

ANCHORAGE YOUTH COURT CONSTITUTION
(As Revised 1991, 1993, 1994, 1996, 1999, 2003, 2007, 2017, 2021, 2023)

Preamble

Municipality of Anchorage youths, recognizing the importance of respect for the law, and firmly believing that acceptance of responsibility is essential toward being conscientious citizens, hereby establish the Anchorage Youth Court as a practical application of their responsibility to themselves and their community.

Statement of Purpose

Anchorage Youth Court is intended to provide benefits of citizenship to the youth of the Municipality of Anchorage. It shall do so by providing an alternate adjudication and sentencing procedure for young offenders. It shall offer an opportunity for those who make mistakes early in their lives to constructively pay their debt to society without incurring a criminal record. It shall foster an atmosphere of respect for the law through the principle of judgment by peers and restitution for wrongs committed.

The Anchorage Youth Court will emulate adult proceedings so as to provide an opportunity for youths to learn about criminal justice. Unless an action or procedure is specifically addressed by the constitution, the general principles of court proceedings shall apply as far as practicable.

Article 1: Organization

Section 1. The Anchorage Youth Court is not recognized as a court of original or appellate jurisdiction by the laws of the State of Alaska. All cases tried must be referred to the Anchorage Youth Court by a Referring Authority as defined in Section 2, below, (hereinafter "Referring Authority"), and all referrals will be made solely at the discretion of the appropriate Referring Authority. The Anchorage Youth Court's findings and recommendations in a case shall be returned to the Referring Authority before final disposition.

Section 2. For purposes of the Anchorage Youth Court, a Referring Authority shall include but is not limited to the Department of Health and Social Services and all recognized courts within the State of Alaska.

Section 3. The Anchorage Youth Court shall have only such power to enforce a sentence as is delegated by the Referring Authority. A person tried by the Anchorage Youth Court is not discharged from the jurisdiction of the Referring Authority until a recommendation of discharge of the case has been made by the Anchorage Youth Court to the Referring Authority, and the individual is discharged. Failure to comply with the sentence imposed by the Anchorage Youth Court will result in an automatic return of the case to the Referring Authority.

Section 4. The Anchorage Youth Court shall have jurisdiction over those individuals living in the Municipality of Anchorage and/or who are charged with delinquent conduct occurring in the Municipality of Anchorage and are enrolled in grades 7 through 12 and/or are 12 to 18 years of age. Younger defendants may be considered upon special agreement and with the understanding that the defendant will be adjudicated by 7-12 graders.

Section 5. Anchorage Youth Court shall consist of one or more organized courts.

Article II: Board of Directors

Section 1. Composition. The Board of Directors shall consist of twelve (12) adult members and twelve (12) youth members. Members of the Board shall be residents of the Municipality of Anchorage. Representatives can also hold one other elected position.

Nomination of adult Board members shall be made by a nomination committee comprised of the existing Board of Directors (except that the first nominating committee shall be the establishing constitutional committee).

The twelve youth representatives shall consist of the AYC Bar President and AYC Chief Judge as ex officio members, and ten other youth representatives elected from the AYC Bar Association at large, as outlined in Article IV, Sections 3 and 5, below. Any active Youth Court Bar member may be elected to these representative positions.

Section 2. Duties. The Board of Directors shall promote the purpose of this constitution. The duties of the Board shall include, but are not limited to fiscal matters, appointing the Executive Director, maintaining liaisons between the Anchorage Youth Court and law enforcement agencies of the State of Alaska and the Municipality of Anchorage, as well as general supervision of the Anchorage Youth Court. The Board of Directors may adopt any lawful resolution necessary to further the purposes of the Anchorage Youth Court not in conflict with the Anchorage Youth Court Constitution.

Section 3. Meetings. The Board of Directors shall meet at least once a semester with advance notice.

