ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 8672

3271 HJUD HB 68 - HB 88 (FILE 1)

147

[illegible]   JANUARY 1985

JUNEAU, ALASKA

WE RECENTLY READ A BRIEF BUT INFORMATIVE ARTICLE IN THE NEWSPAPER...

[illegible] MEASURE----INSURE THE DRIVER, NOT THE VEHICLE.

WE WOULD LIKE YOU TO KNOW THAT WE BACK THIS KIND OF INSURANCE, WHEREAS, A VEHICLE DRIVER WOULD BUY ONE INSURANCE ON HIMSELF..NO MATTER WHAT VEHICLE HE/SHE MAY DRIVE OR OWN.

WE AS RESIDENTS OF THE STATE OF ALASKA STAND STRONG BEHIND THIS MEASURE.

NAME	ADDRESS	AGE	PHONE
1. JACK MIZE / Jack Mize	300 EGAVIK DR #1 ANCHORAGE, 99503	40	562-4491
2. [illegible]	15331 Pollock Dr Anch Ak 99516	20	345 [illegible]
3. [illegible]	1340 Blackberry	41	243-3645
4. C Westhall	PO Box 112056	34	345 [illegible]
5. Sandra [illegible]	[illegible]	37	56[illegible]
6. [illegible] C. [illegible]	[illegible]	[illegible]	[illegible]
7. [illegible]	[illegible]	25	[illegible]
8. [illegible] A. WYATT	[illegible] WASILLA, ALASKA [illegible]	42	376-6554
9. [illegible]	1110 E. 75th Anchorage AK	25	344-4396
10. Pete Casanova	[illegible] Diamond [illegible] Anch, Alaska [illegible]	27	349-9904
11. MARGARET STURGIS	[illegible]	32	248-4997
12. DARRYL R. BROWN	Box 111473 Anchorage AK	30	—
13. Searl Burnett	PO Box 10997 - Fairbanks	30	907-452-6134

REP. DICK SHULTZ

JUNEAU, ALASKA

JANUARY 1985

WE RECENTLY READ A BRIEF BUT INFORMATIVE ARTICLE IN THE NEWSPAPER...

HB 60 MEASURE-----INSURE THE DRIVER, NOT THE VEHICLE.

WE WOULD LIKE YOU TO KNOW THAT WE BACK THIS KIND OF INSURANCE, WHEREAS, A VEHICLE: DRIVER WOULD BUY ONE INSURANCE ON HIMSELF..NO MATTER WHAT VEHICLE HE/SHE MAY DRIVE OR OWN.

WE AS RESIDENTS OF THE STATE OF ALASKA STAND STRONG BEHIND THIS MEASURE.

NAME	ADDRESS	AGE	PHONE
CELESTE BURNETT	Box 163767 - Anchorage	28	3335313
Sandi Haggard	P.O. 871287 - Wasilla	34	376-2641

ALASCOM

Telegram

PDK ANCHORAGE ALASKA 15 01-17 1240 AST

PMS

REPRESENTATIVE DICK SCHULTZ

JUNEAU AK

YOUR IDEA ON AUTOMOBILE LIBILITY INSURANCE IS THE BEST THING WE HAVE EVER HEARD OF.

JAY AND JAN KERN

PO BOX 110147

ANCHORAGE AK 99511

L-0167-0 1601876

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*
* DELIVER TO: JPOM
*
*
* ORIGINAL
* SENT: 01/21/85 TIME: 11:03
* FROM: LIOGLN
* SUBJECT: POM
* PRINT DATE: 01/21/85 TIME: 11:03
*
****

********** PUBLIC OPINION MESSAGE **********

TO: REP. SHULTZ

FROM: ED KNOEBEL
BOX 84
GLENNALLEN, ALASKA 99588
822-3208 (HOME)

RE: HB 68

THAT IS GOOD, I NEED SOMETHING LIKE THAT. I HAVE BEEN TRYING TO GET THIS TYPE, AND HAVE NOT BEEN ABLE TO FIND ANYONE THAT SELLS SOME. I HAVE MORE THAN ONE VEHICLE BUT CAN ONLY DRIVE ONE AT A TIME, I HAVE WANTED TO GET INSURANCE ON ME, FOR I DRIVE.

EOM

Mr. Leif Lobarg
P. O. Box 191
Girdwood, Ak 99587

Dear Leif,

Thank you for your interest in HB 68.

I am sending you all of the information I have--both pro and con. The bill is in its first draft and hasn't been through a committee as yet so if you and your associates have any input, I would certainly be pleased to receive it.

Thank you for your interest and support.

Sincerely,

Rep. R. Shultz

DICK this man represents 400 supporters of your Bill.

JI

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**************************************************
*                                                *
* DELIVER TO: JPOM                               *
*                                                *
*                                                *
* ORIGINAL                                       *
* SENT:          03/04/85  TIME: 16:18           *
* FROM:          MARTIE ROZKYDAL                 *
* SUBJECT:       PON - MATR-0076                 *
* PRINT DATE:    03/04/85  TIME: 16:18           *
*                                                *
**************************************************
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TO: ALL LEGISLATORS

FROM: DALE WILLHITE
SRA BOX 6640
WASILLA 99687
376-6715

RE: HB 68, MANDATORY INSURANCE FOR VEHICLES

FARMERS, OTHERS OWNING MULTIPLE VEHICLES, FIND COSTS OF INSURING ALL VEHICLES EXCESSIVE. I STRONGLY SUPPORT A LIABILITY COVERAGE ON DRIVER SO THAT AN OWNER CAN AFFORD TO DRIVE THE VEHICLES THAT ARE ONLY USED A COUPLE OF TIMES A YEAR.

TO: ALL LEGISLATORS

FROM: MARILYN CONNELL 495-6217
PO BOX 235
WILLOW 99688

RE: HB 67

HB 67 IS ONE OF THE MOST DANGEROUS PIECES OF LEGISLATION I'VE EVER HEARD OF. I DON'T SEE ANY REASON TO JUSTIFY THE LEGISLATORS OF THIS STATE REDUCING MY PERSONAL LIBERTY OR CONSTITUTIONAL RIGHTS BY ADMITTING HEARSAY EVIDENCE UNDER ANY CIRCUMSTANCES. STRONGLY URGE VOTE AGAINST IT.

FROM: JOAN ALEXANDER, 3082 N. CIRCLE, ANCHORAGE, 99507, 344-2904(HM)

RE: GOVERNOR SHEFFIELD'S APPOINTMENT

I AM ALARMED BY GOVENOR SHEFFIELD'S APPOINTMENT OF MR. BILL ROSS A SOCIALIST AS COMMISSIONER OF THE STATE DEPT. OF ENVIRONMENTAL CONSERVATION. SURELY THERE MUST BE QUALIFIED LEADERS OTHER THAN SOCIALISTS TO FILL THIS INFLUENTIAL POSITION. MY REQUEST IS TO REMOVE MR. ROSS IMMEDIATELY. PLEASE ADVISE ME OF YOUR ACTIONS.

FROM: DRIANNE REICH/HAROLD OLSON
P O BOX 870269
WASILLA 99687
POINT MACKENZIE

RE: HB 68

WE ARE IN SUPPORT OF THE INSURANCE BILL-HB 68.

Dick!
look @ these

MATC 22**********

TO: SENATORS KERTTULA & DEVRIES
REPRESENTATIVES SHULTZ, HURLEY, LARSON, HANLEY, M M MILLER, SUND, GRUENBERG, TAYLOR

FROM: JOSEPH A JOHNSON 376-5476
P O BOX 870829
WASILLA 99687

RE: HB 68, MANDATORY INSURANCE OF DRIVER

I AM VERY MUCH IN FAVOR OF HOUSE BILL 68. THE INSURANCE INDUSTRY IN THE STATE OF ALASKA IS LONG OVERDUE FOR REFORM.

What are we going to do w/ the bill - seems like more interest has been generated on this bill

DELIVER TO: JPOM

ORIGINAL
SENT: 02/14/85 TIME: 15:05
FROM: CHARLOTTE CREMER
SUBJECT: FIVE POM RE HB 68 FROm MAT-SU
PRINT DATE: 02/14/85 TIME: 15:05

MATC
20

TO: SENATORS DEVRIES, KERTTULA
REPRESENTATIVES HURLEY, LARSON, SHULTZ, NAVARRE, DAVIS, KOPONEN, BOUCHER

FROM: VALERIE AADSEN 376-2141
S R 2100
WASILLA 99687

RE: HB 68-MANDATORY INSURANCE FOR THE DRIVER

I SUPPORT HB 68 AND WISH YOU WOULD TOO.

MATC 23**********

TO: SENATORS KERTTULA AND DEVRIES
REPRESENTATIVES SHULTZ, LARSON, HURLEY, COTTEN, V FISCHER, ABOOD

FROM: DELL C DODGE 892-7930
S R BOX 2661
WASILLA 99687

RE: HB 68, MANDATORY INSURANCE FOR THE DRIVER

I BELIEVE INSURING THE PERSON RATHER THAN THE VEHICLE IS THE BEST APPROACH.

MATC 24**********

TO: SENATORS DEVRIES, KERTTULA
REPRESENTATIVES SHULTZ, HURLEY, LARSON, PHILLIPS, NAVARRE

FROM: P SHULTZ 376-2883
P O BOX 1004
WASILLA 99687

RE: HB 68, MANDATORY INSURANCE FOR DRIVER

I CONSIDER THE IDEA OF INSURING THE PERSON AS OPPOSED TO THE VEHICLE FOR LIABILITY IN CASE OF ACCIDENT TO BE A GOOD APPROACH.

****

MATC 21**********

TO: SENATORS KERTTULA & DEVRIES
REPRESENTATIVES LARSON & . HURLEY, SHULTZ, PEARCE, COLLINS, PETTYJOHN

FROM: K E AADSEN 376-2141
S R BOX 2100
WASILLA 99687

RE: HB 68

I URGE YOUR ACTIVE SUPPORT FOR HOUSE BILL 68.

DELIVER TO JOHN

ORIGINAL
SENT: 03/01/05 TIME: 11:36
FROM: LISA
SUBJECT: PCM
PRINT DATE: 03/01/05 TIME: 11:36

TO: ALL LEGISLATORS

FROM: ELIZABETH SCHNEIDER
P.O. BOX 4-2104
ANCHORAGE, AK. 99509
PHONE 278-1408

RE: HB 118

PLEASE PASS AS TWO THOUSAND DOLLARS IS NOT WORTH MUCH ANYMORE, PLEASE RAISE TO FIVE THOUSAND.

TO: ALL LEGISLATORS

FROM: ELIZABETH SCHNEIDER
P.O. BOX 4-2104
ANCHORAGE, AK. 99509
PHONE 278-1408 HM

RE: HB 68

PLEASE PASS HB 68 AS DRIVER AND NOT THE CAR IS RESPONSIBLE FOR ACCIDENTS. WE FEEL THE INSURANCE SHOULD BE ON THE PERSON AND NOT ON THE CAR.

- 3/01

TO: ALL LEGISLATORS

FR: JOHN HORAN
P O BOX 871496
WASILLA 99687
376-5928

RE: SB 135 - LAND SURVEYS

THIS BILL IS LONG OVERDUE. I SUPPORT IMMEDIATE PASSAGE OF THIS LEGISLATION. THANK YOU.

