp. 762 (D. Alas. 1956)

Appeal after serving sentence. — If there remain collateral legal disabilities apart from the sentence, an appeal is not mooted even though the sentence has been served. *E.J. v. State*, Sup. Ct. Op. No. 628 (File No. 1144), 471 P.2d 367 (1970).

Am. Jur., ALR and C.J.S. references. — 27 Am. Jur., Infants, §§ 101 to 112; 31 Am. Jur., Juvenile Courts and Delinquents, Dependent and Neglected Children, §§ 13 to 50.

Another court's jurisdiction over a child as affected by assumption of jurisdiction by juvenile court, 11 ALR 147; 78 ALR 317; 146 ALR 1711.

Vagrancy of minors, 14 ALR 1507.

Constitutionality of statute which, for reformatory purposes, deprives parent of custody or control of child, 60 ALR 1342.

Power of juvenile court to exercise continuing jurisdiction over infant delinquent or offender, 76 ALR 657.

Age of child at time of alleged offense or delinquency, or at time legal proceedings are commenced, as criterion of jurisdiction of juvenile court, 123 ALR 446.

Marriage as affecting jurisdiction of juvenile court over delinquents or dependents, 14 ALR2d 336.

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

43 C.J.S. Infants §§ 6, 93 et seq.

Sec. 47.10.020. Investigation and petition. (a) Whenever a person informs the court of the facts which bring a minor within this chapter, the court shall appoint a competent person or agency to make a preliminary inquiry and report for the information of the court to determine whether the interests of the public or of the minor require that further action be taken. Upon the receipt of the report, the court may informally adjust or dispose of the matter without a hearing, or it may authorize the person having knowledge of the facts of the case to file with the court a petition setting out the facts. Where the court informally adjusts or disposes of the matter, the minor may not be detained or taken into the custody of the court, and the matter shall be closed by the court upon adjustment or disposition.

(b) The petition and all subsequent pleadings shall be styled as follows: "In the matter of _____, a minor under 18 years of age." The petition may be executed upon the petitioner's information and belief, and shall be verified. It shall include the following information:

- (1) the n
- his relation
- (2) the n
- (3) a bri
- chapter;
- (4) the n
- (5) the n
- having cont
- (c) If any
- petitioner,
- him. (§ 5 ar

Sec. 47.1
is filed and
person hav
voluntarily,
the substan
possible tha
forever and
Department
directs the
personally i
in the summ

(b) If the
minor, the
place and t
of the minor
the hearing.
person auth
cannot be m
registered m

(c) If the r
requires the
court may o
serving the s
make the tem
6 art I ch 14
1971)

Effect of an
amendment sub
Health and
"Department of
item (2) of subsec
ALR reference

Sec. 47.10.0
may, in the d
parent, guard

§ 47.10.020

the juvenile laws.
6 Alaska 173, 146
(5)
sentence. — If
legal disabilities
an appeal is not
sentence has been
Ct. Op. No. 628
67 (1970).

U.S. references. —
101 to 112; 31 Am.
and Delinquents,
d Children, §§ 13

action over a child
on of jurisdiction
R 147; 78 ALR 317;

ALR 1507.
statute which, for
deprives parent of
L, 60 ALR 1342.

court to exercise
n over infant
6 ALR 657.

alleged offense or
legal proceedings
on of jurisdiction
R 446.

g, jurisdiction of
delinquents or
30
file as within
court, 48 ALR2d
93 et seq.

never a person
in this chapter,
ney to make a
of the court to
e minor require
e report, the court
a hearing, or it
ts of the case to
Where the court
nor may not be
e matter shall be

all be styled as
....., a minor
outed upon the
It shall include

- (1) the name, address and occupation of the petitioner, together with his relationship to the minor, and his interest in the matter;
 - (2) the name, age and address of the minor;
 - (3) a brief statement of the facts which bring the minor within this chapter;
 - (4) the names and addresses of the minor's parents;
 - (5) the name and address of the minor's guardian, or of the person having control or custody of the minor.
- (c) If any of the facts required in this section are not known by the petitioner, he shall state in his petition that those facts are unknown to him. (§ 5 art I ch 145 SLA 1957)

Sec. 47.10.030. Summons and custody of minor. (a) After a petition is filed and after further investigation which the court directs, if the person having custody or control of the minor has not appeared voluntarily, the court shall issue a summons which (1) recites briefly the substance of the petition; (2) clearly states that at the hearing it is possible that parental rights and responsibilities may be terminated forever and that the minor may at the hearing be committed to the Department of Health and Social Services for possible adoption; and (3) directs the person having custody or control of the minor to appear personally in court with the minor at the place and at the time set forth in the summons.

(b) If the person summoned is not the parent or guardian of the minor, the court shall also give the parent or guardian notice of the place and time of the hearing. The court may also subpoena the parent of the minor, or any other person whose testimony may be necessary at the hearing. A summons, subpoena or other process may be served by a person authorized by law to make the service. Where personal service cannot be made, the court may direct that service of process be made by registered mail.

(c) If the minor is in such condition or surroundings that his welfare requires the immediate assumption of his custody by the court, the court may order, by endorsement upon the summons, that the officer serving the summons shall at once take the minor into custody and make the temporary placement of the minor which the court directs. (§ 6 art I ch 145 SLA 1957; am § 1 ch 110 SLA 1960; am § 6 ch 104 SLA 1971)

Effect of amendment. — The 1971 amendment substituted "Department of Health and Social Services" for "Department of Health and Welfare" in item (2) of subsection (a).
ALR references. — Notice to parent, and hearing, before commitment of delinquent, dependent, or neglected children, 76 ALR 247.
 Right to and appointment of counsel in juvenile court proceedings, 60 ALR2d 691.

Sec. 47.10.040. Release of minor. A minor who is taken into custody may, in the discretion of the court and upon the written promise of the parent, guardian or custodian to bring the minor before the court at a

time specified by the court, be released to the care and custody of the parent, guardian or custodian. The minor, if not released, shall be detained as provided by § 140 of this chapter. The court may determine whether the father or mother or another person shall have the custody and control of the minor for the duration of the proceedings. If the minor is over 14 years of age, his desires in the matter shall be given consideration by the court. (§ 7 art I ch 145 SLA 1957)

Sec. 47.10.050. Appointment of guardian ad litem. Whenever in the course of proceedings instituted under this chapter it appears to the court that the welfare of a minor will be promoted by the appointment of a guardian ad litem, the court may make the appointment. (§ 8 art I ch 145 SLA 1957)

Sec. 47.10.060. Waiver of jurisdiction. (a) If the court finds at a hearing on a petition that there is probable cause for believing that a minor is delinquent and finds that the minor is not amenable to treatment under this chapter, it shall order the case closed. After a case is closed under this subsection, the minor may be prosecuted as if he were an adult.

(b) Repealed by § 8 ch 110 SLA 1967, effective January 1, 1968.

(c) Repealed by § 8 ch 110 SLA 1967, effective January 1, 1968.

(d) A minor is unamenable to treatment under this chapter if he probably cannot be rehabilitated by treatment under this chapter before he reaches 21 years of age. In determining whether a minor is unamenable to treatment, the court may consider the seriousness of the offense the minor is alleged to have committed, the minor's history of delinquency, the probable cause of the minor's delinquent behavior, and the facilities available to the division of youth and adult authority for treating the minor.

(e) If a person who has been tried as an adult under this section has completed his sentence and five years have elapsed, he may petition (or the Department of Health and Social Services may petition for him) the superior court to seal the records of all criminal proceedings against him and all punishments assessed against him, except for traffic offenses, while he was a minor. If the superior court finds that the punishment assessed against the person has had its intended rehabilitative effect, the superior court shall order the record of proceedings and the record of punishments sealed. Sealing the records restores civil rights removed because of a conviction. No person may ever use records so sealed for any purpose. (§ 9 art I ch 145 SLA 1957; am § 1 ch 118 SLA 1962; am §§ 3, 8 ch 110 SLA 1967; am § 6 ch 104 SLA 1971)

Effect of amendments. — The 1967 amendment rewrote subsection (a) and repealed subsections (b) and (c). The 1971 amendment substituted (e).

Sec. 47.10.070. informal ma this chapter apply. How panel in acc of the heari hearing. Th department the hearing court, in its their attend 10(1) art I cl

Effect of a amendment ad Legislative report on ch. 4 Journal, p. 52. Constitution. U.S. 1, 87 Sup (1967), dis requirements proceedings.

Sec. 47.10.080. objects, the case and ad court may judgment an

(b) The p court a list shall determ

(c) A stu he is servin each year of

(d) A stu submits a w wish to serv

Legislative report or ch. 4 Journal, p. 52.

