

**HOUSE BILL NO. 292**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/21/00

Referred: State Affairs, Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act adopting the National Crime Prevention and Privacy Compact; making  
2 criminal justice information available to interested persons and criminal history  
3 record information available to the public; making certain conforming amendments;  
4 and providing for an effective date."

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

6 \* **Section 1.** AS 12.62.160(b) is amended to read:

7 (b) Subject to the requirements of this section, and except as otherwise limited  
8 or prohibited by other provision of law or court rule, criminal justice information may  
9 be released by a criminal justice agency as follows:

10 (1) an assessment or summary of criminal justice information may be  
11 provided to a person when, and only to the extent, necessary to avoid imminent danger  
12 to life or extensive damage to property;

13 (2) criminal justice information may be provided to a person to the  
14 extent required by applicable court rules or under an order of a court of this state,

1 another state, or the United States;

2 (3) criminal justice information may be provided to a person if the  
3 information is commonly or traditionally provided by criminal justice agencies in order  
4 to identify, locate, or apprehend fugitives or wanted persons or to recover stolen  
5 property, or for public reporting of recent arrests, charges, and other criminal justice  
6 activity;

7 (4) criminal justice information may be provided to a criminal justice  
8 agency for a criminal justice activity;

9 (5) criminal justice information may be provided to a government  
10 agency to the extent necessary for enforcement of or for a purpose specifically  
11 authorized by state or federal law;

12 (6) criminal justice information may be provided to a person  
13 specifically authorized by a state or federal law to receive such information;

14 (7) criminal justice information in aggregate form may be released to  
15 a qualified person, as determined by the agency, for criminal justice research, subject  
16 to written conditions that assure the security of the information and the privacy of  
17 individuals to whom the information relates;

18 (8) current offender information, **past conviction information, and**  
19 **criminal identification information except fingerprints**, may be provided to a person  
20 for any purpose, except that information may not be released if the release of the  
21 information would unreasonably compromise the privacy of a minor or vulnerable  
22 adult;

23 (9) [PAST CONVICTION INFORMATION MAY BE PROVIDED TO  
24 A PERSON FOR ANY PURPOSE IF LESS THAN 10 YEARS HAS ELAPSED  
25 FROM THE DATE OF UNCONDITIONAL DISCHARGE TO THE DATE OF THE  
26 REQUEST;]

27 (10) **criminal justice information** [PAST CONVICTION  
28 INFORMATION RELATING TO A SERIOUS OFFENSE] may be provided to an  
29 interested person if the information is requested for the purpose of determining whether  
30 to grant a person supervisory or disciplinary power over a minor or dependent adult;  
31 and

1 (11) criminal justice information may be provided to the person who  
2 is the subject of the information.

3 \* **Sec. 2.** AS 12 is amended by adding a new chapter to read:

4 **Chapter 64. National Crime Prevention and Privacy Compact.**

5 **Sec. 12.64.010. Compact enacted.** The National Crime Prevention and  
6 Privacy Compact as contained in this section is enacted into law and entered into on  
7 behalf of the State of Alaska with any other states legally joining in it in a form  
8 substantially as follows:

9 The contracting parties agree to the following:

10 **OVERVIEW**

11 (a) In general. This Compact organizes an electronic information sharing  
12 system among the federal government and the states to exchange criminal history  
13 records for noncriminal justice purposes authorized by federal or state law, such as  
14 background checks for governmental licensing and employment.

15 (b) Obligations of parties. Under this Compact, the FBI and the party states  
16 agree to maintain detailed databases of their respective criminal history records,  
17 including arrests and dispositions, and to make them available to the federal  
18 government and to party states for authorized purposes. The FBI shall also manage  
19 the federal data facilities that provide a significant part of the infrastructure for the  
20 system.