* ORIGINAL *
* SENT: 02/06/85 TIME: 15:51 *
* FROM: CHARLOTTE CREMER *
* SUBJECT: POM MATC$$ *
* PRINT DATE: 02/06/85 TIME: 15:51 *
* *

20

HELLO JUNEAU INFO; HERE ARE POM'S: THE FIRST THREE TO THE SAME LEGISLATORS RE HB 68. THE OTHERS REGARDING DIFFERENT MATTERS.

****

MATC 10

TO: REPRESENTATIVES SHULTZ, HURLEY, LARSON, NAVARRE, DAVIS, BOUCHER, KOPONEN, PEARCE, COLLINS, HANLEY, M M MILLER, SUND, GRUENBERG, TAYLOR, CLOCKSIN, PETTYJOHN, PHILLIPS AND SENATORS DEVRIES AND KERTTULA

FROM: RON PALMER 376-5721
P O BOX 870145
WASILLA 99687

RE: HB 68
PLEASE SUPPORT HB 68 AS SPONSORED BY REP SHULTZ. THANK YOU.

****

MATC11

TO: REPRESENTATIVES SHULTZ, HURLEY, LARSON, NAVARRE, DAVIS, BOUCHER, KAPONEN, PEARCE, COLLINS, HANLEY, MM MILLER, SUND, GRUENBERG, TAYLOR, CLOCKSIN, PETTYJOHN, PHILLIPS, AND SENATORS DEVRIES AND KERTTULA

FROM: LINDA J JENSEN 745-4564
PO BOX 871786
WASILLA 99687

RE: HB 68
I AM IN FAVOR OF HB 68.

****
MATC 12

TO: REPRESENTATIVES SHULTZ, HURLEY, LARSON, NAVARRE, DAVIS, BOUCHER, KOPONEN, PEARCE, COLLINS, HANLEY, M M MILLER, SUND, GRUENBERG, TAYLOR, CLOCKSIN, PETTYJOHN, PHILLIPS, AND SENATORS DEVRIES AND KERTTULA

FROM: JOHN B BROWNINC 376-6146
PO BOX 874089
WASILLA 99687

RE: HB 68
I AM IN FAVOR OF HOUSE BILL 68 SPONSORED BY SHULTZ. THANK YOU.

****

MATC13

RECORDS

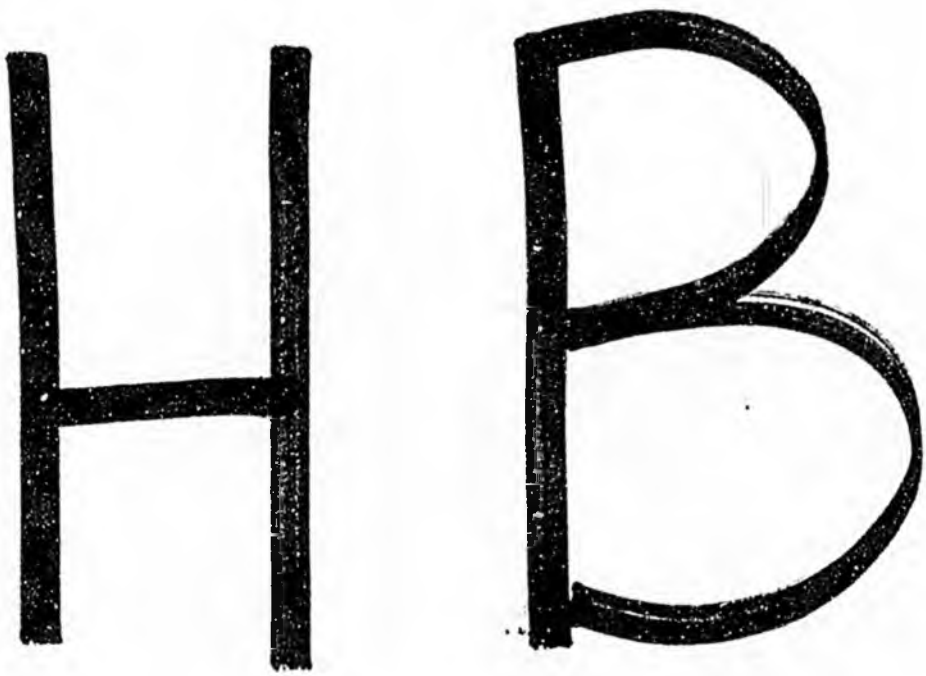
CERTIFICATION

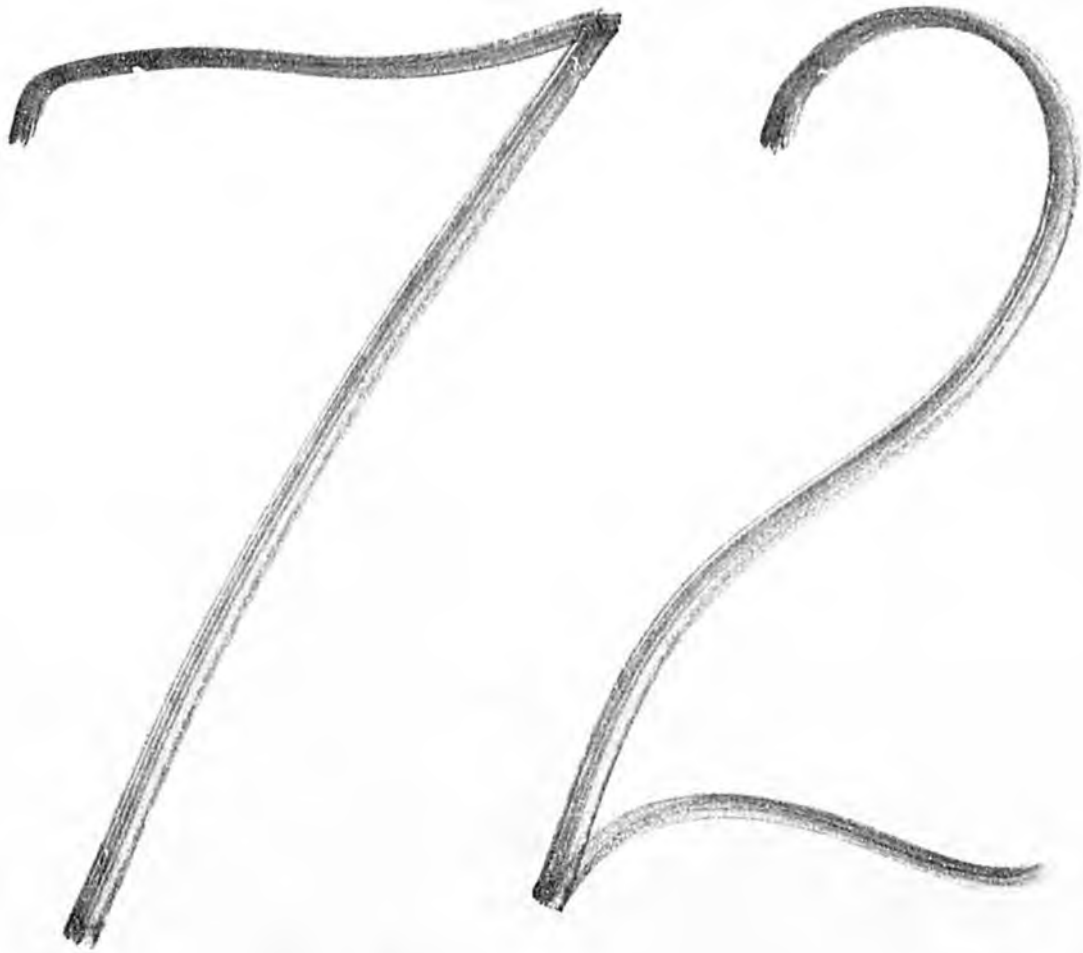
I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

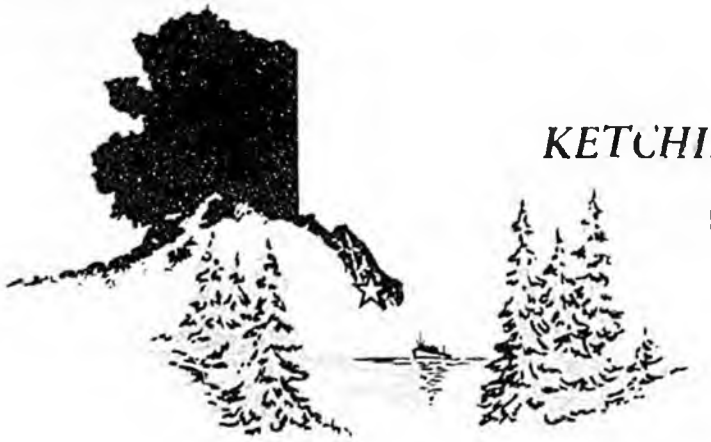
James O. Smith
Signature of Camera Operator

7/25/89
Date

02-519 (REV 8/78)


HB


72



KETCHIKAN GATEWAY BOROUGH
344 FRONT STREET
KETCHIKAN, ALASKA 99901

March 1, 1985

The Honorable M. Mike Miller
Chairman, House Judiciary Committee
Pouch V
Juneau, AK 99811

HB 72 - REVISION OF THE ALASKA MUNICIPAL GOVERNMENT CODE

It is our understanding that your committee will be receiving HB 72 from House Community and Regional Affairs Committee.

As you are probably aware, the Ketchikan Gateway Borough as a second-class borough has very limited powers and must rely heavily on the direction and guidance of Title 29. Each year since the adoption of SCR 66 in 1980, the Borough has applauded the intent to provide clarity and readability to Title 29. The Borough has consistently supported the bill by whatever number through the Twelfth and Thirteenth Legislatures, and very regretfully joined other local governments in urging Governor Hammond to veto Senate Bill 180 due to controversial floor amendments.

The bills revising the Alaska Municipal Government Code have remained in substantially the same form since the 1981 original introduction; and therefore, the content of the bills has received maximum public review and input.

As Chairman of the House Judiciary Committee, your scheduling for minimal and expeditious review of HB 72 would be greatly appreciated. It is our hope the House Judiciary Committee will move HB 72 quickly in its basic form without controversial amendment.

Please inform me of the Committee's schedule for consideration of the bill.

Respectfully yours,

Ralph Gregory
Borough Mayor

RG/GB/CA

c: Scott Burgess, Director
Alaska Municipal League

Ruby Smith, President
Alaska Municipal Clerks Association

Tom Boedeker, President
Alaska Municipal Attorneys Association

Gary Lewis, President
Alaska Association of Assessing Officers

Jon D. Halliwell, President
Alaska Conference of Mayors

Jim Van Altvorst, President
Alaska Municipal Managers Association

Tom Peterson, President
Alaska Planning Association

A M E N D M E N T #1.

Offered in the HOUSE

TO: HB 72

Page 53, line 26, after "PROHIBITIONS." insert:

"(a) A person may not be in any way favored or discriminated against with respect to municipal employment because of the person's race, color, sex, creed, national origin or, unless otherwise contrary to law, because of the person's political opinions or affiliations."

Reletter following subsections accordingly.

Page 53, line 29:

Delete "section" and insert "subsection"

Cook

A M E N D M E N T #2.

Offered in the HOUSE

TO: HB 72

Page 63, line 12:

Delete "60" and insert "90"

3/1/85

Cook

A M E N D M E N T #3.