Sec. 47.10.090. conclusion c may requir a delinquen

(b) If the (1) order Social Serv specified da

§ 47.10.060

and custody of the released, shall be court may determine all have the custody proceedings. If the latter shall be given

Whenever in the it appears to the by the appointment intment. (§ 8 art I

e court finds at a or believing that a not amenable to closed. After a case prosecuted as if he

uary 1, 1968.

ary 1, 1968.

this chapter if he nder this chapter whether a minor is e seriousness of the minor's history of quent behavior, and adult authority for

der this section has he may petition (or petition for him) the proceedings against except for traffic ourt finds that the had its intended der the record of Sealing the records on. No person may I ch 145 SLA 1957; : n § 6 ch 104 SLA

Health and Social partment of Health and st sentence of subsection

§ 47.10.070 WELFARE, SOCIAL SERVICES AND INSTITUTIONS § 47.10.080

Sec. 47.10.070. Hearings. The court may conduct the hearing in an informal manner in the courtroom or in chambers. All hearings under this chapter are without a jury and the usual rules of evidence do not apply. However, a hearing may be held before a young adult advisory panel in accordance with § 75 of this chapter. The court shall give notice of the hearing to the department and it may send a representative to the hearing. The court shall also transmit a copy of the petition to the department. The representative of the department may also be heard at the hearing. The public shall be excluded from the hearing, but the court, in its discretion, may permit individuals to attend a hearing, if their attendance is compatible with the best interests of the minor. (§ 10(1) art I ch 145 SLA 1957; am § 1 ch 49 SLA 1966)

Effect of amendment. — The 1966 amendment added the second sentence.

Legislative committee report. — For report on ch. 49, SLA 1966, see 1966 House Journal, p. 52.

Constitutionality. — See *In re Gault*, 387 U.S. 1, 87 Sup. Ct. 1428, 18 L. Ed. 2d 527 (1967), discussing due process requirements in juvenile delinquency proceedings.

ALR references. — Power of juvenile court to require testimony by children, 151 ALR 1229.

Applicability of rules of evidence in juvenile delinquency proceedings, 48 ALR2d 1128.

Degree of proof in juvenile delinquency proceedings, 43 ALR2d 1138.

Sec. 47.10.075. Young adult advisory panels. (a) Unless the minor objects, the court may select a young adult advisory panel to hear the case and advise the court of a recommended judgment and order. The court may consider any of the panel recommendations in making its judgment and order in the case.

(b) The principal of each high school shall submit annually to the court a list of the students enrolled in grades 10, 11 and 12. The court shall determine the method of selecting the members of each panel.

(c) A student shall be excused from attending school during the time he is serving as a panel member. No student may serve more than once each year on a panel.

(d) A student shall be excused from service as a panel member if he submits a written request to the court indicating the reason he does not wish to serve. (§ 2 ch 49 SLA 1966)

Legislative committee report. — For report on ch. 49, SLA 1966, see 1966 House Journal, p. 52.

Sec. 47.10.080. Judgments and orders. (a) The court, at the conclusion of the hearing, or thereafter as the circumstances of the case may require, shall find and enter a judgment that the minor is or is not a delinquent, or a child in need of supervision, or dependent minor.

(b) If the court finds that the minor is delinquent, it shall

(1) order the minor committed to the Department of Health and Social Services for an indeterminate period of time not to extend past a specified date or in any event past the day the minor becomes 19, except

that the department may petition the court for continued supervision for an additional one-year period for minors who have not responded to treatment, and may direct the minor's placement in a juvenile correctional school, detention home, or detention facility designated by the department; the minor may be released from placement or detention and placed on probation on order of the court; or

(2) order the minor placed on probation, to be supervised by the department, and release him to his parents, guardian, or a suitable person; if the court orders the minor placed on probation, it may specify the terms and conditions of probation; the probation may be for an indeterminate period of time, not to extend past a specified date and in no event past the day the minor becomes 19, except that the department may petition the court for continued supervision for an additional one-year period for minors who have not responded to treatment.

(c) If the court finds that the minor is dependent, it shall

(1) order the minor committed to the department for an indeterminate period of time not to exceed the date the minor becomes 19 years of age, except that the department may petition the court for continued supervision for an additional one-year period for minors who have not responded to treatment;

(2) order the minor released to his parents, guardian, or some other suitable person; if the court releases the minor, it shall direct the department to supervise the care and treatment given to the minor; the department's supervision may not extend past the date the minor becomes 19 years of age, except that the department may petition the court for continued supervision for an additional one-year period for minors who have not responded to treatment; or

(3) by order, terminate parental rights and responsibilities of one or both parents and commit the child to the department or to a legally appointed guardian of the person of the child, if one of the following conditions exists:

(A) Each parent, or the surviving parent, or one parent if the other has been deprived of custody and visitation rights wishes to relinquish the child to the department or to a legally appointed guardian of the person of the child for adoptive purposes, and the relinquishment is in writing, signed and acknowledged before the court or duly authorized representative of the department and filed with the court;

(B) the child has been abandoned for a period of not less than six months by

(i) both parents, or

(ii) the surviving parent, or

(iii) one parent if the other has been deprived of custody and visitation rights;

(C) each parent, the surviving parent, or one parent if the other has been deprived of custody and visitation rights has been judicially determined to be of unsound mind and the disability has not been

removed
illness di

(D) ea
has been
demonstr
amountin
unfit to c

(d) An
commissi
guardian
child.

(e) If tl
of supervi
its custod
close the c

(f) A m
dependen
departme
The court
this secti

determin
best inter
is being
guardian

present at

(g) No
operate to
conviction
considered
afterward
convicted
commitme
are not ad
proceeding
placement
service ex

(h) The
proceeding
this chapt
minor.

(i) A m
departmen
setting asi
by the cou

(j) If th
make any
and rehabi

continued supervision
ve not responded to
ent in a juvenile
ility designated by
om placement or
rt; or

supervised by the
dian, or a suitable
tion, it may specify
ion may be for an
pecified date and in
hat the department
an additional one-
atment.

t shall
partment for an
the minor becomes
petition the court
year period for

dian, or some other
it shall direct the
m to the minor; the
e date the minor
nt may petition the
one-year period for

nsibilities of one or
ent or to a legally
ne of the following

parent if the other
ishes to relinquish
ed guardian of the
elinquishment is in
or duly authorized
court;

of not less than six

id of custody and

ent if the other has
has been judicially
bility has not been

removed and the parent has been hospitalized for reasons of mental illness diagnosed as permanent or of long duration; or

(D) each parent, or the surviving parent, or one parent if the other has been judicially deprived of custody and visitation rights, has demonstrated by his conduct, proven by clear and convincing proof amounting to more than a preponderance of the evidence that he is unfit to continue to exercise his parental rights and responsibilities.

(d) An order issued under (c) (3) of this section authorizes the commissioner of health and social services or his designee or the guardian of the person of the child to consent to the adoption of the child.

(e) If the court finds that the minor is not delinquent, a child in need of supervision, or dependent, it shall immediately order his release from its custody and his return to his parents, guardian, or custodian, and close the case.

(f) A minor found to be delinquent, a child in need of supervision, or dependent is a ward of the court as long as he is committed to the department or the department has the power to supervise his actions. The court shall review an order made under (b) or (e) (1) or (2) or (j) of this section annually, and may review the order more frequently to determine if continued placement, probation, or supervision is in the best interest of the minor and the public, and to determine if the minor is being treated fairly. The department or the minor's parents or guardian is entitled to a review on application. The minor need not be present at the review.

(g) No adjudication under this chapter upon the status of a child may operate to impose any of the civil disabilities ordinarily imposed by conviction upon a criminal charge, nor may a minor afterward be considered a criminal by the adjudication, nor may the adjudication be afterward deemed a conviction, nor may a minor be charged with or convicted of a crime in a court, except as provided in this chapter. The commitment and placement of a child and evidence given in the court are not admissible as evidence against the minor in a subsequent case or proceedings in any other court, nor does the commitment and placement or evidence operate to disqualify a minor in a future civil service examination or appointment in the state.

(h) The department shall pay all court costs incurred in all proceedings in connection with the adjudication of delinquency under this chapter, including hearings which result in the release of the minor.

(i) A minor, his parents or guardian acting on his behalf, or the department may appeal a judgment or order, or the stay, modification, setting aside, revocation, or enlargement of a judgment or order issued by the court under this chapter.

(j) If the court finds the minor is a child in need of supervision it shall make any of the following orders of disposition for his supervision, care and rehabilitation.

(1) any order which is authorized under (c) of this section; or
 (2) order the minor placed on probation under those conditions and limitations that the court may prescribe. (§ 10(2) art I ch 145 SLA 1957; am § 2 ch 110 SLA 1960; am § 2 ch 118 SLA 1962; am § 1 ch 40 SLA 1967; am §§ 1-4 ch 27 SLA 1970; am §§ 12-15 ch 245 SLA 1970; am § 6 ch 104 SLA 1971)

Effect of amendments. — The 1967 amendment rewrote subsection (c)(3)(B).

