

DOCUMENT RESUME

ED 059 144

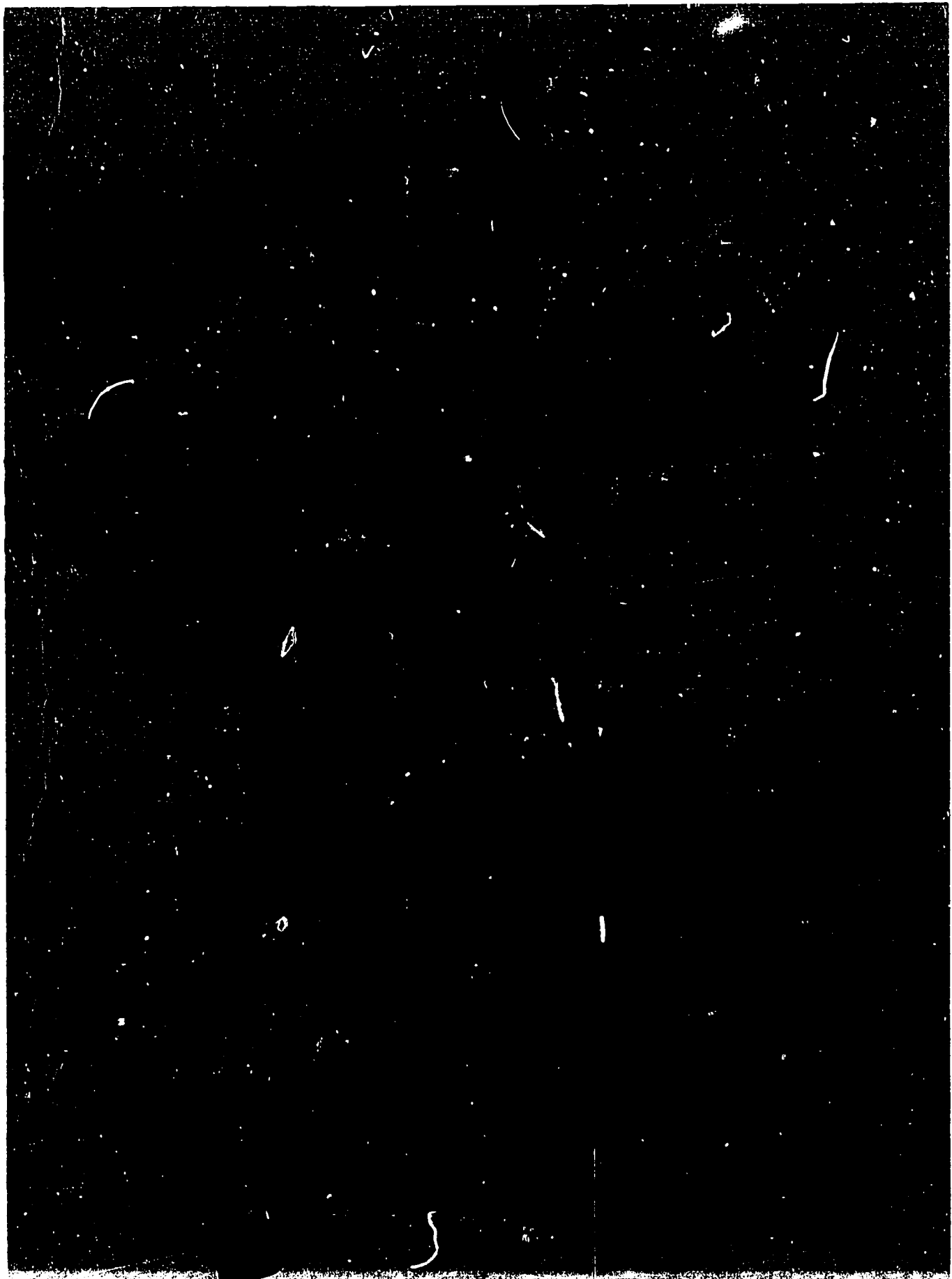
SO 002 461

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TITLE Legal Guide for Alaska Youth.
INSTITUTION Alaska Congress of Parents and Teachers, Juneau.
PUB DATE [67]
NOTE 27p.
AVAILABLE FROM Information & Education Section, State Dept. of Health and Welfare, Pouch H, Juneau, Alaska 99801

EDRS PRICE MF-\$0.65 HC-\$3.29
DESCRIPTORS Citizenship; *Civil Liberties; Curriculum Guides; *Delinquency Prevention; Junior High School Students; *Juvenile Courts; Law Enforcement; *Law Instruction; Laws; Legal Responsibility; Secondary Grades; *State Laws; Youth; Youth Problems

