

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

3950

SHEES

SB 264

880

### Initiative Number 3 : Regionalization

DFYS' regionalization strategy is illustrated in Chart 12. As the chart shows, this is a significant departure from the centralized approach of the past. This configuration will improve secure detention and treatment services in several ways. Since intake and diversion services will be available from the regional facilities unnecessary detention of many youth will be eliminated and earlier intervention and diversion will occur. The need to transport youths from outlying areas to a centralized facility in Anchorage or Fairbanks will be reduced thereby reducing the time youths spend in detention and treatment. In addition greater reliance on existing community and family resources will occur in all aspects of intervention, diversion and treatment, increasing their effectiveness.

The regional approach will more efficiently utilize resources since it will allow better and earlier screening and intervention. Reductions in length of time necessary for rehabilitation of juvenile offenders will allow more youth to be rehabilitated without an otherwise necessary expansion of facilities.

Regionalization of services will, then, expand the types of services available in outlying areas, better utilize community and family resources in rehabilitation efforts, provide earlier and more effective intervention and diversion, allow a greater number of treatment strategies to be used, reduce the time necessary for detention and treatment of youth, and allow a larger number of youth to be served without continuing institutional expansion.

### Initiative Number 4 : Case Management

To ensure that agency resources are used most effectively DFYS is developing a formal, systematic method of case management. This will give DFYS an objective, reliable method of assessing the risks presented by delinquent youth and their rehabilitative needs. It will also establish workload and performance standards, uniform methods of case planning, and mechanisms for monitoring and evaluation for individual cases.

On both an individual case and program level development of a formal method of case management will provide a systematic planning process. This process will provide a framework for analyzing problems, developing objectives, identifying resources to be used in achieving objectives, and achieving accountability through monitoring and evaluating effectiveness and performance. A critical part of a case management system is the collection of information about clients and programs essential in providing a basis for decisions on all levels. Without a sufficient capability for collection and analysis of needed information a case management system cannot function effectively.

### Initiative Number 5 : Management Information System (MIS)

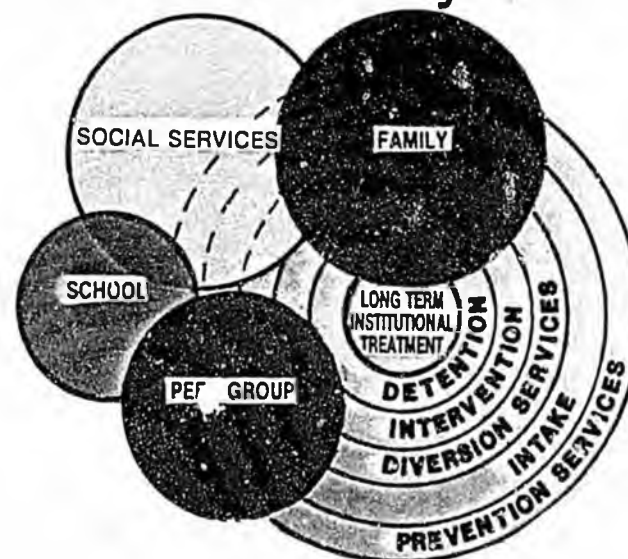
Development of a comprehensive management information system is essential to DFYS' overall strategy since it will enable the agency to routinely collect information necessary for numerous case and management functions.

# REGIONAL YOUTH DETENTION AND TREATMENT CENTERS

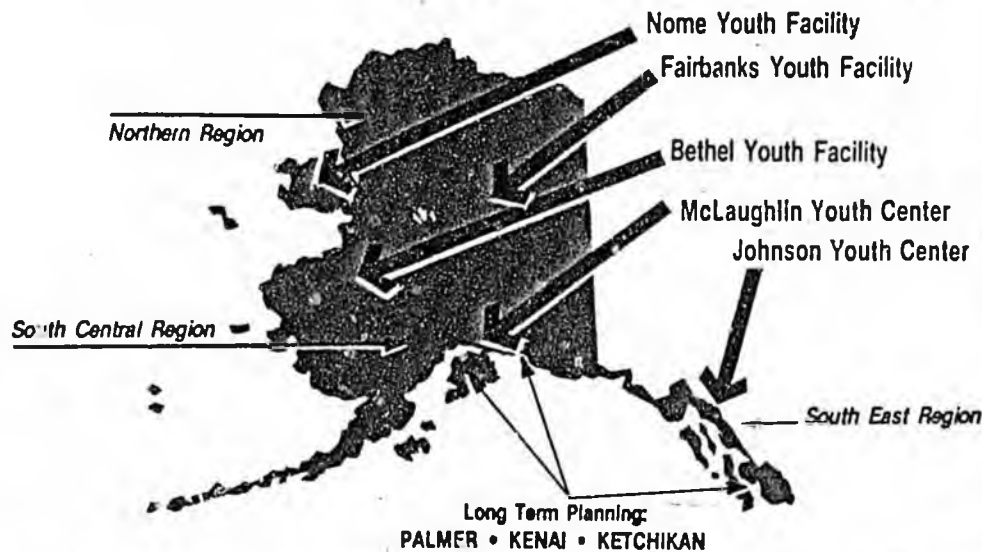
Youth Community Based Services - Division of Family and Youth Services



1978



1988



A comprehensive MIS will provide detailed information for program evaluation and accountability, and for a variety of decisions from the individual client level to the administrative and legislative policy level.

The Department has been mandated to require and collect statistics on juvenile offenses and offenders, but has not had the capability to do so. With the assumption of responsibility for the juvenile court intake function DFYS now has the ability to develop a system of tracking juvenile offenders from the time of their referral to the intake officer through all processes of the juvenile justice system. This is extremely important since it can provide previously unavailable information for analysis of statewide trends. Major policy decisions and day to day program operations require such information and the evaluations such information makes possible. With completion of this initiative, the Department will be able to carry out this mandate and meet information needs on a general level.

### Conclusion

Significant progress has been made in recent years to address the problem of juvenile crime in Alaska. Separation of services for juvenile offenders from programs for adult criminals has focused greater attention on juveniles and resulted in dramatic increases and improvements in services. This has been a primary cause for decreases in both total numbers and rate of measurable juvenile crimes. Earlier intervention and increased service means fewer youth become repeat offenders and serious offenders are identified and dealt with sooner.

However, Alaska's population continues to increase and programs for juvenile offenders are now overburdened. This has occurred at a time when revenues have begun to decline and resources are increasingly limited. Without effective use of available resources and some resource increases program effectiveness will decline and increases in juvenile crime will almost certainly occur.

The strategy devised by DFYS to protect the public and rehabilitate young offenders is designed to direct resources to the most cost effective services and contain the need for additional resources. The strategy includes several management initiatives. Some are designed primarily to address specific problems presently being faced. Others will increase accountability and effectiveness of existing services. Development of a systematic method for identifying future problems and needs, evaluating programs and services, and allocating resources most effectively as circumstances change will be a primary focus in these initiatives.

The need for resources will undoubtedly increase as the state's population increases. However, DFYS' management initiatives are predicated on limiting the need for additional resources through informed planning and decision making and by concentrating on the most effective and least expensive services. Immediate needs will require increased resources for institutional services. But regionalization will insure the most effective use of these and future resources.

Through these initiatives and emphases DFYS hopes to avoid the failures of other states in focusing on a single aspect of juvenile crime - the end of the service continuum, institutions and secure treatment. Instead DFYS hopes to focus resources on prevention, diversion, early intervention, and community - based services. These approaches effectively protect the public and rehabilitate the vast majority of young offenders without the massive resource requirements of institutions.



## Trial Courts

State of Alaska

THIRD JUDICIAL DISTRICT

303 K STREET

ANCHORAGE, ALASKA

99501

November 20, 1984

CHILDREN'S INTAKE OFFICE

Jay L. Warner

Micheale Giesler

Sandra Bonacker

Senator Pat Rodey  
801 W. Fireweed, Suite 102  
Anchorage, Alaska 99503

Dear Senator Rodey:

Thank you very much for your letter of November 2, 1984 regarding the Alaska Juvenile Code. I agree with you that changes are necessary to cope with present problems in the juvenile system in the State of Alaska. I feel that all juvenile intake should be handled by the District Attorney's office in a similar fashion to adult matters. I believe intake as it exists today could provide supervision for the juvenile cases which the District Attorney decides to divert. Our criminal laws are so complex and juvenile crime is becoming so serious and so sophisticated that I believe the State of Alaska is at a disadvantage when lay people, such as myself, act as prosecutors when juveniles are represented by private attorneys or the Public Defender. I also feel ~~juvenile jurisdiction should be lowered to age sixteen for all Unclassified and Class A felonies.~~ I further feel that there should be two types of juvenile court jurisdictions for delinquent minors. One would be what I would call MINOR DELINQUENCY, which would include all misdemeanor type offenses and would allow the State supervision and custody for up to one year. The other type, MAJOR DELINQUENCY, would include all felony type offenses and would allow for State supervision for any undetermined period of time, not to exceed the nineteenth birthday. I believe this would allow the State to work with juvenile offenders on a more acceptable basis because the offense would determine the length of supervision.