Offered in the HOUSE

TO: HB 72

Page 64, line 9:

Delete "obtained and"

Page 69, line 3:

Delete "obtained and"

3/1/85

Cook

A M E N D M E N T

#4

Offered in the HOUSE

TO: HB 72

Page 66, line 6:

Delete "one year" and insert "two years"

Page 66, line 13:

Delete "one year" and insert "two years"

3/1/85

A M E N D M E N T #5

Offered in the HOUSE

TO: HB 72

Page 73, line 18, after "AS 09.55.250 - 09.55.460." insert:

"In the case of a second class city, the exercise of the power of eminent domain or declaration of taking must be by ordinance that is submitted to the voters at the next general election or at a special election called for that purpose. A majority of the votes on the question is required for approval of the ordinance."

A M E N D M E N T #6

Offered in the HOUSE

TO: HB 72

Page 58, line 13:

Delete "those imposed for a class B misdemeanor" and insert "a fine of $1,000 and imprisonment for 90 days"

Page 96, line 18:

Delete "A person convicted of violating" and insert "For the violation of"

Page 96, line 21:

Delete "is guilty of a class B misdemeanor" and insert ", a municipality may by ordinance prescribe penalties not to exceed a fine of $1,000 and imprisonment for 90 days"

Page 116, line 29:

Delete "A person who knowingly fails" and insert "For knowingly failing"

Page 117, line 1:

After "file a" insert "tax"

Delete "who"

Delete "makes" and insert "making"

Page 117, line 4:

Delete "is guilty of a class B misdemeanor" and insert ", a municipality may by ordinance prescribe penalties not to exceed a fine of $1,000 or imprisonment for 90 days"

Cook

A M E N D M E N T #7

Offered in the HOUSE

TO: HB 72

Page 127, line 8:

Delete "$20,000" and insert "$10,000"

Alaska State Legislature

House of Representatives

Committee on
Community & Regional Affairs

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4833

LETTER OF INTENT
to
CSHB 72 (C&RA)

It is not the intent of the House Community and Regional Affairs Committee in adopting AS 29.53.045 as the renumbered section 29.45.080 in CSHB 72 (C&RA) to alter the substance or effect of that provision.

Peter Goll
Chairman

CITY OF CORDOVA
INCORPORATED 1909

Box 1210 602 Railroad Avenue
Cordova, Alaska 99574
Phone: (907) 424-3237
or 424-3238

"The Friendly City"

MAR 1 [illegible]85

March 8, 1985

Representative M. M. Miller, Chairman
House Judiciary Committee
Pouch V
Juneau, AK 99811

Dear Representative Miller:

The Mayor, City Council and staff of the City of Cordova have reviewed the proposed revision of Title 29 as contained in Senate Bill 142. A serious effort was given to reviewing SB 142 in light of its statewide impact on the ability of municipal governments to work closely with the State and remain flexible enough to provide high quality services directly to their residents. As you know, citizens from Cordova, took part in the many study committees that were instrumental in the final bill.

It is the unanimous opinion of the Mayor and City Council that Senate Bill 142 represents a good effort on behalf of all concerned and deserves passage at this time. We, therefore, respectfully request your agressive support seeing to the passage of Senate Bill 142 at the earliest possible date.

Sincerely,

Richard J. Leland

RICHARD J. LELAND
City Manager

ADOPTED AUGUST 1972

CITY of WRANGELL, ALASKA

INCORPORATED JUNE 15, 1903

BOX 531, 99929 (907) 874-2381

March 13, 1985

House Community & Regional Affairs Comm.
House Judiciary Committee
House Finance Committee
Pouch [illegible]
Ju AK 99801

Senate Community & Regional Affairs Comm.
Senate Judiciary Committee
Senate Finance Committee

De[illegible] Sirs:

We have reviewed House Bill No. 72 (Senate Bill No. 142, Title 29 revisions, only insofar as it pertains to home rule municipalites. As a home rule municipality, the Wrangell City Council has the following concerns:

Sec. 29.10.100 (7) AS 29.10.100--(Charter Amendment) should read (7) AS 29.10.100--(limitation of home rule powers) Charter Amendment is 29.10.080.

Sec. 29.10.100 (44) AS 29.60.230 (state aid for hospital and health facility construction) is incorrect as there is no AS 29.60.230.

Sec. 29.20.010 Conflict of Interest (2) provides that the presiding officer shall rule on a request by a member of the governing body to be excused from a vote. Our municipal code provides that the Council will rule on the request. The manner of ruling on the reques[illegible] should be set by the governing body.

Sec. 29.20.140 Qualifications provides that a city voter is eligible to be a member of the Council and allows a municipality to establish durational residency requirements. A City voter is 18 years of age, our Charter sets an age requirement of 21 years of age. The voters of a home rule municipality should be allowed to establish an age requirement for their elected officials. This is supported by the United States and State of Alaska Constitutions which do establish age requirements for elected officials. The local governing body carries a great deal of responsibility and certainly deserves the maturity that is recognized as necessary for a State office.

Sec. 29.26.270 Recall Petition (a) provides that the City Clerk shall prepare a recall petition. The sponsors should be responsible for preparation of the petition. The City Clerk should only be responsible for certifying whether content of the petition is sufficient.

Sec. 29.26.350 Successors prescribes the manner of filling the office of an official that is recalled from a governing body (29.20.180). Home Rule municipal Charters should prescribe the manner of filling vacancies.

CITY OF WRANGELL, ALASKA

House Community & Regional Affairs Comm.
House Judiciary Committee
House Finance Committee
Page Two

Senate Community & Regional Affairs Comm.
Senate Judiciary Committee
Senate Finance Committee

Sec. 29.35.120 Past Audit (a) provides that copies of the audit shall be available to the public upon request. A strict reading by the public would require the audit to be available for distribution to the public at no cost. Although we understand this is not the intent, we request the section be amended for clarification to the public, to require the audit to be available for review or at cost.

Sec. 29.45.320 Real Property Tax Collection (a) provides for annual foreclosure unless otherwise provided by ordinance. Sec. 29.45.330 (a) (1) provides for annual foreclosure proceedings, but does not include "unless otherwise provided by ordinance." Sec. 29.45.330 (a) (1) should be amended to be consistent with 29.45.320 (a). The number of delinquent accounts in a small municipality may not justify the cost of annual foreclosure.

Sec. 29.45.460 Disposition and Sale of Foreclosed Property (c) provides that the Clerk shall send a copy of the published notice of hearing of an ordinance by certified mail to the former record owner. Home rule municipalities are not required to publish notice of a hearing of an ordinance. This section should be amended to provide for notice to the former record owner prior to introduction of an ordinance by a home rule municipality.

The City of Wrangell supports revisions to Title 29. We cannot, however, support additional limitations and regulation of home rule powers. Some of our foregoing concerns are merely clerical errors and inconsistencies. Our review and comments are limited to home rule only. Any amendments that may have been made have not yet been received, so our comments are limited to the Bill as introduced.

Very truly yours,

Joyce Rasler
City Manager

JR:fv

cc: Senator Robert Ziegler
Representative Robin Taylor
Representative John Sund
Alaska Municipal League

Alaska State Legislature

House of Representatives

House Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4990

March 21, 1985

The Honorable Ralph Gregory
Mayor
Ketchikan Gateway Borough
344 Front Street
Ketchikan, Ak. 99901

Dear Mayor Gregory:

Thank you for your recent letter in support of HB 72, the comprehensive revision of the Alaskan Municipal Code which we have worked on for so long.

As you have heard, I have been considering waiving Judiciary Committee review of the bill to expedite its passage. I have kept the bill in committee long enough to allow members to satisfy themselves that the bill was in good order when it was passed out of the House Committee on Community and Regional Affairs before formally notifying the House of any such waiver.

You will be happy to know that committee members and others have been satisfied regarding some questions that had been raised; therefore, today I waived the Judiciary referral of HB 72.

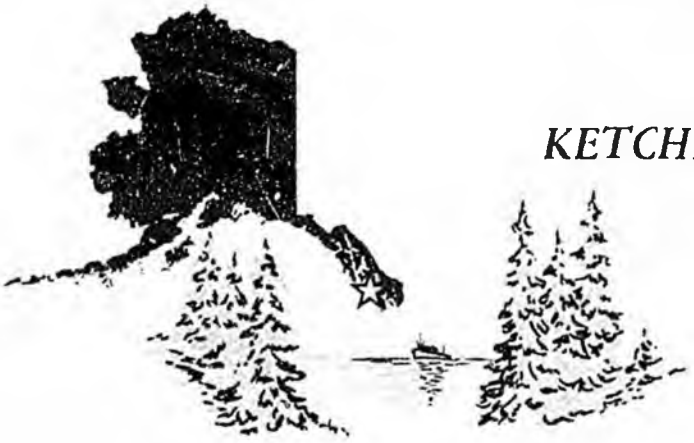
I look forward to early passage of HB 72, and will be working to achieve that long-sought goal.

Thank you for your assistance, and the assistance of people from all around the state for so many years.

Sincerely,

Rep. Mike Miller
Chairman, House Juduciary Committee

cc: Scott Burgess, Alaska Municipal League
Rep. John Sund
Rep. Robin Taylor



KETCHIKAN GATEWAY BOROUGH
344 FRONT STREET
KETCHIKAN, ALASKA 99901

March 15, 1985

The Honorable M. Mike Miller
Chairman, House Judiciary Committee
Pouch V
Juneau, AK 99811

HB 72 - REVISION OF THE ALASKA MUNICIPAL GOVERNMENT CODE

The news that you may be considering waiving HB 72 on to Finance is most welcome.

The challenge to promote the passage of such a lengthy bill in light of the mandatory session closure seems insurmountable to many of us. Therefore the support of veteran Legislators such as yourself who have had the opportunity to review and consider the bill for six consecutive years and understand local government's desire to see the bill move quickly in its basic form without controversial amendment is not only a necessity, but also a great encouragement.

House Bill 72 is in substantially the same form as the 1981 original introduction of the municipal code revision and as such it has received maximum public review and input. The Ketchikan Gateway Borough urges you to waive consideration of HB 72 on to House Finance.

Respectfully yours,

Ralph Gregory
Borough Mayor

RG/GB/CA

c: Scott Burgess, Alaska Municipal League
Representative John Sund
Representative Robin Taylor

Nulato City Council

General Delivery
Nulato, Alaska 99765
(907) 898-2205

March 21, 1985

Senator John Sackett
State Capitol
Pouch V
Juneau, AK 99811

Dear Senator Sackett:

I am writing regarding SB 142 - Title 29 Revisions.

I think the Title 29 Revisions are long overdue. I do not believe that passage of this bill should be delayed just because of controversial amendments. In particular, I am referring to amendments offered by Exxon regarding Regulation of Use of State Land. Personally, I do not feel that Exxon should interfere with the exercise of local government powers.

I urge you to push for passage of SB 142 without any controversial amendments. If the Exxon amendment will hinder passage of SB 142 in any way, I ask that it be considered as separate legislation and be debated on its merits alone.

I thank you for your support in this matter.

Sincerely,

Andy Dunny
Budget Director

AD/rb

c.c. - Senator Pat Rodey
Senator Tim Kelley
Senator Jan Faiks
Senator Rick Halford
Senator Robert Ziegler
Representative Kay Wallis
Representative Mike M. Miller
Senator Edna DeVries
Governor Bill Sheffield
Alaska Municipal League

SPECIAL ORDERS

Representative Rieger moved and asked unanimous consent that the following citation be taken up as a Special Order of business at this time:

Honoring - Libby Riddles
1985 Iditarod Sled Dog Race Winner
by Representatives Fuller, Davis, Rieger and Hurley; and Senator Fahrenkamp

There being no objection, it was so ordered.

Representative Rieger moved and asked unanimous consent that all other members of the House be shown as co-sponsors. There being no objection, it was so ordered.