The first 1970 amendment added "or thereafter as the circumstances of the case may require" and "or a child in need of supervision" in subsection (a), inserted "a child in need of supervision" in subsection (e), inserted "a child in need of supervision" in the first sentence of subsection (f), and near the beginning of the second sentence of that subsection inserted "or (j)." The amendment also added subsection (j).

The second 1970 amendment substituted "19, except that the department may petition the court for continued supervision for an additional one-year period for minors who have not responded to treatment" for "21" in subsections (b)(1) and (b)(2), substituted "19" for "21" and added the exception in subsections (c)(1) and (c)(2).

The 1971 amendment substituted "Department of Health and Social Services" for "Department of Health and Welfare" in subsection (b)(1) and "commissioner of health and social

services" for "commissioner of health and welfare" in subsection (d).

Legislative committee reports. — For report on amending bill, see 1960 House Journal, p. 494.

For report on ch. 40, SLA 1967 (HB 131), see 1967 House Journal, p. 339. Chapter 245, SLA 1970 (HCSSB 399 am H), was identical to CS11B 406 (Jud.). For report on CSHB 406 (Jud.), see 1970 House Journal Supplement No. 6.

A judge cannot consider a juvenile offense as a criminal conviction for the purpose of prescribing a mandatory sentence. *Berfield v. State*, Sup. Ct. Op. No. 581 (File No. 960), 458 P.2d 1008 (1969).

The judge's consideration of factors relating to accused's life, characteristics, background and behavior prior to reaching the age of 18 years did not mean that he considered accused a criminal or that he was using the juvenile offenses as criminal convictions in determining the sentence to impose. *Berfield v. State*, Sup. Ct. Op. No. 581 (File No. 960), 458 P.2d 1008 (1969).

Sec. 47.10.090. Records. (a) The court shall make and keep records of all cases brought before it. The court's official records may be inspected only with the court's permission and only by persons having a legitimate interest in them. All information and social records pertaining to a minor and prepared in the discharge of his official duty by an employee of the court or by a federal, state or city agency are privileged and shall not be disclosed directly or indirectly to anyone without the court's permission. However, a state or city law enforcement agency shall disclose information regarding the case which is needed by the person or agency charged with making a preliminary investigation for the information of the court.

(b) The name or picture of a minor under the jurisdiction of the court may not be made public by a newspaper, radio, or television station in connection with the minor's status as a delinquent or dependent child, except as authorized by order of the court. A person who violates this provision is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$500 or by imprisonment for not more than one year, or by both. (§ 10(3)(4) art I ch 145 SLA 1957)

Sec. 47.10.100. Retention of jurisdiction over minor. (a) The court

retains ju
 modify, se
 hearing, i
 his best
 discharge
 court for
 minors wh
 these pur
 acting in
 after rea
 departme

(b) If t
 interests
 parent, gu
 the minor

(c) If a
 superviso
 may retain
 purpose o
 over him
 birthday,
 continued
 have not
 jurisdic
 birthdays
 committed
 birthday,
 continued
 have not r
 17 ch 245 S

**Effect of
 amendment**
 added the ex
 subsection (a
 first sentenc
 child in need
 "nineteen" f
 the exceptio

Sec. 47.
 course of
 the welfar
 guardian
 appointme
 the parent
 time befor
 may deter
 Health an

§ 47.10.140

sires in the matter
I ch 145 SLA 1957;

Health and Welfare" in

dependent minor is
giving the parent a
parent shall pay in
cover in full or in
delinquent minor is
that the parent of
a sum which will
minor.

sum fixed, he may
family desertion and

s section shall be
13 art I ch 145 SLA

years of age who is
fail unless assigned
communicate with or
or charged with a
s parent, guardian,
ch 145 SLA 1957)

ion hearing. (a) A
or ordinance in his
ve from justice. A
a citizen. He may
ity if in his opinion
community.

r (a) of this section
ars later, notify the
artment of Health
ment may file with
etention hearing.
more than 48 hours
ents or guardian if
determine whether
linquent. The court
onstitute probable
ation. The minor is
ses against him:

§ 47.10.142 WELFARE, SOCIAL SERVICES AND INSTITUTIONS § 47.10.142

(d) If the court finds that probable cause exists, it shall determine whether the minor should be detained pending the hearing on the petition or released. It may either order the minor held in detention or order him to be released to the custody of a suitable person pending the hearing on the petition. If the court finds no probable cause, it shall order the minor released and close the case.

(e) Except for temporary detention pending a detention hearing, no minor may be detained except by court order. (§ 15 art I ch 145 SLA 1957; am § 3 ch 118 SLA 1962; am § 2 ch 100 SLA 1971; am § 6 ch 104 SLA 1971)

Effect of amendments. — The first 1971 amendment deleted "or evading the person having legal custody of him" following "justice" in the first sentence of subsection (a).

The second 1971 amendment substituted "Department of Health and Social Services" for "Department of Health and Welfare" in the first sentence of subsection (b).

Sec. 47.10.142. Emergency custody and temporary placement hearing. (a) The Department of Health and Social Services may take emergency custody of a minor upon discovering any of the following circumstances:

- (1) the minor has been abandoned;
- (2) the minor has been grossly neglected by his parents or guardian, as "neglect" is defined in AS 47.17.070(5), so that immediate removal from his surroundings is, in the determination of the department, necessary to protect his life;
- (3) the minor has been abused, as "abuse" is defined in AS 47.17.070(1), so that immediate medical attention is necessary, in the determination of the department.

(b) A minor who has left home and is evading the person having legal custody of him may obtain the services of the department. The department shall assess the situation and furnish the minor with the social services it considers appropriate to protect the well-being of the minor and to preserve his family life if preserving it is considered desirable under the circumstances. If, after assessing the situation, considering the wishes of the minor, and furnishing appropriate social services, the department considers it necessary, the department may take emergency custody of the minor.

(c) When a child is taken into custody under (a) or (b) of this section, the department shall immediately, and in no event more than 12 hours later unless prevented by lack of communication facilities, notify the parents or the person or persons having custody of the child and the court of the action and file with the court a petition alleging dependency.

(d) The court shall immediately, and in no event more than 48 hours after being notified unless prevented by lack of transportation, hold a hearing at which the minor, if his health permits, and his parents or guardian, if they can be found, shall be permitted to be present. The

court shall determine whether probable cause exists for believing the minor to be a dependent minor, as defined in § 290(3) of this chapter. The court shall inform the minor, and his parents or guardian if they can be found, of the reasons given as constituting probable cause and the reasons given as authorizing his temporary placement.

(e) If the court finds that probable cause exists it shall order the minor committed to the department for temporary placement, or order him returned to the custody of his parents or guardian subject to the department's supervision of his care and treatment. If the court finds no probable cause it shall order the minor returned to the custody of his parents or guardian. (§ 3 ch 100 SLA 1971; am § 6 ch 104 SLA 1971)

Effect of amendment. — The 1971 "Department of Health and Welfare" at amendment substituted "Department of Health and Social Services" for "Department of Health and Welfare" at the beginning of subsection (a).

Article 2. Juvenile Institutions.

Section	Section
150. General powers of department over juvenile institutions	190. Conditions governing detention
160. Duties of department	200. Releasing juveniles after commitment
170. Power of cities to maintain and operate home or facility	210. Youth counsellors
180. Operation of homes and facilities	220. Grants-in-aid

Sec. 47.10.150. General powers of department over juvenile institutions. The Department of Health and Social Services may

(1) purchase, lease or construct buildings or other facilities for the care, detention, rehabilitation and education of dependent or delinquent minors;

(2) adopt plans for construction of juvenile homes, juvenile detention facilities, and other juvenile institutions;

(3) adopt standards and regulations under this chapter for the design, construction, repair, maintenance and operation of all juvenile detention homes, facilities, and institutions;

(4) inspect periodically each juvenile detention home, facility, or other institution to insure that the standards and regulations adopted are being maintained;

(5) reimburse cities maintaining and operating juvenile detention homes and facilities;

(6) enter into contracts and arrangements with cities and state and federal agencies to carry out the purposes of this chapter;

(7) do all acts necessary to carry out the purposes of this chapter;

(8) adopt the regulations necessary to carry out this chapter;

(9) accept donations, gifts or bequests of money or other property for use in construction of juvenile homes, institutions or detention facilities;

(10) operate juvenile homes when municipalities are unable to do so;

(11) receive minor's own institution art II ch 14

Effect of amendment: Health and Department the beginning

Sec. 47.1 and Social

(1) accept all minors this chapter placement chapter;

(2) require Alaska;

(3) conduct the need, of juvenile submit a plan when need programs;

(4) examine juvenile department 110 SLA 196

Effect of amendment of magistrate court paragraph (2).