ABSTRACT

This legal guide, developed by the Alaska Congress of Parents and Teachers, is intended for young citizens and parents to advise youth of their civil rights and explain what constitutes a criminal offense. The aim is to objectively state the law in understandable terms. The book is arranged in four sections. Section one explains the legal rights of Alaskan juveniles; section two points out that personal cumulative records are kept of an individual from birth through school and that court records can adversely affect one's future; section three defines the following terms, each in a short paragraph, as they relate to juveniles; civil law, criminal law, felonies, misdemeanors, sentence, probation, parole, juvenile, minor, ward of the court, delinquent, dependent, and juvenile court; section four, the largest section, outlines laws commonly affecting juveniles as an aid in protecting youth. A generalized flow chart of the juvenile court process for delinquents is included. (SJM)



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Legal Guide for Alaska Youth

has been sponsored and developed by the Alaska Congress of Parents and Teachers (PTA) in response to expression by parents and youth of a need for a source of such information. Suggestions for improvements will be welcome. Write to Youth Guide Chairman, Gerald Ousterhout, Box 593, Juneau, Alaska 99801.

Additional copies are available. Write to Information & Education Section, State Department of Health and Welfare, Pouch H, Juneau, Alaska 99801.

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Preface

This helpful guide to the young citizens and parents of Alaska represents another intelligent effort to deal with the juvenile problems in perspective.

Buell A. Nesbitt

Buell A. Nesbitt

**Chief Justice
Supreme Court of Alaska**

THE LEGAL RIGHTS OF JUVENILES

Recent decisions of many courts directly affect juveniles. The Constitution of the United States and of the State of Alaska protects all of its citizens, adults and minors alike. While most juveniles may be hesitant to do so, the first thing a juvenile should do if he is in trouble with the law is contact his parents. If after consulting with his parents it is decided that an attorney should be consulted by all means he should do so.

Police officers of Alaska have all been instructed to advise a juvenile of his rights after he has taken into custody and accused of a violation of the law. If the parent or the juvenile have any questions regarding these rights they should ask to have it repeated or explained and if this is not satisfactory an attorney should be consulted.

**Con
tact
parents**

A peace officer may arrest a juvenile who violates a law in his presence, or whom he reasonably believes is a fugitive from justice, or is a run-away. A policeman may continue a lawful arrest made by a citizen and he may detain a juvenile in a detention facility if, in his opinion, it is necessary to do so to protect the minor or the community or to guarantee the juvenile's appearance in court. When a policeman places a juvenile in detention he must immediately, and in no event more than twelve hours later, notify the court, the minor's parents or guardian, and the State Division of Corrections.

The juvenile who is detained has a right to a hearing by the court immediately if possible and in no case more than forty-eight hours after detention. At this hearing the court shall determine whether cause exists for believing the juvenile to be delinquent.

The juvenile is entitled to be represented by an attorney and to confrontation of the witnesses against him. If at this hearing the judge finds that cause does exist he shall determine whether the minor shall be detained pending a full hearing or released until that time. If the judge finds no probable cause the juvenile will be released and the case closed. Except for temporary detention pending a detention hearing no juvenile may be detained except by order of the court.

JUVENILE RECORDS

Permanent records start accumulating for every person from the time of his birth. Most of these records are protected from careless use by regulations of confidentiality. However, this does not mean that they are not accessible to officials with legitimate reasons for utilizing the information.

The two most important records that a juvenile is concerned with are his school records and court records. These are permanent and will follow a person through his entire life and can have a major effect on his future. These records affect job applications, entrance into the armed services, scholarship applications, eligibility for public offices, and many other aspects of a person's personal and business career.



Juvenile court records are kept separate from those of adult courts. Use of these records is restricted but they are available with the court's permission to some official agencies. The juvenile record can prevent a person from obtaining a federal job or employment with a State or municipality. It may be considered by the armed services and often is considered by the court when sentencing a person after he has reached adulthood. Even applications for certain licensing as a matter of course require clearance of juvenile records as well as adult records. Most driving violations regardless of age are handled in the adult courts and of course a permanent record is kept of any traffic violations. Availability and cost of car insurance is seriously affected by these records.

In Alaska the juvenile court judge has the authority to release the names of any juvenile who is brought to court, and on a few occasions the juvenile judges have released names of juvenile offenders to the papers as a deterrent to other potential offenders.

**You too
can make
the front page**

DEFINITIONS

1. Civil Law and Criminal Law

There are two kinds of law—civil and criminal.