Representative Rieger moved and asked unanimous consent that the House approve the citation Honoring Libby Riddles. There being no objection, it was so ordered and the citation was referred to the Chief Clerk for transmittal to the Senate.

UNFINISHED BUSINESS

Representative Clocksin moved and asked unanimous consent that the following members be excused from a call of the House:

Representative Pettyjohn - March 21 through plane time, March 25, 1985

Representative Pourchot - after session, April 3 through plane time, April 8, 1985

There being no objection, it was so ordered.

HB 72

The Speaker waived the Judiciary Committee referral on HOUSE BILL NO. 72 (relating to municipal government; effective date) at the request of the Chairman.

HB 72 was sent to the Finance Committee.

HJR 24

Representative Cato added her name as co-sponsor to HOUSE JOINT RESOLUTION NO. 24 (relating to sharing federal revenue generated from development of the outer continental shelf).

RECORDS CERTIFICATION

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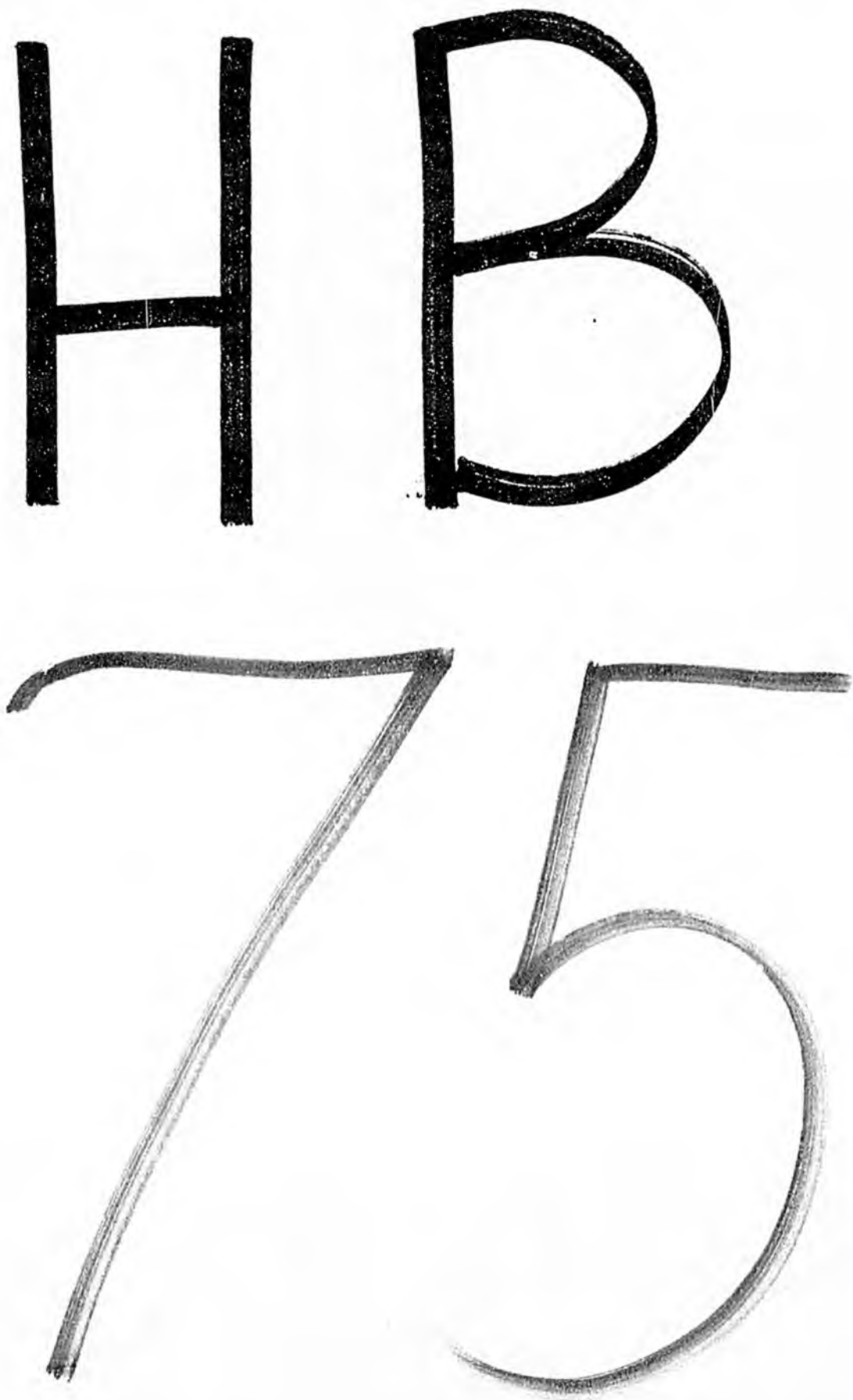
James O. Smith
Signature of Camera Operator

7/25/89
Date

02-519 (REV 8/78)


HB
75

HOUSE JUDICIARY COMMITTEE

BILLS IN COMMITTEE

BILL NO.	SPONSOR	BILL TITLE	HEARING DATES	FURTHER
HB 75	Gurd & Taylor	An act extending the termination date of the Board of Governors of the Alaska Bar Association; and providing for an effective date	1st hearing 2/1 Judiciary	

COMPANION LEGISLATION

BILL NO.	STATUS	COMMENTS

RECORDS CERTIFICATION

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James O. Smith
Signature of Camera Operator

7/25/89
Date

02-519 (REV 8/78)


HB
85

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

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May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary Standing Committee
joint meeting with HESS

2-21-85	1:30 pm.
2-22-85	1:30 pm
2-25-85	1:30 pm
2-26-85	1:00 pm
2-27-85	1:30 pm
2-28-85	1:30 pm
3-1-85	1:30 pm

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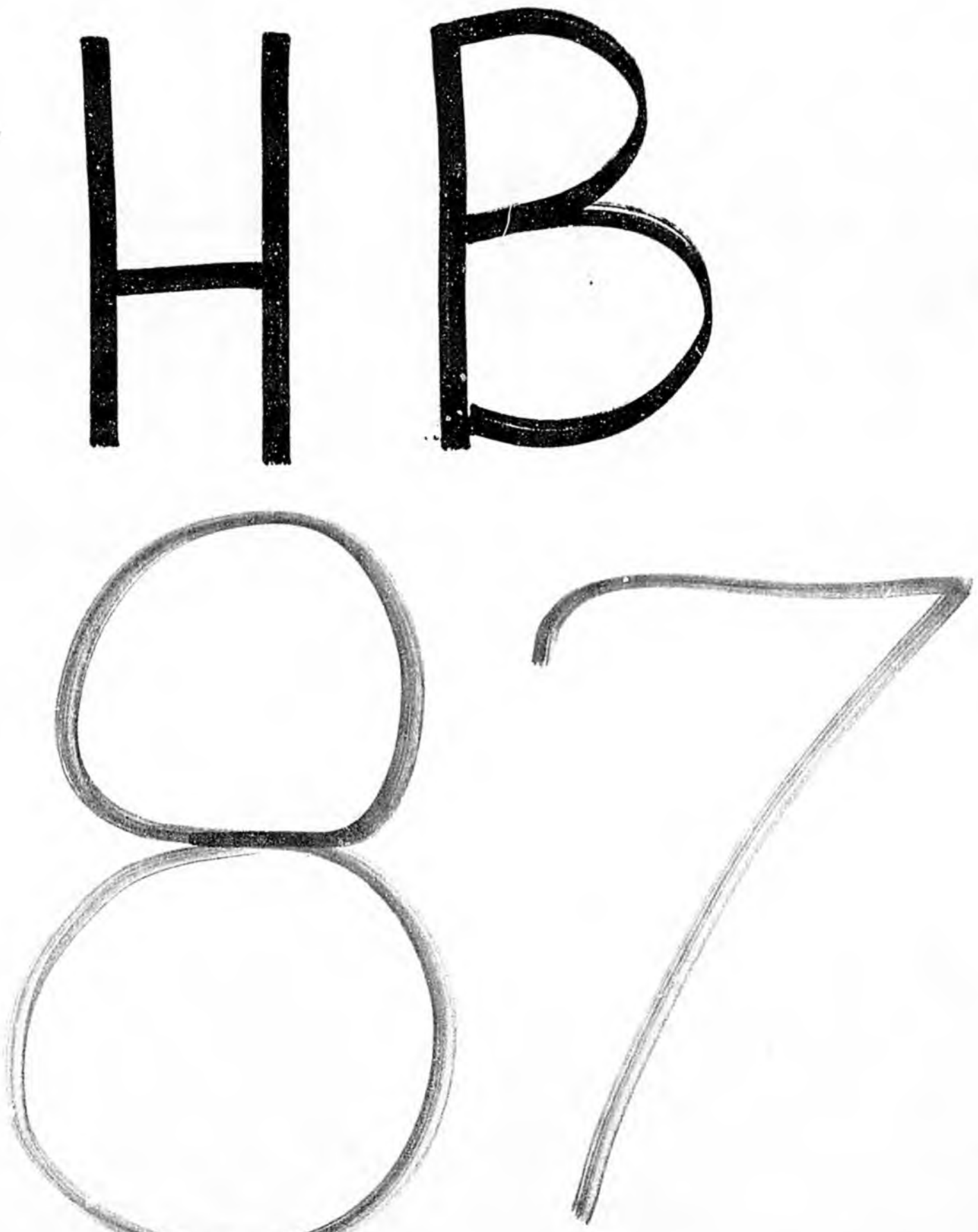
James A. Smith
Signature of Camera Operator

7/25/89
Date

02-519 (REV 8/78)


HB
87

Alaska Court System
State of Alaska
303 "K" STREET
ANCHORAGE, ALASKA
99501

ARTHUR H. SNOWDEN II
ADMINISTRATIVE DIRECTOR

(907) 274-8611

FEB 8 1985

February 5, 1985

Senator Frank Ferguson
Representative Johne Binkley
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Ferguson and Representative Binkley:

On page 54 of the Alaska Court System's budget request summary it is reported that domestic violence petitions have increased nearly 300% each year for four years. This is an erroneous statement. I have enclosed a memorandum to me from General Counsel Karla Forsythe outlining the actual increases in domestic violence petitions. I apologize for this error in the court system's budget.

Please note that this does not change any portion of the budget request for the upcoming fiscal year.

Sincerely,

Arthur

Arthur H. Snowden, II
Administrative Director

AHS,II:smh

cc: Representative Don Clocksin
Representative Mike Miller

M E M O R A N D U M February 5, 1985

To: Arthur H. Snowden, II
Administrative Director

From: Karla L. Forsythe KLF
General Counsel

Subject: Budget Request - domestic violence project in Anchorage

As we have discussed, there is an error in the narrative portion of the court system's budget request for a domestic violence project in Anchorage. The narrative states that each year for the past four years the number of petitions filed in domestic violence cases in Anchorage has increased by 300%.

I have attached a summary of statistics from the state troopers indicating the number of orders served in Anchorage, as well as figures from Area Court Administrator Al Szal indicating calendar year increases, and figures from court system annual reports indicating filing increases by fiscal year. In each category, the numbers of cases have increased substantially from year to year.