21 **ARTICLE I. DEFINITIONS**

22 In this Compact, unless the context clearly requires otherwise:

23 (1) "attorney general" means the attorney general of the United States;

24 (2) "Compact officer" means

25 (A) with respect to the federal government, an official so  
26 designated by the director of the FBI; and

27 (B) with respect to a party state, the chief administrator of the  
28 state's criminal history record repository or a designee of the chief  
29 administrator who is a regular full-time employee of the repository;

30 (3) "council" means the Compact Council established under Article VI;

31 (4) "criminal history records"

1 (A) means information collected by criminal justice agencies on  
2 individuals consisting of identifiable descriptions and notations of arrests,  
3 detentions, indictments, or other formal criminal charges, and any disposition  
4 arising therefrom, including acquittal, sentencing, correctional supervision, or  
5 release; and

6 (B) does not include identification information such as  
7 fingerprint records if such information does not indicate involvement of the  
8 individual with the criminal justice system;

9 (5) "criminal history record repository" means the state agency  
10 designated by the governor or other appropriate executive official or the legislature of  
11 a state to perform centralized record keeping functions for criminal history records and  
12 services in the state;

13 (6) "criminal justice" includes activities relating to the detection,  
14 apprehension, detention, pretrial release, post-trial release, prosecution, adjudication,  
15 correctional supervision, or rehabilitation of accused persons or criminal offenders; the  
16 administration of criminal justice includes criminal identification activities and the  
17 collection, storage, and dissemination of criminal history records;

18 (7) "criminal justice agency" means

19 (A) courts;

20 (B) a governmental agency or any subunit thereof that

21 (i) performs the administration of criminal justice  
22 pursuant to a statute or executive order; and

23 (ii) allocates a substantial part of its annual budget to the  
24 administration of criminal justice; and

25 (C) federal and state inspectors general offices;

26 (8) "criminal justice services" means services provided by the FBI to  
27 criminal justice agencies in response to a request for information about a particular  
28 individual or as an update to information previously provided for criminal justice  
29 purposes;

30 (9) "criterion offense" means any felony or misdemeanor offense not  
31 included on the list of nonserious offenses published periodically by the FBI;

1 (10) "direct access" means access to the National Identification Index  
2 by computer terminal or other automated means not requiring the assistance of or  
3 intervention by any other party or agency;

4 (11) "executive order" means an order of the President of the United  
5 States or the chief executive officer of a state that has the force of law and that is  
6 promulgated in accordance with applicable law;

7 (12) "FBI" means the Federal Bureau of Investigation;

8 (13) "Interstate Identification Index System" or "III System"

9 (A) means the cooperative federal-state system for the exchange  
10 of criminal history records;

11 (B) includes the National Identification Index, the National  
12 Fingerprint File, and to the extent of their participation in such system, the  
13 criminal history record repositories of the states and the FBI;

14 (14) "National Fingerprint File" means a database of fingerprints, or  
15 other uniquely personal identifying information, relating to an arrested or charged  
16 individual maintained by the FBI to provide positive identification of record subjects  
17 indexed in the III System;

18 (15) "National Identification Index" means an index maintained by the  
19 FBI consisting of names, identifying numbers, and other descriptive information  
20 relating to record subjects about whom there are criminal history records in the III  
21 System;

22 (16) "national indices" means the National Identification Index and the  
23 National Fingerprint File;

24 (17) "nonparty state" means a state that has not ratified this Compact;

25 (18) "noncriminal justice purposes" means uses of criminal history  
26 records for purposes authorized by federal or state law other than purposes relating to  
27 criminal justice activities, including employment suitability, licensing determinations,  
28 immigration and naturalization matters, and national security clearances;

29 (19) "party state" means a state that has ratified this Compact;

30 (20) "positive identification" means a determination, based upon a  
31 comparison of fingerprints or other equally reliable biometric identification techniques,

1 that the subject of a record search is the same person as the subject of a criminal  
 2 history record or records indexed in the III System; identifications based solely upon  
 3 a comparison of subjects' names or other nonunique identification characteristics or  
 4 numbers, or combinations thereof, shall not constitute positive identification;