I hope this information will be of some value to you in the coming session. If you have any questions, please feel free to contact me.

Yours truly,

*Jay L. Warner*  
Jay L. Warner, Intake Officer

JLW:jm



Position Title <b>Clerk-Typist III</b>			No. of Positions 1	Range/Step 8/B	Barg. Unit GGU	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 12	RP Number	Location Anchorage	Election District	Leg.			
Type of Expenditure			Justification					
Amount			<p>This position is necessary to provide operational services to a pre-adult unit for teen-agers who have committed unclassified felonies. The pre-adult unit is a maximum security unit requiring three complete shifts to operate it.</p>					
1	2	3						
Salary	20,136.00							
Benefits	8,211.00							
Premium Pay	1,549.00							
Other								
<b>Total Personal Services</b>		<b>29,896.00</b>						
Travel		-0-						
Contractual		3,816.00						
Commodities		4,010.00						
Equipment								
Other								
<b>Total Cost</b>		<b>37,722.00</b>						
Receipt Code	Funding Source							
	Federal Receipts 1002							
	G. F. Match 1003							
	General Funds 1004		37,722.00					
	I-A Receipts 1005							
	Program Receipts 1028							
	CIP Receipts 1061							
	Other							
<div style="border: 1px solid black; padding: 5px; width: fit-content;">           For B&amp;M Use Only            Key Number _____         </div>								

**Request For  
New Position**

Agency Health and Social Services  
 BRU Youth Services  
 Component McLaughlin Youth Center

Page 1 of 1  
 Revised Date

**FY 87**



Position Title <b>Cook II</b>			No. of Positions <b>1</b>	Range/Step <b>57/C</b>	Barg. Unit <b>L</b>	Gov.	Approv.	Disapp.
Time Status <b>PFT</b>	Staff Months <b>12</b>	RP Number	Location <b>Anchorage</b>		Election District	Leg.		
Type of Expenditure			Justification					
		Amount	This position is necessary to provide operational services to a pre-adult unit for teen-agers who have committed unclassified felonies. The pre-adult unit is a maximum security unit requiring three complete shifts to operate it.					
<b>1</b>	<b>2</b>	<b>3</b>						
Salary	29,698.00							
Benefits	10,857.00							
Premium Pay	2,295.00							
Other								
Total Personal Services		42,850.00						
Travel								
Contractual		3,815.00						
Commodities		4,010.00						
Equipment								
Other								
Total Cost		50,675.00						
Receipt Code	Funding Source							
	Federal Receipts 1002							
	G. F. Match 1003							
	General Funds 1004		50,675.00					
	I-A Receipts 1005							
	Program Receipts 1028							
	CIP Receipts 1061							
	Other							
For B&M Use Only								
Key Number								

**Request For  
New Position**

Agency Health and Social Services  
 BRU Youth Services  
 Component McLaughlin Youth Center

Page 1 of 1  
 Revised Date

**FY 87**



Position Title Youth Counselor II			No. of Positions 12	Range/Step 13/B	Barg. Unit G	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 12	RP Number	Location Anchorage		Election District	Leg.		
Type of Expenditure			Justification					
		Amount	<p>These positions are necessary to provide operational services to a pre-adult unit for teen-agers who have committed unclassified felonies. The pre-adult unit is a maximum security unit requiring three complete shifts to operate it.</p>					
1	2	3						
Salary	327,456.00							
Benefits	131,664.00							
Premium Pay	71,400.00							
Other								
Total Personal Services		530,520.00						
Travel		3,300.00						
Contractual		45,789.00						
Commodities		48,130.00						
Equipment								
Other								
Total Cost		627,739.00						
Receipt Code	Funding Source							
	Federal Receipts 1002							
	G. F. Match 1003							
	General Fund 1004		627,739.00					
	I-A Receipts 1005							
	Program Receipts 1028							
	CIP Receipts 1061							
	Other							
<div style="border: 1px solid black; padding: 5px; width: fit-content;"> <p>For B&amp;M Use Only Key Number _____</p> </div>								

**Request For  
New Position**

Agency Health and Social Services  
 BRU Youth Services  
 Component McLaughlin Youth Center

Page 1 of 1  
 Revised Date

**FY 87**

By Janet Weiner

# PEER POWER

*To help keep "bad" kids out of trouble, teen courts are springing up around the country. Here's how they can work.*

**F**ifteen-year-old Ronald, an amiable high school student, was arrested by police and charged with theft of bicycle equipment totaling \$8. When his mother saw him at the Odessa, Texas, police station, handcuffed, with tears in his eyes, she too began to cry.

He was released in his mother's custody. "I was so scared," said the boy. "I thought she was going to kill me. But when we got in the car she said, 'Ronald, I had such hopes for you. I trusted you.' I guess I let her down."

Shoplifting is not unusual among adolescents, according to juvenile crime experts. For Ronald, it was his first offense. The motivation was obviously deprivation and need; he never thought of the consequences.

His parents, always mobile, were now divorced, and he was often shuttled between them. Being new to his neighborhood, he had difficulty making friends, got in with the wrong crowd, and drifted into trouble. "I would have done anything to become part of the group," said Ronald.

When it was time for Ronald to face the court, he was apprehensive. He told the state's attorney, "I needed the [bike] parts, and I didn't have the money to pay for them." The judge, led by the bailiff, filed out to decide his sentence.

A familiar scene? Yes. . . and no. The lawyers, judge and jury Ronald had to face were teenagers, and most of the participants — now jurors, attorneys, bailiffs, clerks — had themselves once been defendants. The Odessa teen court program is designed to help young first-time offenders such as Ronald, who might be developing a pattern of criminal behavior that can be stopped early by promoting a healthy attitude about oneself as well as the law. And teen courts are springing up all over the country. They exist in such places as Denver; Seattle; Portland, Ore.; Scranton and Erie, Penn.; Richardson and Grand Prairie, Texas; Oswego, Oneida, Tarrytown, Ithaca and Newburgh, N.Y. A television movie on the subject will air this Tuesday.

The jury is still out as to whether teen courts are a fad or an important judicial innovation. As Hunter Hurst, executive director of the National Center for Juvenile Justice in Pittsburgh, pointed out, "I don't think their performance has been well measured." But, he added, "without question," their efficiency lies in the fact that they enable young people to have better understanding of, and more respect for, the law.

"We ought to be encouraging innovation [such as youth court programs], but



*A panel of jurors is sworn in at the Odessa, Texas, teen court. More than 1,000 cases have been heard in the Odessa program, and second offenses have been rare.*

as we encourage it, we need to have enough healthy skepticism to document it," added Hurst. "Implement them and measure them, and make me wrong, because the answers to juvenile delinquency are so few that I certainly wouldn't want to rule this one out before the fact."

The Odessa teen court has been in existence for a little over a year, and more than 1,000 cases have been heard. Thus far, no teenager found guilty of a misdemeanor and fewer than 15 percent of traffic offenders have been in further trouble. This speaks well for the project when the national average of second-time youthful offenders is now over 50 percent.

Judge Ken G. Spencer, 73, is a veteran jurist and one of two adults involved in the Odessa teen court. He believes the program is invaluable because "the kids learn something about their own rights, and they respect the legal system." Natalie Rothstein is the teen court coordinator. She runs the show, counsels teenagers in trouble, and attempts to channel their negative energy into something constructive. "Before teen court, many kids fell through the cracks in the legal system," she said. "The court dockets were loaded, and less serious offenses were put on a back burner. The youngster got a slap on the wrist and was sent home to sin no more." But in the teen court program, each youngster is quickly tried by his peers and is expected to complete obligations to society.

Teen court deals only with first offenders and handles a wide range of cases, including traffic violations, shoplifting, runaways, criminal trespass, theft, driving while intoxicated, and possession of drugs and alcohol. Young-

sters between ages 10 and 16 must plead guilty (not-guilty pleas and felonies are dealt with at municipal court), and they are accompanied to court by their parents. Teenagers tried on drug- and alcohol-related charges are assigned to a chemical abuse education and prevention class. Parents attend a workshop on behavior modification techniques.

Sentences entail jury duty and community service. Offenders work for institutions such as the Red Cross, hospitals, nursing homes, and libraries, or for the victim to pay damages. Jury members assign the number of hours of service. Upon fulfillment of the sentence, charges are dismissed, and the offender's record is clean. Every defendant must later function as a juror. "This forces them on the justice side of the criminal justice system," Rothstein pointed out. "They're not going to be involved in law-breaking behavior, because they're getting positive reinforcement for positive acts of behavior."

The maximum hours a defendant may serve is 30. When Ronald was sentenced to 18 hours, he chose to work at the animal shelter. He said he feels good about the program and about himself. "Now I have friends that I work with and friends through the program. And they like me for me. This all made me realize something about myself," he mused. "I'm OK."

The youths who find themselves before the court come from all sorts of families. "They're just ordinary mainline kids," says Rothstein. "They experience a feeling of not belonging. But when they get involved in teen court, they start to shine."