Civil law regulates private rights such as a right to free speech. Civil law often provides a means of settling differences between person with opposing interests. The judge or jury act as referees.

Criminal law regulates public conduct and the duties owed to society. In a criminal case a person is accused of a crime and prosecuted by the District Attorney in the name of the sovereign. A judge or a jury determines if he is guilty or innocent.

2. Felonies, Misdemeanors

Adult crimes are divided into two classes—felonies and misdemeanors. The difference is very important to the person accused.

Felonies in Alaska are crimes punishable by prison confinement for more than one year. A felon loses his civil rights and may be denied eligibility for many good jobs including classified government jobs. He usually cannot practice law or receive a commission in the Armed Forces.

A juvenile can be convicted of a felony when he is waived by the Juvenile Court to the Superior Court to be prosecuted as an adult if the Superior Court agrees to the waiver. This action is usually reserved for habitual offenders or such serious crimes as sale of drugs or armed robbery.

Misdemeanors are less serious crimes with imprisonment of one year or less. Common misdemeanors are drunk-in-public and shoplifting.

3. Sentence, Probation, Parole

A *sentence* is the judge's statement of the punishment to be given a person found guilty of a crime. This usually includes imprisonment or fines, which may or may not be suspended, either in whole or in part.

Probation is a procedure where a convicted person is given a suspended sentence and placed under supervision of a probation officer for a certain length of time in the care of adults. Juveniles may also be placed on probation by the Juvenile Court.

Parole is used as means of releasing a person from prison before they have served the full sentence. He is under supervision until the end of the sentence or his sentence is shortened and he is pardoned by the Governor in the case of adults. However, there is no parole provision for juveniles. The Division of Corrections may change the type of placement; (example: a juvenile may be released from an institution and placed in a foster, group, or parental home or vice-versa).

4. Juvenile and Minor

A *juvenile* is a person under the age of 18 and a *minor* is a person who has not reached his 21st birthday. A minor who is 18 years old comes under the jurisdiction of the adult criminal statutes.

5. Ward of the Court

A juvenile may be made a *ward of the court* for his protection and supervision. He is then under the responsibility of the State Department of Health and Welfare. Custody may last until his 21st birthday. (AS 47.10.080)

6. Delinquent and Dependent

A juvenile may be judged as a *delinquent* when he has broken laws or behaved in such a way as to need care and control by the court. A youngster who comes to court not because of some act on his own part but rather the faults and neglect of his parents is referred to as a *dependent*. However, a Juvenile Court rule exists which states a child may be adjudicated as a child in need of supervision which considers those cases that are not clearly delinquent or clearly dependent; (example: a child who runs away from an abusive and negligent home situation may be adjudicated in this fashion.

7. Juvenile Court

The Alaska laws have established a special court for juveniles. A person under 18 may come to the attention of the Juvenile Court in many different ways.

- a. Violation of a State law or a City or Borough ordinance.**
- b. Being wayward or disobedient or uncontrolled by a parent or guardian.**
- c. Being truant from school or home or conducting himself so as to endanger the morals or health of himself or others.**
- d. Being abandoned by parents.**
- e. Lacking proper parental care by reason of fault, habit, or neglect of parents.**
- f. By associating with undesirable persons who are known to be vagrant, vicious, or immoral people or those who engage in an occupation that could be injurious to health or morals.**
- g. Being an orphan or for some reason released to the court by the parents.**
- h. Being in need of special care or training.**

LAWS COMMONLY AFFECTING JUVENILES

A person under the age of 18 is expected to, and required by law to, abide by all laws the same as any adult. Yet there are many additional laws which apply to juveniles which do not apply to adults.

A. Protection against moral hazards

1. Intoxicating Liquor

- a. It is unlawful for a person under 21 years of age to sell, buy, attempt to buy, or consume intoxicating liquor. (AS 04.10.040, AS 04.15.060, AS 23.10.355)
- b. It is unlawful to give, barter, sell or deliver intoxicating liquor to a person under 21 years of age. (AS 04.15.080)

**booze
is a
bummer**

2. Tobacco

It is unlawful to sell, exchange, or give cigarettes, cigars, or tobacco to a person under 18 years of age. On the other hand, possession itself is not a violation of the law, unlike the case of intoxicating liquor. (AS 11.60.080)

3. Pool Halls

It is unlawful for a minor under 17 years of age to frequent a pool hall or card room run for profit, and it is unlawful for a proprietor to allow it. (AS 11.60.070)

4. Coin Operated Devices

An operator or another person who has charge of a coin operated device except a music machine, shall not permit a person under 18 years of age to operate the device. (AS 43.35.040)