The first 19 minors who agreement and and" in paragraph

Sec. 47.1 facility. (a)

the latest present population juvenile detention

(b) The operation of

Sec. 47.1 Department

§ 47.10.150

ists for believing the
90(3) of this chapter.
s or guardian if they
g probable cause and
ement.
sts it shall order the
y placement, or order
ardian subject to the
ent. If the court finds
d to the custody of his
ch 104 SLA 1971)

"Health and Welfare" at
subsection (a).

governing detention
juveniles after commit-

assessors
aid

ment over juvenile
Services may
ther facilities for the
pendent or delinquent

nes, juvenile detention

this chapter for the
eration of all juvenile

on home, facility, or
d regulations adopted

ng juvenile detention

th cities and state and
chapter;

es of this chapter;

t this chapter;

y or other property for

stitutions or detention

es are unable to do so;

§ 47.10.160 WELFARE, SOCIAL SERVICES AND INSTITUTIONS § 47.10.180

(11) receive, care for, and place in a juvenile detention home, the
minor's own home, a foster home, or correctional school or treatment
institution all minors committed to its custody under this chapter. (§ 3
art II ch 145 SLA 1957; am § 1 ch 152 SLA 1959; am § 6 ch 104 SLA 1971)

Effect of amendment. — The 1971
amendment substituted "Department of
Health and Social Services" for
"Department of Health and Welfare" near
the beginning of this section.

Am. Jur. reference. — 26 Am. Jur.
Houses of Correction, Reformation and
Refuge, § 1 et seq.

Sec. 47.10.160. Duties of department. The Department of Health
and Social Services shall

(1) accept all minors committed to the custody of the department and
all minors who are involved in a written agreement under § 230(c) of
this chapter, and provide for the welfare, control, care, custody, and
placement of these children in accordance with the provisions of this
chapter;

(2) require and collect statistics on juvenile offenses and offenders in
Alaska;

(3) conduct studies and prepare findings and recommendations on
the need, number, type, construction, maintenance, and operating costs
of juvenile homes, facilities and the other institutions, and adopt and
submit a plan for construction of the homes, facilities, and institutions
when needed, together with a plan for financing the construction
programs;

(4) examine, where possible, all facilities, institutions, and places of
juvenile detention in Alaska and inquire into their methods and the
management of juveniles in them. (§ 5 art II ch 145 SLA 1957; am § 4 ch
110 SLA 1967; am § 4 ch 100 SLA 1971; am § 6 ch 104 SLA 1971)

Effect of amendments. — The 1967
amendment deleted "handled by all district
magistrate courts" following "offenders" in
paragraph (2).

The first 1971 amendment inserted "all
minors who are involved in a written
agreement under § 230(c) of this chapter,
and" in paragraph (1).

The second 1971 amendment substituted
"Department of Health and Social
Services" for "Department of Health and
Welfare" near the beginning of this
section.

Sec. 47.10.170. Power of cities to maintain and operate home or
facility. (a) A city having a population of 1700 or more, according to
the latest decennial census, or found by the department to have a pre-
sent population of 1700 or more may maintain and operate a juve-
nile detention home or facility.

(b) The city may receive grants-in-aid from the state for costs of
operation of the homes or facilities. (§ 5 art II ch 145 SLA 1957)

Sec. 47.10.180. Operatio of homes and facilities. (a) The
Department of Health and Social Services shall adopt standards and

regulations for the operation of juvenile detention homes and juvenile detention facilities in the state.

(b) The department may enter into contracts with cities and other governmental agencies for the detention of juveniles before and after commitment by juvenile authorities. No contract may be made for longer than one year. (§ 8 art II ch 145 SLA 1957; am § 3 ch 97 SLA 1960; am § 6 ch 104 SLA 1971)

Effect of amendment. — The 1971 "Department of Health and Welfare" in amendment substituted "Department of Health and Social Services" for subsection (a).

Sec. 47.10.190. Conditions governing detention. When the court commits a minor to the custody of the department, the department shall arrange to place the juvenile in a detention home, facility or another suitable place which the department designates for that purpose. A juvenile detained in a jail or similar institution at the request of the department shall be held in custody in a room or other place apart and separate from adults. (§ 9 art II ch 145 SLA 1957)

Sec. 47.10.200. Releasing juveniles after commitment. A juvenile delinquent who by his conduct gives sufficient evidence that he has reformed may be released at any time under the conditions and regulations which the department considers proper, if it appears to the satisfaction of the department that there is a reasonable probability that the juvenile will remain at liberty without violating the law. (§ 10 art II ch 145 SLA 1957)

Sec. 47.10.210. Youth counsellors. The department may employ youth counsellors. Youth counsellors shall exercise the duties of probation officers and shall prepare preliminary investigations for the information of the court. They shall also carry out other duties in the care and treatment of minors which are consistent with the intent of this chapter. Youth counsellors have the powers of a peace officer with respect to the service of process, the making of arrests of minors who violate state or municipal law, and the execution of orders of the court relating to juveniles. The youth counsellors shall assist and advise the courts in the furtherance of the welfare and control of minors under the court's jurisdiction. (§ 11 art II ch 145 SLA 1957)

Sec. 47.10.220. Grants-in-aid. The Department of Health and Social Services may accept grants-in-aid from the federal government or private foundations and may accept other gifts consistent with the purposes of this chapter. (§ 13 art II ch 145 SLA 1957; am § 6 ch 104 SLA 1971)

Effect of amendment. — The 1971 "Health and Social Services" for amendment substituted "Department of Health and Welfare."

Section
230. Powers and
over care of
240. Adequacy of

Sec. 47.10.230. child. (a) The for the care of foster home or children inside a suitable fami child released other person h adoption in acc

(b) The depa necessary to a from the feder: the purposes o into with a fed: department ma maintain adeq

(c) The depa placement of n on the basis of minor's parent, the department whole or in par The agreement parent, legal g regaining care c § 5 ch 100 SLA

Effect of amend:
amendment added:
The second 1971
"Department of

Sec. 47.10.230. representative o necessary, ever; and if not satisf foster home or i (b) The perso reports the depa of the child and SLA 1957)

on homes and juvenile

s with cities and other
eniles before and after
act may be made for
am § 3 ch 97 SLA 1960;

of Health and Welfare" in

ion. When the court
ment, the department
tion home, facility or
t designates for that
ilar institution at the
ody in a room or other
h 145 SLA 1957)

mitment. A juvenile
vidence that he has
er the conditions and
er, if it appears to the
reasonable probability
violating the law. (§ 10

partment may employ
xercise the duties of
investigations for the
out other duties in the
ent with the intent of
of a peace officer with
arrests of minors who
of orders of the court
l assist and advise the
rol of minors under the

t of Health and Social
ederal government or
s consistent with the
957; am § 6 ch 104 SLA

"Social Services" for
Health and Welfare."

Article 3. Care of Children.

Section
230. Powers and duties of department
over care of child
240. Adequacy of home or institution

Section
250. Standards of care
260. Payment of costs

Sec. 47.10.230. Powers and duties of department over care of child. (a) The Department of Health and Social Services shall arrange for the care of every child committed to its custody by placing him in a foster home or in the care of an agency or institution providing care for children inside or outside the state. The department may place a child in a suitable family home, with or without compensation, and may place a child released to it, in writing verified by the parent, or guardian or other person having legal custody, for adoptive purposes, in a home for adoption in accordance with existing law.

(b) The department may pay the costs of maintenance which are necessary to assure adequate care of the child, and may accept funds from the federal government which are granted to assist in carrying out the purposes of this chapter, or which are paid under contract entered into with a federal department or agency. No child under the care of the department may be placed in a family home or institution that does not maintain adequate standards of care.

(c) The department may receive, care for, and make appropriate placement of minors accepted for care for a period of up to six months on the basis of an individual voluntary written agreement between the minor's parent, legal guardian, or other person having legal custody and the department. The agreement may include provisions for payment, in whole or in part, to the department for the minor's care and treatment. The agreement entered into shall not operate to prohibit a minor's parent, legal guardian, or other person who had legal custody from regaining care of the minor at any time. (§ 1 art III ch 145 SLA 1957; am § 5 ch 100 SLA 1971; am § 6 ch 104 SLA 1971)

Effect of amendments. — The first 1971 amendment added subsection (c).
The second 1971 amendment substituted "Department of Health and Social

Services" for "Department of Health and Welfare" in the first sentence of subsection (a).

Sec. 47.10.240. Adequacy of home or institution. (a) A representative of the department shall visit, as often as is considered necessary, every foster home or institution in which a child is placed, and if not satisfied as to the care given, may remove the child from the foster home or institution and place him elsewhere.

