

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9161 HOUSE JUDICIARY

## ANALYSIS (cont.):

## Change in positions:

New position Youth Superintendent III Range 21	\$73.8
NEW Chief Probation Officer Range 23	\$83.9
New (3) Administrative Clerk II Range 8	\$112.0
New (3) Administrative Assistant I Range 13	\$138.6
New Juvenile Probation Officer V Range 21	\$74.3
Total*	\$482.6

\* FY 99 through FY 03 figures include a 1.5% per year COLA.

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. CS HB 6(HES)

Revision Date: \_\_\_\_\_  
 Title: Relating to the disclosure of information  
relating to certain minors  
 Sponsor: Representative Kelly  
 Requestor: House (HES)

Dept. Affected: Health and Social Services  
 BRU: Family and Youth Services  
 Component: McLaughlin Youth Center  
 COMPONENT SERIAL NO. 264  
 See also (SN#): 252,253,254,255,258,259,2134

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES			(24.1)	(24.1)	(24.1)	(24.1)
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>(24.1)</b>	<b>(24.1)</b>	<b>(24.1)</b>	<b>(24.1)</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts						
1003 GF Match						
1004 GF			(24.1)	(24.1)	(24.1)	(24.1)
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>(24.1)</b>	<b>(24.1)</b>	<b>(24.1)</b>	<b>(24.1)</b>

**POSITIONS:**

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

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

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

Prepared by: L. Diane Worley, Director Phone: 465-3191  
 Division: Family & Youth Services Date: 02/10/97  
 Approved by Commissioner: Karen Perdue, Commissioner Date: 2/12/97  
 Agency: Department of Health & Social Services

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ANALYSIS (cont.):

Change in position:

Superintendent II PCN 06-3483 R 21 will be down graded to a R 20.

(\$93.5)

\$69.4

Total savings due to downgrade

(24.1)

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. CS HB 6(HES)

Revision Date: \_\_\_\_\_  
 Title: Relating to the disclosure of information  
relating to certain minors  
 Sponsor: Representative Kelly  
 Requestor: House (HES)

Dept. Affected: Health and Social Services  
 BRU: Family and Youth Services  
 Component: Residential Child Care  
 COMPONENT SERIAL NO. 253  
 See also (SN#): 252,254,255,258,259,264,2134

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts	(284.1)	(284.1)	(284.1)	(284.1)	(284.1)	(284.1)
1003 GF Match						
1004 GF	284.1	284.1	284.1	284.1	284.1	284.1
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost:                     \$0.0

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

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section.  
 Loss of Federal Funds:           (\$284.1)

Prepared by: L. Diane Worley, Director  
 Division: Family & Youth Services

Phone: 465-3191  
 Date: 02/10/97

Approved by Commissioner: Karen Petrus, Commissioner  
 Agency: Department of Health & Social Services

Date: 2/12/97

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# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. CS HB 6(HES)

Revision Date: \_\_\_\_\_  
 Title: Relating to the disclosure of information  
relating to certain minors  
 Sponsor: Representative Kelly  
 Requestor: House (HES)

Dept. Affected: Health and Social Services  
 BRU: Family and Youth Services  
 Component: Foster Care  
 COMPONENT SERIAL NO. 252  
 See also (SN#): 253,254,255,258,259,264,2134

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts	(18.6)	(18.6)	(18.6)	(18.6)	(18.6)	(18.6)
1003 GF Match						
1004 GF	18.6	18.6	18.6	18.6	18.6	18.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

POSITIONS:	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

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

The Division of Family and Youth Services currently receives approximately \$7.5 M in federal funds as reimbursement for foster care and administrative services provided to Children in Need of Aid (CINA) and Delinquents. Federal law prohibits disclosure of information regarding DFYS clients except in certain circumstances. In order to disclose information on juvenile offenders as described in this bill and still minimize the loss of federal funds, the division must revise the organizational and financial structure of the agency to clearly separate costs and services associated with juvenile offenders from those associated with CINA's and must discontinue claiming federal reimbursement for those costs and services. This restructuring will preserve the majority of federal receipts but will still result in some reductions which must be replaced by general funds. This fiscal note reflects the costs associated with that restructuring and the reduction in federal claims.

In addition to the ability to disclose information, the division will be able to improve the consistency, coordination, and quality of services provided to communities and offenders by more clearly focusing the leadership provided to the youth corrections section

Loss of Federal Funds: (\$18.6)

*Signature*  
2/11/97

Prepared by: L. Diane Worley, Director  
 Division: Family & Youth Services  
 Approved by Commissioner: Karen Perdue, Commissioner  
 Agency: Department of Health & Social Services

Phone: 465-3191  
 Date: 02/10/97  
 Date: 2/12/97

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# FISCAL NOTE

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

**BILL NO: CSHB 6(HES)**

Revision Date: 02/17/97 Dept. Affected: Public Safety  
 Title: Release of Juvenile Information BRU: Alaska State Troopers  
 Component: Detachments  
 Sponsor: Rep. Kelly  
 Requestor: House Judiciary COMPONENT SERIAL NO. 0799

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>CAPITAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>CHANGE IN REVENUES ( )</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
Revenue Code						

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

Estimate of current year (FY 97) impact: \$ \_\_\_\_\_

**POSITIONS:**

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

ANALYSIS: (Attach a separate page if necessary.)

This bill would not have significant fiscal impact on AST.

Prepared By: Capt. Ted M. Bachman Phone: 269-5650  
 Division: Alaska State Troopers Date: 02/17/97  
 Approved by Commissioner: Ronald L. Otte Date: 2/18/97  
 Agency: Department of Public Safety

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CS FOR HOUSE BILL NO. 6(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES KELLY, Therriault, Vezey, Ogan, Dyson, Phillips, Ryan

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to minors and amending laws relating to the disclosure of  
2 information relating to certain minors."

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

4 \* Section 1. AS 47.12.300(c) is amended to read:

5 (c) Except when disclosure of the name of a minor is authorized or  
6 required by this chapter, the [THE] name or picture of a minor under the jurisdiction  
7 of the court may not be made public in connection with the minor's status as a  
8 delinquent unless authorized by order of the court.

9 \* Sec. 2. AS 47.12.310(a) is amended to read:

10 (a) Except as specified in AS 47.12.315, 47.12.320, [AS 47.12.320] and (b) -  
11 (g) of this section, all information and social records pertaining to a minor who is  
12 subject to this chapter or AS 47.17 prepared by or in the possession of a federal, state,  
13 or municipal agency or employee in the discharge of the agency's or employee's  
14 official duty, including driver's license actions under AS 28.15.185, are privileged and

1 may not be disclosed directly or indirectly to anyone without a court order.

2 \* Sec. 3. AS 47.12.310(d) is amended to read:

3 (d) Upon request of a victim, the department shall make every reasonable  
4 effort to notify the victim as soon as practicable, by telephone or in writing, when a  
5 delinquent minor is to be released from placement in a juvenile facility under  
6 AS 47.12.120(b)(1). The notice under this subsection must include the expected date  
7 of the delinquent minor's release, the geographic area in which the delinquent minor  
8 is required to reside, and other pertinent information concerning the delinquent minor's  
9 conditions of release that may affect the victim.

10 \* Sec. 4. AS 47.12 is amended by adding a new section to read:

11 **Sec. 47.12.315. Public disclosure of information in agency records relating**  
12 **to certain minors.** (a) Notwithstanding AS 47.12.310, when an agency takes action  
13 under AS 47.12.040(a)(1) to adjust a matter, or when under AS 47.12.040(a)(2) the  
14 court directs the agency to adjust the matter, the agency shall disclose to the public the  
15 name of a minor, the name or names of the parent, parents, or guardian of the minor,  
16 the action required by the agency to be taken by the minor under AS 47.12.060 to  
17 adjust the matter, and information about the offense exclusive of information that  
18 identifies the victim of the offense, if exercise of agency jurisdiction is based on

19 (1) the minor's alleged commission of an offense, and the minor has  
20 failed, without good cause,

21 (A) to comply with the terms of a restitution plan or order  
22 entered against the minor in a previous criminal sentence, adjudication of  
23 delinquency, or informal adjustment following a preliminary inquiry;

24 (B) to engage in a rehabilitation program ordered by a court or  
25 required by a facility or juvenile probation officer; or

26 (C) to comply with a court ordered or probation officer required  
27 placement plan; or

28 (2) the minor's alleged commission of

29 (A) a crime against a person that is punishable as a felony;

30 (B) a crime in which the minor employed a deadly weapon, as  
31 that term is defined in AS 11.81.900(b), in committing the crime

1 (C) arson under AS 11.46.400 - 11.46.410;

2 (D) burglary under AS 11.46.300 - 11.46.310;

3 (E) distribution of child pornography under AS 11.61.125;

4 (F) promoting prostitution in the first degree under  
5 AS 11.66.110; or

6 (G) misconduct involving a controlled substance under  
7 AS 11.71 involving the delivery of a controlled substance or the possession of  
8 a controlled substance with intent to deliver, other than an offense under  
9 AS 11.71.050.

10 (b) The department shall publicly disclose the name of a minor, the name or  
11 names of the minor's parent, parents, or guardian, and the alleged offense, and, when  
12 available, the outcome of proceedings before the court if, under AS 47.12.040(a)(1)(B)  
13 or AS 47.12.040(a)(2), the department files with the court a petition seeking  
14 adjudication of the minor as a delinquent based on

15 (1) the minor's alleged commission of an offense, and the minor has  
16 failed, without good cause,

17 (A) to comply with the terms of a restitution plan or order  
18 entered against the minor in a previous criminal sentence, adjudication of  
19 delinquency, or informal adjustment following a preliminary inquiry;

20 (B) to engage in a rehabilitation program ordered by a court or  
21 required by a facility or juvenile probation officer; or

22 (C) to comply with a court ordered or probation officer required  
23 placement plan;

24 (2) the minor's alleged commission of

25 (A) a crime against a person that is punishable as a felony;

26 (B) a crime in which the minor employed a deadly weapon, as  
27 that term is defined in AS 11.81.900(b), in committing the crime;

28 (C) arson under AS 11.46.400 - 11.46.410;

29 (D) burglary under AS 11.46.300 - 11.46.310;

30 (E) distribution of child pornography under AS 11.61.125;

31 (F) promoting prostitution in the first degree under

1 AS 11.66.110; or

2 (G) misconduct involving a controlled substance under  
3 AS 11.71 involving the delivery of a controlled substance or the possession of  
4 a controlled substance with intent to deliver, other than an offense under  
5 AS 11.17.050; or

6 (3) the minor's alleged commission of a felony and the minor was 16  
7 years of age or older at the time of commission of the offense when the minor has  
8 previously been convicted or adjudicated a delinquent minor based on the minor's  
9 commission of an offense that is a felony.

10 (c) If, under AS 47.12.060(a), the agency determines that a matter should be  
11 dismissed or if, under AS 47.12.120(c), the court finds that a minor is not delinquent  
12 and dismisses the case against the minor, the minor may request the department to  
13 disclose information about the matter or the case to the public. If the minor makes a  
14 request under this subsection, the department shall disclose to the public information  
15 about the disposition of the matter or case under AS 47.12.060(a) or 47.12.120(c), as  
16 appropriate, exclusive of information that identifies the victim of the alleged offense.

17 (d) When required by this section to disclose information,

18 (1) the department or other agency may not disclose the name of an  
19 out-of-home care provider, as that term is defined in AS 47.14.299, with whom the  
20 minor was living at the time the minor was alleged to have committed the offense if  
21 the minor had been placed in out-of-home care with that provider on other than a  
22 permanent or long-term basis;

23 (2) if the department or other agency maintains the information to be  
24 disclosed by electronic means that can be recovered from a computer data base, the  
25 department or agency may disclose the information in that medium.

26 (e) The authority to release information under this section is limited to five  
27 years from the date the department or other agency is first required or authorized to  
28 make the disclosure, but this limitation operates only if the department or other agency  
29 determines that the minor

30 (1) has good cause for not complying with restitution payments or has  
31 made all restitution payments required of the minor by AS 47.12.060(b) or

1  
2  
3

47.12.120(b)(4); and

(2) has not committed any other crime punishable as a felony during the five-year period.

# Alaska State Legislature



House of Representatives  
House Judiciary Committee

State Capitol, Room 120  
Juneau, Alaska 99801-1182  
(907) 465-4990

## MEMORANDUM

**Date:** February 19, 1997  
**To:** Jack Chenoweth, Legislative Legal Services  
**Fax:** 465-2029  
**From:** Lisa Kirsch, House Judiciary Committee  
**Re:** HB 3 and HB 6

---

Please make amendments one, four and six as set out on the attached page to the work draft CSHB 6( ) (0-LS0063\T).

Please make the same amendments to CSHB 3( ) (0-LS0041\F), where applicable.

Call if you have any questions (4990).

Thanks for your assistance.