Andy Reeves once felt isolated from

her peers. "They were snobs. Maybe they thought I was snobby, too, but they didn't really know me. I was never asked to go to a party, or a movie, or anyplace," she said. "Maybe they felt that if they could make me feel not as important as them, it would make them feel more important."

But that was a year ago, before she became involved in the teen court program. Andy volunteered for the program and went through training to be a juror. She has alternated between being bailiff and juror, and is now an integral part of the system. Emblazoned on her blouse in bold letters are the words: ANDY. TEEN COURT BAILIFF. Everything has changed for her. "Now I have a place to be. I'm somebody now. I have a bunch of friends, and we go out and have a real good time. I'm more confident about everything, and I'm more positive about myself."

Andy said the teen court works "because kids their own age [as attorneys and jurors] understand their problems better than adults do. Sometimes the kids on the jury can be tough. I think adults [jurors] would kind of ease off of them [defendants] just because they are kids. At teen court they get the sentences they deserve."

Enthusiasm among teens for the program runs high. Debra Bingham, the "attorney" who defended Ronald, believes that "people are taking their sentences more seriously, since it comes from people their own age who know where they're coming from." Said one volunteer juror who considers the court a learning experience: "I see the mistakes other kids make. I won't make those same mistakes."

Parents seem grateful for the program. One enthusiastic parent whose daughter, 15, was arrested while joyriding with three other friends and charged with being a minor in possession of alcohol explained: "It's excellent the way they [the attorneys] asked her if she realized the bad effects alcohol had on her body and questioned her about the kind of reprimand she got at home. Oh, I grounded her. But I know she still drinks. Maybe these people can set my daughter's thinking right. I can't."

Does a teen court offer hope to other cities' struggles with juvenile delinquency? In fact, Odessa has been bombarded with inquiries from cities across the country and around the world. "With the right people, the right philosophy, almost any city can replicate this program," Rothstein said. "But if you don't have the kids to implement the program, you don't have a program."

Added Judge Spencer: "Usually, kids are talked to, talked at, talked about, but never talked with, and they're not part of the system. The biggest lesson I've learned is that you don't crush someone that you're trying to preserve and improve." FW

Janet Weiner, who lives in Houston, Texas, is a frequent contributor to FAMILY WEEKLY.

Max Faulkner

STATE OF ALASKA  
THE LEGISLATURE

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

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May, 1988

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

Mary Van Nimwegen

*HESS 11-20-85 7:30pm*

**DEPT. OF HEALTH AND SOCIAL SERVICES**

POUCH H-05  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3170

*DIVISION OF FAMILY AND YOUTH SERVICES*

September 20, 1985

The Honorable Max Gruenberg  
Alaska State House  
Pouch V  
Juneau, AK 99811

Dear Representative Gruenberg:

Pursuant to a recent request from Nancy Bennett of your staff, we prepared information reflected below on youths over whom juvenile court jurisdiction has been waived.

Definitive data on the subject of waiver are difficult to obtain since such data is not routinely collected by any of the involved agencies. And, unfortunately, much of the information used in discussion of this subject is generalization based on limited personal experience in one or two cases, or unverifiable anecdotal information. The information presented below may not represent a complete profile of juvenile waivers in Alaska due to data and research limitations discussed in later paragraphs. However, it does represent the best available verified information, and as such presents a reliable profile of what is probably the majority of waiver cases during the period.

According to the best information available, 23 youths were waived from juvenile jurisdiction and subsequently convicted of a crime in the adult criminal justice system in the years 1981 through 1984. The following is a breakdown of these cases by type of crime and number of youths convicted.

Murder 1st Degree	7	Distribution of Drugs	1
Murder 2nd Degree	1	(Degree Unknown)	
Sexual Assault 1st Degree	2	Escape 3rd Degree	1
Sexual Assault 2nd Degree	2	Theft 2nd Degree	1
Manslaughter	1	Criminal Mischief 2nd Degree	1
Burglary 1st Degree	1	Possession of Marijuana	1
Burglary 2nd Degree	3	Minor Consuming	1

A breakdown of the ages of these youth at the time they committed the offense leading to their waiver and conviction is as follows: age 17 - 11, age 16 - 3, age 15 - 2, and unknown - 7.

Because of the need for objective data on this subject, probation officers employed by the Division of Family and Youth Services were asked several years ago to check their intake files, research court records, and confer with District Attorneys in each of the four judicial districts to try to determine the numbers

of waivers attempted over a three year period. That effort resulted in a conclusion that during the years 1979 through 1981, fourteen waivers had been attempted. Of that number, twelve were granted by the court.

That information was subsequently challenged by some individuals on the basis that it did not coincide with their perceptions or personal experiences in one or two instances. An effort was made to refine the data by cross checking the names of waived youth with Department of Corrections inmate population records. However, even this was not entirely satisfactory because records were not structured in a way that could supply or verify all needed information. For example, information was not obtainable on waived but unconvicted or unsentenced youth, nor on youth who had been waived but had served their full sentence. Additionally, only youth who had been waived recently could be identified without a review of individual files as age (under 18 years vs. 18 or older) was the only characteristic which could be used to differentiate between those prisoners convicted after waiver and all other prisoners. Consequently, those who had been waived and convicted, but who had reached age 18 could not be identified as having been the subject of a waiver. Unsuccessful waiver attempts were not reflected in Corrections' records, nor were those successful waivers which were under appeal, or which were not followed by criminal convictions. Also some rather stringent time constraints were imposed, as the information was needed for a legislative committee hearing. Although exhaustive research has not been possible, information obtained in this way generally confirmed that supplied by probation officers.

Since that initial effort, we have been able to devote only limited time to researching this issue. That time has been directed at obtaining and confirming information on youth waived from juvenile jurisdiction and subsequently prosecuted and convicted of offenses in the adult criminal justice system. The information presented above does not then represent all waiver attempts during the period. It also does not include all waivers which were granted since waiver does not necessarily result in a conviction in the adult system.

I hope this information will be useful despite its limitations.

Sincerely,



Michael L. Price  
Director

RW:ar

Hein  
4/2/86 ✓

Original sponsor: DeVries

1 IN THE SENATE

*CS SB 204 (HESS)*

BY THE JUDICIARY COMMITTEE

2 ~~CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 86 (Judiciary)~~

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the waiver of children's court  
7 jurisdiction, and to the detention, fingerprinting,  
8 and sentencing of minors; and amending Rule 24 of the  
9 Alaska Rules of Children's Procedure."

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

11 \* Section 1. AS 12.55.015 is amended by adding a new subsection to  
12 read:

13 (e) If the court sentences a defendant to a term of imprisonment  
14 and the defendant is a minor over whom children's court jurisdiction  
15 is waived under AS 47.10.060, the court shall

16 (1) order that the defendant be confined in an institution  
17 designated by the Department of Health and Social Services for offend-  
18 ers under 18 years of age; and

19 (2) order that the defendant be transferred to an adult  
20 correctional facility when the defendant reaches 18 years of age if  
21 more than one year then remains of the defendant's term of imprison-  
22 ment.

23 \* Sec. 2. AS 12.55.125 is amended by adding a new subsection to read:

24 (j) A person convicted of a first felony offense after waiver of  
25 children's court jurisdiction under AS 47.10.060 is not subject to the  
26 mandatory minimum and presumptive sentences required for first offen-  
27 ders.

28 \* Sec. 3. AS 47.10.060 is repealed and reenacted to read:

29 Sec. 47.10.060. WAIVER OF JURISDICTION. (a) The court shall

1 order a case closed, and a minor may be prosecuted as an adult, if the  
2 court finds at a hearing on a petition

3 (1) that the minor was 16 years of age or older at the time  
4 of the offense and that there is probable cause to believe that the  
5 minor has violated AS 11.41.100, 11.41.110, 11.41.300, 11.41.410, or  
6 11.41.434; or

7 (2) that the minor is not amenable to treatment under this  
8 chapter and there is probable cause to believe that the minor is  
9 delinquent.

10 (b) In determining whether a minor is amenable to treatment  
11 under this chapter, the court shall consider

12 (1) the seriousness of the offense;

13 (2) whether the offense constituted a substantial danger to  
14 the public;

15 (3) whether the offense was committed in an aggressive,  
16 violent, premeditated, or wilful manner;

17 (4) whether the offense was against persons or against  
18 property, greater weight being given to an offense against persons,  
19 especially if personal injury resulted;

20 (5) whether the offense is a part of a repetitive pattern  
21 of delinquent acts, even though previous offenses may have been less  
22 serious;

23 (6) the age, maturity, educational background, and degree  
24 of criminal sophistication of the minor;

25 (7) the success of any previous attempts to rehabilitate  
26 the minor;

27 (8) whether children's court jurisdiction over the minor  
28 can be retained long enough to allow for effective treatment or reha-  
29 bilitation; and

1 (9) the treatment resources available under children's  
2 court proceedings.

