

Introduced by: McGahan  
Date: May 19, 1987  
Vote: 11 Yes, 4 No  
Action: Adopted

KENAI PENINSULA BOROUGH

RESOLUTION 87-47

OPPOSING PASSAGE OF HOUSE BILL 274 WHICH WOULD INCLUDE THE UNDEFINED TERM "MENTAL INJURY" WITHIN THE DEFINITION OF CHILD ABUSE UNDER ALASKA STATUTES.

WHEREAS, HB 274 currently pending in the legislature would add "mental injury" to the definition of child abuse; and

WHEREAS, there are no definition of mental injury included in the legislation and its meaning is entirely subjective and vague;

WHEREAS, this country was founded upon the principal that subjective interpretation and application of laws was wrong; and

WHEREAS, the term "mental injury" can be capable of such application unless clearly defined;

NOW THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:


Section 1. That the assembly opposes the passage of HB 274 which would include the term "mental injury" within the definition of child abuse under the Alaska Statutes for the reason that the term is undefined and is vague and capable of over-broad application. The use of vague language which can be subjectively applied should be discouraged.

Section 2. That copies of this resolution shall be sent to Governor Steve Cowper; Senators John Binkley, Paul Fischer, Jalmar Kerttula and Mike Szymanski; and Representatives Bette Cato, Mike Navarre, C.E. Swackhammer, Kay Wallis and Jim Zawacki.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 19th DAY OF May, 1987.

  
Jonathan W. Sewall, Assembly President

ATTEST:

  
Borough Clerk

Res. 87-47

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2

HOUSE BILL NO. 274

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to reporting of child abuse or  
7 neglect; and providing for an effective date."

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

9 \* Section 1. AS 47.17.070(2) is amended to read:

10 (2) "child abuse or neglect" means the physical injury or  
11 neglect, mental injury, sexual abuse, sexual exploitation, or mal-  
12 treatment of a child under the age of 18, by a person who is respon-  
13 sible for the child's welfare, under circumstances which indicate that  
14 the child's health or welfare is harmed or threatened thereby;

15 \* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).