KLF:smh

Attachment

Margaret Simmons: percentage increases in numbers of orders served

FY 82 - 200% over FY 81 (partial year)

FY 83 - 60% over FY 82

FY 84 - 28.3% over FY 83

Al Szal: calendar year figures for number of petitions filed

1980 (partial year) - 45

1981 - 396 (+780% over 1980, which was a partial year)

1982 - 689 (+74% over 1981)

1983 - 936 (+35.8% over 1982)

1984 to April - 333

Total of 2400 petitions since legislation implemented

Case filings listed in annual report

FY 81: no category for domestic violence

FY 82: 539

FY 83: 914 (+70%)

FY 84: 1086 (+19%)

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James A. Smith
Signature of Camera Operator

7/25/89
Date

02-519 (REV 8/78)

HB

88

FILE #1

CHILD ABUSE AND CHILD PROTECTION BILLS

IN THE HOUSE

HB 18 - training of teachers and principals on the subject of abuse of children - - H. HESS

*HB 19 (CSHB 19 Jud) - runaway minors - ch. 42 SLA 85

*HB 67 (CSHB 67 Fin Am S) - hearsay evidence from child victims in sex cases - ch. 41 SLA 85

HB 87 - extending termination date of Council on Domestice Violence and Sexual Assault - H. Fin.

*HB 88 (SCS CSHB 88 Fin) - relating to the protection of children (omnibus bill) - ch. 39 SLA 85

HB 174 - requiring training in basic emergency care and the recognition of child abuse by all certified teachers - S. HESS

HB 308 - criminal background checks - H. Jud.

HB 330 - establishing a unit in the troopers for the investigation of criminally exploited and missing children - H. Jud.

IN THE SENATE

*SB 1 (HCS CSSB 1 Jud am H) - relating to the jurisdiction of the superior and district court - provides, among other things, for concurrent jurisdiction over domestic violence petitions - ch. 17 SLA 85

SB 8 - personal safety curriculum in public schools - S. Fin.

SB 21 (CSSB 21 HESS) - criminal background checks on employees who come in contact with children - H. HESS

*SB 27 (CSSB 27 Fin) - Special appropriation to Council on Domestic Violence and Sexual Assault for training program on sexual and physical abuse of minors - ch. 96 SLA 85

SB 28 (CSSB 28 HESS am) - training program for certain state and school district employees on recognition and reporting of child abuse and neglect - H. Rules

*SB 29 (HCS CSSB 29 Rls) - expanding definition of domestic violence - ch. 43 SLA 85

SB 85 - teacher and principal training on abuse of children - S. St. Aff.

SB 165 - child care centers in state buildings - S. Fin.

SCR 3 (CS SCR 3 HESS) - background checks on school district employees who come into contact with children - H. Rls.

*SCR 5 - Milk carton information on missing children - Legis. Resolve 6

SECTIONS REMOVED FROM HB 88

Section 1

Under existing AS 11.51.100, endangering the welfare of a minor, it is class C felony offense for a parent or guardian to intentionally desert a child under circumstances which place the child in substantial danger of injury. This section adds "in the first degree" to the title of the existing crime (sec. 2, below, adds a "second degree" form of the crime), and expands the law's coverage to children under the age of 18 (rather than under age 10).

Section 2

This section creates a class A misdemeanor crime: endangering the welfare of a minor in the second degree. A person commits this crime if he has been entrusted with the care of a child under 13 and either: (1) negligently exposes the child to circumstances creating a substantial risk of injury or abuse, or (2) negligently exposes the child to physical injury by failing to provide the child with necessary care, food, shelter, or medical attention. This provision would apply to child care providers (such as day care workers) who neglect children entrusted to their care or who allow the children to be exposed to dangerous conditions.

Section 5

This section adds a new statute allowing a child's out of court ("hearsay") statement about a sexual offense to be introduced, under specified conditions, at grand jury proceedings. This would allow the grand jurors to hear and consider, for example, a videotaped statement given by the child victim immediately after the abuse was discovered. The statement must appear reliable and the child must either testify at the grand jury, or be "unavailable," as defined in the statute.

A version of this section was adopted in HB 67 which was enacted as ch. 41 SLA 85.

Sections 7, 8, and 9

Existing AS 12.62.035 authorizes the release of certain criminal conviction records for persons who hold or are applying for paid or volunteer positions which would give them supervisory or disciplinary power over a child. Sections 7, 8, and 9 of this bill expand the types of convictions that may be reported to include all crimes that might pose a risk to children. Section 9 allows the state to inform an inquiring employer if there is a pending warrant for the arrest of the employee.

Similar provisions are found in HB 308.

Sections 10 and 11

These sections revise existing law relating to curfews for minors. Section 10 provides that only a fine may be imposed upon a minor who violates a local curfew; no jail sentence may be given. Section 11 provides that curfew violations, like traffic and fish and game law violations, will be handled in an adult criminal court rather than in the juvenile justice system.

Under existing law, local communities have the authority to establish curfews for minors and to impose penalties for violations. Many communities, particularly in rural areas, have established curfews in hopes of controlling juvenile activity which might lead to delinquent behavior. Present AS 29.43.110, passed in 1962, authorizes penalties of up to a $300 fine and 30 days in jail for curfew violations. These penalties cannot be enforced, however, because the statute conflicts with other state laws. Since minors alleged to have committed crimes come within the jurisdiction of AS 47.10, curfew violations must be handled through the juvenile court, which cannot impose fines or terms of imprisonment. Thus, juveniles accused of curfew violations may be adjudicated as delinquents, but may not be fined or sentenced as indicated in AS 29.43.110.

This bill makes failure to comply with municipal curfew ordinances a violation rather than a crime, and requires that minors accused of violating curfew ordinances be made subject to prosecution, as they

presently are subject to prosecution for violation of fish and game statutes or regulations and traffic laws.

A minor accused of a curfew violation would be charged and prosecuted in district court, and would be subject to a fine of up to $300. The court could, of course, suspend any portion of the fine and require, as a condition of the suspension, that the minor complete a reasonable period of community service work or the fulfillment of similar reasonable conditions.

[Final version of HB 88 inserted a new section (sec. 5) amending AS 47.10.010(a). The jurisdiction over a child in need of aid procedings is amended to include: the child being in need of medical treatment to cure, alleviate, or prevent substantial physical harm, or in need of treatment for mental harm as evidenced by failure to thrive, severe anxiety, depression, withdrawal, or untoward aggressive behavior or hostility toward others, and the child's parent, guardian, or custodian has knowingly failed to provide treatment; and children who have been or are in imminent and substantial danger of being sexually abused.]

Section 12

Under AS 47.10.081, before a juvenile court may "dispose of" (sentence) a delinquent minor, all parties must receive a predisposition report. This report is

prepared by a DFYS worker. Section 12 amends AS 47.10.081(c) to provide that the report must be provided to all parties two (rather than 10) working days before the hearing.

Section 14

Section 7 of the final version of HB 88 modified considerably the original provisions of this section. The original provisions relaxed the 12 hour time frame on DFYS for filing petitions when a minor is taken into emergency custody. Language was also included which allowed DFYS discretion in filing petitions when emergency custody was assumed and then found not to be necessary.

The final version still requires the department to notify the parents within 12 hours and file a "child in need of aid" petition within 12 hours after custody was assumed if custody will continue. If, however, the department decides to return the child to the parents or guardian within 12 hours after assuming custody, the department needs only to file a report with the court which explains why the child was taken into custody. When a petition is filed, the court must open a file on the matter. However, when a report is provided the court, no file is opened but the court is advised as to the justification for the temporary custody.

Section 15

Section 15 defines the term "sexual abuse" for purposes of civil child in need of aid (CINA) proceedings under AS 47. Although the term "sexual abuse" is now used in AS 47, it is not defined. The proposed definition would prevent constitutional challenges to the state's assumption of jurisdiction over children who are sexually abused by their parents.

To allow DFYS intervention in all cases of suspected sexual abuse, the definition is quite broad. It includes all sexual conduct which is also a crime. Other forms of touching are also included, but conduct reasonably necessary for normal caretaker or medical responsibilities is excluded. CINA proceedings focus on the ill-effects of sexualized contacts and overtures by a child's parents. The provisions in AS 47 are intended to protect against the mental and emotional harm which results from inappropriate sexual contact between a parent and a child. Thus, it is important that reasonable perceptions of the child be considered by the court in determining whether or not sexual abuse has occurred. The proposed definition specifically allows for this.

Section 16

Although existing law allows DFYS intervention to protect children from mental harm, it does not require that the harm be reported by professionals as is the case with neglect and physical and sexual abuse. This section

will correct that deficiency. Together with sec. 23, which clearly defines "mental injury," this change will provide greater protection for children who have suffered observable mental injury, by increasing the reporting of such incidents.

Section 17

This section was adopted somewhat intact as section 8 of the final version with the following changes, paragraph by paragraph:

(2) retained old language but added "of public and private schools";

(3) retained old language, i.e., social workers;

(7) - (10) were deleted and a new paragraph added to include "paid employees of domestic violence and sexual assault programs, and crisis intervention and prevention programs as defined in AS 18.66.900."

[The final version inserted two new sections as secs. 9 and 10.

Sec. 9 was a housekeeping change and replaced "nonprofessional" with "nonoccupational".

Sec. 10 provided that religious healing practitioners are not required to report as neglect of a child the failure to provide medical attention, if the child is treated by spiritual means.]

Section 18

Under present law, persons in the categories listed in AS 47.17.020(a) are required to report suspected child abuse or neglect only if the abuse or neglect is caused by or attributable to the actions of a person "responsible for the child's welfare." See AS 47.17.070(1) and (7). Thus, harm caused by a person not related to the child or residing in the child's home need not be reported to DFYS.

Section 18 adds a new section to the statutes: reports to law enforcement agencies. If a person listed in AS 47.17.020 (the general reporting statute) has reason to believe that a child has suffered harm as a result of injury, neglect, or exploitation by someone other than a family member or caretaker, the person must report that harm to a law enforcement officer (rather than DFYS).

Section 19

Section 19 amends the immunity provision in existing AS 47.17.050 to make it clear that a person who makes a child abuse report in good faith, and whose information or testimony is used in connection with criminal prosecution of the offender, as well as in a civil proceeding, is immune from liability for making the report. This clarification is necessary as a result of the appellate court's decision in State v. R.H. and Wetherhorn, 683 P.2d 269 (Alaska App. 1984). The Wetherhorn court held

that the phrase "judicial proceeding," as used in AS 47.-17.060 (dealing with evidence that is not privileged), refers only to civil proceedings -- i.e., "child protection proceedings" -- under AS 47.10 ("Delinquent Minors and Children in Need of Aid"). 683 P.2d at 280.

Section 20

This section of the bill clarifies existing law regarding evidence that may be admitted in civil or criminal proceedings regarding the abuse of a child. The amendment abrogates some evidentiary privileges that prevent the introduction of evidence of harm. The clergyman privilege would not apply if the communication was made during the course of counseling sessions (rather than in furtherance of a religious practice).

[A new section was added in the final version amending AS 47.17.064 which allows for the taking of photos and X-rays of a child believed to have suffered physical harm as a result of child abuse or neglect. While parental permission is not necessary, the parents, guardian or custodian must be notified after the photo or X-ray is taken.]

Section 23

This section amends the existing definition of "child abuse or neglect" to include mental injury caused

by a person responsible for the child's welfare. The rationale for including "mental injury" is described in connection with sec. 16, above.

Section 27

New AS 12.40.050, contained in sec. 5 of this bill, allows the introduction under certain circumstances of hearsay evidence of a child's statement in grand jury proceedings for sexual offenses against children. Section 28 indicates that this would have the effect of altering a court rule of criminal procedure. A two-thirds vote of each house is thus required on this section of the bill, under art. IV, sec. 15 of the Alaska Constitution.