Article III: Advisory Staff

Section 1. The advisory staff of the Anchorage Youth Court shall consist of an Executive Director and a Legal Advisor, and such other staff deemed necessary. The Executive Director shall report to the Board of Directors; the rest of the staff shall report to the Executive Director.

Section 2. In selecting an Executive Director, special consideration shall be given to applicants with some interest, experience, or education in law. It shall be the responsibility of the Executive Director to review and approve, together with the Legal Advisor, referrals to the Anchorage Youth Court; to establish, oversee, and direct such

procedures and perform such duties as are required to ensure the smooth and proper operation of the Anchorage Youth Court network, to maintain accurate, current records of costs and expenses of the Anchorage Youth Court; and to act as liaison between the Anchorage Youth Court Bar Association and membership, and the Board of Directors and the Anchorage court system at large. Insofar as elected positions are concerned, the Executive Director shall be responsible for receiving nominations, preparing and distributing ballots, and publishing election results.

Section 3. Legal Advisor. The Legal Advisor shall be a graduate of an accredited law school in the United States. The duties and responsibilities of the Legal Advisor shall be to review and approve, together with the Executive Director, referrals to the Anchorage Youth Court; and to generally confer with, advise, and direct Anchorage Youth Court staff and members as requested, required or needed.

Article IV: Membership and Positions

Section 1. Membership. To qualify as a member of the Anchorage Youth Court, a person must be enrolled in a grade between 7 and 12 in a public or private school in the Municipality of Anchorage, and must successfully complete a training course and pass an Anchorage Youth Court Bar examination. In order to qualify as an active member, a member must have attended a majority of Anchorage Youth Court Bar Association meetings held within the last three months. A member may avoid inactive status, when necessary, by making prior arrangements with the Executive Director for a pending absence. Upon return, the member may re-establish his or her standing by participating in a Youth Court function. All members are subject to the rules and guidelines established by the Ethics Committee.

Section 2. Nomination. Nomination for candidacy for elected office shall be made verbally at the Anchorage Youth Court Bar Association meeting prior to the meeting at which elections are held. In order to become a candidate for office, one must be an active Anchorage Youth Court Bar Association member and within two (2) weeks of nomination must submit a written letter of intent outlining-past commitment to the program, intentions or platform the candidate wishes to act upon, and level of commitment if elected. The candidate must also include the number of hours he or she has already volunteered with Anchorage Youth Court.

Section 3. Election. Members of the Anchorage Youth Court shall elect from among members nominated pursuant to Article IV, Section 2, one Chief Judge, one Assistant Chief Judge, one Chief Clerk, one Anchorage Youth Court Bar Association President, one Vice President, one Treasurer, one Secretary, one Publicity Liaison, and one Fundraising Liaison. The term of each of these offices shall be one year. Elections shall exist of two voting opportunities; a meeting to be held annually in April that is announced two weeks in advance in writing to all Anchorage Youth Court Bar Association Members and pre-election night voting. Pre-election night voting will run from the deadline for letters of intent to the election night meeting. Pre-election night voting will allow any active Anchorage Youth Court Bar Association Member to come to

the AYC main office during operating hours and submit a ballot. Ballots cast will be recorded by AYC office staff, and each person will only be able to vote once per election. A simple majority of ballots cast pre-election night and present and voting at the election night meeting shall be required for election to any office. No proxy voting will be allowed. Officers will assume positions the first of May, following election.

No one shall hold more than one elected position at any time, with the exception of Board of Director and Ethics Board positions. A vacancy of an elected position may be filled by the appointment of any active bar member, including members holding elected positions at the time. If any member elected to a position is unable to fill that position, a new vote must be taken as soon as practicable.

Voting shall be by secret, written ballot. Each voter may cast one vote for each position to be elected. All ballots shall be placed by the voter in a sealed ballot box. At the conclusion of voting, the ballot boxes shall be delivered to the graduating seniors, who shall count and tally all ballots under the supervision of the Executive Director and report the results to the membership.