5. Contributing to the Delinquency of a Minor

It is a crime to contribute to the delinquency of a minor under 18 years of age. (AS 11.40.150)

6. Taking a Female Child from her Home

It is a crime to take a girl under the age of 16 from her parent or guardian for the purpose of prostitution or marriage. (AS 11.40.200)

7. Statutory Rape

A male at least 16 years of age who has sexual relations with a female under 16 years of age is guilty of rape. Her consent does not change the crime and it is her actual age and not her apparent age that controls. (AS 11.15.120)

8. Abuse or Neglect

It is a crime for anyone to commit an act or omit performance of a duty which causes, encourages, or contributes to delinquency of a child under 18 years of age. (AS 11.40.130)

A parent or guardian of a child under 16 years is required to furnish necessary care for the child unless they have lawful reason not to. (AS 11.35.010)

Doctors, nurses, teachers, and social workers are required to report any cases of apparent abuse to available law or State Public Welfare authorities. (AS 11.67.1)

9. Narcotics

It is unlawful for any person to manufacture, possess, have under his control, sell, prescribe, administer, dispense, give, barter, supply, or compound any narcotic drug except as authorized. (AS 17.10.010)

B. Education

1. Compulsory Education

The parents, guardian or other person having responsibility for a child between seven and sixteen years of age is required to have the child attend school. (AS 14.30.010)

2. Exceptional Children

Exceptional children between the ages of five and nineteen years of age for whom the regular school facilities are inadequate or not available shall be provided a comparable education by the State. (AS 47.20.010, AS 14.30.180)

C. Employment

1. Unsuitable Conditions

No girls under 18 years of age may be employed or allowed to work as a maid in a hotel or lodging house. Minors cannot work in an occupation dangerous to life or limb or injurious to health or morals. (AS 10.350)

2. Working During School Vacations

A minor over 16 years of age may be employed during school vacations in work not otherwise prohibited under conditions of wages and hours prevailing in the industry. (AS 23.10.345)

3. Working During School Session

A minor under 16 years of age is limited to a combined total of nine hours of school attendance and employment in one day. If employed, his work must be performed between 6 a.m. and 7 p.m. His employment outside school hours may not exceed twenty-three hours in one week, domestic work and babysitting excepted. No minor under 16 years of age may be employed or allowed to work in a restaurant. Certain exceptions to the above may be granted by the Commissioner of Labor. (AS 23.10.340)

4. Under Age 14

Minors under 14 years of age may be employed or allowed to work in an occupation outside school hours if involving domestic employment, babysitting and handiwork in and about private homes, newspaper delivery or sales, or in canneries in warehouse work under competent supervision casing cans. (AS 23.10.335)

D. Civil Capacity

1. Right to Control Own Actions and Business

A person arrives at majority at 18 years and may control his own actions and business and has the rights and is subject to the liabilities of citizens of full age, except as otherwise provided by statute. One exception to this is that the female arrives at majority upon marriage or at 19, whichever occurs first. (AS 25.20.010, AS 25.20.020)

2. Marriage

- a. **Marriage is a civil relationship which may be entered into by males at the age of 21 years, and females at the age of 18 years. (AS 25.05.011)**

However, no person may be married until he obtains a license. Alaska does not recognize a "common law" marriage unless it was valid where it was entered into.

- b. **Between the ages of 18 and 21 for male, and 16 and 18 for female, a person may be issued a marriage license with the written permission of his parents or guardian. (AS 25.05.171)**
- c. **A female under the marriageable age of consent (16) may obtain a license if, in addition to the parental consent, she presents a certificate from a physician recommending marriage, and the male, if necessary, presents a consent of his parents. (AS 25.05.171)**
- d. **A marriage may be declared void if at the time of the marriage the party seeking to void the marriage was under the age of legal consent, and the marriage was contracted without the consent of the parent or guardian. (AS 09.55.090)**

3. Seduction

An unmarried female over the age of majority may maintain an action as plaintiff for her own seduction, and a parent may maintain an action as plaintiff for the seduction of a daughter below the age of majority (age 19). (AS 09.15.020)

4. Exemption from School Tax

There is imposed a school tax of ten dollars a year upon each person 19 years of age or older gainfully employed in the State or in the waters of the State. (AS 43.45.010)

5. Exemption from Fish and Game Licensing

A license is not required of a resident or non-resident under 16 years of age for sport fishing, hunting, or trapping. (AS 16.05.400)