AMENDMENT/ #1

*Adopted 2/19/97*

BY REPRESENTATIVE CROFT

OFFERED IN HOUSE JUDICIARY

TO: CSHB 6 ( ) work draft dated 2/19/97

Page 4, line 12 after "the public":

Delete "the name of the minor, the name or names of the parent, parents, or guardian of the minor, information about the offense alleged to have been committed by the minor, and"

AMENDMENT/ #4

*Adopted  
2/19/97*

BY REPRESENTATIVE CROFT

OFFERED IN HOUSE JUDICIARY

TO: CSHB 6 ( ) work draft dated 2/19/97

Page 4, line 31 following "(1) has":

Insert "good cause for not complying with restitution payments or has"

02/19/97

AMENDMENT

*#6*

OFFERED IN THE HOUSE

BY: Representative Berkowitz

TO: CSHB 6 (version T dated 2/19/97)

Page 3, line 8: *# p.4 line 3*  
Section 4

Following "deliver" INSERT: "other than an offense under AS 11.71.050"

# Alaska State Legislature

REPRESENTATIVE  
PETER KELLY

Mailing Address:  
119 N. Cushman, Suite 203  
Fairbanks, Alaska 99701  
(907) 456-8161

While in Juneau  
State Capitol  
Juneau, Alaska  
99801-1182  
(907) 465-2327

House District 31

## House Of Representatives

February 19, 1997

### Memorandum

To: Representative Joe Green, Chair  
House Judiciary Committee

From: Representative Pete Kelly

Regarding: New CS CS HB 6, version 0-LS0063\T

+++++

Version T differs from the previous draft of HB 6 in several ways:

Sections 1, 2, 3. Remain unchanged.

Page 2, line 15. (1) the minor has failed **without good cause**

Note: the intent of this language is to make it clearly that it is the minor's actions, or lack of actions that cause the minor's name to be released, not the availability of treatment programs, etc.

Page 2, line 17. (A) The word "**previous**" has been added to make it clear that this is from a prior offense.

Page 2, lines 23 - 31. (2) Release of information about minors who commit of serious crimes is limited to **felony crimes**, not misdemeanors.

Page 3, line 8. "Intent to **deliver**" the reference to manufacturing has been removed.

Page 3, lines 11 & 12. Release of information when the department **petitions** the court seeking adjudication of the minor as a delinquent as well as the outcome of a court proceeding.

Page 3, line 14 to page 4, line 3. Same changes as noted above.

Page 4, lines 4 to 7. Release occurs after the minor is 16, and has committed any prior **felony**. The age 16 factor does not apply to the serious crimes, or failure to complete restitution.

CS CS HB 6, version T  
Page 2.

Page 4, lines 8 to 17. New part (c), allows a minor to have his records released if the case is dismissed. This section goes to the issue of the minor being found innocent and enables the minor to clear his or her name.

Page 4, lines 19 to 23. New paragraph (1), prohibits the release of the name of a temporary foster parent.

Page 4, line 27 to page 5, line 3. The department may only release information about a minor for five years, however this limit only applies if the minor maintains a clean record.

CS FOR HOUSE BILL NO. 6( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES KELLY, Therriault, Vezey, Ogan, Dyson, Phillips, Ryan

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to minors and amending laws relating to the disclosure of  
2 information relating to certain minors."

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

4 \* Section 1. AS 47.12.300(c) is amended to read:

5 (c) Except when disclosure of the name of a minor is authorized or  
6 required by this chapter, the [THE] name or picture of a minor under the jurisdiction  
7 of the court may not be made public in connection with the minor's status as a  
8 delinquent unless authorized by order of the court.

9 \* Sec. 2. AS 47.12.310(a) is amended to read:

10 (a) Except as specified in AS 47.12.315, 47.12.320, [AS 47.12.320] and (b) -  
11 (g) of this section, all information and social records pertaining to a minor who is  
12 subject to this chapter or AS 47.17 prepared by or in the possession of a federal, state,  
13 or municipal agency or employee in the discharge of the agency's or employee's  
14 official duty, including driver's license actions under AS 28.15.185, are privileged and

0-LS0063\T  
Chenoweth  
2/19/97

CS FOR HOUSE BILL NO. 6( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES KELLY, Therriault, Vezey, Ogan, Dyson, Phillips, Ryan

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to minors and amending laws relating to the disclosure of  
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12 subject to this chapter or AS 47.17 prepared by or in the possession of a federal, state,  
13 or municipal agency or employee in the discharge of the agency's or employee's  
14 official duty, including driver's license actions under AS 28.15.185, are privileged and

1 may not be disclosed directly or indirectly to anyone without a court order.

2 \* Sec. 3. AS 47.12.310(d) is amended to read:

3 (d) Upon request of a victim, the department shall make every reasonable  
4 effort to notify the victim as soon as practicable, by telephone or in writing, when a  
5 delinquent minor is to be released from placement in a juvenile facility under  
6 AS 47.12.120(b)(1). The notice under this subsection must include the expected date  
7 of the delinquent minor's release, the geographic area in which the delinquent minor  
8 is required to reside, and other pertinent information concerning the delinquent minor's  
9 conditions of release that may affect the victim.

10 \* Sec. 4. AS 47.12 is amended by adding a new section to read:

11 **Sec. 47.12.315. Public disclosure of information in agency records relating**  
12 **to certain minors.** (a) Notwithstanding AS 47.12.310, when an agency takes action  
13 under AS 47.12.040(a)(1) to adjust a matter, or when under AS 47.12.040(a)(2) the  
14 court directs the agency to adjust the matter, the agency shall disclose to the public the  
15 name of a minor, the name or names of the parent, parents, or guardian of the minor,  
16 the action required by the agency to be taken by the minor under AS 47.12.060 to  
17 adjust the matter, and information about the offense exclusive of information that  
18 identifies the victim of the offense, if exercise of agency jurisdiction is based on

19 (1) the minor's alleged commission of an offense, and the minor has  
→ 20 failed, without good cause,

21 (A) to comply with the terms of a restitution plan or order  
→ 22 entered against the minor in a previous criminal sentence, adjudication of  
23 delinquency, or informal adjustment following a preliminary inquiry;

24 (B) to engage in a rehabilitation program ordered by a court or  
25 required by a facility or juvenile probation officer; or

26 (C) to comply with a court ordered or probation officer required  
27 placement plan; or

28 (2) the minor's alleged commission of

→ 29 (A) a crime against a person that is punishable as a felony;

30 (B) a crime in which the minor employed a deadly weapon, as  
31 that term is defined in AS 11.81.900(b), in committing the crime;

*Draft Amendment #2*

*Draft Amendment #3*

*Adopted Bank Amend #6*

*OK in Final 2/20*

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- (C) arson under AS 11.46.400 - 11.46.410;
  - (D) burglary under AS 11.46.300 - 11.46.310;
  - (E) distribution of child pornography under AS 11.61.125;
  - (F) promoting prostitution in the first degree under AS 11.66.110; or
  - (G) misconduct involving a controlled substance under AS 11.71 involving the delivery of a controlled substance or the possession of a controlled substance with intent to deliver.
- (b) The department shall publicly disclose the name of a minor, the name or names of the minor's parent, parents, or guardian, and the alleged offense, and, when available, the outcome of proceedings before the court if, under AS 47.12.040(a)(1)(B) or AS 47.12.040(a)(2), the department files with the court a petition seeking adjudication of the minor as a delinquent based on
- (1) the minor's alleged commission of an offense, and the minor has failed, without good cause,
    - (A) to comply with the terms of a restitution plan or order entered against the minor in a previous criminal sentence, adjudication of delinquency, or informal adjustment following a preliminary inquiry;
    - (B) to engage in a rehabilitation program ordered by a court or required by a facility or juvenile probation officer; or
    - (C) to comply with a court ordered or probation officer required placement plan;
  - (2) the minor's alleged commission of
    - (A) a crime against a person that is punishable as a felony;
    - (B) a crime in which the minor employed a deadly weapon, as that term is defined in AS 11.81.900(b), in committing the crime;
    - (C) arson under AS 11.46.400 - 11.46.410;
    - (D) burglary under AS 11.46.300 - 11.46.310;
    - (E) distribution of child pornography under AS 11.61.125;
    - (F) promoting prostitution in the first degree under AS 11.66.110; or

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1 (G) misconduct involving a controlled substance under  
 2 AS 11.71 involving the delivery of a controlled substance or the possession of  
 3 a controlled substance with intent to deliver; or

4 (3) the minor's alleged commission of a felony and the minor was 16  
 5 years of age or older at the time of commission of the offense when the minor has  
 6 previously been convicted or adjudicated a delinquent minor based on the minor's  
 7 commission of an offense that is a felony.

8 (c) If, under AS 47.12.060(a), the agency determines that a matter should be  
 9 dismissed or if, under AS 47.12.120(c), the court finds that a minor is not delinquent  
 10 and dismisses the case against the minor, the minor may request the department to  
 11 disclose information about the matter or the case to the public. If the minor makes a  
 12 request under this subsection, the department shall disclose to the public the name of  
 13 the minor, the name or names of the parent, parents, or guardian of the minor,  
 14 information about the offense alleged to have been committed by the minor, and  
 15 information about the disposition of the matter or case under AS 47.12.060(a) or  
 16 47.12.120(c), as appropriate, exclusive of information that identifies the victim of the  
 17 alleged offense.

18 (d) When required by this section to disclose information,

19 (1) the department or other agency may not disclose the name of an  
 20 out-of-home care provider, as that term is defined in AS 47.14.299, with whom the  
 21 minor was living at the time the minor was alleged to have committed the offense if  
 22 the minor had been placed in out-of-home care with that provider on other than a  
 23 permanent or long-term basis;

24 (2) if the department or other agency maintains the information to be  
 25 disclosed by electronic means that can be recovered from a computer data base, the  
 26 department or agency may disclose the information in that medium.

27 (e) The authority to release information under this section is limited to five  
 28 years from the date the department or other agency is first required or authorized to  
 29 make the disclosure, but this limitation operates only if the department or other agency  
 30 determines that the minor

31 (1) has made all restitution payments required of the minor by AS

*Strike Amendment #6  
 Adopted*

*Craft  
 A#1  
 delete  
 Adopted*

*Craft  
 Amendment #4*

*OK in  
 Final  
 2/20*

*OK in  
 Final  
 2/20*

*OK in  
 Final  
 2/20*

1 47.12.060(b) or 47.12.120(b)(4); and  
2 (2) has not committed any other crime punishable as a felony during  
3 the five-year period.

REPRESENTATIVE

PETER KELLY

Mailing Address

119 N. Cushman, Suite 203  
Fairbanks, Alaska 99701

(907) 456-8161

Alaska State Legislature



House of Representatives

February 19, 1997

Memorandum

To: Representative Joe Green, Chair  
House Judiciary Committee

From: Representative Pete Kelly

Regarding: New CS HB 6, version 0-LS0063VT  
+++++

Version T differs from the previous draft of HB 6 in several ways:

Sections 1, 2, 3. Remain unchanged.

Page 2, line 15. (1) the minor has failed without good cause

Note: the intent of this language is to make it clearly that it is the minor's actions, or lack of actions that cause the minor's name to be released, not the availability of treatment programs, etc.

Page 2, line 17. (A) The word "previous" has been added to make it clear that this is from a prior offense.

Page 2, lines 28 - 31. (2) Release of information about minors who commit of serious crimes is limited to felony crimes, not misdemeanors.

Page 3, line 8. "intent to deliver" the reference to manufacturing has been removed.

Page 3, lines 11 & 12. Release of information when the department petitions the court seeking adjudication of the minor as a delinquent as well as the outcome of a court proceeding.

Page 3, line 14 to page 4, line 3. Same changes as noted above.

Page 4, lines 4 to 7. Release occurs after the minor is 16, and has committed any prior felony. The age 16 factor does not apply to the serious crimes, or failure to complete restitution.

White in Alaska  
State Capital  
Juneau, Alaska  
99801-1182  
(907) 465-2327  
House District 31

Kirson

CS CS HB 6, version T  
Page 2.

Page 4, lines 8 to 17. New part (c), allows a minor to have his records released if the case is dismissed. This section goes to the issue of the minor being found innocent and enables the minor to clear his or her name.

Page 4, lines 19 to 23. New paragraph (1), prohibits the release of the name of a temporary foster parent.

Page 4, line 27 to page 5, line 3. The department may only release information about a minor for five years, however this limit only applies if the minor maintains a clean record.

AMENDMENT #1

*Adopted 2/19/97*

BY REPRESENTATIVE CROFT

OFFERED IN HOUSE JUDICIARY

TO: CSHB 6 ( ) work draft dated 2/19/97

Page 4, line 12 after "the public":

Delete "the name of the minor, the name or names of the parent, parents, or guardian of the minor, information about the offense alleged to have been committed by the minor, and"

AMENDMENT/ #2

*fails 2/19/97*

BY REPRESENTATIVE CROFT

OFFERED IN HOUSE JUDICIARY

TO: CSHB 6 ( ) work draft dated 2/19/97

Page 3, line 1:

Delete "- 11.46.410"

Page 3, line 2:

Delete "- 11.46.310"

Page 3, line 27:

Delete "- 11.46.410"

Page 3, line 28:

Delete "- 11.46.310"

AMENDMENT/ #3

BY REI RESENTATIVE CROFT

OFFERED IN HOUSE JUDICIARY

TO: CSHB 6 ( ) work draft dated 2/19/97

Page 3, line 6 through line 8:  
Delete all material.

