

From: Schroeder, Kaci K (LAW) <kaci.schroeder@alaska.gov>
Sent: Thursday, March 29, 2018 3:54 PM
To: Patrick Fitzgerald <Patrick.Fitzgerald@akleg.gov>; Jane Pierson <Jane.Pierson@akleg.gov>
Cc: Peterson, Darwin R (GOV) <darwin.peterson@alaska.gov>; Gorle, Nicole A (GOV) <nicoles.gorle@alaska.gov>; Bolling, Elizabeth (GOV) <Elizabeth.Bolling@Alaska.GOV>; Schoenheit, Victoria M (GOV) <victoria.schoenheit@alaska.gov>
Subject: HB 316 and the Public Records Act

Patrick and Jane,

In preparation for tomorrow's hearing on HB 316 we took a closer look at section 3 which pertains to the Public Records Act. Section 3 is duplicative of AS 12.62.160(a) which specifically says that criminal justice records (such as the ones at issue in the bill) are not subject to the Public Records Act. We believe that AS 12.62.160(a) in combination with section 2 of the bill which requires the Alaska Court System to treat these records as confidential is sufficient to prevent a member of the public from obtaining these types of records.

Sec. 12.62.160. Release and use of criminal justice information; fees.

(a) Criminal justice information and the identity of recipients of criminal justice information are confidential and **exempt from disclosure under AS 40.25**. The existence or nonexistence of criminal justice information may not be released to or confirmed to any person except as provided in this section and AS 12.62.180(d).

Keeping section 3 of the bill is overkill and could create confusion in implementation. We will have Alan Birnbaum, our Public Records Act attorney, on the phone for the HB 316 hearing tomorrow.

Please let me know if you have any questions.

Kaci Schroeder
Assistant Attorney General
Department of Law
465-4037