**at least
it's cheaper,
being young**

E. Support and Welfare

1. Guardianship and Adoption

- a. If a minor is under 14 years of age the court may nominate and appoint his guardian. If a minor is over 14 years of age, his desires are considered in appointing a guardian or custodian of him. (AS 20.05.030, AS 47.10.110)**
- b. A minor's desires are considered in releasing him into custody of a neighbor or of a parent or another if he is over 14 years of age and awaiting a juvenile court hearing. (AS 47.10.040)**
- c. If a person to be adopted is 14 years his written consent must be filed before a hearing on a petition for adoption. (AS 20.10.020)**

2. Responsibilities of Parent or Guardian

- a. It is a crime for a parent or guardian to desert a child under 16 years of age or to fail to provide for the child. (AS 11.35.010)**
- b. To engage in the business of receiving or caring for children under 16 years of age with or without compensation, a permit is required. (AS 11.35.010)**
- c. Parents or the legal guardians or the person having the legal custody of a minor under the age of 18 years may be liable up to \$2,000 for malicious or willful destruction of another's real or personal property by the minor. (AS 34.50.020)**

F. Other Laws

1. Hitchhiking

It is unlawful for any person to stand in a roadway for the purpose of asking for a ride. In connection with this it should be noted that this law is for the protection of the driver as well as the hitchhiker since many crimes such as theft, kidnapping, assault, molestation, and even murder are committed upon hitchhikers as well as by hitchhikers.

2. Fighting

It is unlawful to threaten another person with bodily harm, to attempt or to inflict violent bodily harm upon another, whether or not this is done with a weapon or dangerous instrument, or to throw chemicals or make use of weapons and instruments of force where likely to cause injury to another person. (AS 11.15.230)

3. Criminal Syndicalism

Criminal syndicalism is the doctrine which advocates crime, sabotage, violence or other unlawful methods of terrorism as a means of accomplishing industrial or political reform or which advocates the overthrow, by force or violence, of the government of this state. The advocacy of this doctrine, whether by word of mouth or writing, is a felony punishable by imprisonment of not more than ten (10) years or by a fine of not more than \$5,000 or both. (AS 11.50.010)

4. Burglary

It is unlawful to enter a dwelling, house, building, tent, railway car, vessel, boat or other structure in which property is kept, with intent to steal or commit a felony. The entry need not be by force; any unlawful trespassery entry is sufficient, even inserting any part of the body or inserting a tool is sufficient. The intent to steal a pack of cigarettes in a building is sufficient to make the crime a burglary. (AS 11.20.2)

5. Larceny

It is unlawful to wrongfully obtain, take, or withhold for your own use any money or property from the true owner regardless of value. Even taking a lipstick or ten-cent candy bar is a crime. It is illegal to keep lost property if you have means of finding the true owner and in such cases the police should be contacted. Larceny includes such things as shoplifting, joy-riding; or riding in a stolen car, unauthorized use of a boat, or in fact any other property that belongs to someone else. (AS 11.20.3)

6. Curfew

Most communities have an established curfew ordinance and it is a crime to violate this curfew. Young people should find out what the local curfew ordinance is since ignorance of the law is no defense. (AS 11.60.260)

7. Vandalism

It is illegal, wilfully or maliciously, to do any of the following:

- a. Destroy or injure any personal property of another.
- b. Remove, injure, or destroy a sign or signal on a public highway.
- c. Publicly deface or mutilate the United States flag.
- d. Deface, break, or injure any building not your own.
- e. Place nails, glass, metal on public highways or sidewalks. (AS 11.20.7)

**It's just not
cool to be mean
'n ugly 'n nasty**

8. Disorderly Conduct

It is illegal to do any of the following acts in a public place so that there is a tendency to disturb the peace and quiet of other persons:

- a. To use offensive, threatening, or insulting language, conduct, or behavior.
- b. To act in such a manner as to annoy, disturb, interfere with, or be offensive to others.
- c. To shout or make noise either outside or inside a building during the night so as to annoy or disturb any person. (AS 11.45.030)

9. Disobedience

A minor under 18 years of age can be placed under the jurisdiction of the juvenile court if he is habitually disobedient and uncontrolled by his parent, guardian, or custodian.

**give
a peace
a chance**

10. Firearms

It is illegal to sell a firearm to a minor under the age of 19 years without the written consent of the parent or guardian. It is also illegal for anyone to carry a concealed weapon in the State of Alaska. This includes a pistol, revolver, or knife other than an ordinary pocketknife.

11. Littering

It is illegal to litter the public highways and it is illegal to throw trash or litter about any public ground.

12. Fireworks

Use of fireworks is controlled by most communities through city ordinances. Persons should learn what the ordinance is for their own community since normally it is against the law to sell or use fireworks within city limits without a permit.

JUVENILE COURT PROCESS FOR DELINQUENTS