*Failed*  
*2/19/95*

AMENDMENT #4

*Adopted*  
*2/19/97*

BY REPRESENTATIVE CROFT

OFFERED IN HOUSE JUDICIARY

TO: CSHB 6 ( ) work draft dated 2/19/97

Page 4, line 31 following "(1) has":

Insert "good cause for not complying with restitution payments or has"

AMENDMENT/ #5

BY REPRESENTATIVE CROFT

OFFERED IN HOUSE JUDICIARY

TO: CSHB 6 ( ) work draft dated 2/19/97

Page 3, line 12 following "the":

Delete "department files with the court a petition seeking adjudication of the minor as"

Insert "court adjudicates the minor"

Page 3, line 14 following "minor's":

Delete "alleged"

Page 3, line 23 following "minor's":

Delete "alleged"

Page 4, line 4 following "minor's":

Delete "alleged"

*failed*  
*2/19/97*

02/19/97

AMENDMENT

#6

OFFERED IN THE HOUSE

BY: Representative Berkowitz

TO: CSHB 6 (version T dated 2/19/97)

Page 3, line 8:  
Section 4

p4 line 3

Following "deliver" INSERT:

"other than an offense under AS 11.71.050"

Adopted 2/19/97

# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

## DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF FAMILY AND YOUTH SERVICES

P.O. BOX 110630  
JUNEAU, ALASKA 99811-0630  
PHONE: (907) 465-3170

February 18, 1997

The Honorable Joseph Green, Chair  
House Judiciary Committee  
Alaska House of Representatives  
State Capitol  
Juneau, AK 99801-1182

Dear Chairman Green:

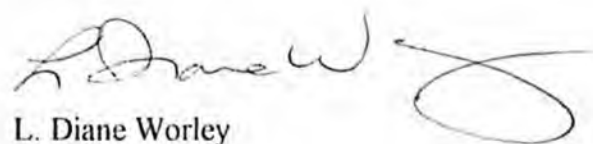
I welcome this opportunity to respond to some of the questions raised in your committee or in the subcommittee on HB 6, HCR 4, and HB 3. Several questions concerned fiscal notes, and I hope that the attachment will answer those questions.

Other questions raised were about what happens to a child's eligibility for IVE federal funds if the child moves from Family Services as a Child In Need Of Aid (CINA) to youth corrections as a delinquent and his or her name and other information is disclosed to the public. One question was about the child's status if they returned to the CINA system. The answer relates back to the source of the information. As long as the information disclosed does not come from the child welfare agency records, IVE funding is not jeopardized.

During a subcommittee hearing on HB 6, Representative Croft asked for the number of delinquency petitions filed but not adjudicated, and the number of times juveniles who were petitioned were determined "not guilty". According to our data, petitions were filed on 2,334 delinquency referrals in FY 96. Of those, 1,390 were adjudicated, with 149 held in abeyance. 511 were either dismissed, withdrawn or waived to adult court. We are not able to tell how many of those 511 were dismissed or withdrawn because the juvenile was found "not guilty" or whether there was insufficient evidence to support a finding of delinquency.

I hope that I have adequately addressed the questions raised by the members of your committee. If not, I would be happy to provide additional information if it is available.

Sincerely,



L. Diane Worley  
Director

## FY 96 DFYS STATISTICS ON PETITIONS FOR DELINQUENCY

Petitions Filed	2,334	
Held in Abeyance	149	6.38%
Waived to Adult	10	0.43%
Withdrawn by DFYS	4	0.17%
<b>Dismissed by Court</b>	<b>497</b>	<b>21.29%</b>
Adjudicated Guilty	1,390	59.55%
Decision Pending	284	12.17%
	2,334	100.00%

# Alaska State Legislature



## House of Representatives House Judiciary Committee

State Capitol, Room 120  
Juneau, Alaska 99801-1182  
(907) 465-4990

Chairman: Representative Joe Green  
Vice-Chairman: Representative Con Bunde

Representative Ethan Berkowitz  
Representative Eric Croft  
Representative Jeannette James  
Representative Brian Porter  
Representative Norman Rokeberg

## AGENDA

Wednesday, February 19, 1997  
1:00 p.m.

**\*+HB 58      Civil Liability--Tort Reform**

**+              Report of Subcommittee on  
HB 3, HB 6 and HCR 4**

Please note: Teleconferences today are listen only.

DATE: Wednesday, February 19, 1997

TO: Representative Joe Green  
Chairman Judiciary Committee  
907-465-4316/fax

FROM: Karen Miller  
10021 Crest View Lane  
Eagle River, AK 99577  
907-694-2710/phone

RE: HB 3

I would like to take this opportunity to encourage you to carefully consider the consequences of HB 3. I strongly disagree with its provisions regarding the treatment of juvenile offenders.

Sincerely,  
Karen Miller

0-LS0063AR  
Chenoweth  
2/18/97

CS FOR HOUSE BILL NO. 6( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES KELLY, Therriault, Vezey, Ogan, Dyson, Phillips, Ryan

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to minors and amending laws relating to the disclosure of  
2 information relating to certain minors."

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

4 \* Section 1. AS 47.12.300(c) is amended to read:

5 (c) Except when disclosure of the name of a minor is authorized or  
6 required by this chapter, the [THE] name or picture of a minor under the jurisdiction  
7 of the court may not be made public in connection with the minor's status as a  
8 delinquent unless authorized by order of the court.

9 \* Sec. 2. AS 47.12.310(a) is amended to read:

10 (a) Except as specified in AS 47.12.315, 47.12.320, [AS 47.12.320] and (b) -  
11 (g) of this section, all information and social records pertaining to a minor who is  
12 subject to this chapter or AS 47.17 prepared by or in the possession of a federal, state,  
13 or municipal agency or employee in the discharge of the agency's or employee's  
14 official duty, including driver's license actions under AS 28.15.185, are privileged and

1 may not be disclosed directly or indirectly to anyone without a court order.

2 \* Sec. 3. AS 47.12.310(d) is amended to read:

3 (d) Upon request of a victim, the department shall make every reasonable  
4 effort to notify the victim as soon as practicable, by telephone or in writing, when a  
5 delinquent minor is to be released from placement in a juvenile facility under  
6 AS 47.12.120(b)(1). The notice under this subsection must include the expected date  
7 of the delinquent minor's release, the geographic area in which the delinquent minor  
8 is required to reside, and other pertinent information concerning the delinquent minor's  
9 conditions of release that may affect the victim.

10 \* Sec. 4. AS 47.12 is amended by adding a new section to read:

11 **Sec. 47.12.315. Public disclosure of information in agency records relating**  
12 **to certain minors.** (a) Notwithstanding AS 47.12.310, when an agency takes action  
13 under AS 47.12.040(a)(1) to adjust a matter, or when under AS 47.12.040(a)(2) the  
14 court directs the agency to adjust the matter, the agency shall disclose to the public the  
15 name of a minor, the name or names of the parent, parents, or guardian of the minor,  
16 the action required by the agency to be taken by the minor under AS 47.12.060 to  
17 adjust the matter, and information about the offense exclusive of information that  
18 identifies the victim of the offense, if exercise of agency jurisdiction is based on

19 (1) the minor's alleged commission of an offense, and the minor has  
20 failed, without good cause,

21 (A) to comply with the terms of a restitution plan or order  
22 entered against the minor in a previous criminal sentence, adjudication of  
23 delinquency, or informal adjustment following a preliminary inquiry;

24 (B) to engage in a rehabilitation program ordered by a court or  
25 required by a facility or juvenile probation officer; or

26 (C) to comply with a court ordered or probation officer required  
27 placement plan; or

28 (2) the minor's alleged commission of

29 (A) a crime against a person that is punishable as a felony;

30 (B) a crime in which the minor employed a deadly weapon, as  
31 that term is defined in AS 11.81.900(b), in committing the crime;

- 1 (C) arson under AS 11.46.400 - 11.46.410;
- 2 (D) burglary under AS 11.46.300 - 11.46.310;
- 3 (E) distribution of child pornography under AS 11.61.125;
- 4 (F) promoting prostitution in the first degree under
- 5 AS 11.66.110; or
- 6 (G) misconduct involving a controlled substance under
- 7 AS 11.71 involving the delivery of a controlled substance or the possession of
- 8 a controlled substance with intent to deliver.
- 9 (b) The department shall publicly disclose the name of a minor, the name or
- 10 names of the minor's parent, parents, or guardian, and the alleged offense, and, when
- 11 available, the outcome of proceedings before the court if, under AS 47.12.040(a)(1)(B)
- 12 or AS 47.12.040(a)(2), the department files with the court a petition seeking
- 13 adjudication of the minor as a delinquent based on
- 14 (1) the minor's alleged commission of an offense, and the minor has
- 15 failed, without good cause,
- 16 (A) to comply with the terms of a restitution plan or order
- 17 entered against the minor in a previous criminal sentence, adjudication of
- 18 delinquency, or informal adjustment following a preliminary inquiry;
- 19 (B) to engage in a rehabilitation program ordered by a court or
- 20 required by a facility or juvenile probation officer; or
- 21 (C) to comply with a court ordered or probation officer required
- 22 placement plan;
- 23 (2) the minor's alleged commission of
- 24 (A) a crime against a person that is punishable as a felony;
- 25 (B) a crime in which the minor employed a deadly weapon, as
- 26 that term is defined in AS 11.81.900(b), in committing the crime;
- 27 (C) arson under AS 11.46.400 - 11.46.410;
- 28 (D) burglary under AS 11.46.300 - 11.46.310;
- 29 (E) distribution of child pornography under AS 11.61.125;
- 30 (F) promoting prostitution in the first degree under
- 31 AS 11.66.110; or

1 (G) misconduct involving a controlled substance under  
2 AS 11.71 involving the delivery of a controlled substance or the possession of  
3 a controlled substance with intent to deliver; or

4 (3) the minor's alleged commission of a felony and the minor was 16  
5 years of age or older at the time of commission of the offense when the minor has  
6 previously been convicted or adjudicated a delinquent minor based on the minor's  
7 commission of an offense that is a felony.

8 (c) When, under AS 47.12.120(c), the court finds that a minor is not  
9 delinquent and dismisses the case against the minor, the minor may request the  
10 department to disclose information about the case to the public. If the minor makes  
11 a request under this subsection, the department shall disclose to the public the name  
12 of the minor, the name or names of the parent, parents, or guardian of the minor,  
13 information about the offense alleged to have been committed by the minor, and  
14 information about the disposition of the case under AS 47.12.120(c), exclusive of  
15 information that identifies the victim of the alleged offense.

16 (d) When required by this section to disclose information,

17 (1) the department or other agency may not disclose the name of an  
18 out-of-home care provider, as that term is defined in AS 47.14.299, with whom the  
19 minor was living at the time the minor was alleged to have committed the offense if  
20 the minor had been placed in out-of-home care with that provider on other than a  
21 permanent or long-term basis;

22 (2) if the department or other agency maintains the information to be  
23 disclosed by electronic means that can be recovered from a computer data base, the  
24 department or agency may disclose the information in that medium; the authority to  
25 release information under this paragraph is limited to five years from the date the  
26 department or other agency is first required or authorized to make the disclosure, but  
27 this limitation operates only if the department or other agency determines that the  
28 minor

29 (A) has made all restitution payments required of the minor by  
30 AS 47.12.060(b) or 47.12.120(b)(4); and

31 (B) has not committed any other crime punishable as a felony

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during the five-year period.

LEGISLATIVE INFORMATION OFFICE  
119 N. CUSHMAN, SUITE 101  
FAIRBANKS, AK 99701  
452-4448

*Lisa  
for an file*

DATE: 2/11/97

Please accept the enclosed original(s) of written  
testimony for the

House L+C teleconference scheduled on

2/10/97. A copy of this testimony was  
transmitted to your committee via fax.

Thank you,

*Fly L10*



# ALASKA STATE LEGISLATURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE HOUSE JUDICIARY  
 COMMITTEE ON ~~HB6~~ HCR4 DATED 2-10-97  
COMMITTEE NAME  
BILL/SUBJECT

I HEREBY SUBMIT FOR YOUR CONSIDERATION A COURTESY COPY OF SOME MATERIAL RELATING TO THE SUBJECTS YOU ARE NOW CONSIDERING.

INDEED "PANDORA'S BOX" IS FULL OF MANY HORRORS WHICH I HAVE SEEN, INCLUDING THE FEW MENTIONED IN THE ATTACHED DOCUMENT

SIGNED

TESTIFIER

SELF, CONCERNED PARENTS FOR REFORM

REPRESENTING (OPTIONAL)

P.O. 75011 FBKS AK 99707

ADDRESS/PHONE NUMBER

(907) 474-0174

SCOTT TRAFFORD CALDER  
P.O. Box 75011  
Fairbanks, Alaska 99707  
(907) 474-0174

February 4th, 1997

STATE OF ALASKA DEPARTMENT OF REVENUE  
Child Support Enforcement Division (C.S.E.D.)  
P.O. Box 103440  
Anchorage, Alaska 99510-3440  
(907) 269-6659

REQUEST FOR REVIEW

I hereby request a review of C.S.E.D. actions and intended actions, and request full discovery of all records, based upon the following facts:

1) The department has provided a defective "NOTICE OF INTENT TO SUSPEND OR DENY THE ISSUANCE OR RENEWAL OF DRIVER'S LICENSE", which does not reference any reason other than "Our records show" to support the claim that a valid assertion of an alleged debt exists.

2) The records of the department show that Scott T. Calder, entered the C.S.E.D. office in Fairbanks, Alaska, for assistance to receive child support payments from the mother, one Jody Buckingham, of the child, one David B. Calder, on or about August 5th, 1992. Scott T. Calder sought the services of the department at that time, to obtain relief, and was sent away by staff who said "You may as well not bother to submit an application for services because we won't help you".