5 (21) "sealed record information" means

6 (A) with respect to adults, that portion of a record that is

7 (i) not available for criminal justice uses;

8 (ii) not supported by fingerprints or other accepted  
 9 means of positive identification; or

10 (iii) subject to restrictions on dissemination for  
 11 noncriminal justice purposes pursuant to a court order related to a  
 12 particular subject or pursuant to a federal or state statute that requires  
 13 action on a sealing petition filed by a particular record subject; and

14 (B) with respect to juveniles, whatever each state determines is  
 15 a sealed record under its own law and procedure;

16 (22) "state" means any state, territory, or possession of the United  
 17 States, the District of Columbia, and the Commonwealth of Puerto Rico.

## 18 ARTICLE II. PURPOSES

19 The purposes of this Compact are to

20 (1) provide a legal framework for the establishment of a cooperative  
 21 federal-state system for the interstate and federal-state exchange of criminal history  
 22 records for noncriminal justice uses;

23 (2) require the FBI to permit use of the National Identification Index  
 24 and the National Fingerprint File by each party state, and to provide, in a timely  
 25 fashion, federal and state criminal history records to requesting states, in accordance  
 26 with the terms of this Compact and with rules, procedures, and standards established  
 27 by the council under Article VI;

28 (3) require party states to provide information and records for the  
 29 National Identification Index and the National Fingerprint File and to provide criminal  
 30 history records, in a timely fashion, to criminal history record repositories of other  
 31 states and the federal government for noncriminal justice purposes, in accordance with

1 the terms of this Compact and with rules, procedures, and standards established by the  
2 council under Article VI;

3 (4) provide for the establishment of a council to monitor the III System  
4 operations and to prescribe system rules and procedures for the effective and proper  
5 operation of the III System for noncriminal justice purposes; and

6 (5) require the FBI and each party state to adhere to III System  
7 standards concerning record dissemination and use, response times, system security,  
8 data quality, and other duly established standards, including those that enhance the  
9 accuracy and privacy of such records.

### 10 ARTICLE III. RESPONSIBILITIES OF COMPACT PARTIES

11 (a) FBI responsibilities. The director of the FBI shall

12 (1) appoint an FBI Compact officer who shall

13 (A) administer this Compact within the Department of Justice  
14 and among federal agencies and other agencies and organizations that submit  
15 search requests to the FBI pursuant to Article V(c);

16 (B) ensure that Compact provisions and rules, procedures, and  
17 standards prescribed by the council under Article VI are complied with by the  
18 Department of Justice and the federal agencies and other agencies and  
19 organizations referred to in Article III(1)(A); and

20 (C) regulate the use of records received by means of the III  
21 System from party states when such records are supplied by the FBI directly  
22 to other federal agencies;

23 (2) provide to federal agencies and to state criminal history record  
24 repositories, criminal history records maintained in its database for the noncriminal  
25 justice purposes described in Article IV, including

26 (A) information from nonparty states; and

27 (B) information from party states that is available from the FBI  
28 through the III System, but is not available from the party state through the III  
29 System;

30 (3) provide a telecommunications network and maintain centralized  
31 facilities for the exchange of criminal history records for both criminal justice purposes

1 and the noncriminal justice purposes described in Article IV, and ensure that the  
2 exchange of such records for criminal justice purposes has priority over exchange for  
3 noncriminal justice purposes; and

4 (4) modify or enter into user agreements with nonparty state criminal  
5 history record repositories to require them to establish record request procedures  
6 conforming to those prescribed in Article V.

7 (b) State responsibilities. Each party state shall

8 (1) appoint a Compact officer who shall

9 (A) administer this Compact within that state;

10 (B) ensure that Compact provisions and rules, procedures, and  
11 standards established by the council under Article VI are complied with in the  
12 state; and

13 (C) regulate the in-state use of records received by means of the  
14 III System from the FBI or from other party states;

15 (2) establish and maintain a criminal history record repository, which  
16 shall provide

17 (A) information and records for the National Identification  
18 Index and the National Fingerprint File; and

19 (B) the state's III System-indexed criminal history records for  
20 noncriminal justice purposes described in Article IV;

21 (3) participate in the National Fingerprint File; and

22 (4) provide and maintain telecommunications links and related  
23 equipment necessary to support the services set forth in this Compact.

