

28-LS0973\G
Strasbaugh
4/14/14

HOUSE CS FOR CS FOR SENATE BILL NO. 108(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS DYSON, Micciche, Coghill, McGuire, Bishop, Egan, Giessel, Meyer, Dunleavy, Stevens, Kelly, Ellis, Fairclough

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the confidentiality of certain records of criminal cases; and**
2 **providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

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

6 LEGISLATIVE INTENT. It is the intent of the legislature that, to the extent
7 practicable, the Alaska Court System hold confidential records of criminal cases disposed of
8 before the effective date of this Act in which a prosecutor did not file a charging document, a
9 judicial officer found no probable cause to support a criminal charge, or the grand jury did not
10 indict and returned an indictment endorsed "not a true bill" on all counts in a case, to the same
11 extent that records are held confidential under AS 22.35.030, enacted by sec. 2 of this Act.

12 * **Sec. 2.** AS 22.35 is amended by adding a new section to read:

13 **Sec. 22.35.030. Records concerning certain criminal cases confidential. (a)**

14 A court record of a criminal case is confidential if 120 days have elapsed from the date

1 of the creation of the criminal record and

2 (1) the prosecuting authority has not filed a charging document on the
3 case;

4 (2) a judicial officer has found no probable cause to support any
5 criminal charge in the case during an initial proceeding or as a result of a preliminary
6 hearing; or

7 (3) the grand jury did not indict and returned an indictment endorsed
8 "not a true bill" on all counts in the case.

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 * **Sec. 3.** This Act takes effect October 1, 2014.