3) The child, David B. Calder, who had been in the sole physical custody of Scott T. Calder from May 24th, 1989 to April 9th, 1993 (about four years), and was afterward illegally and unethically maintained in the custody of the State Of Alaska, should have benefitted from support from the mother during that time. However, Jody Buckingham has never paid any amount of child support to Scott T. Calder, for David Calder, having promised to do so at the time she sent the child to live with his father who is now the preferred target of C.S.E.D.

4) Records of the Alaska Departments of Health and Social Services, Administration, Revenue, Law, The Office of Public Advocacy, Public Defender Agency, The Office of The Governor, The Alaska Legislature, The Ombudsman's Office, The Federal Social Security Administration, Family Centered Services of Alaska, Fairbanks Community Mental Health Center, Fairbanks North Star Borough School District, Fairbanks Counseling and Adoption, The Superior Court of Alaska For the Fourth Judicial District, The U.S. Attorney's Office, and other persons and agencies, clearly show that David B. Calder, had been subjected to approximately seven years of physical abuse in the State of Maryland, prior to residing with Scott T. Calder in 1989.

5) The child, detained by authorities after his father had reported him as a runaway minor, assaultive, and truant from school, was endangered in an irresponsible foster home, protracting an otherwise temporary emergency by withholding minimum necessary services: intervening with school officials to correct neglect on their part, support existing nurture and guidance provided by Scott Calder to his son, and help to obtain child support payments from the mother to the father of David Calder. David Calder was rewarded for and aided in misconduct.

6) On or about May 11th, 1993, Scott T. Calder applied a second time for child support from the mother. Twenty-three months afterward, when the father had complained about drug experiments being performed on his child, the financial statement from that application was misrepresented by Karla Taylor Welch and Hazel Straub as a reason to claim, in effect, that Scott Calder should pay for his son to be abused, and for "authorities" to collude in child abuse, fraud, evidence and witness tampering, obstruction of justice, misappropriation of public funds.

7) Based upon discriminatory and prejudicial treatment of the father, on or about September 5th, 1993, the Alaska Department of Health and Social Services Division of Family and Youth Services (D.H.S.S./D.F.Y.S.) completed application for payments to ITSELF, from a federally funded Supplemental Security Income (S.S.I.) account, fraudulently created in the name of "DFYS for David Calder". The child was used to supply the State of Alaska with monetary proceeds, based upon the claim by the State of Alaska, that he had either "a behavior disorder" or "a drug problem", when in fact, the state had repeatedly encouraged delinquent behavior in the child, and had failed to offer any treatment whatsoever which would have been proper, given existing, known facts. Furthermore, the state engaged in custodial interference by refusing to uphold responsible actions of the parent Scott Calder whose authority should not have been questioned, by ignoring barriers to the child's education which were properly addressed by Scott Calder, and by refusing to assist in obtaining child support payments from the child's mother to the child's father.

8) The two previous child support applications requesting support from the mother were rejected without due process, and exploitation of the child substituted for "care", instead.

9) The State of Alaska, its agents, contractors, employees, by fraud and arbitrary and capricious exercise of power under color of law, created and used as an instrument of violence against Scott T. Calder, a "Childrens' Proceedings Support Order", punitively. This was an attempt to silence the truth about improper drug experiments performed on the child, denial of due process, unethical legal practices, gross negligence and other misconduct by the state, its agents, contractors and employees. Instead of acting to ensure that school district employees cooperated with the child's father, that the child's mother paid any amount of child support to the child's father, and that the child was told clearly to obey his father's correct

instructions to attend school and refrain from habitually dishonorable behavior, the state did the opposite of these things.

10) Richard Cline, an employée of Family Treatment Homes, under the supervision of Janice Lorenzen and Sarah McConnell and Doug Pomeroy, as contractors to D.F.Y.S./D.H.S.S. knowingly provided cigarettes to David Calder by offering an allowance of money with which the child was to purchase the tobacco from the foster parent and then allowed to consume it on the premises of the specialized foster home at Anderson Apartments in Fairbanks, Alaska. According to Ms. Lorenzen it was thought that this would develop a trusting relationship between Mr. Cline and David Calder, even though the child was only fourteen years of age and in need of help to return home to his own loving father.

Mr. Cline, an agent of the state, provided the tobacco.

Scott Calder complained about this practice to Ms. Lorenzen, who stated, as did Mr Cline, that the child would have been expected to steal cigarettes anyway, were they not provided at program expense, and the practice of providing the tobacco to the minor would serve to "keep him from getting into more trouble". Mr. Calder knew, and stated, that this would have the opposite effect, which it has. Numerous similar errors in judgement were made by so-called "experts" and "authorities", that resulted in severe torment, and in destruction of familial bonds.

11) David Calder was released from approximately three and a half years of state-sponsored custody, to his father, in August, 1996, after being locked in a building for over a year. It was the boy's continued cooperation with official misconduct that resulted in his continued custody by the state. The child was indoctrinated that his father's continued objections were meaningless, leaving the child to understand that he could find unconditional attention for misconduct and be immune from discipline by his father, just as the boy's captors were immune from the truth. This was a political imprisonment of both David Calder and Scott Calder.

12) Scott Calder took every opportunity to communicate with each and every, or any, employee and agent of the State of Alaska, to provide important information about his son's true needs, and to address each particular error and violation committed by state agents et al. against both father and son, to no avail. This continued from April 9th, 1993 to August 1996, and afterward up to the present time at which point it is clear that the child will not benefit from having his father, who is the child's main source of support, lose his driver's license.

13) David Calder and Scott Calder have both been permanently scarred by improper, unethical, unlawful, dishonest, and unconscionable conduct of state officials and their designees. These violations of Alaska Statutes, federal laws, The Constitution of The United States of America and international

accords on human rights entitle the Calder Family to monetary, equitable, and other relief [ A.S.18.80.200, A.S.18.80.210, and A.S.22.10.020 (i) ] in addition to child support payments from Ms. Buckingham for the period, May 25th, 1989 to May 25th, 1997, NOT further sanctions, harassment, and assaults against David Calder and Scott Calder.

14) The Alaska Legislature, In a Special Act, created in the Department of Administration The Citizens' Review Panel For Permanency Planning, under A.S. 47.10.400 (et seq.), AND required that the Department of Health and Social Services, the Department of Law, the Office of Public Advocacy, The Public Defender Agency, and The Alaska Court System cooperate with local out-of-home-care external citizen review panels, and the state panel, to facilitate the timely reviews of children in the custody of the state, under A.S. 47.10.450. No reviews of these cases, one of which is that of David Calder and his family, have been performed in compliance with Public Law 96-272 as required by state law in the Fourth Judicial District. Rather, fraudulent exercises supervised by Mr. Gary Neubauer and others, to accomplish false conclusions, self-serving to those employees involved have been substituted improperly.

15) Governor Tony Knowles has knowingly been in violation of A.S. 47.10.420, requiring him to appoint a local panel in the Fourth Judicial District (Fairbanks), for the entire period of time during which he has held office. Former Governor Hickel was also similarly in violation of this law.

Governor Knowles has requested the Twentieth Alaska Legislature, in Senate Bill 73 introduced January 30th, 1997, to pass laws to discontinue effective external reviews of cases like that of David Calder by local citizens. This is an attempt to conceal, and to limit, liability and culpability of The State of Alaska for its wrongful civil and criminal acts against its citizens, as in this instant case.

16) David Calder currently resides with his father, Scott T. Calder. Continuing attacks by the Department of Revenue based upon specific neglect to resolve this matter, by, among others, April Moore, Evelyn Hadfield, and Glenda Strube of C.S.E.D., and by personnel of other departments, have resulted in the present situation, and in continuing injury to the family.

17) Scott T. Calder has had an excellent driving record in Alaska for over nineteen years, operates a properly registered vehicle, is properly insured, is an excellent and safe operator of a motor vehicle, has not been involved in any collisions, regularly offers aid and assistance while driving to others in need including police officers, and is not a criminal.

18) The history of abuses communicated to the child, David B. Calder, by persons residing in the State of Maryland known to Jody Buckingham and as disclosed to mandated reporters within the State of Alaska and observed by Elizabeth K. Zehe, L.C.S.W. (State of Maryland), compounded by further abuses and incompetent acts of numerous persons employed under, and benefitting by, public trust and funds, describes an invariable pattern of

regularity in a defective product of government, present in Alaska. Additionally, this condition was known by the Alaska Legislature to be in existence and formally treated in law prior to 1990. That this condition, once it had been addressed formally by the legislature, could be preserved and maintained as a matter of discretionary abuse, preferred by people receiving money in return for efforts to deprive David Calder, Scott Calder, and others, of their lives, liberty, and pursuits of happiness, using public funds, constitutes crime against humanity.

19) The Department of Law entered into improper and secret negotiations with Jody L. Buckingham by contacting her December 24th, 1996 to inform her of its intention to relieve her of some of her financial obligations to pay child support in exchange for her agreement to be silent about pertinent matters neglected by state employees. This further prejudicial assault on justice and against Scott Calder and David Calder was, pro forma, made worse by automatic court order, given no service of any document to parties prior to the signed order.

20) Employees, agents, contractors, elected and appointed state government officials and their colleagues, of the State of Alaska, have routinely abused their discretion, quasijudicial immunity, judicial immunity, respected status, and ethical codes, within the departments of Health and Social Services, Education, Administration, Revenue, Law, Public Safety, and the Alaska Court System, by engaging in fraud, collusion in child abuse, child abuse, bodily assault with drugs, malicious prosecution, wrongful imprisonment, and other crimes and torts against the members of the Calder Family and The People of the State of Alaska and the United States of America.

21) Copies of this request for review, and other reports and documents pertaining to this matter, will exist forever, and will continue to be forwarded to the appropriate parties and agencies.

22) Any failure by persons having official duty, ability, knowledge, or opportunity, to present complete apologies and relief for the atrocities committed against David Calder and Scott Calder, and The People, may result in civil and criminal liability, including possible prosecution for the crime of genocide, as well as in formal proceedings against said persons.

23) Scott Calder must be able to continue to legally operate a motor vehicle to participate in employment, transportation of household supplies, transporting his son to and from school and other appointments, and will be severely injured by unfairly revoking his established right to possess a driver's license.

24) Because of the more than forty months of invasive harm delivered to Scott Calder and David Calder by the State of Alaska as described here and elsewhere, including seizures of Permanent Fund Dividend checks, the Calder Family is without the resources to pay approximately \$11,000.00 to C.S.E.D., even if Scott Calder wanted to appease and submit to the extortion demands of C.S.E.D. in a false belief that this would somehow resolve this matter.

25) This document is a request for review, and is therefore

not intended to be exhaustive of all facts to be included during the review itself.

26) Previous requests, motions, and petitions for review have been refused, or subsequent decisions thereon falsified.

27) During the period April 1993 to March 1995, Scott Calder had no knowledge, notice, information or advisement, that the State of Alaska intended to request any payments from him for any reason. During the period March 1995 to August 1996, official communications specifically disregarded each of the numerous acts of official misconduct reported to proper authorities by Scott Calder, including drug experiments performed on the child, by Dr. Dean Ackley, Hazel Straub, Sonia Masurek, Geoffrey Wildridge, and Judge Richard Savell.

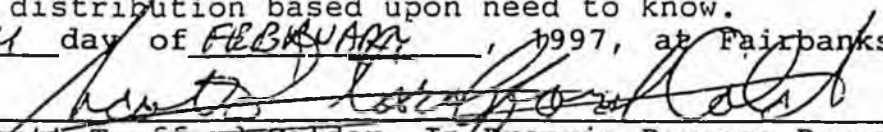
28) Additional evidence and testimony is available.

29) Scott Calder has been denied access to a redress of grievances directly by Steve Emerson (D.F.Y.S.) and numerous other state employees, as well as by the inability of ordinary citizens to withstand assaults, prejudice, discrimination, and arbitrary and capricious exercise of power by state agents expending effectively unlimited public resources. The indigent father of David Calder, Scott Calder, has been continuously harassed, defamed, and disadvantaged by those to whom he appealed for modest and appropriate help on behalf of his son. This has resulted in continuing and manifest injustice.

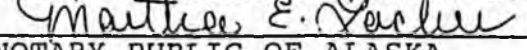
-----  
Copies of this document will be served upon the following:  
Attorney General's Office,  
Department of Health and Social Services,  
Division of Family and Youth Services,  
Child Support Enforcement Division;

Courtesy copies also provided to:  
STATE OF ALASKA, P.D.O., O.P.A., F.Y.F., Ombudsman's Office,  
Governor's Office, Legislature, Superior Court For the 4th  
Judicial District;  
UNITED STATES OF AMERICA, Senator Ted Stevens, Senator Frank  
Murkowski, Congressman Don Young, Social Security Administration,  
U.S. Attorney's Office, F.B.I., President of The United States  
of America The Honourable William Clinton;  
OTHER AGENCIES AND INDIVIDUALS, F.N.S.B.S.D., F.N.S.B., Fairbanks  
Community Mental Health Center, Family Treatment Homes, Fairbanks  
Counselling and Adoption, Family Centered Services of Alaska,  
Disability Law Center, Alaska Legal Services, A.C.L.U., Alaska  
Bar Association, Citizens' Commission on Human Rights, Rutherford  
Institute, General distribution based upon need to know.

DATED this 6th day of FEBRUARY, 1997, at Fairbanks,  
Alaska.

  
\_\_\_\_\_  
Scott Trafford Calder, In Propria Persona Patris

SIGNED and sworn to before me, this 6th day of Feb,  
1997, at Fairbanks, Alaska.