3 (c) The court shall determine the weight to be given to each of  
4 the factors listed in (b) of this section and shall issue a written  
5 decision. A finding that a minor is not amenable to treatment under  
6 this chapter may be based on any one or a combination of the factors.

7 (d) A minor ordered held pending trial or sentencing as an adult  
8 under (a) of this section shall be confined in an institution desig-  
9 nated by the Department of Health and Social Services for offenders  
10 under 18 years of age.

11 \* Sec. 4. AS 47.10 is amended by adding a new section to read:

12 Sec. 47.10.125. FINGERPRINTING OF MINORS. (a) A law enforce-  
13 ment agency or the Department of Health and Social Services may fin-  
14 gerprint a minor only

15 (1) in accordance with a search warrant;

16 (2) if children's court jurisdiction over the minor has  
17 been waived under AS 47.10.060(a) and the minor is being prosecuted as  
18 an adult;

19 (3) if the minor is adjudicated a delinquent for the  
20 commission of an offense that would constitute a felony if committed  
21 by an adult;

22 (4) with the consent of the minor and a parent or legal  
23 guardian of the minor, both of whom shall have been advised that the  
24 fingerprints may not be taken without their consent; or

25 (5) by order of the court.

26 (b) Fingerprints of a minor shall be kept separate from those of  
27 adults, shall be kept within the state rather than at a federal cen-  
28 tral depository, and shall be made available on request only to the  
29 following:

1 (1) a public agency for use in the investigation and prose-  
 2 cution of criminal offenses for which the fingerprinted minor is a  
 3 suspect;

4 (2) the minor or the minor's attorney.

5 (c) Fingerprints of a minor taken under this section shall be  
 6 destroyed by the authority charged with their maintenance

7 (1) if the minor is adjudicated for the offense regarding  
 8 which the minor's fingerprints were taken and is found not to be  
 9 within the jurisdiction of the court for the offense; or

10 (2) if the minor is not adjudicated for the offense regard-  
 11 ing which the minor's fingerprints were taken within two years of the  
 12 date the fingerprints were taken.

13 \* Sec. 5. AS 47.10.130 is amended to read:

14 Sec. 47.10.130. DETENTION. A [NO] minor under 18 years of age  
 15 who is detained pending hearing may not be incarcerated in a jail  
 16 unless assigned to separate quarters so that the minor cannot communi-  
 17 cate with or view prisoners 18 years of age or older except those  
 18 incarcerated under AS 47.10.100 [ADULT PRISONERS CONVICTED OF, UNDER  
 19 ARREST FOR, OR CHARGED WITH A CRIME]. When a minor is detained pend-  
 20 ing hearing, the minor's parent, guardian, or custodian shall be  
 21 notified immediately.

22 \* Sec. 6. AS 47.10.190 is amended to read:

23 Sec. 47.10.190. CONDITIONS GOVERNING DETENTION. When the court  
 24 commits a minor to the custody of the department, the department shall  
 25 arrange to place the minor [JUVENILE] in a detention home, facility or  
 26 another suitable place that [WHICH] the department designates for that  
 27 purpose. A minor [JUVENILE] detained in a jail or similar institution  
 28 at the request of the department shall be held in custody in a room or  
 29 other place apart and separate from prisoners 18 years of age or older

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except those incarcerated under AS 47.10.100 [ADULTS].

\* Sec. 7. Rule 24, Alaska Rules of Children's Procedure, is amended to read:

No child shall be [FINGERPRINTED OR] photographed while in custody except with the consent of the children's court upon good cause shown. Such cause exists where the child is in custody for a serious offense against persons or property or where identification of the child appears necessary for the safety of the child or others.

\* Sec. 8. Section 7 amends Rule 24 of the Alaska Rules of Children's Procedure by deleting the reference to fingerprints.

\* Sec. 9. Rule 24, Alaska Rules of Children's Procedure, is amended by adding a new subsection to read:

(b) A child may not be fingerprinted while in custody except in accordance with AS 47.10.125.

\* Sec. 10. Section 9 amends Rule 24 of the Alaska Rules of Children's Procedure by incorporating the statutory requirements for obtaining fingerprints from a child in custody.

Sander  
Hein  
12/2/85

Original sponsors: Rodey, Faiks,  
Abood, et al

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 264 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to detention and unlawful conduct of  
7 minors; and amending Rule 24 of the Alaska Rules of  
8 Children's Procedure."

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

10 \* Section 1. AS 12.55.015 is amended by adding a new subsection to  
11 read:

12 (e) If the court sentences a defendant to a term of imprisonment  
13 and the defendant is a minor over whom children's court jurisdiction  
14 is waived under AS 47.10.060, the court shall

15 (1) order that the defendant be confined in an institution  
16 designated by the Department of Health and Social Services for offend-  
17 ers under 18 years of age; and

18 (2) order that the defendant be transferred to an adult  
19 correctional facility when the defendant reaches 18 years of age if  
20 more than one year then remains of the defendant's term of imprison-  
21 ment.

22 \* Sec. 2. AS 12.55.125 is amended by adding a new subsection to read:

23 (j) A person convicted of a first felony offense after waiver of  
24 children's court jurisdiction under AS 47.10.060 is not subject to the  
25 mandatory minimum and presumptive sentences required for first offen-  
26 ders.

27 \* Sec. 3. AS 34.50.020(a) is amended to read:

28 (a) A person, municipal corporation, association, village,  
29 school district or religious or charitable organization, incorporated

1 or unincorporated, may recover damages in a civil action in an amount  
2 not to exceed \$5,000 [\$2,000] and court costs [,] from [EITHER PARENT  
3 OR] both parents jointly or the legal guardian or person having the  
4 legal custody of an unemancipated minor under the age of 18 years [,]  
5 who maliciously or wilfully destroys real or personal property  
6 belonging to the person, municipal corporation, association, village,  
7 school district or religious or charitable organization.

8 \* Sec. 4. AS 34.50.020 is amended by adding new subsections to read:

9 (c) For the purposes of this section a minor is considered  
10 emancipated, and a parent or legal guardian or person having legal  
11 custody is not liable for property damage caused by the minor, if the  
12 court determines that

13 (1) the disabilities of minority have been removed under  
14 AS 09.55.590;

15 (2) the minor is a resident of the state, is 16 years of  
16 age or older, is living separate and apart from the minor's parents or  
17 legal guardian or the person having legal custody, and is capable of  
18 self-support and of managing personal financial affairs; or

19 (3) the minor is living separate and apart from the minor's  
20 parents or legal guardian or the person having legal custody and  
21 engages in conduct that results in a judgment under AS 47.10.080(a)  
22 that the minor is a delinquent minor and that also is the basis for a  
23 civil action for damages to property under this section.

24 (d) If the court determines that a minor is emancipated under  
25 (c) of this section, the minor may be sued as an adult in a civil  
26 action for injuries caused by the minor.

27 \* Sec. 5. AS 47.10.020(a) is amended to read:

28 (a) Whenever a person informs the court of the facts which bring  
29 a minor within this chapter, the court shall appoint a competent

1 person or agency to make a preliminary inquiry and report for the  
 2 information of the court to determine whether the interests of the  
 3 public or of the minor require that further action be taken. Upon the  
 4 receipt of the report, the court may informally adjust or dispose of  
 5 the matter without a hearing, or it may authorize the person having  
 6 knowledge of the facts of the case to file with the court a petition  
 7 setting out the facts. Where the court informally adjusts or disposes  
 8 of the matter, the minor may not be detained or taken into the custody  
 9 of the court, and the matter shall be closed by the court upon adjust-  
 10 ment or disposition. Upon request of the victim or the victim's  
 11 parent or guardian, the court shall disclose to the victim of the  
 12 minor or to the victim's parent or guardian the manner in which it  
 13 informally adjusted or disposed of the matter.

14 \* Sec. 6. AS 47.10.060 is repealed and reenacted to read:

15 Sec. 47.10.060. WAIVER OF JURISDICTION. (a) The <sup>juvenile</sup> court shall  
 16 order a case closed, and a minor may be prosecuted as an adult, if the  
 17 court finds at a hearing on a petition <sup>directed to prosecutor's office. Can't force someone to prosecute!</sup>  
 18 <sup>Decided by judge - no distinction juvenile vs. adult.</sup>

19 (1) that the minor was 16 years of age or older at the time  
 20 of the offense and that there is probable <sup>low standard</sup> cause to believe that the  
 21 minor has violated AS 11.41.100, 11.41.110, 11.41.300, 11.41.410, or  
 22 11.41.434; <sup>murder 1st UF</sup> <sup>murder 2nd UF</sup> <sup>kidnap UF</sup> <sup>sex assault 1st UF</sup> <sup>or</sup> <sup>Sex abuse minor 1st UF</sup>  
 23 (2) that the minor is not amenable to treatment under this  
 24 chapter and there is probable cause to believe that the minor is  
 25 delinquent.

