

Section 2. November 30th of each year is hereby designated Anthony J. Dimond Day in honor of "Tony" Dimond, said day to be observed by appropriate school assemblies and programs, and other suitable observances and exercises by civic groups and the public at large.

Approved March 28, 1955

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## CHAPTER 134

### AN ACT

**To provide for juvenile detention homes in certain cities; to establish a board of juvenile institutions, setting forth its powers and duties and the powers of cities and courts in relation thereto; authorizing an appropriation; and setting an effective date.**

(S. B. 8)

**Be it Enacted by the Legislature of the Territory of Alaska:**

**Section 1. Board; creation; appointment; terms.** There is hereby created a Board of Juvenile Institutions (hereinafter called the board) to be composed of five members, one from each Division and one at large, appointed by the Governor. The term of each member shall be five years. The first board shall be composed as follows: one member appointed for five years; one member for four years; one member for three years; one member for two years; and one member for a term of one year. The term of office of all members shall commence on July 1, 1955, and all members appointed thereafter

shall serve for five years from the July first in the year appointed. Vacancies shall be filled by appointment for the unexpired term of the member replaced.

**Section 2. Confirmation.** All appointments shall be subject to the approval of the Legislature, if it is in session at the time of the appointment. If the Legislature is not in session, the names shall be submitted to the next succeeding Legislature for confirmation, and if such appointments are not confirmed the office shall be considered vacant, and a new member appointed to fill the vacancy, subject to approval or confirmation as aforesaid.

**Section 3. Board; meetings; ex-**

**penses.** Members of the board shall receive no salary, but shall be entitled to the amount of per diem and expenses authorized by general law. The board shall meet at such times and places as may be necessary to carry out the duties imposed by this Act. The board may adopt rules for the performance of its functions, and shall elect a chairman and vice-chairman from its membership.

**Section 4. Board; general powers.** The Board of Juvenile Institutions shall have, but not by way of limitation, the following powers: (1) to employ such assistants as may be needed to carry out the provisions of this Act; (2) to rent, purchase, lease, or construct buildings or other juvenile detention facilities in any city in Alaska having a population of 1,700 or more, but only upon the request of the governing body of each such city; (3) to reimburse cities maintaining and operating juvenile detention facilities in an amount equal to 50 per centum of the net costs to the city for such maintenance and operation; (4) to collect statistics on juvenile offenses and offenders handled by all courts in Alaska having jurisdiction; (5) to conduct studies of the need, number and types, and construction, maintenance and operation cost, of correctional institution or institutions, and to submit a plan for construction of such institution or institutions, together with a plan for financing such construction program, to the Twenty-third Legislature; (6) to examine all facilities, institutions and places

of juvenile detention in Alaska and inquire into their methods and the management of juveniles therein; (7) to adopt standards and regulations for the design, construction, repair and maintenance, and facilities of juvenile detention homes provided in pursuance of this Act; (8) to select and purchase the site and approve the plans, specifications and erection of buildings for such juvenile detention homes, and to inspect, at least once each year, each juvenile detention home to ensure that the standards adopted are being maintained; (9) to do all other acts necessary and convenient to carry out the purposes of this Act; (10) to enter into appropriate contracts and arrangements with cities and Territorial and Federal Agencies.

**Section 5. Cities; additional powers.** Any incorporated municipality having a population of 1,700 or more according to the last preceding decennial census or found by the board to have a population of 1,700 or more may maintain and operate a juvenile detention home. Cities maintaining such homes are hereby authorized to receive and to require full payment of the costs of detaining any child committed to its care by any court other than the municipal magistrate's court of the city. Cities are further authorized to receive any grants-in-aid from the Territorial government for costs of operation of such facilities that may be authorized by law.

**Section 6. Cities; application.** Any

authorized city may request the board of juvenile institutions to furnish, by rent, lease, or construction, a juvenile detention home within such city. Requests shall be in such form as may be required by the Board of Juvenile Institutions.

**Section 7. Board; Action on Application.** Upon approval of the request of any city the board shall rent, lease, or construct the facility needed, as the case may be; or, alternatively, may make a payment to the city for the full cost of construction, lease or rental.

**Section 8. Plan for Operation.** The Board of Juvenile Institutions shall adopt regulations and standards for the operation of each detention facility relating to the number and types of employees and by joint contract with the governing body of each city may establish salaries, hours of work, working conditions, and other necessary and reasonable requirements related to such operation. No such contract shall be made for a period longer than one year. During the term of the contract both parties shall be bound thereby; **Provided**, that by joint agreement the contract may be rescinded and revised in whole or in part.

