

AMENDMENT

OFFERED IN THE HOUSE

TO: CSSB 64(FIN)

1 Page 2, line 1, following "**Services**";:

2 Insert "**relating to the confidentiality of certain records of criminal cases**;"

3

4 Page 2, following line 2:

5 Insert a new bill section to read:

6 "*** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
7 to read:

8 LEGISLATIVE INTENT FOR SEC. 27 OF THIS ACT. It is the intent of the
9 legislature in sec. 27 of this Act that, to the extent practicable, the Alaska Court System hold
10 confidential records of criminal cases that were disposed of before the effective date of sec.
11 27 of this Act by acquittal of all charges, by dismissal of all charges, or by acquittal of some
12 charges and dismissal of the remaining charges, to the same extent that records are held
13 confidential under AS 22.35.030, enacted by sec. 27 of this Act."

14

15 Page 2, line 3:

16 Delete "**Section 1**"

17 Insert "**Sec. 2**"

18

19 Renumber the following bill sections accordingly.

20

21 Page 13, following line 31:

22 Insert a new bill section to read:

23 "*** Sec. 27.** AS 22.35 is amended by adding a new section to read:

1 **Sec. 22.35.030. Records concerning criminal cases resulting in acquittal or**
2 **dismissal confidential.** (a) A court record of a criminal case is confidential if 120
3 days have elapsed from the date of acquittal or dismissal and

4 (1) the defendant was acquitted of all charges filed in the case;

5 (2) all criminal charges against the defendant in the case have been
6 dismissed by the prosecuting authority; or

7 (3) the defendant was acquitted of some of the criminal charges in the
8 case and the remaining charges were dismissed.

9 (b) Notwithstanding (a) of this section, the following persons may have access
10 to records made confidential under this section:

11 (1) employees of the Department of Health and Social Services who
12 are responsible for the health, safety, welfare, or placement of a child, a person with a
13 physical or intellectual disability, or a person with a mental illness;

14 (2) the public guardian under AS 13.26.370 or a guardian ad litem
15 supervised by the office of public advocacy;

16 (3) a person who is authorized to have access to the criminal justice
17 information network maintained by the Department of Public Safety under AS 12.62.

18 (c) The Department of Health and Social Services shall adopt regulations to
19 administer (b)(1) of this section."
20

21 Renumber the following bill sections accordingly.

22
23 Page 23, line 3:

24 Delete "sec. 1"

25 Insert "sec. 2"

26
27 Page 23, line 4:

28 Delete "sec. 2"

29 Insert "sec. 3"

30 Delete "sec. 3"

31 Insert "sec. 4"

1

2 Page 23, line 5:

3 Delete "sec. 4"

4 Insert "sec. 5"

5

6 Page 23, line 6:

7 Delete "sec. 5"

8 Insert "sec. 6"

9 Delete "sec. 6"

10 Insert "sec. 7"

11

12 Page 23, line 7:

13 Delete "sec. 7"

14 Insert "sec. 8"

15 Delete "sec. 8"

16 Insert "sec. 9"

17

18 Page 23, line 8:

19 Delete "sec. 9"

20 Insert "sec. 10"

21 Delete "sec. 10"

22 Insert "sec. 11"

23

24 Page 23, line 9:

25 Delete "sec. 11"

26 Insert "sec. 12"

27

28 Page 23, line 10:

29 Delete "sec. 12"

30 Insert "sec. 13"

31 Delete "sec. 13"

1 Insert "sec. 14"

2

3 Page 23, line 11:

4 Delete "sec. 14"

5 Insert "sec. 15"

6 Delete "sec. 15"

7 Insert "sec. 16"

8

9 Page 23, line 12:

10 Delete "sec. 16"

11 Insert "sec. 17"

12 Delete "sec. 17"

13 Insert "sec. 18"

14

15 Page 23, line 13:

16 Delete "sec. 18"

17 Insert "sec. 19"

18

19 Page 23, line 14:

20 Delete "sec. 19"

21 Insert "sec. 20"

22 Delete "sec. 20"

23 Insert "sec. 21"

24

25 Page 23, line 15:

26 Delete "sec. 21"

27 Insert "sec. 22"

28 Delete "sec. 22"

29 Insert "sec. 23"

30

31 Page 23, line 16:

- 1 Delete "sec. 23"
- 2 Insert "sec. 24"
- 3
- 4 Page 23, line 17:
 - 5 Delete "secs. 1 - 28 and 30 - 34"
 - 6 Insert "secs. 1 - 26, 28 - 30, and 32 - 36"
 - 7
- 8 Page 23, line 18:
 - 9 Delete "sec. 24"
 - 10 Insert "sec. 25"
 - 11
- 12 Page 23, line 19:
 - 13 Delete "sec. 26"
 - 14 Insert "sec. 28"
 - 15 Delete "sec. 27"
 - 16 Insert "sec. 29"
 - 17
- 18 Page 23, line 20:
 - 19 Delete "sec. 28"
 - 20 Insert "sec. 30"
 - 21
- 22 Page 23, line 21:
 - 23 Delete "sec. 32"
 - 24 Insert "sec. 34"
 - 25
- 26 Page 23, line 22:
 - 27 Delete "secs. 1 - 28 and 30 - 34"
 - 28 Insert "secs. 1 - 26, 28 - 30, and 32 - 36"
 - 29
- 30 Page 23, line 23:
 - 31 Delete "secs. 1 - 28 and 30 - 34"

1 Insert "secs. 1 - 26, 28 - 30, and 32 - 36"

2

3 Page 23, following line 23:

4 Insert a new subsection to read:

5 "(c) AS 22.35.030, enacted by sec. 27 of this Act, applies to criminal charges
6 concluded on or after the effective date of sec. 27 of this Act, by dismissal or by acquittal of
7 the defendant."

8

9 Page 23, line 27:

10 Delete "sec. 30"

11 Insert "sec. 32"

12

13 Page 23, line 29:

14 Delete "sec. 30"

15 Insert "sec. 32"

16

17 Page 24, line 3:

18 Delete "sec. 26"

19 Insert "sec. 28"

20

21 Page 24, line 6:

22 Delete "sec. 27"

23 Insert "sec. 29"

24 Delete "sec. 28"

25 Insert "sec. 30"

26

27 Page 24, line 9:

28 Delete "sec. 32"

29 Insert "sec. 34"

30

31 Page 24, following line 11:

- 1 Insert a new bill section to read:
- 2 "* **Sec. 39.** Section 27 of this Act takes effect October 1, 2014."
- 3
- 4 Renumber the following bill sections accordingly.
- 5
- 6 Page 24, line 12:
 - 7 Delete "Section 29"
 - 8 Insert "Section 31"
 - 9
- 10 Page 24, line 13:
 - 11 Delete "Section 36"
 - 12 Insert "Section 38"
 - 13
- 14 Page 24, line 14:
 - 15 Delete "Sections 1 - 28 and 30 - 34"
 - 16 Insert "Sections 1 - 26, 28 - 30, and 32 - 36"