26 (b) In determining whether a minor is amenable to treatment  
 27 under children's court proceedings, the court (shall) consider  
 28 <sup>current statute "may"</sup>

- 29 (1) the seriousness of the offense;
- (2) whether the offense constituted a substantial danger to

the public;

*gives court direction*

1 (3) whether the offense was committed in an aggressive,  
2 violent, premeditated, or wilful manner;

3 (4) whether the offense was against persons or against  
4 property, greater weight being given to an offense against persons,  
5 especially if personal injury resulted;

6 (5) whether the offense is a part of a repetitive pattern  
7 of delinquent acts, even though previous offenses may have been less  
8 serious;

9 (6) the age, maturity, educational background, and degree  
10 of criminal sophistication of the minor;

11 (7) the success of any previous attempts to rehabilitate  
12 the minor;

13 (8) whether children's court jurisdiction over the minor  
14 can be retained long enough to allow for effective treatment or reha-  
15 bilitation; and

16 (9) the treatment resources available under children's  
17 court proceedings.

18 (c) The court shall determine the weight to be given to each of  
19 the factors listed in (b) of this section and shall issue a written  
20 decision. A finding that a minor is not amenable to treatment under  
21 children's court proceedings may be based on any one or a combination  
22 of the factors. If the court waives children's court jurisdiction  
23 over a minor, the court shall order the children's court proceeding  
24 closed and the minor, if prosecuted, shall be prosecuted as an adult.

25 (d) A minor ordered held pending trial or sentencing as an adult  
26 under (a) of this section shall be confined in an institution designed  
27 by the Department of Health and Social Services for offenders under 18  
28 years of age.

29 (e) For purposes of this section, a minor is "not amenable to  
*Seems to contradict (b), even though subjective.*

*Mozzek  
current standard preponderance  
of evidence  
→ this is a lower standard*

1 treatment" if it is highly probable that the minor cannot be rehabili-  
2 tated by treatment under this chapter before children's court juris-  
3 diction over the minor expires.

4 \* Sec. 7. AS 47.10.080(a) is amended to read:

5 (a) The court, at the conclusion of the hearing, or thereafter  
6 as the circumstances of the case may require, shall find and enter a  
7 judgment that the minor is or is not delinquent or a child in need of  
8 aid. The court shall disclose the results of the hearing in accor-  
9 dance with AS 47.10.020(a).

10 \* Sec. 8. AS 47.10.090 is amended by adding a new subsection to read:

11 (d) The provisions of this section prohibiting disclosure of  
12 information relating to a minor do not apply to a disclosure to a  
13 victim or the victim's parent or guardian under AS 47.10.020(a),  
14 47.10.080(a), and 47.10.140(d).

15 \* Sec. 9. AS 47.10 is amended by adding a new section to read:

16 Sec. 47.10.125. FINGERPRINTING OF MINORS. (a) A law enforce-  
17 ment agency or the Department of Health and Social Services may fin-  
18 gerprint a minor only

19 (1) in accordance with a search warrant;

20 (2) when the minor is being prosecuted as an adult under  
21 AS 47.10.060(a);

22 (3) when the minor is adjudicated a delinquent for the  
23 commission of an offense that if committed by an adult would consti-  
24 tute a felony;

25 (4) upon consent of both the minor and a parent or legal  
26 guardian of the minor, who shall have been advised that the  
27 fingerprints may not be taken without their consent; or

28 (5) by order of the court.

29 (b) Fingerprints of a minor shall be kept separate from those of

1 adults, shall be kept within the state rather than at a federal cen-  
 2 tral depository, and shall be made available on request only to the  
 3 following:

4 (1) a public agency for use in the investigation and prose-  
 5 cution of criminal offenses for which the fingerprinted minor is a  
 6 suspect;

7 (2) the minor or the minor's attorney if the minor has been  
 8 named in a juvenile court or adult court proceeding.

9 (c) Fingerprints of a minor taken under this section shall be  
 10 destroyed by the authority charged with their maintenance

11 (1) if the minor is adjudicated for the offense regarding  
 12 which the minor's fingerprints were taken and is found not to be  
 13 within the jurisdiction of the court for the offense; or

14 (2) if the minor is not adjudicated for the offense regard-  
 15 ing which the minor's fingerprints were taken within two years of the  
 16 date the fingerprints were taken.

17 \* Sec. 10. AS 47.10.130 is amended to read:

18 Sec. 47.10.130. DETENTION. A [NO] minor under 18 years of age  
 19 who is detained pending hearing may not be incarcerated in a jail  
 20 unless assigned to separate quarters so that the minor cannot communi-  
 21 cate with or view prisoners 18 years of age or older except those  
 22 incarcerated under AS 47.10.100 *sentenced under juvenile system but in full age 19* [ADULT PRISONERS CONVICTED OF, UNDER  
 23 ARREST FOR, OR CHARGED WITH A CRIME]. When a minor is detained pend-  
 24 ing hearing, the minor's parent, guardian, or custodian shall be  
 25 notified immediately.

26 \* Sec. 11. AS 47.10.140(d) is amended to read:

27 (d) If the court finds that probable cause exists, it shall  
 28 determine whether the minor should be detained pending the hearing on  
 29 the petition or released. It may either order the minor held in

1 detention or released to the custody of a suitable person pending the  
2 hearing on the petition. If the court finds no probable cause, it  
3 shall order the minor released and close the case. The court shall  
4 disclose the results of the hearing in accordance with AS 47.10.-  
5 020(a).

6 \* Sec. 12. AS 47.10.190 is amended to read:

7 Sec. 47.10.190. CONDITIONS GOVERNING DETENTION. When the court  
8 commits a minor to the custody of the department, the department shall  
9 arrange to place the minor [JUVENILE] in a detention home, facility or  
10 another suitable place that [WHICH] the department designates for that  
11 purpose. A minor [JUVENILE] detained in a jail or similar institution  
12 at the request of the department shall be held in custody in a room or  
13 other place apart and separate from prisoners 18 years of age or older  
14 except those incarcerated under AS 47.10.100 [ADULTS].

15 \* Sec. 13. Rule 24, Alaska Rules of Children's Procedure, is amended to  
16 read:

17 No child shall be [FINGERPRINTED OR] photographed while in custo-  
18 dy except with the consent of the children's court upon good cause  
19 shown. Such cause exists where the child is in custody for a serious  
20 offense against persons or property or where identification of the  
21 child appears necessary for the safety of the child or others.

22 \* Sec. 14. Section 13 amends Rule 24 of the Alaska Rules of Children's  
23 Procedure by deleting the reference to fingerprints.

24 \* Sec. 15. Rule 24, Alaska Rules of Children's Procedure, is amended by  
25 adding a new subsection to read:

26 (b) A child may not be fingerprinted while in custody except in  
27 accordance with AS 47.10.125.

28 \* Sec. 16. Section 15 amends Rule 24 of the Alaska Rules of Children's  
29 Procedure by incorporating the statutory requirements for obtaining

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fingerprints from a child in custody.

VICTIMS  
3100 Mt. View Dr.  
Anchorage, Alaska 99501

NEN SB 264  
OCT 16 1985

October 10, 1985

Dear Supporters,

Alaskans through negligence are subtly losing their rights. Since my parent's death I have been made aware of the injustices that are happening through small interest groups that are pushing through laws that are not for "we the people". My goal is to keep abreast of these issues and keep you informed. When an issue needs the masses of people to respond, I trust you will be there. WE can make a difference in our world!

There will be a public teleconference hearing on House Bill 205, Wednesday November 20, 1985. The hearing will be held in the second floor conference room of the Anchorage Legislative Information Office, 1024 W. 6th Ave. from 1:00 p.m. to 6:00 p.m. and from 7:30 p.m. to 10:00 p.m. Juneau, Fairbanks, Sitka and Ketchikan will also be having teleconferences at their respective Legislative Information Office. This bill is a weak bill waivering juveniles who commit murder to adult court at the age of 16 or 17. But if we turn out in masses it will confirm the point that "we the people" are tired of the leniency of laws regarding juveniles who are committing over 50% of the crimes. You may obtain a copy of this bill at the L.I.O. in your town. If your town does not have a teleconference hearing set up you may request one from your legislator.

I am enclosing a petition which briefly states some points that "we the people" need in a bill to help rehabilitate juveniles before they commit heinous crimes. Point 2B of the petition, refers to keeping the youth actively busy doing physical labor. Idle time gives these kids time to plan and plot and come out a better criminal, whereas hard work teaches self-respect and uses up excess energy.

Please get your petitions signed and to your legislator by December 15th. Make as many copies of this petition as you need. Send duplicate copies to me shortly after you take the originals to your legislator for my files.

When the law is written we will obtain a copy and then let our collective voices be heard at public hearings. By all of us working together we CAN CHANGE OUR WORLD!

Sincerely yours,  
*Janice Lienhart*  
Janice (Faccio) Lienhart  
Enclosures

PETITION FOR BETTER JUVENILE LAWS

1. All persons 16 years or over charged with an offense designated as a felony (rape, murder, felony assault) shall be prosecuted as an adult.
2. All minors under 16 committing a non-felony offense shall: A. Pay a fine commensurate with the offense and /or do public service if they are a first offenders.  
B. Be institutionalized and compelled to do physical work, if they are a second offenders.
3. All juveniles under 16 contained for a felony should be re-evaluated at 18.