(b) The person or institution receiving a child shall submit the reports the department requires as to the education, health and welfare of the child and the conditions under which he is living. (§ 2 art III ch 145 SLA 1957)

Sec. 47.10.250. Standards of care. The Department of Health and Social Services shall establish standards of care and regulations desirable for the welfare of every child under its care. (§ 3 art III ch 145 SLA 1957; am § 6 ch 104 SLA 1971)

Effect of amendment. — The 1971 Health and Social Services" for amendment substituted "Department of "Department of Health and Welfare."

Sec. 47.10.260. Payment of costs. The department shall pay the proper and necessary costs of the court and witnesses and other expenses necessarily incurred in the enforcement of §§ 230—260 of this chapter. (§ 4 art III ch 145 SLA 1957)

Article 4. General Provisions.

Section
270. Appropriation
280. Purpose of chapter

Section
290. Definitions

Sec. 47.10.270. Appropriation. Funds to carry out this chapter shall be provided for in the general appropriation act of the legislature. (§ 1 art IV ch 145 SLA 1957)

Sec. 47.10.280. Purpose of chapter. The purpose of this chapter is to secure for each minor the care and guidance which is as nearly as possible equivalent to that which should be given him by his parents. The principle is recognized that minors under the jurisdiction of the court are wards of the state, subject to its discipline and entitled to its protection, and that the state may act to safeguard them from neglect or injury and to enforce the legal obligation due to them and from them. (§ 2 art I ch 145 SLA 1957)

Sec. 47.10.290. Definitions. In this chapter, unless the context otherwise requires,

- (1) "court" means the superior court of the state;
- (2) "delinquent minor" is a minor whom the court determines is within the provisions of § 10 (a) (1) of this chapter;
- (3) "dependent minor" is a minor whom the court determines is within the provisions of § 10 (a) (4), (5), (6), (7), (8), or (9) of this chapter;
- (4) "juvenile detention facility" means separate quarters within a city jail used for the detention of delinquent minors;
- (5) "juvenile detention home" or "detention home" is a separate establishment, exclusively devoted to the detention of minors on a short-term basis and not a part of an adult jail;
- (6) "minor" is a person under 18 years of age;
- (7) "child in need of supervision" is a minor whom the court determines is within the provisions of § 10 (a) (2), (3) or (6). (§ 1 art I ch 145 SLA 1957; am § 5 ch 110 SLA 1967; am §§ 5, 6 ch 27 SLA 1970)

Cross reference. — For delinquent, see AS 11.40
Effect of amendment. — amendment substitutes for "district magistrate" paragraph (1).

The 1970 amendment (7) and deleted "(2), (3), 10(a)(1)" in paragraph (1).
Editor's note. — Sect

Chapter 15.

Section
10. Execution of interest
20. Juvenile compact act
30. Supplementary agreement
40. Financial arrangements

Sec. 47.15.010. For execute a compact states legally joining

INTE

That Contracting

That juveniles who have absconded own health, morals others. The cooperation necessary to provide the public with respect

- (1) cooperative parole;
- (2) the return, for have escaped or absconded;
- (3) the return, for who have run away;
- (4) additional public, which any undertake cooperation the party states protective policies neglected or dependent states party to the responsibilities for delinquent juveniles

more states party to this agreement determining aelves.

rt when entered into by any and shall be effective as to this amendment. Rules and ms of this amendment may of those states which have 0; am § 2 ch 67 SLA 1966)

on Juveniles is hereby enacted and entered into by this state with e states legally joining therein in n substantially as follows in this

trator. Under the compact, he compact administrator. fficers of other party states, ore effectively the terms of rves subject to the pleasure or shall cooperate with all in the government of this e proper administration of at entered into by this state.

ments. The compact ad- reements with appropriate mpact. If a supplementary of an institution or facility provision of a service of this no force or effect until t or agency under whose hose department or agency h 88 SLA 1960)

ts. The compact admin- mmissioner of administra- nts necessary to discharge his state by the compact der the compact. (§ 4 ch 88

an ad litem appointed under as provided in the Rules of

Sec. 47.15.060. Enforcement. The courts, departments, agencies and officers of this state and its subdivisions shall enforce this compact and shall do all things appropriate to the effectuation of its purposes and intent which are within their respective jurisdiction. (§ 6 ch 88 SLA 1960)

Sec. 47.15.070. Additional procedures not precluded. In addition to the procedures provided in articles IV and VI of the compact for the return of a runaway juvenile, the particular states, the juvenile or his parents, the courts, or other legal custodian involved may agree upon and adopt any plan or procedure legally authorized under the laws of this state and the other respective party states for the return of the runaway juvenile. (§ 7 ch 88 SLA 1960)

Sec. 47.15.080. Short title. This chapter may be cited as the Uniform Interstate Compact on Juveniles. (§ 8 ch 88 SLA 1960)

Chapter 17. Child Protection.

Section	Section
10. Purpose	40. Central registry; confidentiality
20. Persons required to report	50. Immunity
30. Action on reports; termination of parental rights	60. Evidence not privileged
	70. Definitions

Sec. 47.17.010. Purpose. In order to protect children whose health and well-being may be adversely affected through the infliction, by other than accidental means, of harm through physical abuse or neglect requiring the attention of a practitioner of the healing arts, the legislature requires the reporting of these cases by practitioners and others to the appropriate public authorities. It is the intent of the legislature that, as a result of these reports, protective services will be made available in an effort to prevent further harm to the child, to safeguard and enhance the general well-being of the children in this state, and to preserve family life whenever possible. (§ 1 ch 100 SLA 1971)

Sec. 47.17.020. Persons required to report. (a) The following persons who, in the performance of their professional duties, have cause to believe that a child has suffered harm as a result of abuse or neglect shall immediately report the harm to the nearest office of the department:

- (1) practitioners of the healing arts;
 - (2) school teachers;
 - (3) social workers;
 - (4) peace officers, and officers of the division of corrections;
 - (5) administrative officers of institutions.
- (b) This section does not prohibit the named persons from reporting

cases which have come to their attention in their nonprofessional capacities nor does it prohibit any other person from reporting a child's harm which he has cause to believe is a result of abuse or neglect. These reports shall be made to the nearest office of the department.

(c) If the person making a report of harm under this section cannot reasonably contact the nearest office of the department, and immediate action is necessary for the well-being of the child, the person shall make the report to a peace officer. The peace officer shall take immediate action to protect the child and shall, at the earliest opportunity, notify the nearest office of the department. (§ 1 ch 100 SLA 1971)

Sec. 47.17.030. Action on reports; termination of parental rights. (a) If a child, concerning whom a report of harm is made, is believed to reside within the boundaries of a local government exercising health functions for the area in which the child is believed to reside, the department may, upon receipt of the report, refer the matter to the appropriate health or social services agency of that local government. For cases not referred to an agency of a local government, the department shall, for each report received, investigate and take action, in accordance with law, which may be necessary to prevent further harm to the child or to insure the proper care and protection of the child.

(b) A local government health or social services agency receiving a report of harm shall, for each report received, investigate and take action, in accordance with law, which may be necessary to prevent further harm to the child or to insure the proper care and protection of the child. In addition, the agency receiving a report of harm shall forward a copy of its report of the investigation, including information the department requires by regulation, to the department.

(c) Action shall be taken regardless of whether the identity of the person making the report of harm is known.

(d) Before the department or a local government health or social services agency may seek the termination of parental rights, under AS 47.10.080(c) (3), it shall offer protective social services and pursue all other reasonable means of protecting the child. (§ 1 ch 100 SLA 1971)

Sec. 47.17.040. Central registry; confidentiality. (a) The department shall maintain a central registry of all investigation reports but not of the reports of harm.

(b) Investigation reports and reports of harm filed under this chapter are considered confidential and are not subject to public inspection and copying under AS 09.25.110 and 09.25.120. However, in accordance with department regulations, investigation reports may be used by appropriate governmental agencies with child-protection functions, inside and outside Alaska, in connection with investigations or judicial proceedings involving child abuse, neglect, or custody. (§ 1 ch 100 SLA 1971)

Sec. 47.17.050. report under this related to the subm any civil or crim imposed. (§ 1 ch 100

Sec. 47.17.060. patient nor the. evidence regarding related to a report

Sec. 47.17.070.