  
\_\_\_\_\_  
NOTARY PUBLIC OF ALASKA

9/28/99  
My Commission Expires



# ALASKA STATE LEGISLATURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE JUDICIARY  
COMMITTEE ON HB3 and HB6 DATED 2/10/97  
BILL/SUBJECT COMMITTEE NAME

SEE ATTACHED COMMENTS IN SUPPORT OF HB3 and  
HB6.

SIGNED Al Near  
TESTIFIER

SELF  
REPRESENTING (OPTIONAL)

PO BOX 80847 FAIRBANKS / 479-4090  
ADDRESS/PHONE NUMBER

September 6, 1996...Observations of Al Near: Parent and 35 year resident of Fairbanks

### D.K. Shoots J.R.

Sorry, nothing to do with DALLAS. No, this cryptic note I'd scribbled atop the Thursday Aug 29, 1996 page of my calendar book. Sadly, this entry marks the "Coming of Age" for another juvenile in our dysfunctional justice system.

Prior to Aug 29th, sixteen year old David Knutson could only be referred to as D.K. in the proceedings dealing with his "alleged" involvement in a neighborhood crime wave this Spring and Summer. The general public was not allowed to know the true identity of this delinquent because of his *special status*...he was a juvenile.

D.K.'s Court hearings came and went throughout the summer following his first apprehension on June 19th. Not even the victims were allowed into the courtroom as the case against him was developing because these were *closed proceedings* conducted in strictest confidence to "protect" D.K.. Nor were the victims allowed a presence when he was released from detention. In fact, only the court and his parents knew when and under what terms this troubled youth was let out.

Finally though, in the early morning hours of Aug 29th, D.K. became a man. By pumping a few rounds into Trooper John Roberts, he transcended juvenile status and became an adult by the name of David Knutson. Oh! and what a marvelous future the adult world now holds for him!

How is it that our legal system provides such a gateway to adulthood for D.K.? Because, when dealing with juvenile offenders special standards apply... "least restrictive alternatives", "confidentially", etc. etc.. Application of these *special* standards for juveniles is a recipe for failure!

Take a kid who's already predisposed to misadventures...D.K...and ignore the warning signs like his absence from home all night and the appearance of property belonging to someone else. Then, after he gets caught, hide the legal process from the public. Overlook subtle cries for help such as irrational acts of violence toward others...This will help assure a higher level of violence next time. Finally, deliver a stern lecture from the bench and return him to society. He'll take care of the rest. Now he's free to ratchet up to "legal" adulthood with a gun or other weapon and finally become David Knutson...young man with no future.

The recipe really works. Scanning recent editions of the News-Miner reveals several other *success* stories. On June 13th D.W. (17) achieved adult status with a knife and became Deamont Wade. P.S. (also 17) made the grade a few days earlier and emerged as Paul Shewfelt by attempting to rape and murder a pregnant woman. And this is just one week in June! It doesn't take a ballistic expert to realize that we have a problem. It's like an accelerated development program for career criminals drawn from a pool of susceptible kids. When are we going to wake up and deal with youth crime responsibly? Kids are begging for guidelines and boundaries when they strike out against society. We must demonstrate our maturity by responding with appropriate and immediate consequences. Blind adherence to the outdated notion that confidentiality and least restrictive alternatives are in the best interest of our wayward youth must be re-examined!



# ALASKA STATE LEGISLATURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE House Judiciary  
 COMMITTEE ON Moving The Capital COMMITTEE NAME  
HB 3 NB 6 DATED 2-10-47  
 BILL/SUBJECT

Greetings!

Having spent two afternoons (Feb. 7 & 10) trying to testify on HB 3 & NB 6, --- and having been totally shut out both days because state ~~been~~ bureaucrats were allowed unlimited testimony, --- you have provided some excellent reasons to Move The Capitol! Bureaucrats should not be allowed to testify at the expense of private citizens. They have plenty of other channels to get info to you.

I hope on Wednesday, Feb. 12, ~~we~~ I will have time to share my testimony with you. No one pays me to waste this time!

SIGNED Cam Carlson (GMA)  
 TESTIFIER

Self  
 REPRESENTING (OPTIONAL)  
PO Box 80234  
College Alaska 99708 907-479-2348  
 ADDRESS/PHONE NUMBER

1743 Willow Street  
Fairbanks, AK 99709  
February 10, 1997

Re: HB 6

I am very supportive of this bill  
and believe that it's a positive step  
forward in regards to curtailing our  
state's accelerating juvenile crime rate!  
We must make minors accountable for  
their actions. This bill is generous in it's  
written, that a minor would need to be  
found guilty twice before his/her name  
is disclosed to the public.

Robin Randall

Post-It <sup>®</sup> Fax Note	7671	Date	2/10/97	# of pages	1
To	LID.	From	Robin Randall		
Co./Dept.	Fran	Co.			
Phone #	456-4448	Phone #	479-7940		
Fax #	456-3346	Fax #			

1834 Red Fox Dr.  
Fairbanks, AK 99709  
Feb. 11, 1997

Pete Kelley,

We are writing to express our support of H.B. 6. We believe that passage of this bill will serve as a deterrent for those teens who commit a second misdemeanor or first time felony.

We also believe the public has the right to know which teens are serious or repeat offenders.

Sincerely,

Bill and Donna Brewer

2/10/97

TO: Representative Green , Chair  
House Judiciary Committee

FROM: Joan Foote  
P.O. Box 80809  
Fairbanks, AK 99708

Thank you for holding a teleconference on HB6. I am sorry my schedule will not allow me to deliver my comments in person.

I encourage you and your committee to support and promote HB6, which removes confidentiality from the juvenile justice system in a tiered manor.

I consider myself a concerned citizen with no special expertise. However after watching our local community be terrorized by juveniles and after listening to presentations and input by judges, intake officers, probate officers, Department of Family and Youth Service agents, lawyers and even adults with past juvenile delinquent records in our community study group, I am left with the following five impressions:

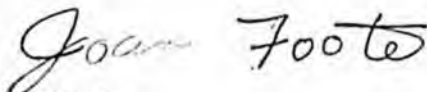
- 1) The juvenile judicial system needs help.
- 2) No infraction of the law is too minor to be overlooked. All infractions must have corrective consequences that make an impact.
- 3) The consequences must be timely, the sooner the better. Not next month, or next year.
- 4) The entire judicial process must be open, at least for repeat offenders.
  - Give the offender one (or at most 2) chances where the offense and consequence are kept confidential.
  - If additional offenses occur, confidentiality serves no healthy purpose. The offender needs to realize his/her actions are not OK by the entire community. Victims and other community members need to when the system IS working and when it IS NOT working. This cannot be done when the proceedings occur in a vacuum.
- 5) The community must be willing to get involved.


Some feel confidentiality protects the future job chances of an ex juvenile delinquent. I feel that employers would be impressed when they know someone has overcome past problems or is working very hard toward that goal. Likewise the realization that the community is behind the positive development of an ex delinquent should give him the added impetus to make a greater effort.

Both HB6 and HB3 address the confidentiality problems. PLEASE SUPPORT THESE MEASURES.

Thank you for your time.

Sincerely,

  
Joan Foote

<b>PHONE MESSAGE</b>		DATE <u>2/12</u>	TIME <u>3:30</u> A.M. P.M.
FOR	<u>Lisa Kathy Tibbles</u>		<input type="checkbox"/> URGENT
M			<input checked="" type="checkbox"/> PHONED
OF			<input checked="" type="checkbox"/> RETURNED YOUR CALL
PHONE ( )	<u>3023</u>	EXT.	<input checked="" type="checkbox"/> PLEASE CALL BACK
<input type="checkbox"/> FAX	<input type="checkbox"/> MOBILE	<input type="checkbox"/> PAGER ( )	<input type="checkbox"/> WILL CALL AGAIN
MESSAGE			<input type="checkbox"/> WAS IN
			<input type="checkbox"/> WANTS TO SEE YOU
		SIGNED <u>KT</u>	

0-LS0063VL  
Chenoweth  
2/12/97

Post-It® Fax Note	7671	Date	2/12/97	# of pages	▶
To	Kathy Tibbles	From	Lisa Rirsch		
Co./Dept.	DFYS	Co.	House Jud.		
Phone #	465 3023	Phone #	465 4920		
Fax #	" 3327	Fax #	" 4316		

**CS FOR HOUSE BILL NO. 6( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTIETH LEGISLATURE - FIRST SESSION**

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES KELLY, Therriault, Vezey, Ogan, Dyson, Phillips, Ryan

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to minors and amending laws relating to the disclosure of  
2 information relating to certain minors."

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

4 \* Section 1. AS 47.12.300(c) is amended to read:

5 (c) Except when disclosure of the name of a minor is authorized or  
6 required by this chapter, the [THE] name or picture of a minor under the jurisdiction  
7 of the court may not be made public in connection with the minor's status as a  
8 delinquent unless authorized by order of the court.

9 \* Sec. 2. AS 47.12.310(a) is amended to read:

10 (a) Except as specified in AS 47.12.314, 47.12.320, [AS 47.12.320] and (b) -  
11 (g) of this section, all information and social records pertaining to a minor who is  
12 subject to this chapter or AS 47.17 prepared by or in the possession of a federal, state,  
13 or municipal agency or employee in the discharge of the agency's or employee's  
14 official duty, including driver's license actions under AS 28.15.185, are privileged and

1 may not be disclosed directly or indirectly to anyone without a court order.

2 \* Sec. 3. AS 47.12.310(d) is amended to read:

3 (d) Upon request of a victim, the department shall make every reasonable  
4 effort to notify the victim as soon as practicable, by telephone or in writing, when a  
5 delinquent minor is to be released from placement in a juvenile facility under  
6 AS 47.12.120(b)(1). The notice under this subsection must include the expected date  
7 of the delinquent minor's release, the geographic area in which the delinquent minor  
8 is required to reside, and other pertinent information concerning the delinquent minor's  
9 conditions of release that may affect the victim.

10 \* Sec. 4. AS 47.12 is amended by adding a new section to read:

11 **Sec. 47.12.315. Public disclosure of information in agency records relating**  
12 **to certain minors.** (a) Notwithstanding AS 47.12.310, when an agency takes action  
13 under AS 47.12.040(a)(1) to adjust a matter, or when under AS 47.12.040(a)(2) the  
14 court directs the agency to adjust the matter, the agency shall disclose to the public the  
15 name of a minor, the name or names of the parent, parents, or guardian of the minor,  
16 the action required by the agency to be taken by the minor under AS 47.12.060 to  
17 adjust the matter, and information about the offense exclusive of information that  
18 identifies the victim of the offense, if exercise of agency jurisdiction is based on

19 (1) the minor's alleged commission of

20 (A) a crime against a person

21 (i) that is punishable as a felony; or

22 (ii) that is punishable as a misdemeanor and the minor

23 caused physical injury to a person;

24 (B) a crime in which the minor employed a dangerous  
25 instrument, as that term is defined in AS 11.81.900(b), in committing the  
26 crime;

27 (C) arson under AS 11.46.400 - 11.46.410;

28 (D) burglary under AS 11.46.300 - 11.46.310;

29 (E) distribution of child pornography under AS 11.61.125;

30 (F) promoting prostitution in the first degree under

31 AS 11.66.110; or

1 (G) misconduct involving a controlled substance under  
2 AS 11.71 involving the manufacture or delivery of a controlled substance or  
3 the possession of a controlled substance with intent to manufacture or deliver;  
4 or

5 (2) the minor's alleged commission of an offense that is a  
6 misdemeanor, and the minor has previously failed

7 (A) to comply with the terms of a restitution plan or order;

8 (B) to engage in a rehabilitation program ordered by a court or  
9 required by a facility or juvenile probation officer; or

10 (C) to comply with a court ordered or probation officer required  
11 placement plan.

12 (b) The department shall publicly disclose the name of a minor, the name or  
13 names of the minor's parent, parents, or guardian, the offense, and the information  
14 contained in the court's dispositional order when the court has adjudicated the minor  
15 a delinquent based on

16 (1) the minor's alleged commission of a felony and the minor was 16  
17 years of age or older at the time of commission of the offense;

18 (2) the minor's alleged commission of

19 (A) a crime against a person

20 (i) that is punishable as a felony; or

21 (ii) that is punishable as a misdemeanor and the minor  
22 caused physical injury to a person;

23 (B) a crime in which the minor employed a dangerous  
24 instrument, as that term is defined in AS 11.81.900(b), in committing the  
25 crime;

26 (C) arson under AS 11.46.400 - 11.46.410;

27 (D) burglary under AS 11.46.300 - 11.46.310;

28 (E) distribution of child pornography under AS 11.61.125;

29 (F) promoting prostitution in the first degree under  
30 AS 11.66.110; or

31 (G) misconduct involving a controlled substance under

- 1 AS 11.71 involving the manufacture or delivery of a controlled substance or  
2 the possession of a controlled substance with intent to manufacture or deliver;  
3 or
- 4 (3) the minor's alleged commission of an offense that is a  
5 misdemeanor, and the minor has previously failed
- 6 (A) to comply with the terms of a restitution plan or order;  
7 (B) to engage in a rehabilitation program ordered by a court or  
8 required by a facility or juvenile probation officer; or
- 9 (C) to comply with a court ordered or probation officer required  
10 placement plan.
- 11 (c) When required by this section to disclose information, if the department  
12 or other agency maintains the information to be disclosed by electronic means that can  
13 be recovered from a computer data base, the department or agency may disclose the  
14 information in that medium. The authority to release information under this subsection  
15 is limited to five years from the date of addition of the information to the computer  
16 data base.