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# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ARLISS STURGULEWSKI, Vice Chairman  
JOE JOSEPHSON  
PAUL FISCHER  
EDNA ARMSTRONG-DE VRIES

50 BOX V  
STATE CAPITOL  
JUNEAU ALASKA 99811  
907/465-3834  
907/465-3762

## Senate Committee on Health, Education and Social Services

April 16, 1986

### SECTIONAL ANALYSIS

Proposed CSSB 264 (HESS) Relating to the waiver of children's court jurisdiction, and to the fingerprinting and sentencing of minors.

Section 1 Provides that when a minor is sentenced as an adult, the minor must be confined in a juvenile correctional facility until age 18.

Section 2 Exempts juveniles sentenced as adults from mandatory minimum and presumptive sentencing.

Section 3 Provides that a minor be tried in adult court if the minor is 16 or 17 years old and has committed an unclassified felony, or if the minor is not amenable to treatment and is delinquent. Criteria to be considered by the court in determining amenability are specified. Pending trial, minors must be housed in juvenile facilities.

Section 4 Allows a law enforcement agency or the Department of Health and Social Services to fingerprint a minor prosecuted as an adult and in other specific circumstances. Fingerprints of minors would be kept separate from those of adults, kept within the state rather than at a federal central depository, made available only to public agencies for investigation purposes or to the minor or the minor's attorney, and destroyed when the minor is no longer under court jurisdiction.

Section 5 Clarifies that minors detained in jails must have quarters separate from adults, but that persons tried in juvenile court who stay in the system until age 19 can be housed with minors.

Section 6 Clarification per Section 5.

Sections 7-8 Amends Rule 24 of the Alaska Rules of Children's Procedure, which prohibits fingerprinting of children unless directed by the court, to eliminate this restriction.

Sections 9-10 Amends Children's Rule 24 by adding a section that provides that a child may not be fingerprinted while in custody except in accordance with Section 4.

# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ARLISS STURGULEWSKI, Vice Chairman  
JOE JOSEPHSON  
PAUL FISCHER  
EDNA ARMSTRONG-DE VRIES

P O BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3752

## Senate Committee on Health, Education and Social Services

### M E M O R A N D U M

TO: Members, Senate Committee on Health, Education and Social Services

FROM: Committee Staff

RE: Committee Meeting, April 17, 1986

DATE: April 16, 1986

---

On Thursday, April 17, 1986 from 1:30-3:30 p.m. in the Beltz Room, the Senate Committee on Health, Education and Social Services will hear the following legislation:

Proposed CSSB 264 (HESS) Relating to the waiver of children's court jurisdiction, and to the fingerprinting and sentencing of minors.  
(Draft CS prepared at the sponsor's request)

Under current statute, persons under the age of 18 are tried in juvenile court unless the court finds (at a hearing on petition) that there is probable cause that the minor is delinquent and that the minor is not amenable to treatment. Under CSSB 264, the case would automatically be waived to adult court if the minor is 16 or 17 years old and there is probable cause that the minor committed an unclassified felony (murder, kidnapping, sexual assault, sexual abuse of a minor). Other cases could be waived based on the consideration of specific criteria regarding amenability to treatment.

Waived minors would be exempt from presumptive sentencing laws, could be fingerprinted, and would be housed in juvenile facilities pending trial and once sentenced. There is no provision for waiver back to the juvenile system.

SB 264 was heard by the HESS Committee on February 18, 1986. Minutes of that meeting are attached.

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : Proposed CS SB 264  
 Title : An Act relating to unlawful  
conduct of minors.  
 \_\_\_\_\_  
 Sponsor : \_\_\_\_\_  
 Requestor : \_\_\_\_\_  
 Date of Request : 3/12/86

**FISCAL DETAIL**

Agency Affected : Health & Social Services  
 BRU : Youth Services  
 \_\_\_\_\_  
 Components : McLaughlin Youth Center  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES			840.5	840.5	840.5	840.5
TRAVEL			4.4	4.4	4.4	4.4
CONTRACTUAL			72.5	72.5	72.5	72.5
SUPPLIES			76.2	76.2	76.2	76.2
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS			42.8	42.8	42.8	42.8
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-	1,036.4	1,036.4	1,036.4	1,036.4

<b>CAPITAL</b>		2,216.2				
----------------	--	---------	--	--	--	--

<b>REVENUE</b>		-0-				
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND		2,216.2	1,036.4	1,036.4	1,036.4	1,036.4
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		2,216.2	1,036.4	1,036.4	1,036.4	1,036.4

**POSITIONS :**

FULL-TIME		-0-	19	19	19	19
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

See Attached

Prepared by : Michael L. Price, Director  
 Division : Family and Youth Services

Phone : 465-3170  
 Date : 3/12/86

Approved by Commissioner : John R. Pugh  
 Agency : Department of Health and Social Services

Date : 4/5/86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS SB 264

Based on analysis of arrest data, waiver data, and sentencing information, this fiscal note assumes 14 youth waived annually who would be sentenced to serve a period of incarceration in DHSS facilities, and for whom additional facility capacity would be required.

### Assumptions

1. Analysis of arrest data yields an expected frequency of 12 arrests annually of 16 and 17 year old youth for offenses subject to presumptive waiver under CS SB 264.
2. CS SB 264 would also amend the judicial waiver mechanism establishing a less stringent test for judicial waiver. Based on analysis of 1981-85 waiver data and 77-82 arrest data, and a presumed increase in efforts of prosecutors to achieve waiver of serious offenders, it is assumed that waiver would be attempted in 1 in 10 arrests of 16 and 17 year old youth charged with a class A felony (or an unclassified felony not subject to presumptive waiver). This yields an expected seven additional waiver attempts annually and, presuming a continuation of at least the historic 75% success rate under the existing judicial waiver mechanisms, four additional waivers annually.
3. Based on analysis of past waiver attempts and a less stringent test for judicial waiver, it is assumed that waiver would be attempted in 1 in 50 cases of 12-15 year olds accused of class A or unclassified felony offenses. Analysis of arrest and waiver data indicates an expected frequency of two such waiver attempts annually. Assuming 50% success in waiving these youth because of lower age, one additional waiver annually would be predicted.
4. An 80% conviction rate is assumed because of the historically higher conviction rate for juveniles, and the high conviction rate for most serious crimes. The following expected frequencies of waived and subsequently convicted youth is predicted.

Sentences are predicted on the basis of exemption of waived youth from mandatory minimum and presumptive sentences under CS SB 264 using range of sentences which may be imposed and actual sentences of previously waived youth as a guide.

<u>Age</u>	<u>Offense</u>	<u>#</u>	<u>Estimated Sentence</u>	<u>Time in DHSS Facility</u>
17	Murder	1	50 years	1 year
16	Murder	1	30 years	2 years
17	Sexual Assault 1° w/a firearm or injury	2	1- 5 years 1- 4 years	1 year 1 year
16	Sexual Assault 1° w/a firearm or injury	1	4 years	2 years

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS SB 264

17	Sexual Assault 1° w/o firearm or injury	2	1- 4 years 1- 3 years	1 year 1 year
16	Sexual Assault 1° w/o firearm or injury	1	3 years	3 years
16	Sexual Abuse of a Minor	1	Probation	0 years
17	Misconduct Involving a Controlled Substance 1°	1	1- 2 years	1 year
17	Manslaughter	1	2 years	2 years
17	Robbery w/firearm	1	Probation	0 years
16	Robbery w/firearm	1	3 years	3 years
16	Aggravated Assault	1	2 years	2 years
12-15	Unclassified or Class A Felony	1	5 years	<u>5 years</u>
				27 person/yrs.

Note: This does not include waiver of chronically delinquent youth for less serious offenses (e.g. burglary, theft, criminal mischief, etc.). Information indicates that such youth comprised 30% of youth waived during period 1981-85. However, sentencing data is insufficient to predict sentences for youth waived for these lesser offenses.

### Program Summary

Pre-adults waived to the adult system cannot be colocated with other juveniles for two reasons. First, pre-adults who have longer sentences pose a greater security risk; the physical design and arrangement of a maximum security unit must meet the needs of a higher risk population than existing youth facilities are designed to accommodate. Secondly, this population is less motivated to participate in treatment. The average length of stay for a resident currently in a state treatment program is 10 months; pre-adults waived to the adult system will have sentences of several years. Hence, completely different programs are required to respond to this group.

FY 87 Capital Project - One 25 bed detention unit would be built at McLaughlin Youth Center, utilizing the core facilities (gym, kitchen and core services). This unit would be similar to existing housing units at McLaughlin Youth Center. This unit would require some relocation/remodeling of existing site and building and would be located near the current McLaughlin Youth Center detention circulation spine. It is estimated that it would be 7,776 square feet at a cost per square foot of \$285 for a total cost of \$2,216.2.