(1) "abuse" mean physical harm upon

(2) "child" mean

(3) "department Services;

(4) "institution" providing medical

(5) "neglect" me clothing, shelter, or

(6) "practitioner health aides, nurs

physicians, psychia and surgeons. (§ 1 c

Effect of amendm amendment substituted Health and Social Ser

Chap

Section
10. Assistance authoriz
Standards for assist
Appropriations

Sec. 47.20.010. A
Social Services
assistance to organ
regulations devised
evaluation and spe
are educable or tra
SLA 1961; am §

Effect of amendm
amendment substituted

Sec. 47.20.020. St

§ 47.17.040

their nonprofessional from reporting a child's abuse or neglect. These department. Under this section cannot department, and immediate the person shall make shall take immediate opportunity, notify LA 1971)

nation of parental t of harm is made, is a local government the child is believed to report, refer the matter agency of that local of a local government, investigate and take necessary to prevent care and protection of

es agency receiving a investigate and take necessary to prevent care and protection of report of harm shall including information rtment.

r the identity of the

ent health or social tal rights, under AS vices and pursue all ch 100 SLA 1971)

ality. (a) The de- nvestigation reports

d under this chapter ublic inspection and , in accordance with may be used by otectio functions, tigation or judicial dy. (§ 1 ch 100 SLA

§ 47.17.050 WELFARE, SOCIAL SERVICES AND INSTITUTIONS § 47.20.020

Sec. 47.17.050. Immunity. A person who, in good faith, makes a report under this chapter, or who participates in judicial proceedings related to the submission of reports under this chapter, is immune from any civil or criminal liability which might otherwise be incurred or imposed. (§ 1 ch 100 SLA 1971)

Sec. 47.17.060. Evidence not privileged. Neither the physician-patient nor the husband-wife privilege is a ground for excluding evidence regarding a child's harm, or its cause, in a judicial proceeding related to a report made under this chapter. (§ 1 ch 100 SLA 1971)

Sec. 47.17.070. Definitions. In this chapter

- (1) "abuse" means the infliction, by other than accidental means, of physical harm upon the body of a child;
- (2) "child" means a person under 16 years of age;
- (3) "department" means the Department of Health and Social Services;
- (4) "institution" means a private or public hospital or other facility providing medical diagnosis, treatment, or care;
- (5) "neglect" means the failure to provide necessary food, care, clothing, shelter, or medical attention for a child;
- (6) "practitioner of the healing arts" includes chiropractors, dentists, health aides, nurses, optometrists, osteopaths, physical therapists, physicians, psychiatrists, psychologists, religious healing practitioners, and surgeons. (§ 1 ch 100 SLA 1971; am § 6 ch 104 SLA 1971)

Effect of amendment. -- The 1971 ment of Health and Welfare" in para- amendment substituted "Department of graph (3). Health and Social Services" for "Depart-

Chapter 20. Exceptional Children.

Section
 10. Assistance authorized
 20. Standards for assistance
 30. Appropriations

Section
 40. Purpose
 50. Definitions

Sec. 47.20.010. Assistance authorized. The Department of Health and Social Services may provide professional guidance and financial assistance to organized groups of parents according to standards and regulations devised by the department for providing special services, evaluation and special training required by exceptional children who are educable or trainable but physically or mentally retarded. (§ 2 ch 118 SLA 1961; am § 6 ch 104 SLA 1971)

Effect of amendment. -- The 1971 Health and Social Services" for amendment substituted "Department of "Department of Health and Welfare."

Sec. 47.20.020. Standards for assistance. The department shall

SB-68

Sec. 47.10.070. Hearings. The court may conduct the hearing in an informal manner in the courtroom or in chambers. All hearings under this chapter are without a jury and the usual rules of evidence do not apply. However, a hearing may be held before a young adult advisory panel in accordance with § 75 of this chapter. The court shall give notice of the hearing to the department and it may send a representative to the hearing. The court shall also transmit a copy of the petition to the department. The representative of the department may also be heard at the hearing. The public shall be excluded from the hearing, but the court, in its discretion, may permit individuals to attend a hearing, if their attendance is compatible with the best interests of the minor. (§ 10(1) art 1 ch 145 SLA 1957; am § 1 ch 49 SLA 1966)

Effect of amendment.—The 1966 amendment added the second sentence.

Legislative committee report.—For legislative committee report on ch. 49, SLA 1966, see House Journal (1966), p. 52.

Constitutionality.—See *In re Gault*, 387 U.S. 1, 87 Sup. Ct. 1428, 18 L. Ed. 2d 527 (1967), discussing due process requirements in juvenile delinquency proceedings.

Sec. 47.10.075. Young adult advisory panels. (a) Unless the minor objects, the court may select a young adult advisory panel to hear the case and advise the court of a recommended judgment and order. The court may consider any of the panel recommendations in making its judgment and order in the case.

(b) The principal of each high school shall submit annually to the court a list of the students enrolled in grades 10, 11 and 12. The court shall determine the method of selecting the members of each panel.

(c) A student shall be excused from attending school during the time he is serving as a panel member. No student may serve more than once each year on a panel.

(d) A student shall be excused from service as a panel member if he submits a written request to the court indicating the reason he does not wish to serve. (§ 2 ch 49 SLA 1966)

Legislative committee report.—For SLA 1966, see House Journal (1966), legislative committee report on ch. 49, p. 52.

Sec. 47.10.080. Judgments and orders. (a) The court, at the conclusion of the hearing, or thereafter as the circumstances of the case may require, shall find and enter a judgment that the minor is or is not a delinquent, or a child in need of supervision, or dependent minor.

(b) If the court finds that the minor is delinquent, it shall

(1) order the minor committed to the Department of Health and Welfare for an indeterminate period of time not to extend past a specified date or in any event past the day the minor becomes

19, ^{new wording?} ~~and~~ ^{the delinquent.} except that the department may petition the court for continued supervision for an additional one-year period for minors who have not responded to treatment; ~~and~~ ^{and} may direct the minor's placement in a juvenile correctional school, detention home, or detention facility designated by the department; the minor may be released from placement or detention and placed on probation on order of the court; or

(2) order the minor placed on probation, to be supervised by the department, and release him to his parents, guardian, or a suitable person; if the court orders the minor placed on probation, it may specify the terms and conditions of probation; the probation may be for an indeterminate period of time, not to extend past a specified date and in no event past the day the minor becomes 19, except that the department may petition the court for continued supervision for an additional one-year period for minors who have not responded to treatment.

(c) If the court finds that the minor is dependent, it shall

(1) order the minor committed to the department for an indeterminate period of time not to exceed the date the minor becomes 19 years of age, except that the department may petition the court for continued supervision for an additional one-year period for minors who have not responded to treatment;

(2) order the minor released to his parents, guardian, or some other suitable person; if the court releases the minor, it shall direct the department to supervise the care and treatment given to the minor; the department's supervision may not extend past the date the minor becomes 19 years of age, except that the department may petition the court for continued supervision for an additional one-year period for minors who have not responded to treatment; or

(3) by order, terminate parental rights and responsibilities of one or both parents and commit the child to the department or to a legally appointed guardian of the person of the child, if one of the following conditions exists:

(A) Each parent, or the surviving parent, or one parent if the other has been deprived of custody and visitation rights wishes to relinquish the child to the department or to a legally appointed guardian of the person of the child for adoptive purposes, and the relinquishment is in writing, signed and acknowledged before the court or duly authorized representative of the department and filed with the court;

(B) the child has been abandoned for a period of not less than six months by

(i) both parents, or

(ii) the surviving parent, or

(iii) one parent if the other has been deprived of custody and visitation rights;

(C) each parent, the surviving parent, or one parent if the other has been deprived of custody and visitation rights has been judicially determined to be of unsound mind and the disability has not been removed and the parent has been hospitalized for reasons of mental illness diagnosed as permanent or of long duration; or

(D) each parent, or the surviving parent, or one parent if the other has been judicially deprived of custody and visitation rights, has demonstrated by his conduct, proven by clear and convincing proof amounting to more than a preponderance of the evidence that he is unfit to continue to exercise his parental rights and responsibilities.

(e) If the court finds that the minor is not delinquent, a child in need of supervision, or dependent, it shall immediately order his release from its custody and his return to his parents, guardian, or custodian, and close the case.

(f) A minor found to be delinquent, a child in need of supervision, or dependent is a ward of the court as long as he is committed to the department or the department has the power to supervise his actions. The court shall review an order made under (b) or (c) (1) or (2) or (j) of this section annually, and may review the order more frequently to determine if continued placement, probation, or supervision is in the best interest of the minor and the public, and to determine if the minor is being treated fairly. The department or the minor's parents or guardian is entitled to a review on application. The minor need not be present at the review.

(j) If the court finds the minor is a child in need of supervision it shall make any of the following orders of disposition for his supervision, care and rehabilitation:

(1) any order which is authorized under (c) of this section; or

(2) order the minor placed on probation under those conditions and limitations that the court may prescribe.

(am § 1 ch 40 SLA 1967; am §§ 1--4 ch 27 SLA 1970; am §§ 12--15 ch 245 SLA 1970)

Effect of amendments. — The 1967 amendment rewrote subsection (c)(3)(B).

The first 1970 amendment added "or thereafter as the circumstances of the case may require" and "or a child in need of supervision" to subsection (a), inserted "a child in need of supervision" in subsection (c), inserted "a child in need of supervision" in the

first sentence of subsection (f), and near the beginning of the second sentence of that subsection inserted "or (j)." The amendment also added subsection (g).

