

ALASKA STATE LEGISLATURE



SENATOR FRED DYSON

SENATE DISTRICT F

SPONSOR STATEMENT FOR CSSB 108(JUD)

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

CSSB 108(JUD) seeks to strengthen privacy and liberty interests of persons by designating *confidential* (defined in Administrative Rule of Court 37.5) certain court records associated with dismissed and acquitted charges. CSSB 108(JUD) would make court records of a criminal case *confidential* if 120 days have elapsed from the date of acquittal or dismissal, and 1) the person was acquitted of all charges filed in the case; 2) all criminal charges against the person have been dismissed by the prosecuting authority; or 3) the person was acquitted of some of the charges in the case, and the remaining charges were dismissed.

CSSB 108(JUD) does not pose a restriction to police or prosecution ability to access arrest records and charging documents. It does not remove information in the federal National Crime Information Center (NCIC) database, or in the Alaska Public Safety Information Network (APSIN) database, and would not render information already in the public domain *confidential*. CSSB 108(JUD) allows state agency employees that protect vulnerable children and adults, and APSIN users to continue to have access to information made *confidential*.

CourtView, the Alaska Trial Courts online publicly accessible database, provides exceptional access for persons seeking information on the status of criminal and civil cases, the nature of criminal charges filed against persons, and the final outcome of litigation. CourtView indefinitely shows arrest and charging documents for persons who were never convicted or incarcerated, and is an unrestricted site allowing anyone to use the database to screen any person, for any reason. In spite of CourtView user warnings that a charge is not to be considered a conviction, this public posting of a person's name and charges has had significant deleterious effects on employment prospects, ability to find housing, and other professional and personal opportunities of many Alaskans.

By very definition, a person is not a criminal if acquitted at trial, or if their case is dismissed by the prosecution and not refiled in a timely manner. In American jurisprudence, we are all to be considered innocent until proven guilty. SB 108 strengthens this maxim of presumption of innocence by treating as *confidential* court records associated with dismissed and acquitted charges.

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