Section 4. Removal. Any person elected may be removed from office by a two-thirds majority of the votes cast by the members of Anchorage Youth Court, but only after the grounds therefor have been presented to the person in writing and the person has had an opportunity for a hearing before the Anchorage Youth Court Bar Association membership at a meeting set for that purpose.

Section 5. Vacancies. In the event of a vacancy in an elected position, the Executive Board of the Anchorage Youth Court Bar Association shall have the authority to appoint a temporary replacement, if necessary, until an election can be held to fill the position. The election must be held within 3 Anchorage Youth Court Bar Association Meetings, and an appointment shall end immediately upon election of a person to fill the position. Elections shall be held in the same manner as provided in Sections 2 and 3, above.

Section 6. Anchorage Youth Court Bar Association President. Any attorney who is at least 16 years old or at least a junior in high school is eligible to hold the office of AYC Bar President. The Anchorage Youth Court Bar Association President shall chair all meetings of the Anchorage Youth Court Bar Association, supervise all other business of the Bar Association with the assistance of the Executive Director, and serve as the student representative of the Anchorage Youth Court to the community. The Anchorage Youth Court President is authorized to create and fill any position he or she deems necessary. The Anchorage Youth Court Bar Association may remove appointees by 2/3 vote of the members present. The President shall preside over the Executive Board, which shall consist of all elected officers and positions or their representatives, appointees and representatives from each active committee. This Board will meet with the Executive Director at a regularly scheduled time.

Section 7. Anchorage Youth Court Bar Association Vice President. Any attorney who is at least 16 years old or is a junior in high school is eligible to hold the office of Bar Association Vice President. The Anchorage Youth Court Bar Association Vice President shall serve in the absence of or at the request of the Anchorage Youth Court President, and in that event shall serve in place of and with the same power and authority of the Anchorage Youth Court Bar Association President.

Section 8. Secretary. Any member in grade 7-12 is eligible to hold the office of Secretary. The Secretary shall take minutes of all Anchorage Youth Court Bar Association meetings and Executive Board meetings, and assist the Anchorage Youth Court Bar Association President. The Secretary shall publish the minutes of all Anchorage Youth Court Bar Association meetings and keep Anchorage Youth Court Bar Association members informed of the time and date of upcoming meetings.

Section 9. Treasurer. Any member who is at least 16 years old or is at least a sophomore in high school is eligible to hold the position of Treasurer. Duties of the Treasurer include, but are not limited to, control of student funds, maintain and keep current financial records, and provide Treasurer's reports at all Anchorage Youth Court Bar Association meetings.

Section 10. Fundraising Liaison. Any member who has been enrolled in Anchorage Youth Court for more than a year or is a Presiding Judge is eligible to hold the position of Fundraising Liaison. Responsibilities include, but are not limited to, leading AYC student fundraising activities in collaboration with the AYC staff and directly communicating with the adult fundraising committee and the AYC Bar Executive Board concerning fundraising needs. The Liaison serves at the pleasure of the AYC Bar Executive Board. They will be automatically added to the Finance and Fundraising committees of the Board of Directors, although they will not become a member of the Board of Directors unless elected.

Section 11. Publicity Liaison. Any member who has been enrolled in Anchorage Youth Court for more than a year or is a Presiding Judge is eligible to hold the position of Publicity Liaison. Responsibilities include, but are not limited to, leading AYC publicity with schools, parents, and the community; appointing school publicity coordinators; administering the publicity structure; acting as contact person for all publicity presentations and media activities, and working to promote youth court recognition and AYC membership. The Liaison serves at the pleasure of the AYC Bar Executive Board. The Publicity Liaison may be removed from office by a two-thirds majority of the votes cast by the members of the AYC Executive Board, but only after the grounds therefore have been presented to the person in writing and the person has had an opportunity for a hearing before the AYC Executive Board at a meeting set for that purpose.