**Section 9. Conditions Governing Detention; General.** Whenever any officer takes a child into custody, he shall, unless it is impracticable or has been otherwise ordered by the court having jurisdiction, accept the written promise of the

parent, guardian or custodian of such child to be responsible for the presence of such child in the court at the time fixed. Thereupon such child may be released in the custody of the parent, guardian or custodian, or in the custody of the Department of Public Welfare or other person designated by the court. If not so released such child shall be taken immediately to the place of detention designated by the court, and any child detained shall be brought before the court at the earliest practicable time, but not later than 48 hours after such detention, Sundays and legal holidays not included. Custody of the child shall be carried out in conformance with the limitations set forth in the Juvenile Code.

**Section 10. Children in Custody.** In the case of any child ordered or taken into custody by a police officer or the Department of Public Welfare, and pending the final disposition of the case, the child may be released in the custody of a parent, guardian or custodian, or of the Department of Public Welfare, or other person appointed by the court, to be brought before the court at the time designated. When not so released, such child, pending the hearing of the case, shall be detained in such place of detention as shall be designated by the court subject to further order.

**Section 11. Powers of Police.** Nothing in this Act shall be construed as forbidding any peace officer or police officer from immediately taking into custody any

child who is found violating any law or ordinance, or who is reasonably believed to be a fugitive from his parents or his guardian, or from justice, or whose surroundings are such as to endanger his health, morals, or welfare, unless immediate action is taken. When any child under 18 years of age is taken into custody with or without warrant, charged with the violation of any law, or the violation of any municipal ordinance, such child shall be taken before a court having jurisdiction; or, if the court is not in session, the child shall be placed in a juvenile detention home, if such is available; and the Department of Public Welfare and the United States Commissioner and/or City Magistrate notified immediately.

**Section 12. Powers of Department of Welfare and Department of Health.** When requested by the court the Department of Public Welfare or Department of Health may interview and examine the child for the purpose of securing the facts relating to the reason for detention; making an investigation to provide the court with information; and for making recommendations to the court relating to the case and child. The Department of Public Welfare may, with the consent of the city, place any child committed to it by the juvenile court in the custody of the detention home nearest the child's residence, for such period of time as may be necessary to arrange other care for the child, or pending transfer to a children's institution,

or for a period not to exceed thirty days after court hearing when so recommended by the court, as the case may be. All such temporary placements in the detention home shall be for the shortest practicable time, considering the welfare of the child and availability of other facilities. The Department of Public Welfare shall pay to the city having jurisdiction for each day the child is so detained, an amount determined by the governing body of the city and the Board to be the actual cost per day for providing such temporary care.

**Section 13. Power of City Magistrate's Court.** The Magistrate's Court of any city having a detention home may commit a child to detention for such period as may be authorized by ordinance, but not to exceed thirty days for any one offense. The court may, in its discretion, place the child on probation, for the period for which such child may be committed, under the supervision of the court; or may provide for the release of the child during school hours as may, in the discretion of the court, be conducive to the best interests of the child and the community.

**Section 14. Power of U. S. Commissioners.** When a juvenile living outside of an incorporated municipality is taken into custody outside of such municipality, the U. S. Commissioner may commit such juvenile to the custody of the Welfare Department with a recommendation that he be lodged in a Juvenile Detention Home until the

Welfare Department or the court is able to make further disposition of him.

**Section 15. Cities; Reimbursement of Costs.** As often as may be established by the joint contract of the board and city governing body, but at least each quarter year, the governing body of each city having a detention home shall certify to the board the costs to the city actually paid for operation and maintenance of the detention home. The form of the expense statement shall contain such information as may be determined by the board. Within thirty days after receipt of the statement the board shall upon proper voucher pay to the city an

amount equal to fifty per centum of the total cost of such operation and maintenance less any receipts to the city paid for detention by the Department of Public Welfare, parents or other government agencies authorized to detain juveniles in the home.

**Section 16. Appropriations.** Funds to carry out the provisions of this Act shall be provided for in the general appropriations act of the Alaska Legislature.

**Section 17. Effective date.** This Act shall take effect and be in force from and after its passage and approval, or upon its becoming law without such approval, and it is so enacted.

Approved March 28, 1955

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## CHAPTER 135

### AN ACT

**Relating to the Alaska Registration Law of 1953; amending sections 3, 4, 5, 6, 7, and 10, Ch. 134, SLA, 1953; defining "real property"; releasing liens; refunding penalties; authorizing an appropriation; and setting an effective date.**

(H. B. 71)

**Be it Enacted by the Legislature of the Territory of Alaska:**

be amended so as to read as follows:

Section 1. That section 3, Chapter 134, Session Laws of Alaska, 1953,

Sec. 3. Responsibility for the administration of the land regis-