24 (c) Compliance with III System standards. In carrying out their responsibilities  
25 under this Compact, the FBI and each party state shall comply with III System rules,  
26 procedures, and standards duly established by the council concerning record  
27 dissemination and use, response times, data quality, system security, accuracy, privacy  
28 protection, and other aspects of III System operation.

29 (d) Maintenance of record services.

30 (1) Use of the III System for noncriminal justice purposes authorized  
31 in this Compact shall be managed so as not to diminish the level of services provided

1 in support of criminal justice purposes.

2 (2) Administration of Compact provisions shall not reduce the level of  
3 service available to authorized noncriminal justice users on the effective date of this  
4 Compact.

#### 5 ARTICLE IV. AUTHORIZED RECORD DISCLOSURES

6 (a) State criminal history record repositories. To the extent authorized by  
7 section 552a of title 5, United States Code (commonly known as the "Privacy Act of  
8 1974"), the FBI shall provide on request criminal history records (excluding sealed  
9 records) to state criminal history record repositories for noncriminal justice purposes  
10 allowed by federal statute, federal executive order, or a state statute that has been  
11 approved by the attorney general and that authorizes national indices checks.

12 (b) Criminal justice agencies and other governmental or nongovernmental  
13 agencies. The FBI, to the extent authorized by section 552a of title 5, United States  
14 Code (commonly known as the "Privacy Act of 1974"), and state criminal history  
15 record repositories shall provide criminal history records (excluding sealed records) to  
16 criminal justice agencies and other governmental or nongovernmental agencies for  
17 noncriminal justice purposes allowed by federal statute, federal executive order, or a  
18 state statute that has been approved by the attorney general, that authorizes national  
19 indices checks.

20 (c) Procedures. Any record obtained under this Compact may be used only  
21 for the official purposes for which the record was requested. Each Compact officer  
22 shall establish procedures, consistent with this Compact, and with rules, procedures,  
23 and standards established by the council under Article VI, which procedures shall  
24 protect the accuracy and privacy of the records, and shall

25 (1) ensure that records obtained under this Compact are used only by  
26 authorized officials for authorized purposes;

27 (2) require that subsequent record checks are requested to obtain current  
28 information whenever a new need arises; and

29 (3) ensure that record entries that may not legally be used for a  
30 particular noncriminal justice purpose are deleted from the response and, if no  
31 information authorized for release remains, an appropriate "no record" response is

1 communicated to the requesting official.

2 ARTICLE V. RECORD REQUEST PROCEDURES

3 (a) Positive identification. Subject fingerprints or other approved forms of  
4 positive identification shall be submitted with all requests for criminal history record  
5 checks for noncriminal justice purposes.

6 (b) Submission of state requests. Each request for a criminal history record  
7 check utilizing the national indices made under any approved state statute shall be  
8 submitted through that state's criminal history record repository. A state criminal  
9 history record repository shall process an interstate request for noncriminal justice  
10 purposes through the national indices only if such request is transmitted through  
11 another state criminal history record repository or the FBI.

12 (c) Submission of federal requests. Each request for criminal history record  
13 checks utilizing the national indices made under federal authority shall be submitted  
14 through the FBI or, if the state criminal history record repository consents to process  
15 fingerprint submissions, through the criminal history record repository in the state in  
16 which such request originated. Direct access to the National Identification Index by  
17 entities other than the FBI and state criminal history records repositories shall not be  
18 permitted for noncriminal justice purposes.

19 (d) Fees. A state criminal history record repository or the FBI

20 (1) may charge a fee, in accordance with applicable law, for handling  
21 a request involving fingerprint processing for noncriminal justice purposes; and

22 (2) may not charge a fee for providing criminal history records in  
23 response to an electronic request for a record that does not involve a request to process  
24 fingerprints.