Section 12. Judges. All judges must be enrolled in grades 10, 11, or 12, and must have served at least five times as lead prosecuting attorney and at least five times as lead defense attorney, unless members with these qualifications are not available. In case the above qualifications cannot be met, the member must have been involved in at least one

case. The Associate Judge positions will be appointed based on review by the Chief Judge and the legal advisors.

To qualify for the position of Chief Judge or Assistant Chief Judge, a person must have judged at least fifteen (15) cases and be qualified to preside.

The Assistant Chief Judge shall serve in the absence of or at the request of the Chief Judge, and in that event, shall serve in place of and with the same power and authority as the Chief Judge.

To be qualified as a Presiding Judge, a person must have presided over at least three cases on a panel with an experienced Presiding Judge and have been certified as a Presiding Judge by the Chief Judge and Legal Advisor

Section 13. Chief Clerk. Any member in grade 7-12 may be elected to the position of Chief Clerk by a majority vote of the Anchorage Youth Court Bar Association. Responsibilities include, but are not limited to, administration over the clerks and bailiffs within the court.

Section 14. Attorneys. Any member in grade 7-12 may be appointed as an Attorney. The selection of attorneys to serve on cases that are referred to the Anchorage Youth Court shall be made by the Volunteer Coordinator.. Attorneys shall zealously represent their client to their best ability in accordance with the Alaska State Court and American Bar Association rules.

Section 15. Jurors. All youth in grades 7 through 12 and enrolled in a public or private school in the Municipality of Anchorage are eligible to serve as jurors, including any Anchorage Youth Court member.

The method for selecting jurors shall be established by the Executive Director and Legal Advisor.. The Legal Advisor shall be responsible for maintaining a list of available jurors. Jurors are bound to maintain the confidentiality of the defendant and all court proceedings.

Article V: Referral Procedure

Section 1. After a preliminary investigation, the Referring Authority may refer a case to the Anchorage Youth Court. The Referring Authority will meet with the defendant and his/her custodial parent or guardian and explain the purpose of Anchorage Youth Court and its procedures, including sentencing. After an opportunity to confer with counsel, the defendant will be given the choice of proceeding to Anchorage Youth Court or being handled through regular channels, which may include a formal court hearing and a record.

Section 2. If the defendant and his/her custodial parent or guardian agrees to proceed with Anchorage Youth Court, they will sign a voluntary agreement, with the understanding their case will be held open for one hundred twenty (120) days to complete the process. This voluntary agreement will also state that failure to comply with Anchorage Youth Court and other established conditions, once agreed to, may result in having their case handled in formal court proceedings.

Section 3. Anchorage Youth Court proceedings will begin with the referral from the Referring Authority. The Executive Director will receive a copy of the signed voluntary agreement to participate in Anchorage Youth Court, available arrest reports and other related documents. If the case is not accepted by Anchorage Youth Court, the case will be returned to the Referring Authority, together with all documents relating to the case.

Article VI: Anchorage Youth Court Procedure

Section 1. Proceedings in Anchorage Youth Court shall be conducted as far as practicable in substantial conformity with rules and statutes governing adult proceedings in the Alaska court system. The rules and statutes shall be applied and modified as necessary to promote the prompt and just resolution of cases and legal education.

Section 2. At all times, Anchorage Youth Court proceedings will be conducted to ensure that the defendant's rights guaranteed by the Alaska and United States Constitutions are protected, including but not limited to the following:

1. the right to be represented by an Anchorage Youth Court attorney;
2. the right to trial by jury;
3. the right to call and cross-examination; and
4. the right against self-incrimination; and
5. the right to appeal.

At all times, Anchorage Youth Court proceedings shall be conducted to ensure confidentiality.

Section 3. The Chief Judge or his /her appointee shall preside over all courtroom proceedings of the Anchorage Youth Court, with the assistance of two associate judges.

Section 4. If after an Anchorage Youth Court proceeding, the defendant pleads no contest, guilty, or is found guilty at trial the judges will determine an appropriate sentence at a sentencing hearing to be held within five (5) days of the verdict or plea. Sentencing shall be in accordance with the informal sentencing guidelines established by the Referring Authority and the Anchorage Youth Court Judges.