See HB 67 (ch. 41 SLA 85).

Section 28

This section states that the changes proposed in sec. 20 of the bill would amend Alaska Rules of Evidence 504, 505, and 506 by preventing the application of the physician-patient privilege and the husband-wife privilege, and by limiting the application of the clergyman privilege, in civil or criminal proceedings arising from reports of abuse made under AS 47.17. A two-thirds vote of each house is required for passage of this section.

BILL SHEFFIELD
GOVERNOR

Those sections deleted from the final version of HB 88 (SCS CSHB 88 fin.) are so indicated.

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 18, 1985

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill which will enhance the state's ability to protect children who have been the victims of child abuse or neglect. The bill makes numerous changes to existing civil and criminal laws, and adds some badly needed provisions. A section-by-section analysis of the bill, explaining the reasons for and effect of the proposed changes, appears below.

In brief summary, secs. 1 and 2 of the bill create a new crime, endangering the welfare of a minor in the second degree, which would make it a crime for a daycare worker or other person entrusted with the care of a child to negligently expose the child to substantial risk of injury or to injure a child by unlawfully failing to provide the child with necessary food, care, clothing, or shelter. Section 3 strengthens existing law prohibiting sale and distribution of child pornography, and sec. 4 makes some technical amendments to an existing law which expands the statute of limitations in prosecutions for certain sexual offenses against children.

Section 5 adds a new statute to existing law, to allow the introduction of certain hearsay evidence in grand jury prosecutions for sexual offenses against children. Section 6 makes it clear that Alaska's "rape shield" statute applies to child victims as well as to adult victims. Sections 7, 8, and 9 expand existing law regarding a criminal records check of persons employed in positions of authority over children. Sections 10 and 11 revise the law regarding curfew violations; and sec. 12 revises the procedures for submission of predisposition reports in delinquency proceedings.

Section 13 and 14 revise existing procedures requiring the

Department of Health and Social Services, division of family and youth services (DFYS), to file a court petition to assume emergency custody of an abused or neglected child. Section 15 adds a definition of "sexual abuse" to the child abuse reporting laws, and secs. 16 and 23 add "mental injury" to the types of harm that must be reported. Sections 17, 18, 24, and 25 expand the classes of persons who are required under the law to report cases of suspected child abuse. Section 19 clarifies that a person who submits a report of abuse or neglect in good faith is immune from civil or criminal liability.

Section 20 abolishes the application of some evidentiary privileges that prevent the introduction of evidence in child abuse proceedings. Section 22 authorizes the state to seek an injunction prohibiting a person who has abused children in the past from having contact with a child not related to him. Section 26 allows the state to establish regulations devising a system of civil fines to enhance enforcement of child care licensing laws. Sections 27 and 28 describe the effect of two sections of the bill that would amend court rules.

SECTION-BY-SECTION ANALYSIS

Section 1

Under existing AS 11.51.100, endangering the welfare of a minor, it is class C felony offense for a parent or guardian to intentionally desert a child under circumstances which place the child in substantial danger of injury. Section 1 of this bill adds "in the first degree" to the title of the existing crime (sec. 2, below, adds a "second degree" form of the crime), and expands the law's coverage to children under the age of 18 (rather than under age 10).

Section 2

This section creates a new class A misdemeanor crime: endangering the welfare of a minor in the second degree. A person commits this crime if he has been entrusted with the care of a child under 13 and either: (1) negligently exposes the child to circumstances creating a substantial risk of injury or abuse, or (2) negligently exposes the child to physical injury by failing to provide the child with necessary care, food, shelter, or medical attention. This new provision would apply to child care providers (such as day care workers) who neglect children entrusted to their care or who allow the children to be exposed to dangerous conditions.

Section 3

Under AS 11.61.125, enacted in 1983, it is a class C felony offense to bring child pornography (visual depictions of children engaged in sex acts) into the state for sale or distribution. The law also prohibits possession or publication of such material with intent to sell it. As presently written, however, AS 11.61.125 does not explicitly prohibit the sale of child pornography. This omission makes prosecution under the new law more difficult. For example, who "possessed" illicit material sold over a bookstore counter? The store owner, or the clerk who actually made the sale? Under current law the answer is not clear. Section 3 of the bill clears up this ambiguity, and strengthens existing law, by explicitly including sale, distribution, or exhibition of child pornography for profit among the acts prohibited by law.

Section 4

AS 12.10.020(c), enacted in 1983, extended the general five-year statute of limitations for sex crimes against children. Under certain circumstances, a crime of this nature can be prosecuted up to 10 years after it was committed. This extension was adopted because, under the prior law, the five-year limitation period often expired before the child victim became old enough to report the assault. This was especially true when the victim was a very young child. Section 4 of this bill amends the language of AS 12.10.020 to include prostitution related offenses among those offenses to which the extension applies. The amended language also includes offenses committed under sections of the criminal code that were repealed when the laws relating to sexual offenses against children were revised in 1983.

Section 5

This section adds a new statute allowing a child's out of court ("hearsay") statement about a sexual offense to be introduced, under specified conditions, at grand jury proceedings. This would allow the grand jurors to hear and consider, for example, a videotaped statement given by the child victim immediately after the abuse was discovered. The statement must appear reliable and the child must either testify at the grand jury, or be "unavailable," as defined in the statute. Adoption of this measure will help to reduce the number of times a young child must be interviewed or testify about an assault, and will bring Alaska's procedure more in line with procedures used in other jurisdictions.

See HB 67 ch. 41 SLA 85

Section 6

AS 12.45.045, which limits the introduction in a sexual assault trial of evidence of the victim's previous sexual conduct, was adopted in 1978 as part of the new criminal code. Virtually all states have adopted some version of such a "rape shield" statute. The statute is designed to protect the sexual assault victim from unwarranted invasion into her private life. As originally adopted in the new criminal code, serious sexual offenses against children were included in the general sexual assault statutes. The protections included in AS 12.45.045 thus applied in child abuse cases as well as adult rape cases.

In 1983 the criminal laws regarding sexual offenses against children were revised; most sexual offenses against children are now called "sexual abuse of a minor" in one of four degrees. Unfortunately, the language of AS 12.45.045 was not altered to reflect the new designation for sexual crimes against children. Section 6 of this bill amends the statute to make it clear that the protections accorded to adult victims of a sexual assault apply to child victims as well.

Sections 7, 8, and 9

See HB 308

Existing AS 12.62.035 authorizes the release of certain criminal conviction records for persons who hold or are applying for paid or volunteer positions which would give them supervisory or disciplinary power over a child. Sections 7, 8, and 9 of this bill expand the types of convictions that may be reported to include all crimes that might pose a risk to children. Section 9 allows the state to inform an inquiring employer if there is a pending warrant for the arrest of the employee.

Sections 10 and 11

These sections revise existing law relating to curfews for minors. Section 10 provides that only a fine may be imposed upon a minor who violates a local curfew; no jail sentence may be given. Section 11 provides that curfew violations, like traffic and fish and game law violations, will be handled in an adult criminal court rather than in the juvenile justice system.

Under existing law, local communities have the authority to establish curfews for minors and to impose penalties for violations. Many communities, particularly in rural areas, have established curfews in hopes of controlling juvenile activity which might lead to delinquent behavior, and in hopes of providing protection for children and promoting family responsibility and unit. Present AS 29.43.110, passed in 1962, authorizes penalties of up to a $300 fine and 30 days in jail for curfew violations.

These penalties cannot be enforced, however, because the statute conflicts with other state laws. Since minors alleged to have committed crimes come within the jurisdiction of AS 47.10, curfew violations must be handled through the juvenile court, which cannot impose fines or terms of imprisonment. Thus, juveniles accused of curfew violations may be adjudicated as delinquents, but may not be fined or sentenced as indicated in AS 29.43.110.

AS 29.43.110 reflects an outmoded approach to family and behavioral problems of youth. The intent of both federal and state laws passed within the last 15 years has been to limit the unnecessary detention of nondelinquent juveniles through the decriminalization of status offenses such as curfew violations. This is good public policy, especially since Alaska's juvenile detention facilities are already overcrowded by youth requiring secure detention in order to protect either the public or themselves.

In order to remove an anomolous provision from the state statutes, and at the same time provide municipalities with an effective method of enforcing curfews, this bill makes failure to comply with municipal curfew ordinances a violation rather than a crime, and requires that minors accused of violating curfew ordinances be made subject to prosecution, as they presently are subject to prosecution for violation of fish and game statutes or regulations and traffic laws.

A minor accused of a curfew violation would be charged and prosecuted in district court, and would be subject to a fine of up to $300. The court could, of course, suspend any portion of the fine and require, as a condition of the suspension, that the minor complete a reasonable period of community service work or the fulfillment of similar reasonable conditions. This would reduce unnecessary detention of juvenile curfew violators. This is particularly important in rural areas were juveniles detained for such violations are held in adult jails which may not provide legally required sight and sound separation. It would also ensure that curfew violations are dealt with expeditiously, by allowing them to be handled by local law enforcement officers and judges. Communities would have greater flexibility in developing appropriate conditions to be met by violators.

Final version of HB 88 inserted a new section amending AS 47.10.010(a)

Section 12

Under AS 47.10.081, before a juvenile court may "dispose of" (sentence) a delinquent minor, all parties must receive a predisposition report. This report is prepared by a DFYS worker. Section 12 amends AS 47.10.081(c) to provide that the report must be provided to all parties two (rather

than 10) working days before the hearing.

The present 10-day requirement presents considerable practical problems, and often requires a delay in the disposition proceedings. In delinquency dispositions where there are 30 or less calendar days between adjudication and disposition, investigating probation officers may have fewer working days to complete their investigation and prepare the disposition report than the parties have to review the document prior to court. The ten day requirement also eliminates any possibility of a practical effort to reduce the total time between adjudication and disposition for those children detained during that process.

The present "10-day rule" has resulted in lengthening periods of detention because additional time is necessary to complete predisposition investigations and disposition hearings must be postponed. While there is no question that parties to a disposition hearing, including a child's attorney, must have prior access to investigative reports, a full 10 days of advanced availability is unnecessary. Two full working days should be sufficient time to allow all parties to carefully review the report.

Section 13

This section would change the standard for assuming emergency custody in neglect cases to conform to the same standard used in abuse cases. It would thus allow earlier emergency intervention to protect neglected children. It would also allow assumption of custody of neglected children who need immediate medical attention rather than requiring that their life be endangered.

Section 14

Section 14 of the bill modifies the time constraints upon DFYS for filing of petitions when a minor is taken into emergency custody. The modification relaxes the time-frame (in conformity with current practices in Anchorage) to allow a petition to be filed on the next business day following the assumption of custody of the minor. The Anchorage courts have permitted this practice for several years, notwithstanding the requirement in current law that the petition be filed within 12 hours after the minor has been taken into custody. Practices around the state vary, and a recent legislative audit report strongly suggests that practices should be made uniform throughout the state.

In those courts that interpret the 12-hour requirement literally, cases are brought before magistrates on weekends and holidays. The initial probable cause determination is usually not made by the magistrate, however;

the case is held over to the next business day. Although there is some minimal screening which occurs when the case appears before the magistrate, the same issue is addressed again on the next business day before a judge or special master. The advantage of the proposed change is that it prevents this additional hearing, and allows the social worker to perform the many tasks needed after emergency custody is assumed (making arrangements for placement and medical or other care as needed), while still requiring that the social worker attempt to immediately notify the parent of the assumption of custody.