The second 1970 amendment substituted "19," except that the department may petition the court for continued supervision for an additional one-year period for minors who have not re-

sponded to treatment" for "21" in subsections (b)(1) and (b)(2), substituted "19" for "21" and added the exception in subsections (c)(1) and (c)(2).

As the rest of the section was not affected by the amendments, it is not set out.

Legislative committee reports.—For legislative committee report on ch. 39 SLA 1967 (HB 131), see *House Journal*, (1967), p. 339, Chapter 215. SLA 1970 (HCSB 229 am H), was identical to CSIB 106. For report on CSIB 106, see 1970 *House Journal Supplement No. 6*.

A judge cannot consider a juvenile offense as a criminal conviction for

the purpose of prescribing a mandatory sentence. *Berfield v. State*, Sup. Ct. Op. No. 581 (File No. 960), 458 P.2d 1005 (1969).

The judge's consideration of factors relating to accused's life, characteristics, background and behavior prior to reaching the age of 18 years did not mean that he considered accused a criminal or that he was using the juvenile offenses as criminal convictions in determining the sentence to impose. *Berfield v. State*, Sup. Ct. Op. No. 581 (File No. 960), 458 P.2d 1005 (1969).

Sec. 47.10.100. Retention of jurisdiction over minor. (a) The court retains jurisdiction over the case and may at any time stay execution, modify, set aside, revoke, or enlarge a judgment or order, or grant a new hearing, in the exercise of its power of protection over the minor and for his best interest, until he becomes 19 years of age, unless sooner discharged by the court, except that the department may petition the court for continued supervision for an additional one-year period for minors who have not responded to treatment. An application for any of these purposes may be made by the parent, guardian, or custodian acting in behalf of the minor, or the court may, on its own motion, and after reasonable notice to interested parties and the appropriate department, take action which it considers appropriate.

(b) If the court determines at a rehearing that it is for the best interests of the minor that he be released to the care or custody of his parent, guardian, or custodian, it may enter an order to that effect and the minor is discharged from the control of the department.

(c) If a minor is adjudicated a delinquent, a child in need of supervision, or a dependent before his eighteenth birthday, the court may retain jurisdiction over him after his eighteenth birthday for the purpose of supervising his rehabilitation, but the court's jurisdiction over him under this chapter never extends beyond his nineteenth birthday, except that the department may petition the court for continued supervision for an additional one-year period for minors who have not responded to treatment. The department may retain jurisdiction over a child between his eighteenth and nineteenth birthdays for the purpose of supervising his rehabilitation, if he is committed to the custody of the department before his eighteenth birthday, except that the department may petition the court for continued supervision for an additional one-year period

813-68

Sec. 47.10.070. Hearings. The court may conduct the hearing in an informal manner in the courtroom or in chambers. All hearings under this chapter are without a jury and the usual rules of evidence do not apply. However, a hearing may be held before a young adult advisory panel in accordance with § 75 of this chapter. The court shall give notice of the hearing to the department and it may send a representative to the hearing. The court shall also transmit a copy of the petition to the department. The representative of the department may also be heard at the hearing. The public shall be excluded from the hearing, but the court, in its discretion, may permit individuals to attend a hearing, if their attendance is compatible with the best interests of the minor. (§ 10 (1) art I ch 145 SLA 1957; am § 1 ch 49 SLA 1966)

Effect of amendment.—The 1966 amendment added the second sentence.

Legislative committee report.—For legislative committee report on cr. 49, SLA 1966, see House Journal (1966), p. 52.

Constitutionality.—See *In re Gault*, 387 U.S. 1, 87 Sup. Ct. 1423, 18 L. Ed. 2d 527 (1967), discussing due process requirements in juvenile delinquency proceedings.

Sec. 47.10.075. Young adult advisory panels. (a) Unless the minor objects, the court may select a young adult advisory panel to hear the case and advise the court of a recommended judgment and order. The court may consider any of the panel recommendations in making its judgment and order in the case.

(b) The principal of each high school shall submit annually to the court a list of the students enrolled in grades 10, 11 and 12. The court shall determine the method of selecting the members of each panel.

(c) A student shall be excused from attending school during the time he is serving as a panel member. No student may serve more than once each year on a panel.

(d) A student shall be excused from service as a panel member if he submits a written request to the court indicating the reason he does not wish to serve. (§ 2 ch 49 SLA 1966)

Legislative committee report.—For SLA 1966, see House Journal (1966), legislative committee report on cr. 49, p. 52.

Sec. 47.10.080. Judgments and orders. (a) The court, at the conclusion of the hearing, or thereafter as the circumstances of the case may require, shall find and enter a judgment that the minor is or is not a delinquent, or a child in need of supervision, or dependent minor.

(b) If the court finds that the minor is delinquent, it shall

(1) order the minor committed to the Department of Health and Welfare for an indeterminate period of time not to extend past a specified date or in any event past the day the minor becomes

new wording

the delinquent

19, except that the department may petition the court for continued supervision for an additional one-year period for minors who have not responded to treatment, and may direct the minor's placement in a juvenile correctional school, detention home, or detention facility designated by the department; the minor may be released from placement or detention and placed on probation on order of the court; or

(2) order the minor placed on probation, to be supervised by the department, and release him to his parents, guardian, or a suitable person; if the court orders the minor placed on probation, it may specify the terms and conditions of probation; the probation may be for an indeterminate period of time, not to extend past a specified date and in no event past the day the minor becomes 19, except that the department may petition the court for continued supervision for an additional one-year period for minors who have not responded to treatment.

(c) If the court finds that the minor is dependent, it shall

(1) order the minor committed to the department for an indeterminate period of time not to exceed the date the minor becomes 19 years of age, except that the department may petition the court for continued supervision for an additional one-year period for minors who have not responded to treatment;

(2) order the minor released to his parents, guardian, or some other suitable person; if the court releases the minor, it shall direct the department to supervise the care and treatment given to the minor; the department's supervision may not extend past the date the minor becomes 19 years of age, except that the department may petition the court for continued supervision for an additional one-year period for minors who have not responded to treatment; or

(3) by order, terminate parental rights and responsibilities of one or both parents and commit the child to the department or to a legally appointed guardian of the person of the child, if one of the following conditions exists:

(A) Each parent, or the surviving parent, or one parent if the other has been deprived of custody and visitation rights wishes to relinquish the child to the department or to a legally appointed guardian of the person of the child for adoptive purposes, and the relinquishment is in writing, signed and acknowledged before the court or duly authorized representative of the department and filed with the court;

(B) the child has been abandoned for a period of not less than six months by

(i) both parents, or

(ii) the surviving parent, or

(iii) one parent if the other has been deprived of custody and visitation rights;

(C) each parent, the surviving parent, or one parent if the other has been deprived of custody and visitation rights has been judicially determined to be of unsound mind and the disability has not been removed and the parent has been hospitalized for reasons of mental illness diagnosed as permanent or of long duration; or

(D) each parent, or the surviving parent, or one parent if the other has been judicially deprived of custody and visitation rights, has demonstrated by his conduct, proven by clear and convincing proof amounting to more than a preponderance of the evidence that he is unfit to continue to exercise his parental rights and responsibilities.

(e) If the court finds that the minor is not delinquent, a child in need of supervision, or dependent, it shall immediately order his release from its custody and his return to his parents, guardian, or custodian, and close the case.

(f) A minor found to be delinquent, a child in need of supervision, or dependent is a ward of the court as long as he is committed to the department or the department has the power to supervise his actions. The court shall review an order made under (b) or (c) (1) or (2) or (j) of this section annually, and may review the order more frequently to determine if continued placement, probation, or supervision is in the best interest of the minor and the public, and to determine if the minor is being treated fairly. The department or the minor's parents or guardian is entitled to a review on application. The minor need not be present at the review.

(j) If the court finds the minor is a child in need of supervision it shall make any of the following orders of disposition for his supervision, care and rehabilitation:

(1) any order which is authorized under (c) of this section; or

(2) order the minor placed on probation under those conditions and limitations that the court may prescribe.

(am § 1 ch 40 SLA 1967; am §§ 1—4 ch 27 SLA 1970; am §§ 12—15 ch 245 SLA 1970)

Effect of amendments. — The 1967 amendment rewrote subsection (c)(3)(B).

The first 1970 amendment added "or thereafter as the circumstances of the case may require" and "or a child in need of supervision" in subsection (a), inserted "a child in need of supervision" in subsection (e), inserted "a child in need of supervision" in the

first sentence of subsection (f), and near the beginning of the second sentence of that subsection inserted "or (j)". The amendment also added subsection (j).

The second 1970 amendment substituted "B", except that the department may petition the court for continued supervision for an additional one-year period for minors who have not re-

sponded to treatment" for "21" in subsections (b)(1) and (b)(2), substituted "19" for "21" and added the exception in subsections (c)(1) and (c)(2).

As the rest of the section was not affected by the amendments, it is not set out.