# DFYS

Alaska Dept. of Health and Social Services  
Division of Family and Youth Services  
P.O. Box 110630  
Juneau, Alaska 99811-0630  
VOICE: 907-465-3170  
(FAX) 907-465-3397  
EMAIL: DFYS@HEALTH.STATE.AK.US

Tony Knowles  
Governor

Karen Percue  
Commissioner

L. Diane Norrey  
Director

Patty Ware  
Juvenile Probation Officer III / Author

Roger P. Withington  
Research Analyst III / Author

The mission of the Division of Family and Youth Services is to protect children at risk of abuse and neglect and to rehabilitate juvenile offenders while providing community protection.

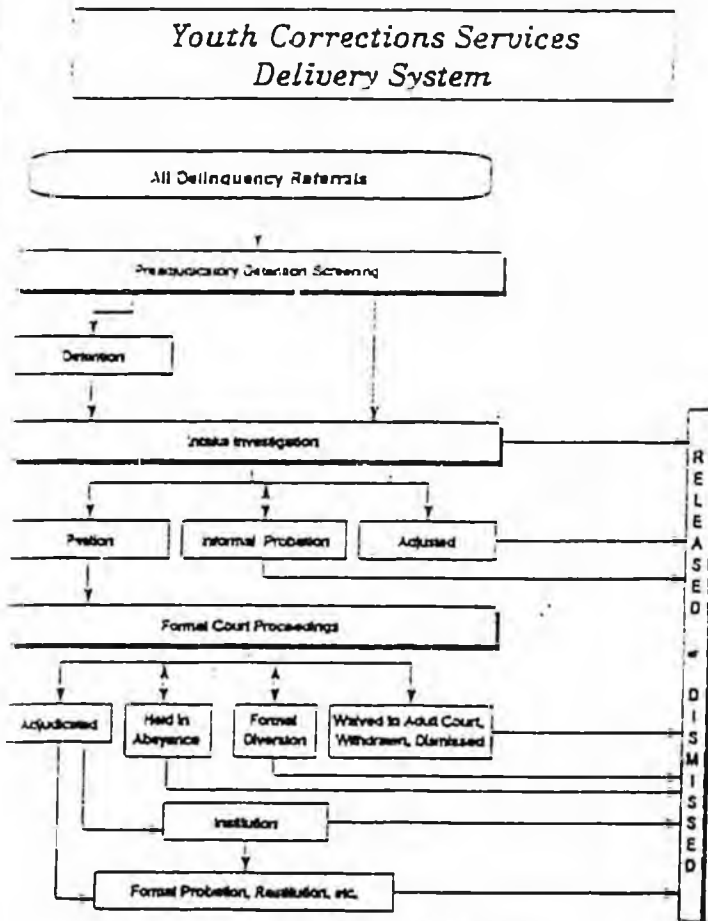
## ALASKA'S JUVENILE JUSTICE SYSTEM

DFYS reduces or prevents delinquency by meeting the needs of juvenile offenders in a manner consistent with protection of the public. To accomplish this DFYS provides the following services:

- Juvenile delinquency prevention
- Screening referrals
- Short-term detention of preadjudicated youth
- Investigation of alleged offenses
- Identification of each youth's and family's strengths and needs
- Legal intervention
- Informal and formal probation
- Out-of-home placement
- Long-term confinement/treatment for adjudicated offenders

Figure 1 illustrates the DFYS portion of Alaska's juvenile justice system.

Figure 1



As Figure 1 illustrates, there are four principal decision points in the DFYS youth corrections delivery system: referral, preadjudicatory

A delinquency referral is the juvenile's initial point of entry into the DFYS youth corrections delivery system. A referral is a law enforcement report to DFYS of criminal conduct on the part of a juvenile.

Preadjudicatory detention screening is the process of determining if preadjudicatory detention is appropriate for those youth for whom it has been requested as part of the law enforcement referral. There are five possible outcomes in the detention screening process: Detention, Released, Emergency Placement, Attendant Care Shelter, and Not Requested. During the analysis period, 18.5% of all referrals were accompanied by a request for detention.

Once DFYS receives a referral that includes a request for detention, DFYS performs a detention determination. The detention determination considers a number of factors in determining if detention is in the juvenile's and community's best interest. Some examples are: severity of the offense, imminent harm to the juvenile or community, a history of violent conduct on the part of the juvenile, and whether or not the crime contains elements of serious physical harm. DFYS determined that secure Detention was appropriate for 77.5% of these referrals.

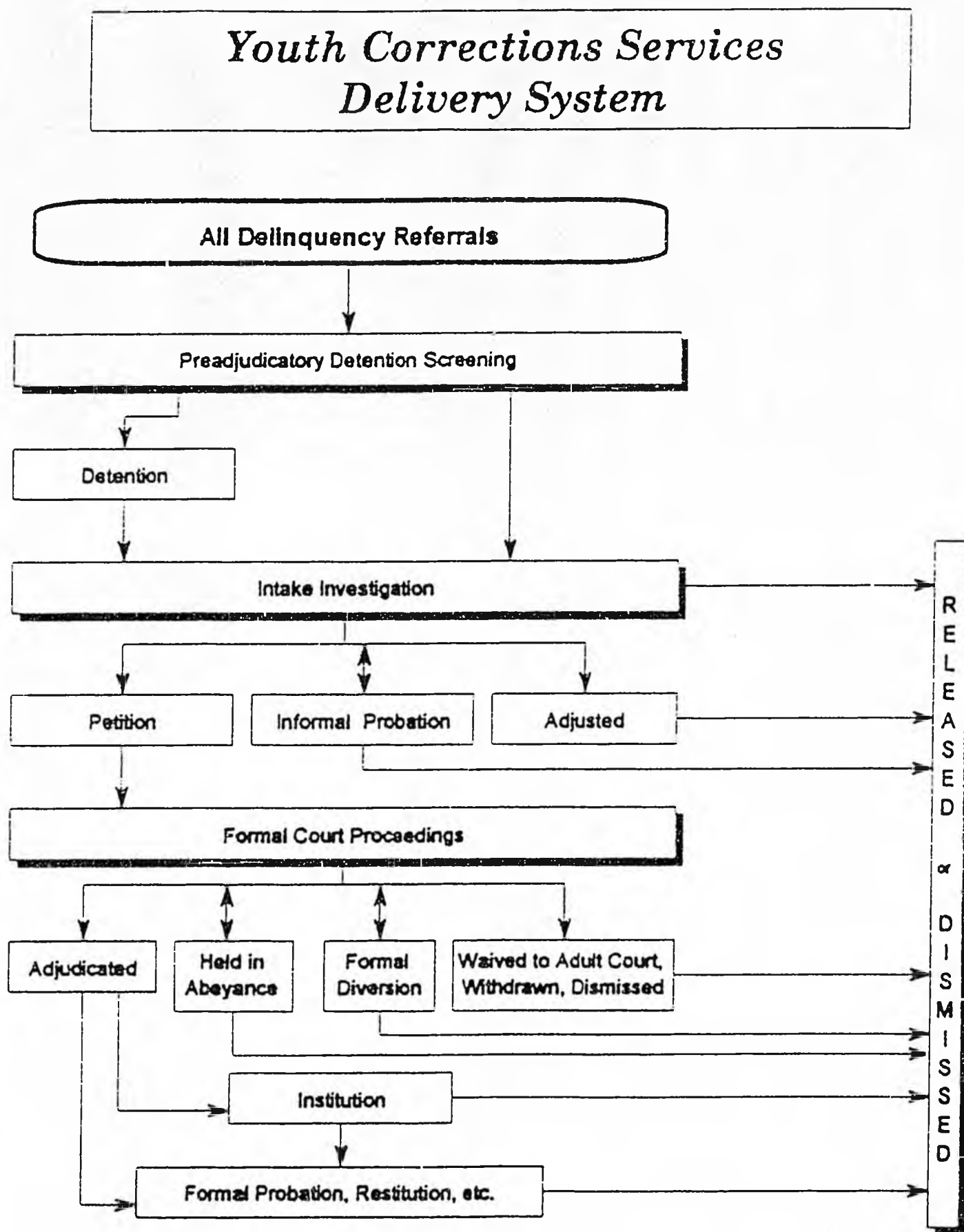
The purpose of the intake investigation is to determine if the referral is legally sufficient to support the filing of a court petition. If DFYS determines that sufficiency exists, the agency gathers information to determine the type of action that would best serve both the juvenile and the public. There are six possible investigation outcomes: In Process, Adjusted, Dismissed, Detention Screen Only, Informal Probation, and Petition.

Court proceedings result from DFYS filing a formal petition for adjudication of a juvenile. Each referral that resulted in an investigation outcome of Petition will have a court proceedings decision. The seven possible court proceeding decisions are: In Process, Dismissed, Diverted, Held in Abeyance, Adjudicated, Withdrawn, and Waived.

Although it is not specifically delineated in Figure 1, youth corrections supervision plays a very large role in the DFYS youth corrections delivery system, thus, we have included these records in this analysis.

Supervision of a juvenile is established as a result of a formal probation agreement, diversion agreement, acceptance of interstate supervision, a court disposition order, or an order for probation without adjudication. This analysis compares the initial supervision level that was assigned to the juvenile for each supervision episode that occurred during the analysis period. There are seven possible supervision levels: Maximum Probation, Medium Probation, Minimum Probation, Informal Probation, Residential Care, Correctional Institution, and Out-of-State Institution.

Figure 1



*Adopted 2/12/97  
as working doc.* 0-LS0063VL  
Chenoweth  
2/12/97

CS FOR HOUSE BILL NO. 6( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES KELLY, Therriault, Vezey, Ogan, Dyson, Phillips, Ryan

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4 \* Section 1. AS 47.12.300(c) is amended to read:

5 (c) Except when disclosure of the name of a minor is authorized or  
6 required by this chapter, the [THE] name or picture of a minor under the jurisdiction  
7 of the court may not be made public in connection with the minor's status as a  
8 delinquent unless authorized by order of the court.

9 \* Sec. 2. AS 47.12.310(a) is amended to read:

10 (a) Except as specified in AS 47.12.315, 47.12.320, [AS 47.12.320] and (b) -  
11 (g) of this section, all information and social records pertaining to a minor who is  
12 subject to this chapter or AS 47.17 prepared by or in the possession of a federal, state,  
13 or municipal agency or employee in the discharge of the agency's or employee's  
14 official duty, including driver's license actions under AS 28.15.185, are privileged and

1 may not be disclosed directly or indirectly to anyone without a court order.

2 \* **Sec. 3.** AS 47.12.310(d) is amended to read:

3 (d) Upon request of a victim, the department shall make every reasonable  
4 effort to notify the victim as soon as practicable, by telephone or in writing, when a  
5 delinquent minor is to be released from placement in a juvenile facility under  
6 AS 47.12.120(b)(1). The notice under this subsection must include the expected date  
7 of the delinquent minor's release, the geographic area in which the delinquent minor  
8 is required to reside, and other pertinent information concerning the delinquent minor's  
9 conditions of release that may affect the victim.

10 \* **Sec. 4.** AS 47.12 is amended by adding a new section to read:

11 **Sec. 47.12.315. Public disclosure of information in agency records relating**  
12 **to certain minors.** (a) Notwithstanding AS 47.12.310, when an agency takes action  
13 under AS 47.12.040(a)(1) to adjust a matter, or when under AS 47.12.040(a)(2) the  
14 court directs the agency to adjust the matter, the agency shall disclose to the public the  
15 name of a minor, the name or names of the parent, parents, or guardian of the minor,  
16 the action required by the agency to be taken by the minor under AS 47.12.060 to  
17 adjust the matter, and information about the offense exclusive of information that  
18 identifies the victim of the offense, if exercise of agency jurisdiction is based on

19 (1) the minor's alleged commission of

20 (A) a crime against a person

21 (i) that is punishable as a felony; or

22 (ii) that is punishable as a misdemeanor and the minor  
23 caused physical injury to a person;

24 (B) a crime in which the minor employed a dangerous  
25 instrument, as that term is defined in AS 11.81.900(b), in committing the  
26 crime;

27 (C) arson under AS 11.46.400 - 11.46.410;

28 (D) burglary under AS 11.46.300 - 11.46.310;

29 (E) distribution of child pornography under AS 11.61.125;

30 (F) promoting prostitution in the first degree under  
31 AS 11.66.110; or

- 1 (G) misconduct involving a controlled substance under  
2 AS 11.71 involving the manufacture or delivery of a controlled substance or  
3 the possession of a controlled substance with intent to manufacture or deliver;  
4 or
- 5 (2) the minor's alleged commission of an offense that is a  
6 misdemeanor, and the minor has previously failed
- 7 (A) to comply with the terms of a restitution plan or order;  
8 (B) to engage in a rehabilitation program ordered by a court or  
9 required by a facility or juvenile probation officer; or  
10 (C) to comply with a court ordered or probation officer required  
11 placement plan.
- 12 (b) The department shall publicly disclose the name of a minor, the name or  
13 names of the minor's parent, parents, or guardian, the offense, and the information  
14 contained in the court's dispositional order when the court has adjudicated the minor  
15 a delinquent based on
- 16 (1) the minor's alleged commission of a felony and the minor was 16  
17 years of age or older at the time of commission of the offense;
- 18 (2) the minor's alleged commission of
- 19 (A) a crime against a person
- 20 (i) that is punishable as a felony; or  
21 (ii) that is punishable as a misdemeanor and the minor  
22 caused physical injury to a person;
- 23 (B) a crime in which the minor employed a dangerous  
24 instrument, as that term is defined in AS 11.81.900(b), in committing the  
25 crime;
- 26 (C) arson under AS 11.46.400 - 11.46.410;  
27 (D) burglary under AS 11.46.300 - 11.46.310;  
28 (E) distribution of child pornography under AS 11.61.125;  
29 (F) promoting prostitution in the first degree under  
30 AS 11.66.110; or  
31 (G) misconduct involving a controlled substance under

1 AS 11.71 involving the manufacture or delivery of a controlled substance or  
2 the possession of a controlled substance with intent to manufacture or deliver;  
3 or

4 (3) the minor's alleged commission of an offense that is a  
5 misdemeanor, and the minor has previously failed

6 (A) to comply with the terms of a restitution plan or order;

7 (B) to engage in a rehabilitation program ordered by a court or  
8 required by a facility or juvenile probation officer; or

9 (C) to comply with a court ordered or probation officer required  
10 placement plan.