Section 14 also includes language that allows DFYS discretion in filing petitions when emergency custody has been assumed in situations that do not require continued protective custody or DFYS involvement. These instances constitute a small percentage of the emergency custody cases, and involve situations in which a primary or temporary caretaker has allowed the child to wander off and the child is discovered by parties who do not know the family. Under current law, in order to provide temporary shelter for the child until parents are located, DFYS must assume emergency custody. A request to dismiss is often filed with the petition in these situations, and the petition is filed only because the present statute appears to require it. This section eliminates the need for this unnecessary paperwork.

Section 15

Section 15 defines the term "sexual abuse" for purposes of civil child in need of aid (CINA) proceedings under AS 47. Although the term "sexual abuse" is now used in AS 47, it is not defined. The proposed definition would prevent constitutional challenges to the state's assumption of jurisdiction over children who are sexually abused by their parents.

To allow DFYS intervention in all cases of suspected sexual abuse, the definition is quite broad. It includes all sexual conduct which is also a crime. Other forms of inappropriate touching are also included, but conduct reasonably necessary for normal caretaker or medical responsibilities is excluded. CINA proceedings focus on the ill-effects of sexualized contacts and overtures by a child's parents. The provisions in AS 47 are intended to protect against the mental and emotional harm which results from inappropriate sexual contact between a parent and a child. Thus, it is important that reasonable perceptions of the child be considered by the court in determining whether or not sexual abuse has occurred. The proposed definition specifically allows for this.

Section 16

Although existing law allows DFYS intervention to protect children from mental harm, it does not require that the harm be reported by professionals as is the case with neglect and physical and sexual abuse. This section will correct that deficiency. Together with sec. 23, which clearly defines "mental injury," this change will provide greater protection for children who have suffered observable mental injury, by increasing the reporting of such incidents. Similar provisions are included in the statutes of 47 other states, and inclusion in child protection laws is encouraged by federal policies and law.

Section 17

This section revises and expands existing law requiring persons in certain professions to report to DFYS suspected abuse of a child by a parent or other caretaker. Under existing law, a significant number of persons who regularly have access to information that a child has suffered harm as the result of abuse or neglect by a caretaker are not required to report that information. The revised statute focuses upon those individuals who regularly have contact with a child, or a child's family, and are therefore in a position to gain knowledge of child abuse and neglect. These changes are needed to insure that all children abused or neglected by caretakers come to the attention of DFYS.

The word "professional" has been deleted from AS 47.17.020(a), since many persons who have regular access to children and information about harm are considered para-professionals. Paragraph (a)(2) of AS 47.17.020 has been expanded to include all employees or volunteers of private or public schools, not just teachers or administrative staff. The term "social workers" in existing paragraph (a)(3) has been expanded to include all human service providers (defined in sec. 25).

In paragraph (a)(6), "licensed day care providers and paid staff" has been broadened to include all child care providers, including foster parents. This change is recommended because many persons who regularly provide day care services need not be licensed under existing law, and because children are cared for in a number of situations other than day care or foster care. Reference to "licensed foster care providers" has been eliminated from paragraph (a)(7), because they are now included in the scope of (a)(6). Instead, (a)(7) requires all counselors, licensed and unlicensed, to report suspected instances of child abuse. Present law applies to psychiatrists and psychologists (as "practitioners of the healing arts"), but not to other individuals who regularly counsel families or child-

ren. New paragraphs (a)(8) -- (10) add other categories of persons required to report.

final version inserted a new section amending 47.17.020(b) and adding a new subsection (d)

Section 18

Under present law, persons in the categories listed in AS 47.17.020(a) are required to report suspected child abuse or neglect only if the abuse or neglect is caused by or attributable to the actions of a person "responsible for the child's welfare." See AS 47.17.070(1) and (7). Thus, harm caused by a person not related to the child or residing in the child's home need not be reported to DFYS.

Section 18 of this bill adds a new section to the statutes: reports to law enforcement agencies. If a person listed in AS 47.17.020 (the general reporting statute) has reason to believe that a child has suffered harm as a result of injury, neglect, or exploitation by someone other than a family member or caretaker, the person must report that harm to a law enforcement officer (rather than DFYS). The law should require that all instances of abuse or neglect be reported to the authorities, not just intrafamily abuse. All children should be protected under the law, without regard to the identity of the perpetrator or the relationship to the child victim.

New subsec. (c) requires film processors to report suspected cases of child pornography to law enforcement authorities for investigation. Several other states have such a requirement. On at least one occasion in the past, an Alaska man who photographed a young child engaged in sex acts with him was apprehended as a result of a similar reporting requirement in another state. A person who knowingly fails to make a report as required in this section is guilty of a class B misdemeanor under AS 47.17.068 (see sec. 21, below).

Section 19

Section 19 amends the immunity provision in existing AS 47.17.050 to make it clear that a person who makes a child abuse report in good faith, and whose information or testimony is used in connection with criminal prosecution of the offender, as well as in a civil proceeding, is immune from liability for making the report. This clarification is necessary as a result of the appellate court's decision in State v. R.H. and Wetherhorn, 683 P.2d 269 (Alaska App. 1984). The Wetherhorn court held that the phrase "judicial proceeding," as used in AS 47.17.060 (dealing with evidence that is not privileged), refers only to civil proceedings -- i.e., "child protection proceedings" -- under AS 47.10 ("Delinquent Minors and Children in Need of Aid"). 683 P.2d at 280.

Section 20

This section of the bill clarifies existing law regarding evidence that may be admitted in civil or criminal proceedings regarding the abuse of a child. The amendment abrogates some evidentiary privileges that prevent the introduction of evidence of harm. The clergyman privilege would not apply if the communication was made during the course of counselling sessions (rather than in furtherance of a religious practice).

final version inserted a new section amending 47.17.064

Section 21

This section contains a conforming amendment extending existing "B" misdemeanor penalties for failure to report suspected child abuse, as explained above regarding sec. 18.

Section 22

Section 22 of this bill provides broad authority to the state to enjoin or limit persons who endanger children in the ways specified from having contact with children. While there may be common law authority for this view, statutory confirmation of this authority removes one issue from possible litigation in cases where the attorney general chooses to bring an action to enjoin or limit a person from contact with children. This addresses the problem of no regulation of day care providers who care for less than five children without burdening the public with regulation of all day care providers.

Section 23

This section amends the existing definition of "child abuse or neglect" to include mental injury caused by a person responsible for the child's welfare. The rationale for including "mental injury" is described in connection with sec. 16, above.

Section 24

Existing law requires "practitioners of the healing arts" to report suspected child abuse or neglect. This section expands the definition of this term to include nurse practitioners and physician's assistants. Although these health care professionals are considered included in the current definition, this amendment clears up any possible uncertainty by specifically referring to persons who hold these positions.

Section 25

This section adds new definitions related to the expanded classes of persons who must report child abuse (see secs. 17 and 18 of the bill).

Removed "human services provider" and "mental injury" from definitions.

final version added definition of "person responsible for the child's welfare."

Section 26

Section 26 of this bill makes two changes. First, AS 47.35.070(a) is amended to bring this statute into conformity with the criminal code by making violations of child care licensing statutes and regulations a class B misdemeanor. Second, subsec. (b) adds language that gives statutory authority to the Department of Health and Social Services to establish a system of civil enforcement (including the levy of up to $200 daily in civil penalties) for violations of its licensing statutes and regulations.

This authority will provide the department with a valuable regulatory tool. Presently, the department has only two choices with respect to licensees who violate statutes and regulations. The department can either revoke the license or do nothing. While the department can require the licensee to establish a plan of correction for violations, its only lever to enforce this requirement is the authority to revoke the license. If a system of civil penalties existed, the department would have the additional tool of fining licensees for minor violations of regulations and statutes. The new language makes it clear that imposition of a civil penalty would not preclude criminal prosecution in appropriate circumstances.

Section 27

New AS 12.40.050, contained in sec. 5 of this bill, allows the introduction under certain circumstances of hearsay evidence of a child's statement in grand jury proceedings for sexual offenses against children. Section 28 indicates that this would have the effect of altering a court rule of criminal procedure. A two-thirds vote of each house is thus required on this section of the bill, under art. IV, sec. 15 of the Alaska Constitution.

Section 28

This section states that the changes proposed in sec. 20 of the bill would amend Alaska Rules of Evidence 504, 505, and 506 by preventing the application of the physician-patient privilege and the husband-wife privilege, and by limiting the application of the clergyman privilege, in civil or criminal proceedings arising from reports of abuse made under AS 47.17. A two-thirds vote of each house is required for passage of this section.

The problems related to the protection of children are among the most serious facing our society. Therefore, I urge your prompt, thoughtful, and favorable consideration of this measure.

Sincerely,

Bill Sheffield

Bill Sheffield
Governor

SECTIONAL ANALYSIS FOR

SENATE CS FOR CS FOR HOUSE FOR HB 88 (FINANCE)

Sections 1 and 2.

These two sections relate to the crime of distribution of child pornography and the definition of "distribution". The wording contained in these sections is based on a recent United States Supreme Court case, New York v Ferber, 458 U.S. 747 (1982), which allows the state to constitutionally regulate the production and distribution of material that depicts children engaged in sexual activity even when the material is not legally obscene.

Section 3.

This section allows prosecutions under AS 11.41.410 - 11.41.460 (sexual offenses), AS 11.66.110 - 11.66.130 (prostitution) and former AS 11.41.430 or former AS 11.51.130(a)(4) (formerly sexual assault and contributing to the delinquency of a minor), for an offense committed against a person under the age of 16. Prosecution may be commenced within one year after the crime is reported to a peace officer or the person reaches the age of 16 which ever occurs first. The period of limitation is not extended by more than five years.

Section 4.

AS 12.45.045, evidence of past sexual conduct in trials for sexual offenses, is amended to include, sexual abuse of a minor in any degree, or unlawful exploitation of a minor, or any attempt to commit any of these crimes. This statute provides for an in camera hearing to determine the admissibility of evidence.

Section 5.

The jurisdiction over a child in need of aid proceedings is amended to include: the child being in need of medical treatment to cure, alleviate, or prevent substantial physical harm, or in need of treatment for mental harm as evidenced by failure to thrive, severe anxiety, depression, withdrawal, or untoward aggressive behavior or hostility toward others, and the child's parent, guardian, or custodian has knowingly failed to provide treatment; and children which have been or are in imminent and substantial danger of being sexually abused.

Section 6.

This section rewrites the circumstances under which the Department of Health and Social Services may take emergency custody of a minor. AS 47.10.142(a)(2) allows the department to take emergency custody of minors that have been abandoned, or grossly neglected by their parents or guardian, if the department determines that immediate removal from the minor's surrounding is necessary to protect the minor's life, or provide immediate necessary medical attention. Previously the wording of this subsection read, "s that immediate removal from the minor's surrounding is, in the determination of the department, necessary to protect the minor's life." This is a minor change in the wording.

Section 7.

This section modifies the procedure that the Department of Health and Social Services must follow when children are taken into their custody. Presently the person having custody of the child and the court must be notified immediately, and in no event more than 12 hours after the child is taken into custody. The court must be notified through the filing of a "child in need of aid" petition.

Senate CS for CS HB 88(Finance) still requires the department to notify the parents within 12 hours and file a "child in need of aid" petition within 12 hours after custody was assumed if custody will continue. If, however, the department decides to return the child to ~~their~~ his/her parents or guardians within 12 hours after custody was assumed, the department need only file a report with the court which explains why the child was taken into custody. When a petition is filed, the court must open a file on the matter, However, when a report is provided the court, no file is opened, but the court is advised as to the justification for the temporary custody.