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS SB 264

FY 88      The operation of the pre-adult unit would consist of the following staff and costs. Since this is a maximum security unit, three shifts are required. Since this facility is a maximum security unit, a maintenance worker is required to maintain the security systems. An additional cook is necessary because of the requirement of 20% more meals in McLaughlin Youth Center because of the pre-adult unit.

### Personal Services

one Unit Leader	\$46,072
one Clerk-Typist III	29,896
one Maint. Worker II	48,022
one Cook II	42,850
three Youth Counselor III's	143,127
twelve Youth Counselor II's	<u>530,520</u>

\$840,487

### Travel

Field Travel - Transportation  
of staff to pre-adults rural homes:

\$435 x 10 pre-adults = \$4,350

Assumption 15 pre-adults would come from Anchorage area.

### Contractual

#### Professional Services:

Dental Care	\$452 x 20 pre-adults	\$ 9,040
Medical/Psych.	\$396 x 20 pre-adults	<u>7,920</u>
		\$ 16,960

#### Communication:

\$420 per staff x 19 staff	\$ 7,980
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#### Advertising, Printing & Binding:

\$ 2,000

#### Public Utilities:

\$13,983 month x .20% (1/5 size of MYC) x 12 months =	\$ 33,559
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#### Other Expenditures & Services:

Laundry Services	\$31,205 x .20% =	\$ 6,241
Risk Management	\$28,591 x .20% =	<u>5,718</u>
		\$ 11,959

Interagency transfer, Dept. of Admin.,  
Risk Management non-add \$5,718

\$ 72,458

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS SB 264

## Supplies

Office Supplies: \$20,300 x 20% =	\$ 4,060
Agricultural Supplies: \$5,700 x 20% =	\$ 1,140
Household & Institutional Supplies: \$318,100 x 20% =	\$ 63,620
Professional & Scientific Supplies: \$3,600 x 20% =	\$ 720
Other Operating Supplies: \$8,600 x 20% =	\$ 1,720
Repair & Maintenance Supplies: \$24,600 x 20% =	\$ 4,920
	<u>\$ 76,180</u>

## Grants

Travel costs for pre-adults to and from facility: \$32,487 x 20% =	\$ 6,497
Gratuities for pre-adults: @ \$1.25 x 10 hrs/mo x 20 residents x 12 =	\$ 3,000
Commissary items: \$.45 day x 20 residents x 365 days =	\$ 3,285
Clothing purchases for pre-release items: \$17,021 x 20% =	\$ 3,404
Hospital and psychiatric care: \$132,966 x 20% =	\$ 26,593
	<u>\$ 42,779</u>

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

Page 1 of 3

REQUEST

Bill/Resolution No.: SB 264  
 Title: "An Act Relating to Unlawful Conduct of Minors"  
 Sponsor: Rodev  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Administration  
 Program Category Affected: Due Process  
 BRU, Program or Subprogram(s) Affected: Public Defender Agency

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL		70.8	75.0	79.5	84.3	89.4
300 CONTRACTUAL		5.0	5.3	5.6	5.9	6.3
400 SUPPLIES		8.0	8.5	9.0	9.5	10.1
500 EQUIPMENT		3.0	3.2	3.4	3.6	3.8
600 LAND & STRUCTURES		1.5				
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	88.3	92.0	97.5	103.3	109.6
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND		88.3	92.0	97.5	103.3	109.6
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME	-0-	1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared By: *Dana Fabe* *DFB* Phone: 279-7541  
 Division: Public Defender Agency Date: 4/18/85  
 Approved by Commissioner: Lisa Rudd *LR* Date: 4/26/85  
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

FISCAL NOTE ANALYSIS

SB 264  
April 18, 1985

This bill provides that persons 16 or 17 years of age who are charged with unclassified or Class A felonies may be automatically prosecuted in adult court upon petition of the District Attorney. Within a ten-day period, the juvenile defendant may petition the court to be returned to juvenile jurisdiction. The juvenile would then have the burden of proof to show that he should not be prosecuted as an adult.

The result of this legislation will be to increase the number of persons age 16 or 17 who are charged and prosecuted as adults for serious felonies. Unclassified and Class A felonies are the most serious cases that this agency handles, including Murder, Manslaughter, Kidnapping, Sexual Assault, Robbery, Aggravated Assault and others. Transferring these cases into the more adversarial adult justice system will require a great deal of additional attorney time. This is particularly true given the fact that under this bill, mandatory presumptive sentences will apparently apply to these juvenile offenders, making the probability of a full blown trial quite high. When these cases are dealt with in juvenile court, they rarely proceed to trial. Since the additional trials of these most serious types of felonies will require a great deal of additional attorney time, and convictions of these serious offenses will inevitably result in appeals, requiring still more attorney time, one full-time Assistant Public Defender will be needed in Anchorage if this bill is enacted.

FISCAL ANALYSIS

(One full-time Attorney IV in the Third District, Anchorage)

1st Year (FY86)

Personal Services		70.8
Travel		5.0
Contractual		
Communications	2.0	
Experts	6.0	8.0
Commodities		
Office Supplies	1.0	
Law Library	2.0	3.0
Equipment (One Time)		<u>1.5</u>
Total		88.3

1.	POSITION TITLE <b>Attorney IV</b>			RANGE/STEP <b>24A</b>	BARG. UNIT <b>PX</b>	PAGE/LINE	COV.	APPROV.	DISAPP.
2.	TYPE OF POSITION <b>PET</b>	STAFF MONTHS <b>12.0</b>	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION <b>EBA</b>	ELECTION DISTRICT	LEC.	
3.	CONTINUATION LEVEL	ADDITION	JUSTIFICATION						
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
	PERSONAL SERVICES								
5.	Salary	\$4663/mo	55,956						
6.	Benefits		9,499						
7.	Supplemental Benefits		2,580						
8.	Fixed Benefits		2,630						
9.	TOTAL PERSONAL SERVICES	01	70,765						
10.	Travel		5,000						
11.	Contractual		8,000						
12.	Commodities		3,000						
13.	Equipment		1,500						
14.	Other								
15.	TOTAL COST		88,265						
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.		General Funds 1004							
19.		I-A Receipts 1005							
20.		Program Receipts 1028							
21.		Other							
FOR B&M USE ONLY KEY NUMBER _____									

This full-time Attorney IV position will be needed to handle the additional serious felony cases that will result from enactment of the juvenile waiver bill. The full working level of Attorney will be required because those cases to be tried will be unclassified felonies, which are the most serious criminal offenses.

**REQUEST FOR  
NEW POSITION**

AGENCY Department of Administration  
PROGRAM Due Process  
BRU Public Defender Agency  
COMPONENT Third Judicial District

**FY 86**

Page 3 of 3  
Revised Date \_\_\_\_\_

MAR 10 1986

*Bill*  
STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 2/28/86

**REQUEST**

Bill/Resolution No.: SB 264  
 Title: "An act relating to unlawful conduct of minors"  
 Sponsor: Rodev  
 Requestor: Judiciary  
 Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected: Department of Administration  
 BRU: Public Defender Agency  
 Components: Third Judicial District

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		99.8	103.8	108.0	112.3	116.8
TRAVEL		5.0	5.2	5.4	5.6	5.8
CONTRACTUAL		10.0	10.4	5.4	5.6	5.8
SUPPLIES		2.5	2.6	2.7	2.8	2.9
EQUIPMENT		6.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>123.3</b>	<b>122.0</b>	<b>121.5</b>	<b>126.3</b>	<b>131.3</b>

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**FUNDING : (Thousands of Dollars)**

GENERAL FUND	-0-	123.3	122.0	121.5	126.3	131.3
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME	-0-	2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

(See Attached)

Prepared by: Dana Fabe, Public Defender  
 Division: Public Defender Agency

Phone: 279-7541

Date: 2/28/86

Approved by Commissioner: Eleanor Andrews  
 Agency: Department of Administration

Date: 3/6/86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Fiscal Note Analysis  
 Prepared by Division of Public Defender Agency  
 Department of Administration  
 February 28, 1986

This bill provides that persons 16 or 17 years of age who are charged with unclassified felonies may be automatically prosecuted in adult court upon petition of the District Attorney.

The result of this legislation will be to increase the number of persons age 16 or 17 who are charged and prosecuted as adults for serious felonies. Unclassified felonies are the most serious cases that this agency handles, including Murder, Kidnapping and Sexual Assault cases. Transferring these cases into the more adversarial adult justice system will require a great deal of additional attorney time. When these cases are dealt with in juvenile court, they rarely proceed to trial, while unclassified adult felonies proceed to trial at the highest rate of any cases in our office. Since the additional trials of these most serious types of felonies will require a great deal of additional attorney time, and convictions of these serious offenses will inevitably result in appeals requiring still more attorney time, one full-time Assistant Public Defender will be needed in Anchorage if this bill is enacted.