Section 5. The Presiding Judge shall submit to the Sentencing Coordinator the sentencing order of the Anchorage Youth Court. The Sentencing Coordinator shall submit the final disposition to the Referring Authority.

Section 6. If the defendant chooses to exercise his/her right to appeal either a verdict or a sentence, s/he shall submit a written statement, including reasons for appeal within five (5) working days of sentence. The Chief Judge shall appoint a three-member appeals panel.

There are nine grounds for appeal:

1. verdict not in conformity with Alaska Constitution, statutes or rules;
2. verdict not supported by the evidence;
3. sentence not supported by the evidence;
4. improper legal procedure;
5. inadequate legal representation;
6. new evidence discovered after trial or a sentencing hearing which substantially affects the case, and the evidence was not available prior to or during the trial or sentencing hearing;
7. plea not voluntarily given;
8. the sentence was excessive in light of the evidence and the crime; and
9. the court was without jurisdiction.

If the appeals panel finds for the defendant, the case shall be remanded for a new sentencing hearing or a new trial. The three member appeals panel, when reviewing a sentence, has the authority to reduce a sentence or order a new sentencing hearing.

Section 7. The Sentencing Coordinator and his/her assistant shall oversee the defendant's compliance with the Anchorage Youth Court Sentencing order(s) and provide status reports to the Referring Authority as required.

Article VII: Voting, and Adoption of Rules

Section 1. All voting members of the Anchorage Youth Court may vote concerning Anchorage Youth Court matters.

Section 2. All matters put to a vote shall be decided by a simple majority of those voting members present unless otherwise specified in this constitution.

Section 3. The Anchorage Youth Court Bar Association may pass rules deemed necessary to its proper functioning, as long as such rules do not conflict with this constitution or the bylaws.

Article VIII: Amendments and Ratification

Section 1. In order to ratify and amend this constitution, a constitution committee shall publicize the proposed constitution or the proposed revisions or amendments and

provide notice of the voting date and place in a reasonable manner best calculated to reach the largest number of qualified voters as defined below.

Section 2. A qualified voter, for the purpose of ratification and amendment of this constitution, shall be any voting member of the Anchorage Youth Court Bar Association.

Section 3. The constitutional committee shall have the responsibility of preparing and distributing ballots for voting. Each qualified voter may cast one secret, written ballot for each proposal. The constitution committee will be responsible for counting and tallying of all ballots.

Section 4. A majority of all voting qualified Anchorage Youth Court members in grade 7 through 12 voting on the proposal(s) shall be required for ratification and amendment.

Section 5. The constitution committee shall promptly announce the outcome of the vote.

Article IX: Ethics Board

Section 1. Consequent to the occurrence of a severe conflict involving an Anchorage Youth Court Bar Association member, the Anchorage Youth Court Bar Association shall establish an Ethics Board composed of five (5) current Anchorage Youth Court Executive Board members, and must be accompanied by the Executive Director and/or legal advisor. Upon formation, the Ethics Board members will elect a Chairperson by a simple majority vote.

Section 2. Any complaints of ethics violation by an Anchorage Youth Court Bar Association member must be reviewed by the Ethics Board. If they find that the allegations have merit, they will review how the action(s) violated Anchorage Youth Court's Ethical Rules. The Ethics Board, if finding the member in violation, has the authority to impose sanctions that include, but are not limited to: removal from office, demotion, suspension, the retaking of AYC classes and AYC Bar Exam, reviewing AYC class material with a legal advisor, and disbarment.

Section 3. A member found in violation has the right to appeal the Board's decision if sanctions set out by the Ethics Board have been met. An appeal will be heard by a panel consisting of the Executive Director, AYC Bar President, and an AYC legal advisor. Arguments for appeal will be made in writing and filed within 10 school days from receipt of the Ethics Board's decision.