11 (c) When required by this section to disclose information, if the department  
12 or other agency maintains the information to be disclosed by electronic means that can  
13 be recovered from a computer data base, the department or agency may disclose the  
14 information in that medium. The authority to release information under this subsection  
15 is limited to five years from the date of addition of the information to the computer  
16 data base.

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 6(HES)

1 Page 1, line 9, through page 2, line 16:

2 Delete all material.

3 Renumber the following bill sections accordingly.

4 Page 3, lines 2 - 27

5 Delete all material and insert:

6 **"Sec. 47.12.315. Public disclosure of information in agency records**  
7 **relating to certain minors.** (a) Notwithstanding AS 47.12.310, when an agency  
8 takes action under AS 47.12.040(a)(1) to adjust a matter, or when under  
9 AS 47.12.040(a)(2) the court directs the agency to adjust the matter, the agency shall  
10 disclose to the public the name of a minor, the name or names of the parent, parents,  
11 or guardian of the minor, the action required by the agency to be taken by the minor  
12 under AS 47.12.060 to adjust the matter, and information about the offense exclusive  
13 of information that identifies the victim of the offense, if exercise of agency  
14 jurisdiction is based on

15 (1) the minor's alleged commission of an offense that is a felony;

16 (2) the minor's alleged commission of an offense that is a  
17 misdemeanor, and the minor has previously failed

18 (A) to comply with the terms of a restitution plan or order;

19 (B) to engage in a rehabilitation program ordered by a court  
20 or required by a facility or juvenile probation officer; or

21 (C) to comply with a court ordered or probation officer  
22 required placement plan; or

23 (3) the minor's arrest for commission of an offense and the minor has

1 previously been arrested twice for the commission of offenses that were, at the time  
2 of the minor's alleged commission of the offenses, punishable as misdemeanors, or  
3 the minor has previously been arrested for the commission of an offense that was, at  
4 the time of the minor's alleged commission of the offense, punishable as a felony; for  
5 purposes of this paragraph, a previous commission of an offense must have occurred  
6 after August 31, 1997.

7 (b) The department shall publicly disclose the name of a minor, the name or  
8 names of the minor's parent, parents, or guardian, the offense, and the information  
9 contained in the court's dispositional order when the court has adjudicated the minor  
10 a delinquent based on

11 (1) a felony;

12 (2) the minor's commission of an offense punishable as a  
13 misdemeanor, and the minor has previously failed

14 (A) to comply with the terms of a restitution plan or order;

15 (B) to engage in a rehabilitation program ordered by a court  
16 or required by a facility or juvenile probation officer, or

17 (C) to comply with a court ordered or probation officer  
18 required placement plan; or

19 (3) the minor's arrest for commission of an offense and the minor has  
20 previously been arrested twice for the commission of offenses that were, at the time  
21 of commission, punishable as misdemeanors, or the minor has previously been  
22 arrested for the commission of an offense that was, at the time of commission,  
23 punishable as a felony; for purposes of this paragraph, a previous commission of an  
24 offense must have occurred after August 31, 1997.

25 (c) When required by this section to disclose information, if the department  
26 or other agency maintains the information to be disclosed by electronic means that can  
27 be recovered from a computer data base, the department or agency may disclose the  
28 information in that medium. The authority to release information under this  
29 subsection is limited to five years from the date of addition of the information to the  
30 computer data base."

# Alaska State Legislature

REPRESENTATIVE

PETER KELLY

Mailing Address:

119 N. Cushman, Suite 203

Fairbanks, Alaska 99701

(907) 456-8161



Write in Juneau

State Capitol

Juneau, Alaska

99801-1182

(907) 465-2327

House District 31

## House Of Representatives

January 28, 1997

Memorandum

To: Representative Joe Green, Chairman  
House Judiciary Committee

From: Representative Pete Kelly

A handwritten signature in black ink, appearing to read "Pete Kelly", written over the printed name.

Regarding: Hearing request for House Bill 6.

=====

Please schedule a hearing for HB 6 at your earliest convenience. House Bill 6 provides that the names of juvenile offenders who have committed **felony** crimes, or **repeat** misdemeanors, may be released by DFYS.

Please note in the attached Memorandum from Jack Chenoweth, Legislative Counsel, that one of the amendments offered in House HESS Committee (now Sect. 2 of the bill) does not work. I am working on a solution for this problem.

I believe opposition has narrowed to a discussion of a few issues: 1) how many misdemeanors must a minor commit before release of information (two strikes v. three strikes); 2) how information will be released - I am interested in discussion on creating a HESS "homepage" for juvenile offenders; 3) who releases information.

Hess prefers that the court system release information because they are structured to handle the public, the Court System and I prefer DFYS release information because they are the only ones who have the records.

**Teleconference request:** Fairbanks will want to testify on this bill. I would also appreciate an off site link to 1st Sgt. Mike Corkill, President APOA, so that he may testify, pending emergencies, from his office. Sgt. Corkill's phone number is 451-5316.

# Alaska State Legislature

k

REPRESENTATIVE  
PETER KELLY

Mailing Address:  
119 N. Cushman, Suite 203  
Fairbanks, Alaska 99701  
(907) 456-8161



While in Juneau  
State Capitol  
Juneau, Alaska  
99801-1182  
(907) 465-2327

House District 31

## House Of Representatives

### Sectional

### HB 6

Section 1. Technical reference.

Section 2. Sealing court records after five years. This section was offered as an amendment to allow minors to petition the court to have their records sealed after five years. Unfortunately, the section only applies to court records, and the bill releases records from DFYS.

Section 3. Technical numbering.

Section 4. Allows the department to notify victims via the telephone, not just in writing.

Section 5. HESS releases outcome of agency and court adjudication. This release is limited to:

1) Name of minor, parents, outcome of agency/court action, offense w/o victim information.

FOR:

2) Felony offenses, and repeat misdemeanors.

Note: 1st misdemeanor remains confidential.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101


130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

## MEMORANDUM

January 29, 1997

**SUBJECT:** CSHB 6(HES), relating to the disclosure of information about minors  
(Work Order No. 20-LS0063\K)

**TO:** Representative Con Bunde, Chair  
House Health, Education & Social Services Committee  
ATTN: Lynne Smith

**FROM:** Jack Chenoweth   
Legislative Counsel

A word about the last amendment adopted by the committee.

Note, please, that I've deleted reference within it to "AS 47.12.305" because that provision, part of Representative Kelly's original bill, is deleted by the committee's adoption of amendment #1.

Further, the amendment, limited as it is to "records . . . made public under . . . AS 47.12.315," really doesn't seem meaningful. First, AS 47.12.315 does not authorize disclosures of a record--only information within it. Second, this is an amendment to the provision in current law directing the court to order records sealed, probably limited to records as to which the court has custody, but the subject of AS 47.12.315 is the public disclosure of information contained within **agency** records. In the context of AS 47.12.300(f), the subsection being amended, how can a court be responsive when the standard involves a court's finding that "its order (that is, the court's order) has had its intended rehabilitative effect" when what is taking place under AS 47.12.315 is the agency's "adjustment" of the matter, either on its own initiative or in response to a court-ordered transfer of the matter to the department, something that almost always occurs without a rehabilitative order signed by a judge? Third, AS 47.12.300(f), the section being amended, concerns itself with a minor's court records arising as a result of trial of a minor as an adult--a minor who was a defendant in a criminal trial--and all of the following references in AS 47.12.300(f) speak to that criminal proceeding. AS 47.12.315, on the other hand, touches only on agency action when the minor is not tried as an adult in a criminal proceeding and the Department of Health and Social Services has the obligation to address the matter.

Beyond that, even if this change could somehow be deemed meaningful, might not a court order directing the sealing of "records" under this new amendment, which can only in context

Representative Con Bunde, Chair

January 29, 1997

Page 2

be understood to mean "agency records," allow someone to contend that the court order sealing the record precludes any later use of the record by the department or by other executive branch agency personnel (such as law enforcement personnel)? Does not the last sentence of existing AS 47.12.310(a) already provide protection against disclosure (except as the legislature has determined by law to authorize disclosure) of agency records?

JBC:glc

97-028.glc

Enclosure

CS FOR HOUSE BILL NO. 6(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES KELLY, Therriault, Vezey, Ogan, Dyson, Phillips, Ryan

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to minors and amending laws relating to the disclosure of  
2 information relating to certain minors."

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

4 \* Section 1. AS 47.12.300(c) is amended to read:

5 (c) Except when disclosure of the name of a minor is authorized by  
6 AS 47.12.310(b), the [THE] name or picture of a minor under the jurisdiction of the  
7 court may not be made public in connection with the minor's status as a delinquent  
8 unless authorized by order of the court.

9 \* Sec. 2. AS 47.12.300(f) if amended to read:

10 (f) A person who has been tried as an adult under AS 47.12.100(a) or a  
11 person whose records were made public under AS 47.12.315, or the department on  
12 the person's behalf, may petition the superior court to seal the records of all criminal  
13 proceedings, except traffic offenses, initiated against the person, and all punishments  
14 assessed against the person, while the person was a minor. A petition under this

1 subsection may not be filed until five years after the completion of the sentence  
 2 imposed for the offense for which the person was tried as an adult. If the superior  
 3 court finds that its order has had its intended rehabilitative effect and further finds that  
 4 the person has fulfilled all orders of the court entered under AS 47.12.120, the superior  
 5 court shall order the record of proceedings and the record of punishments sealed.  
 6 Sealing the records restores civil rights re ~~stored~~ because of a conviction. A person  
 7 may not use these sealed records for any purpose except that the court may order their  
 8 use for good cause shown or may order their use by an officer of the court in making  
 9 a presentencing report for the court. The court may not, under this subsection, seal  
 10 records of a criminal proceeding

11 (1) initiated against a person if the court finds that the person has not  
 12 complied with a court order made under AS 47.12.120; or

13 (2) commenced under AS 47.12.030(a) unless the minor has been  
 14 acquitted of all offenses with which the minor was charged or unless the most serious  
 15 offense of which the minor was convicted was not an offense specified in  
 16 AS 47.12.030(a).

17 \* Sec. 3. AS 47.12.310(a) is amended to read:

18 (a) Except as specified in AS 47.12.315, 47.12.320, [AS 47.12.320] and (b) -  
 19 (g) of this section, all information and social records pertaining to a minor who is  
 20 subject to this chapter or AS 47.17 prepared by or in the possession of a federal, state,  
 21 or municipal agency or employee in the discharge of the agency's or employee's  
 22 official duty, including driver's license actions under AS 28.15.185, are privileged and  
 23 may not be disclosed directly or indirectly to anyone without a court order.

24 \* Sec. 4. AS 47.12.310(d) is amended to read:

25 (d) Upon request of a victim, the department shall make every reasonable  
 26 effort to notify the victim as soon as practicable, by telephone or in writing, when a  
 27 delinquent minor is to be released from placement in a juvenile facility under  
 28 AS 47.12.120(b)(1). The notice under this subsection must include the expected date  
 29 of the delinquent minor's release, the geographic area in which the delinquent minor  
 30 is required to reside, and other pertinent information concerning the delinquent minor's  
 31 conditions of release that may affect the victim.

1 \* Sec. 5. AS 47.12 is amended by adding a new section to read:

2           Sec. 47.12.315.. Public disclosure of information in agency records relating  
3 to certain minors. (a) Notwithstanding AS 47.12.310, when an agency takes action  
4 under AS 47.12.040(a)(1) to adjust a matter, or when under AS 47.12.040(a)(2) the  
5 court directs the agency to adjust the matter, the agency shall disclose to the public the  
6 name of a minor, the name or names of the parent, parents, or guardian of the minor,  
7 the action required by the agency to be taken by the minor under AS 47.12.060 to  
8 adjust the matter, and information about the offense exclusive of information that  
9 identifies the victim of the offense, if exercise of agency jurisdiction is based on the  
10 minor's alleged commission of an offense that is

11                     (1) a felony; or

12                     (2) a misdemeanor when the agency has previously taken action under  
13 AS 47.12.040(a) affecting the minor based on the minor's alleged previous commission  
14 of an offense that was, at the time of the minor's alleged commission of the previous  
15 offense, punishable as a felony or as a misdemeanor; for purposes of this paragraph,  
16 a previous commission of an offense must have occurred after August 31, 1997.