This amendment ensures that justification for assuming custody of children will always be promptly presented to the court. Protection of the child, notification to the parents, justification to the court, and reasonable procedures for the department are all assured under this amendment.

Section 8.

This section expands the list of individuals required to report instances of child abuse or neglect to the nearest office of the department. Presently school teachers and school administrative staff members must report; ~~however,~~ Senate CS for CS HB 88(Finance) specifically designates that this applies to both public and private schools. In addition, child care providers, not just licensed day care providers, must report. Finally, paid employees of domestic violence and sexual assault programs and crisis prevention programs are required to report.

Section 9.

This section primarily represents housekeeping changes and replaces "non-occupational" for "nonprofessional".

Section 10.

This section provides that religious healing practitioners are not required to report as neglect of a child the failure to provide medical attention to the child, if the child is provided treatment solely by spiritual means.

Section 11.

This section makes it mandatory for persons who process or produce visual or printed matter containing child pornography to report to law enforcement.

Section 12.

This section allows for the taking of photographs and x-rays of a child believed to have suffered physical harm as a result of child abuse or neglect. While parental permission is not necessary, the parents, guardian or custodian must be notified after the photograph or x-ray is taken.

Section 13.

This section provides that a person who knowingly fails or refuses to report an incidence of harm is guilty of a class B misdemeanor. This section deletes "willfully" which is no longer used.

Section 14.

Protective injunctions may be sought in cases against persons who have physically abused a child, or engaged in conduct that constitutes a clear and present danger to the mental, emotional, or physical welfare of a child. The purpose of this section is to give the Department of Law the ability to enjoin persons from association with children in the event that it is proved by a preponderance of the evidence that the person has committed the act.

Section 15.

The definition of practitioner of the healing arts is expanded to include: dental hygienists, nurse practitioners, physician's assistants and psychological associates. This definition is used for the required recording under AS 47.17.020.

Section 16.

Definitions for "child care provider", "organization" and "persons responsible for the child's welfare" are provided.

Section 17.

This section provides that violations of Title 47 or a regulation adopted under that chapter will be prosecuted as a class B misdemeanor. The prior fine under this section is deleted.

Section 18.

A system of civil enforcement may be adopted by the department for violations of a licensing statute or licensing regulation. This is seen as a needed provision for ensuring compliance by licensed day care facilities.

Section 19.

This Act takes effect July 1, 1985.

C8HB 88 (HESS), Relating to the protection of children

SECTION-BY-SECTION ANALYSIS

Section 1

Under existing AS 11.51.100, endangering the welfare of a minor, it is class C felony offense for a parent or guardian to intentionally desert a child under circumstances which place the child in substantial danger of injury. Section 1 of this bill adds "in the first degree" to the title of the existing crime (sec. 2, below, adds a "second degree" form of the crime), expands the law's coverage to children under the age of 12 (rather than under age 10) and adds to the section a person "responsible for the welfare of a child".

Section 2

This section creates a new class A misdemeanor crime: endangering the welfare of a minor in the second degree. A person commits this crime if the person is a parent or guardian or is responsible for the welfare of a child under 12 and either: (1) negligently exposes the child to circumstances creating a substantial risk of injury or abuse, or (2) negligently exposes the child to physical injury by failing to provide the child with necessary care, food, shelter, or medical attention.

Section 3

Adds a new definition to Title 11, exactly like the one in 47.17.070, for "person responsible for the welfare of a minor".

Sections 4 and 5

Under AS 11.61.125, enacted in 1983, it is a class C felony offense to bring child pornography (visual depictions of children engaged in sex acts) into the state for sale or distribution. The law also prohibits possession or publication of such material with intent to sell it. As presently written, however, AS 11.61.125 does not explicitly prohibit the sale of child pornography. Section 4 strengthens existing law, by explicitly prohibiting sale, and further, prohibits sale and distribution whether or not for commercial consideration.

Section 6

AS 12.10.020(c), enacted in 1983, extended the general five-year statute of limitations for sex crimes against children. Under certain circumstances, a crime of this nature can be prosecuted up to 10 years after it was committed. This extension was adopted because, under the prior law, the five-year limitation period often expired before the child victim became old enough to report the assault. This was especially true when the victim was a very young child. Section 6 of this bill amends the

language of AS 12.10.020 to include prostitution related offenses among those offenses to which the extension applies. The amended language also includes offenses committed under sections of the criminal code that were repealed when the laws relating to sexual offenses against children were revised in 1983.

Section 7

AS 12.45.045, which limits the introduction in a sexual assault trial of evidence of the victim's previous sexual conduct, was adopted in 1978 as part of the new criminal code. Virtually all states have adopted some version of such a "rape shield" statute. The statute is designed to protect the sexual assault victim from unwarranted invasion into her private life. As originally adopted in the new criminal code, serious sexual offenses against children were included in the general sexual assault statutes. The protections included in AS 12.45.045 thus applied in child abuse cases as well as adult rape cases.

In 1983 the criminal laws regarding sexual offenses against children were revised; most sexual offenses against children are now called "sexual abuse of a minor" in one of four degrees. Unfortunately, the language of AS 12.45.045 was not altered to reflect the new designation for sexual crimes against children. Section 7 of this bill amends the statute to make it clear that the protections accorded to adult victims of a sexual assault apply to child victims as well.

One minor change was made in House HESS subcommittee, the word "may" on page 3, lin 4 was changed to "shall".

Section 8

Under AS 47.10.081, before a juvenile court may "dispose of" (sentence) a delinquent minor, all parties must receive a predisposition report. This report is prepared by a DFYS worker. Section 8 amends AS 47.10.081(c) to provide that the report must be provided to all parties six (rather than 10) working days before the hearing.

The present 10-day requirement presents considerable practical problems, and often requires a delay in the disposition proceedings. In delinquency dispositions where there are 30 or less calendar days between adjudication and disposition, investigating probation officers may have fewer working days to complete their investigation and prepare the disposition report than the parties have to review the document prior to court. The ten day requirement also eliminates any possibility of a practical effort to reduce the total time between adjudication and disposition for those children detailed during that process. The present "10-day rule" has resulted in lengthening periods of detention because additional time is necessary to complete

predisposition investigations [illegible]isposition hearings must be postponed.

Section 9

This section would change the standard for assuming emergency custody in neglect cases to conform to the same standard used in abuse cases. It would thus allow earlier emergency intervention to protect neglected children. It would also allow assumption of custody of neglected children who need immediate medical attention rather than requiring that their life be endangered.

Section 10

Section 10 allows DFYS discretion in filing petitions when emergency custody has been assumed in situations that do not require continued protective custody or DFYS involvement. These instances constitute a small percentage of the emergency custody cases, and involve situations in which a primary or temporary caretaker has allowed the child to wander off and the child is discovered by parties who do not know the family. Under current law, in order to provide temporary shelter for the child until parents are located, DFYS must assume emergency custody. A request to dismiss is often filed with the petition in these situations, and the petition is filed only because the present statute appears to require it. This section eliminates the need for this unnecessary paperwork.

Section 11

Section 10 defines the term "sexual abuse" for purposes of civil child in need of aid (CINA) proceedings under AS 47. Although the term "sexual abuse" is now used in AS 47, it is not defined. The proposed definition would prevent constitutional challenges to the state's assumption of jurisdiction over children who are sexually abused by their parents.

To allow DFYS intervention in all cases of suspected sexual abuse, the definition is quite broad. It includes all sexual conduct which is also a crime. Other forms of inappropriate touching are also included, but conduct reasonably necessary for normal caretaker or medical responsibilities is excluded.

Section 12

AS 47.17.010 is a statement of legislative intent that protective services should be provided to child victims of abuse and neglect to prevent further harm to the child, enhance the general well-being of children, and preserve family life. Section 12 clarifies that family life should be preserved whenever it is in the best interests of the child to do so.

Section 13

This section revises and expands existing law requiring persons in certain professions to report to DFYS suspected abuse of a child by a parent or other caretaker. Under existing law, a significant number of persons who regularly have access to information that a child has suffered harm as the result of abuse or neglect by a caretaker are not required to report that information. The revised statute focuses upon those individuals who regularly have contact with a child, or a child's family, and are therefore in a position to gain knowledge of child abuse and neglect. These changes are needed to insure that all children abused or neglected by caretakers come to the attention of DFYS.

The House HESS subcommittee removed all reference to volunteers, counselors and clergy and changed "investigators" in subsection (7) to "personnel".

Under present law, persons in the categories listed in AS 47.17.020 are required to report suspected child abuse or neglect only if the abuse or neglect is caused by or attributable to the actions of a person "responsible for the child's welfare." Thus, harm caused by a person not related to the child or residing in the child's home need not be reported to DFYS.

Section 13 adds a new provision to the statutes: reports to law enforcement agencies. If a person listed in AS 47.17.020 (the general reporting statute) has reason to believe that a child has suffered harm as a result of injury, neglect, or exploitation by someone other than a family member or caretaker, the person must report that harm to a law enforcement officer (rather than DFYS). The law should require that all instances of abuse or neglect be reported to the authorities, not just intrafamily abuse. All children should be protected under the law, without regard to the identity of the perpetrator or the relationship to the child victim.

If the person reporting the abuse is not aware of the perpetrator's relationship to the victim, Section 13 allows a report to be made to either DFYS or a law enforcement officer.

Section 14

Section 14 requires film processors to report suspected cases of child pornography to law enforcement authorities for investigation. Several other states have such a requirement. On at least one occasion in the past, an Alaska man who photographed a young child engaged in sex acts with him was apprehended as a result of a similar reporting requirement in another state. A person who knowingly fails to make a report as required in this section is guilty of a class B misdemeanor under AS 47.17.068 (see sec. 20, below).

Section 15

The current scope of DFYS services does not extend beyond intra-family offenses. Section 15 clarifies that if, after a preliminary investigation, DFYS determines that the harm was not caused by a family member, the report shall be turned over to a local law enforcement officer.

Section 16 - 18

Sections 16, 17 and 18 amend the confidentiality, immunity, and privileged evidence provisions in existing AS 47.17 to make it clear that the applicability of these provisions applies to both civil and criminal proceedings. This clarification is necessary as a result of the appellate court's decision in State v. R.H. and Wetherhorn, 683 P.2d 269 (Alaska App. 1984). The Wetherhorn court held that the phrase "judicial proceeding," as used in AS 47.17.060 (dealing with evidence that is not privileged), refers only to civil proceedings.

The House HESS subcommittee specified in section 16 that the release of confidential information is a Class A misdemeanor.

Section 18 has been changed to provide that the only priviledges are lawyer/client, psychotherapist/patient and clergy.

Section 19

Section 18 contains a conforming amendment per the clarified definition of abuse in Section 21.

Section 20

This section contains a conforming amendment extending existing "B" misdemeanor penalties for failure to report suspected child abuse, as explained above regarding Section 13.

Section 21

Section 21 of this bill provides broad authority to the state to enjoin or limit persons who endanger children in the ways specified from having contact with children. While there may be common law authority for this view, statutory confirmation of this authority removes one issue from possible litigation in cases where the attorney general chooses to bring an action to enjoin or limit a person from contact with children. This addresses the problem of no regulation of day care providers who care for less than five children without burdening the public with regulation of all day care providers.

Section 22

This section clarifies the definition of abuse in AS 47.17 (reporting statute) in light of existing definitions of "neglect" and "child" in this section. Abuse