Fiscal Analysis

<u>Personal Services:</u>	Attorney IV	72.4	
	Clerk-Typist III	27.4	
			99.8
<u>Travel:</u>	Expert witnesses and investigation		5.0
<u>Contractual:</u>	Expert witnesses, space, etc.		10.0
<u>Supplies:</u>	Office, law library, etc.		2.5
<u>Equipment:</u>	(one time) Furniture, office machines, etc.		<u>6.0</u>
	Total		123.3

Position Title <b>Clerk/Typist III</b>			No. of Positions <b>1</b>	Range/Step <b>8A</b>	Range/Unit <b>GG</b>	Gov.	Approv.	Disapp																																																											
Time Status <b>PFT</b>	Staff Months <b>12.0</b>	RP Number	Location <b>Anchorage</b>		Election District <b>8</b>	Leg.																																																													
<table border="1"> <thead> <tr> <th>Type of Expenditure</th> <th>1</th> <th>2</th> <th>Amount</th> <th>3</th> </tr> </thead> <tbody> <tr> <td>Salary</td> <td>1631 x 12</td> <td></td> <td>19,572</td> <td></td> </tr> <tr> <td>Benefits</td> <td></td> <td></td> <td>7,804</td> <td></td> </tr> <tr> <td>Premium Pay</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Other</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="3">Total Personal Services</td> <td></td> <td>27,376</td> </tr> <tr> <td>Travel</td> <td></td> <td></td> <td>-0-</td> <td></td> </tr> <tr> <td>Contractual</td> <td></td> <td></td> <td>-0-</td> <td></td> </tr> <tr> <td>Commodities</td> <td></td> <td></td> <td>1,000</td> <td></td> </tr> <tr> <td>Equipment</td> <td></td> <td></td> <td>4,500</td> <td></td> </tr> <tr> <td>Other</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="3">Total Cost</td> <td></td> <td>32,876</td> </tr> </tbody> </table>			Type of Expenditure	1	2	Amount	3	Salary	1631 x 12		19,572		Benefits			7,804		Premium Pay					Other					Total Personal Services				27,376	Travel			-0-		Contractual			-0-		Commodities			1,000		Equipment			4,500		Other					Total Cost				32,876	Justification  The enactment of the juvenile waiver bill will result in additional unclassified felonies for this agency. A clerk typist III is requested for Anchorage to provide necessary support services.				
Type of Expenditure	1	2	Amount	3																																																															
Salary	1631 x 12		19,572																																																																
Benefits			7,804																																																																
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For B&M Use Only Key Number _____																																																																			

**Request For  
New Position**

Agency Department of Administration  
 BRU Public Defender Agency  
 Component Third Judicial District

Page 3 of 4  
 Revised Date \_\_\_\_\_

**FY 87**

Position Title <b>Attorney IV</b>			No. of Positions <b>1</b>	Range/Step <b>24A</b>	Barg. Unit <b>PX</b>	Gov.	Approv.	Disapt	
Time Status <b>PFT</b>	Staff Months <b>12.0</b>	RP Number	Location <b>Anchorage</b>		Election District <b>8</b>	Leg.			
Type of Expenditure			Justification						
			<p>This fulltime Attorney IV position will be needed to handle the additional serious cases that will result from enactment of the juvenile waiver bill. The full working level of Attorney will be required because those cases to be tried will be unclassified felonies, which are the most serious criminal offenses.</p>						
1		2							3
Salary	4687 x 12	56,244							
Benefits		16,109							
Premium Pay									
Other									
Total Personal Services									72,353
Travel									5,000
Contractual									8,000
Commodities									1,500
Equipment			1,500						
Other									
Total Cost			87,853						
Receipt Code			Funding Source						
			Federal Receipts 1002						
			G. F. Match 1003						
			General Funds 1004						
			I-A Receipts 1005						
			Program Receipts 1028						
			CIP Receipts 1061						
			Other						
			87.853						
For B&M Use Only									
Key Number									

**Request For  
New Position**

Agency Department of Administration  
 BRU Public Defender Agency  
 Component Third Judicial District

Page 4 of 4  
 Revised Date

**FY 87**

# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ARLISS STURGULEWSKI, Vice Chairman  
JOE JOSEPHSON  
PAUL FISCHER  
EDNA ARMSTRONG-DE VRIES



P. O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3762

*Superseded*

## Senate Committee on Health, Education and Social Services

February 14, 1986

### SECTIONAL ANALYSIS

CSSB 264 (HESS) Relating to detention and unlawful conduct of minors.

Section 1 Provides that when a minor is sentenced as an adult, the minor must be confined in a juvenile correctional facility until age 18.

Section 2 Exempts juveniles sentenced as adults from mandatory minimum and presumptive sentencing.

Section 3 Increases from \$2000 to \$5000 the amount of civil damages a person, municipal corporation, association, village, school district, or religious or charitable organization may recover for willful destruction of property by a juvenile.

Section 4 Provides that an emancipated minor may be sued civilly as if the minor were an adult.

Section 5 Provides that when a court informally disposes of a juvenile matter it shall disclose to the victim, upon request, the manner in which it disposed of the matter.

Section 6 Provides that a minor be tried in adult court if the minor is 16 or 17 years old and committed an unclassified felony, or the minor is not amenable to treatment and is delinquent. Criteria to be considered by the court in determining amenability are specified. Pending trial, minors must be housed in juvenile facilities.

Section 7 Provides that after disposition of a juvenile case the court must disclose the results to the victim in accordance with Section 5.

Section 8 Permits disclosure of information to a victim or a victim's parents under certain conditions.

Section 9 Allows a law enforcement agency or the Department of Health and Social Services to fingerprint a minor prosecuted as an adult and in other specific circumstances.

Fingerprints of minors would be kept separate from those of adults, kept within the state rather than at a federal central depository, made available only to public agencies for investigation purposes or to the minor or the minor's attorney, and destroyed when the minor is no longer under court jurisdiction.

Section 10 Clarifies that minors detained in jails must have quarters separate from adults, but that persons tried in juvenile court who stay in the system until age 19 can be housed with minors.

Section 11 Requires the court to disclose the results of a juvenile probable cause hearing to the victim in accordance with Section 5.

Section 12 Clarification per Section 10.

Sections 13-14 Rule 24 of the Alaska Rules of Children's Procedure which prohibits fingerprinting of children unless directed by the court is amended to eliminate this restriction.

Sections 15-16 Children's Rule 24 is amended by adding a new section that provides that a child may not be fingerprinted while in custody except in accordance with Section 9.

file SB 264  
FEB 20 1986

Patrick M. Rodey  
Senator

# Alaska State Legislature

1024 W. 6th Avenue, Suite 308  
Anchorage, Alaska 99501  
(907) 276-6731



## Senate

During Session:  
Pouch V  
Juneau, Alaska 99811  
(907) 465-3717

February 20, 1986

Senator Bettye Fahrenkamp, Chair  
Senate HESS Committee  
Pouch V  
Juneau, Alaska 99811

Re: SB 264 - An Act relating to juvenile waiver.

Dear Senator Fahrenkamp:

I would appreciate your consideration in rescheduling SB 264, an act relating to juvenile waiver, for a hearing before the Senate Committee on Health, Education and Social Services as soon as possible. I'm sorry for the confusion at the Tuesday hearing, and appologize for any inconvenience it may have caused to the Committee.

If the Committee desires any further information, or has any questions with respect to the bill, please contact Suzanne LaPierre of my staff. (465-3717)

Very truly yours,

A handwritten signature in cursive script, appearing to read "Patrick M. Rodey".

Patrick M. Rodey

*Cost controversy, no one in favor  
fiscal note?*

# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ARLISS STURGULFWSKI, Vice Chairman  
JOE JOSEPHSON  
PAUL FISCHER  
EDNA ARMSTRONG-DE VRIES



P O BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3762

## Senate Committee on Health, Education and Social Services

*Sumner*

### M E M O R A N D U M

TO: Members, Senate Committee on Health, Education and Social Services

FROM: Committee Staff

RE: Committee Meeting, February 18, 1986

DATE: February 14, 1986

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On Tuesday, February 18, from 1:30-3:30 pm in the Beltz Room the Senate Committee on Health, Education and Social Services will hear:

Proposed CSSB 264 (HESS) Relating to detention and unlawful conduct of minors. (Draft CS prepared at the sponsor's request)

Under current statute, persons under the age of 18 are tried in juvenile court unless the court finds (at a hearing on petition) that there is probable cause that the minor is delinquent and that the minor is not amenable to treatment. Under CSSB 264, the case would automatically be waived to adult court if the minor is 16 or 17 years old and there is probable cause that the minor committed an unclassified felony (murder, kidnapping, sexual assault, sexual abuse of a minor). Other cases could be waived based on the consideration of specific criteria regarding amenability to treatment.

Waived minors would be exempt from presumptive sentencing laws, could be fingerprinted, and would be housed in juvenile facilities pending trial and once sentenced. There is no provision for waiver back to the juvenile system. SB 264 also addresses the emancipation of minors for purposes of civil suits and the disclosure of information regarding juvenile matters.

SB 264 was heard by the HESS Committee last session. Minutes of that meeting are attached.