Legislative committee reports.—For legislative committee report on ch. 10, SLA 1967 (HB 131), see House Journal (1967), p. 330; Chapter 27, SLA 1970 (HC SSB 300 am H), was identical to CSHB 196. For report on CSHB 406, see 1970 House Journal Supplement No. 6.

A judge cannot consider a juvenile offense as a criminal conviction for

the purpose of prescribing a mandatory sentence. *Berfield v. State*, Sup. Ct. Op. No. 581 (File No. 960), 458 P.2d 1008 (1969).

The judge's consideration of factors relating to accused's life, character, background and behavior prior to reaching the age of 18 years did not mean that he considered accused a criminal or that he was using the juvenile offenses as criminal convictions in determining the sentence to impose. *Berfield v. State*, Sup. Ct. Op. No. 581 (File No. 960), 458 P.2d 1008 (1969).

Sec. 47.10.100. Retention of jurisdiction over minor. (a) The court retains jurisdiction over the case and may at any time stay execution, modify, set aside, revoke, or enlarge a judgment or order, or grant a new hearing, in the exercise of its power of protection over the minor and for his best interest, until he becomes 19 years of age, unless sooner discharged by the court, except that the department may petition the court for continued supervision for an additional one-year period for minors who have not responded to treatment. An application for any of these purposes may be made by the parent, guardian, or custodian acting in behalf of the minor, or the court may, on its own motion, and after reasonable notice to interested parties and the appropriate department, take action which it considers appropriate.

(b) If the court determines at a rehearing that it is for the best interests of the minor that he be released to the care or custody of his parent, guardian, or custodian, it may enter an order to that effect and the minor is discharged from the control of the department.

(c) If a minor is adjudicated a delinquent, a child in need of supervision, or a dependent before his eighteenth birthday, the court may retain jurisdiction over him after his eighteenth birthday for the purpose of supervising his rehabilitation, but the court's jurisdiction over him under this chapter never extends beyond his nineteenth birthday, except that the department may petition the court for continued supervision for an additional one-year period for minors who have not responded to treatment. The department may retain jurisdiction over a child between his eighteenth and nineteenth birthdays for the purpose of supervising his rehabilitation, if he is committed to the custody of the department before his eighteenth birthday, except that the department may petition the court for continued supervision for an additional one-year period



... while five spiffy
new paint schemes
achieve high promotional
impact... and win some
new riders, too

Cost savings averaging 4¢ a mile — equivalent to depreciation — have been posted the first year by 15 new GMC diesel-powered 3301's purchased by Spokane Transit system.

Four cents a mile is the difference in operating costs between this fleet and the average of all other coaches owned by the system.

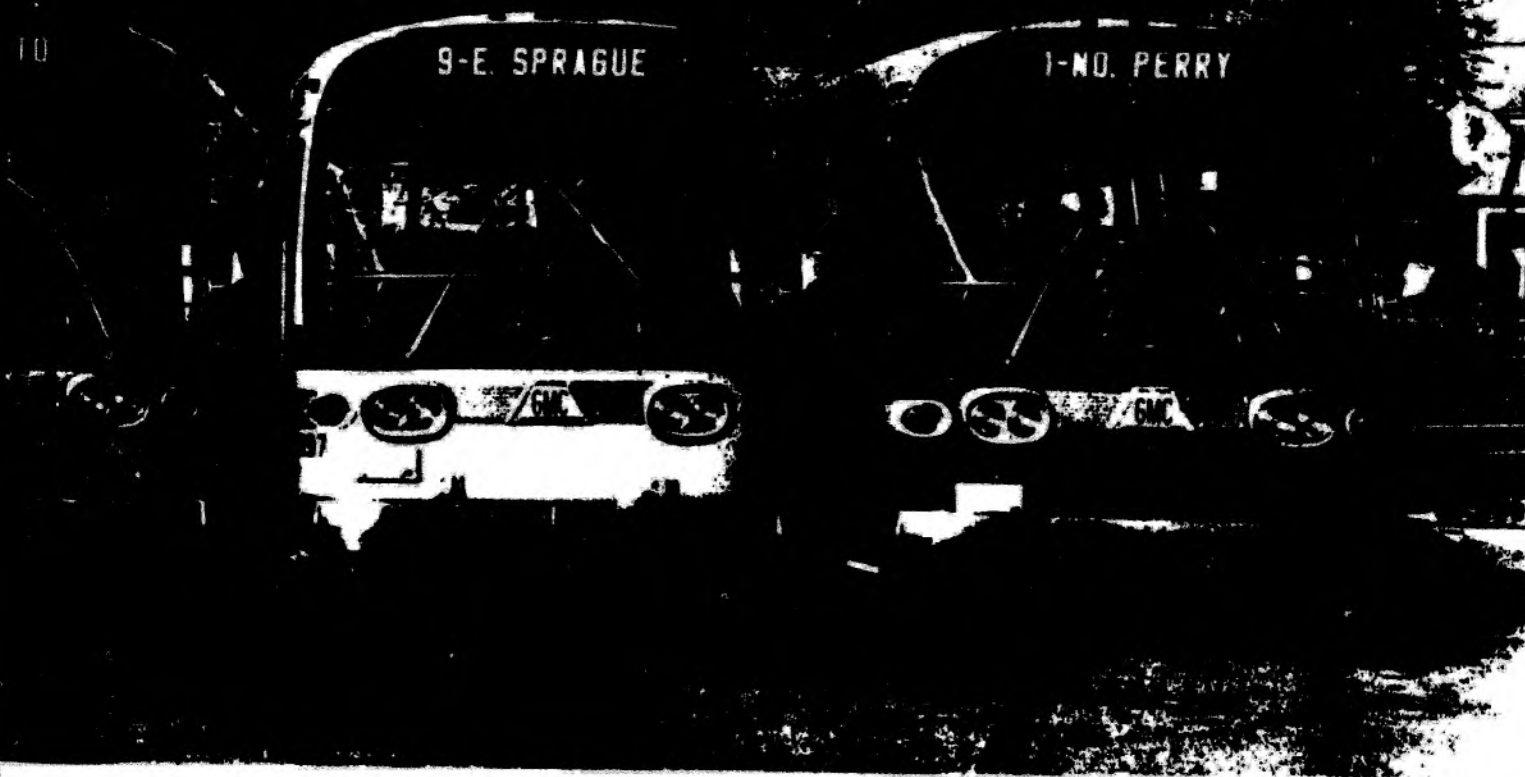
Part of the saving is in fuel, since the new buses have been averaging 6.6 miles per gallon, nearly 2 miles per gallon better than the remaining fleet. All are GMC models ranging from a low 4507's up through New Line 4547's. There are 66 coaches in the system.

In 740,958 miles, only 9 road calls

Operating 740,958 miles during their first 12 months, or 8037 miles per vehicle, management reports only 9 road calls, 7 of which involved broken drive belts, for an average of 82,328 miles per call.

Engines have been trouble-free, requiring only routine service. Likewise transmissions. Nor have there been any problems with air suspension.

"Considering our present requirements, the 33-passenger coach fits very well into our system," reports Robert W. Harder, General Manager. "We are planning a fleet of two-thirds small coaches and the other third, 45-passenger models. This means we will gradually phase out our older 45's and replace them with



additional 3301's as soon as funds become available.

During the last year, while representing 22% of the fleet, the 3301's operated 37% of the mileage.

Reliability of the system's all-GMC fleet has resulted in excellent manpower-to-bus ratios. For example, maintaining 66 coaches are 7 first class mechanics, 2 second class mechanics, 5 utility men and 4 cleaners.

Excitement in new colors

To focus city-wide attention on the new fleet, it was decided to use five different paint schemes, all of them bright and colorful — with interiors to match.

"This multiple paint scheme created much favorable comment both locally and around the nation," says Mr. Harder. "The maintenance cost is not any higher. However, it does affect our inventory of paint and repair materials." Subsequently, all older vehicles were repainted in one of the system's five new colors.

More recently the system has been sustaining public interest with a Name-the-Bus contest.

Spokane Transit System serves a population of about 185,000 people with 117 one-way road miles. In 1969 the system operated 2,077,646 miles while carrying 4,123,685 people.

Estimates of passenger volume for 1970 have been projected in excess of 4,500,000.



Overseeing transit operations on behalf of the city are Mayor of Spokane David Rodgers, right; William Parker, Transit Commission Chairman, left; and Robert Wilkinson, Assistant Chairman, center.

While the system remains privately owned, it operates under a unique lease-management arrangement with the city, providing everything necessary for the operation on a cost-of-service basis. Recent legislation provides a subsidy of about \$500,000 annually through a household transit tax of 73¢ per month per residence dwelling. As a result, 15 new buses have been purchased, headways increased and fares reduced. Responding to better service, passenger volume has been running higher throughout 1970.