17           (b) The Department of Health and Social Services shall publicly disclose the  
18 name of a minor, the name or names of the minor's parent, parents, or guardian, the  
19 offense, and the information contained in the court's dispositional order when the court  
20 has adjudicated the minor a delinquent based on the minor's commission of an offense  
21 punishable as

22                     (1) a felony; or

23                     (2) a misdemeanor when the minor has previously been adjudicated a  
24 delinquent based on the minor's previous commission of an offense that was, at the  
25 time of its commission, punishable as a felony or as a misdemeanor; for purposes of  
26 this paragraph, a previous commission of an offense must have occurred after  
27 August 31, 1997.

# HOUSE COMMITTEE REPORT

(7)  
Date Referred to Committee: January 13, 1997

FURTHER REFERRALS: Judiciary

Date of Committee Action: 1/28/97

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: HB 6

HOUSE BILL NO. 6 RELEASE OF INFORMATION ABOUT MINORS

“An Act amending laws relating to the disclosure of information relating to certain minors.”

recommends it be replaced with the following committee substitute CS HB 6 (HES)  the same title  a new title

additional referral to Finance Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) H+SS APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_  
 fiscal note(s) H+SS  fiscal note(s) \_\_\_\_\_

zero fiscal note(s) Public Safety, H+SS, Admin, Law  zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Frank Brown</i>	✓			
<i>Carl Brundage</i>	✓			
<i>Robert B. ...</i>	✓			
<i>Robert B. ...</i>			✓	
<i>Robert B. ...</i>			✓	
<i>Robert B. ...</i>	✓			
<i>Robert B. ...</i>				✓

CHAIR'S SIGNATURE *Carl Brundage*

adopt

## PROVISION TO SEAL RECORDS

This amendment would allow juveniles whose records have been made public to petition the court to have those records sealed five years after the offense if the juvenile has committed no new offenses and done all the court ordered them to do.

This is a carrot for the kid, encouraging good behavior.

It's within the court's discretion whether to seal the records or not; the court gets to look at the kid and all of the circumstances.

*adopt*

A M E N D M E N T #1

OFFERED IN THE HOUSE

BY REPRESENTATIVE KELLY

TO: Draft CSHB 6( ) ("H" Version)

- 1 Page 2, line 16:
- 2 Delete "The [UPON REQUEST OF A VICTIM, THE]"
- 3 Insert "Upon request of a victim, the"

adopt

A M E N D M E N T #2

OFFERED IN THE HOUSE

BY REPRESENTATIVE KELLY

TC: Draft CSHB 6( ) ("H" Version)

1 Page 1, line 5

2 Delete "required by AS 47.12.305"

3 Insert "disclosure of the name of a minor is authorized by AS 47.12.310(b)"

4 Page 1, line 8, through page 2, line 7:

5 Delete all material.

6 Renumber the following bill sections accordingly.

7 Page 2, line 25, following "minors.":

8 Insert "(a)"

9 Page 3, lines 7 and 8:

10 Delete "may have been alleged to have occurred before, on or after the effective date  
11 of this section."

12 Insert "must have occurred after August 31, 1997."

13 (b) The Department of Health and Social Services shall publicly disclose the  
14 name of a minor, the name or names of the minor's parent, parents, or guardian, the  
15 offense, and the information contained in the court's dispositional order when the  
16 court has adjudicated the minor a delinquent based on the minor's commission of an  
17 offense punishable as

18 (1) a felony; or

19 (2) a misdemeanor when the minor has previously been adjudicated  
20 a delinquent based on the minor's previous commission of an offense that was, at the  
21 time of its commission, punishable as a felony or as a misdemeanor; for purposes of

1 this paragraph, a previous commission of an offense must have occurred after  
2 August 31, 1997."

*adopt*

0-LS0063VH.3  
Chenoweth  
1/27/97

AMENDMENT #3

OFFERED IN THE HOUSE

BY REPRESENTATIVE KELLY

TO: Draft CSHB 6( ) ("H" Version)

- 1 Page 3, lines 9 - 23:
- 2 Delete all material.

AMENDMENT

#4

BY: KEMPLER

OFFERED IN THE HOUSE

TO: CSHB 6( ) ("H" Version)

1 Page 2, line 23:

2 Add a new section 5 to read: "AS 47.12.300(f) is amended to read:

3 A person who has been tried as an adult under AS 47.12.100(a) or a person whose  
4 records were made public under AS 47.12.305 or AS 47.12.315, or the department on  
5 the person's behalf, may petition the superior court to seal the records of all criminal  
6 proceedings, except traffic offenses, initiated against the person, and all punishments  
7 assessed against the person, while the person was a minor. A petition under this  
8 subsection may not be filed until five years after the completion of the sentence imposed  
9 for the offense for which the person was tried as an adult or five years after a disposition  
10 was entered for an offense the records of which were made public under (c) of this section.  
11 If the superior court finds that its order has had its intended rehabilitative effect and further  
12 finds that the person has fulfilled all orders of the court entered under AS 47.12.120, the  
13 superior court shall order the record of proceedings and the record of punishments sealed.  
14 Sealing the records restores civil rights removed because of a conviction. A person may  
15 not use these sealed records for any purpose except that the court may order their use for  
16 good cause shown or may order their use by an officer of the court in making a  
17 presentencing report for the court. The court may not, under this subsection, seal records  
18 of a criminal proceeding

19 (1) initiated against a person if the court finds that the person has not  
20 complied with a court order made under AS 47.12.120; or

21 (2) commenced under AS 47.12.030(a) unless the minor has been acquitted  
22 of all offenses with which the minor was charged or unless the most serious offense of  
23 which the minor was convicted was not an offense specified in AS 47.12.030(a).

# Alaska State Legislature

REPRESENTATIVE  
PETER KELLY

Mailing Address:  
119 N. Cushman, Suite 203  
Fairbanks, Alaska 99701  
(907) 456-8161



While in Juneau  
State Capitol  
Juneau, Alaska  
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House District 31

## House Of Representatives

### Sponsor Statement

### HCR 4 and HB 6

#### Release of criminal information about minors.

**HCR 4** gives the Department of Health and Social Services legislative directive to restructure the Division of Family and Youth Services. This restructuring will split the records relating to child abuse from the records of criminal acts committed by a minor.

The split of staff and personnel protects the agency from the loss of most of the federal funds received for out-of-home placement. Over \$7 million in federal funds is expended each year for out-of-home placement of abused children. The separation protects these funds.

Getting kids out of dysfunctional homes is an important option for breaking the cycle of violence with kids who commit criminal acts. Foster care is a valuable component of the juvenile justice system.

I believe a portion of the fiscal note attached replaces the federal funds with state dollars, it assumes that federal funds will be lost once records are released for delinquent children. A smaller portion of the fiscal note effectuates the organizational restructuring. The experts from the Department of Health and Social Services are far better able to explain these details.

**HB 6** Builds upon HCR 4. It provides for the release of information about the outcome of agency actions when a child admits guilt and agrees to a restitution plan; as well as the outcome of agency court records when a child is found delinquent.

The disclosure of the outcome of agency and court actions is limited in two ways in this bill. First the bill focuses on repeat offenders - NOT first time misdemeanants. Secondly the bill releases only a given set of information about the minor - NOT the complete file, psychological report, family background investigation, previous child abuse, etc.

The focus on repeat offenders recognizes that the vast majority of kids who are caught committing a criminal act do so only once. They wake up, say "Hey, this isn't me!!" and are never seen again inside the criminal justice system.

Sponsor statement  
Page 2.

Repeat offenders, however need more attention than the current system is able to provide. To prevent them from developing a habit or lifestyle of crime, they need additional community involvement. The concept of confidentiality developed to protect kids from being labeled criminals. Unfortunately, confidentiality is used by a few kids as cover for their criminal actions. They are able to commit serious crimes, then walk about masked from their elders and their peers. This invisibility, can act to reinforce their sense of invincibility. Judges are telling me that they use confidentiality to build a following, not unlike "Billy the Kid" or Jesse James phenomenon. This braggadocio and "see what I can do" fuels their desire to live outside society's rules.

Kids need clear limits. Negative attention has its own role in defining limits to civil behavior. I do not believe that community knowledge of a minors criminal acts is harmful. I believe it allows the community to interact naturally to help heal the wounds and troubles of youth today. Certainly it helps other children say, "No" when they are pressured to join a peer in a criminal act.

Kids do dumb things. Even dumber is to get caught. But dumbest of all is to catch a kid committing a crime, and then ignore it. The professionals are not ignoring the kid, but you and I are kept ignorant of these acts, and of the needs of our troubled youth by the existing confidentiality system.

# Alaska State Legislature



REPRESENTATIVE  
PETER KELLY  
Mailing Address:  
119 N. Cushman, Suite 203  
Fairbanks, Alaska 99701  
(907) 456-8161

While in Juneau  
State Capitol  
Juneau, Alaska  
99801-1182  
(907) 465-2327

House District 31

## House Of Representatives

Sectional

CS HB 6

Section 1. References to new language in Section 2.

Section 2. COURT RECORDS, releases:

1) Minor's name, parents, the offense, and outcome of the court dispositional order.

FOR:

2) Felony offenses and repeat misdemeanors.

Note: 1st misdemeanor remains confidential.

Section 3. Technical numbering.

Section 4. Allows the department to notify victims via the telephone, not just in writing.

Note: This was requested by victims, and reflects their concern about the load on case workers, and the difficulty of communication at present.

Section 5. AGENCY RECORDS, releases:

1) Name of minor, parents, outcome of agency action, offense w/o victim information.

FOR:

2) Felony offenses, and repeat misdemeanors.

Note: 1st misdemeanor remains confidential.

Sections 6 and 7. Removes language made moot by this bill.

# Alaska State Legislature

REPRESENTATIVE  
PETER K. ELLY

Mailing Address:  
119 N. Cushman, Suite 203  
Fairbanks, Alaska 99701  
(907) 456-8161



While in Juneau  
State Capitol  
Juneau, Alaska  
99801-1182  
(907) 465-2327

House District 31

## House Of Representatives

### Sponsor Statement

### HB 6

#### Release of Information about Minors

The first misdemeanor act of a minor remains confidential while subsequent criminal acts and felony criminal acts are removed from the cover of confidentiality. This legislation will allow the free flow of information about minors who commit repeat or serious offenses. Communities will no longer be precluded from providing the guidance, attention, and assistance troubled youth require.

0-LS0063\H  
Chenoweth  
1/21/97

**CS FOR HOUSE BILL NO. 6( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTIETH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES KELLY, Therriault, Vezey, Ogan, Dyson, Phillips**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to minors and amending laws relating to the disclosure of  
2 information relating to certain minors."

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

4 \* Section 1. AS 47.12.300(c) is amended to read:

5 (c) Except when required by AS 47.12.305, the [THE] name or picture of  
6 a minor under the jurisdiction of the court may not be made public in connection with  
7 the minor's status as a delinquent unless authorized by order of the court.

8 \* Sec. 2. AS 47.12 is amended by adding a new section to read:

9 **Sec. 47.12.305. Public disclosure of information in court record relating**  
10 **to minor adjudicated delinquent.** (a) The court shall publicly disclose the name of  
11 a minor, the name or names of the minor's parent, parents, or guardian, the offense,  
12 and the court's dispositional order when the court has adjudicated the minor a  
13 delinquent based on the minor's commission of an offense punishable as

14 (1) a felony; or

1 (2) a misdemeanor when the minor has previously been adjudicated a  
2 delinquent based on the minor's previous commission of an offense that was, at the  
3 time of its commission, punishable as a felony or as a misdemeanor: for purposes of  
4 this paragraph, a previous commission of an offense may have occurred before, on, or  
5 after the effective date of this subsection.

6 (b) The court may publicly disclose information in a record maintained by the  
7 court as may be necessary to protect the safety of the public.

8 \* Sec. 3. AS 47.12.310(a) is amended to read:

9 (a) Except as specified in AS 47.12.315, 47.12.320, [AS 47.12.320] and (b) -  
10 (g) of this section, all information and social records pertaining to a minor who is  
11 subject to this chapter or AS 47.17 prepared by or in the possession of a federal, state,  
12 or municipal agency or employee in the discharge of the agency's or employee's  
13 official duty, including driver's license actions under AS 28.15.185, are privileged and  
14 may not be disclosed directly or indirectly to anyone without a court order.

15 \* Sec. 4. AS 47.12.310(d) is amended to read:

16 (d) The [UPON REQUEST OF A VICTIM, THE] department shall make  
17 every reasonable effort to notify the victim as soon as practicable, by telephone or in  
18 writing, when a delinquent minor is to be released from placement in a juvenile facility  
19 under AS 47.12.120(b)(1). The notice under this subsection must include the expected  
20 date of the delinquent minor's release, the geographic area in which the delinquent  
21 minor is required to reside, and other pertinent information concerning the delinquent  
22 minor's conditions of release that may affect the victim.

23 \* Sec. 5. AS 47.12 is amended by adding a new section to read:

24 **Sec. 47.12.315. Public disclosure of information in agency records relating**  
25 **to certain minors.** Notwithstanding AS 47.12.310, when an agency takes action under  
26 AS 47.12.040(a)(1) to adjust a matter, or when under AS 47.12.040(a)(2) the court  
27 directs the agency to adjust the matter, the agency shall disclose to the public the name  
28 of a minor, the name or names of the parent, parents, or guardian of the minor, the  
29 action required by the agency to be taken by the minor under AS 47.12.060 to adjust  
30 the matter, and information about the offense exclusive of information that identifies  
31 the victim of the offense, if exercise of agency jurisdiction is based on the minor's