25 (e) Additional search.

26 (1) If a state criminal history record repository cannot positively  
27 identify the subject of a record request made for noncriminal justice purposes, the  
28 request, together with fingerprints or other approved identifying information, shall be  
29 forwarded to the FBI for a search of the national indices.

30 (2) If, with respect to a request forwarded by a state criminal history  
31 record repository under paragraph (1), the FBI positively identifies the subject as

1 having a III System-indexed record or records

2 (A) the FBI shall so advise the state criminal history record  
3 repository; and

4 (B) the state criminal history record repository shall be entitled  
5 to obtain the additional criminal history record information from the FBI or  
6 other state criminal history record repositories.

7 ARTICLE VI. ESTABLISHMENT OF A COMPACT COUNCIL

8 (a) Establishment.

9 (1) In general. There is established a council to be known as the  
10 "Compact Council," which shall have the authority to promulgate rules and procedures  
11 governing the use of the III System for noncriminal justice purposes, not to conflict  
12 with FBI administration of the III System for criminal justice purposes.

13 (2) Organization. The council shall

14 (A) continue in existence as long as this Compact remains in  
15 effect;

16 (B) be located, for administrative purposes, within the FBI; and

17 (C) be organized and hold its first meeting as soon as  
18 practicable after the effective date of this Compact.

19 (b) Membership. The council shall be composed of 15 members, each of  
20 whom shall be appointed by the attorney general, as follows:

21 (1) nine members, each of whom shall serve a two-year term, who shall  
22 be selected from among the Compact officers of party states based on the  
23 recommendation of the Compact officers of all party states, except that, in the absence  
24 of the requisite number of Compact officers available to serve, the chief administrators  
25 of the criminal history record repositories of nonparty states shall be eligible to serve  
26 on an interim basis.

27 (2) two at-large members, nominated by the director of the FBI, each  
28 of whom shall serve a three-year term, of whom

29 (A) one shall be a representative of the criminal justice agencies  
30 of the federal government and may not be an employee of the FBI; and

31 (B) one shall be a representative of the noncriminal justice

1 agencies of the federal government;

2 (3) two at-large members, nominated by the chair of the council, once  
3 the chair is elected pursuant to Article VI(c), each of whom shall serve a three-year  
4 term, of whom

5 (A) one shall be a representative of state or local criminal  
6 justice agencies; and

7 (B) one shall be a representative of state or local noncriminal  
8 justice agencies;

9 (4) one member, who shall serve a three-year term, and who shall  
10 simultaneously be a member of the FBI's advisory policy board on criminal justice  
11 information services, nominated by the membership of that policy board;

12 (5) one member, nominated by the director of the FBI, who shall serve  
13 a three-year term, and who shall be an employee of the FBI.

14 (c) Chair and vice chair.

15 (1) In general. From its membership, the council shall elect a chair and  
16 a vice chair of the council, respectively. Both the chair and vice chair of the council

17 (A) shall be a Compact officer, unless there is no Compact  
18 officer on the council who is willing to serve, in which case the chair may be  
19 an at-large member; and

20 (B) shall serve a two-year term and be reelected to only one  
21 additional two-year term.

22 (2) Duties of the vice chair. The vice chair of the council shall serve  
23 as the chair of the council in the absence of the chair.

24 (d) Meetings.

25 (1) In general. The council shall meet at least once a year at the call  
26 of the chair. Each meeting of the council shall be open to the public. The council  
27 shall provide prior public notice in the Federal Register of each meeting of the council,  
28 including the matters to be addressed at such meeting.

29 (2) Quorum. A majority of the council or any committee of the council  
30 shall constitute a quorum of the council or of such committee, respectively, for the  
31 conduct of business. A lesser number may meet to hold hearings, take testimony, or

1 conduct any business not requiring a vote.

2 (e) Rules, procedures, and standards. The council shall make available for  
3 public inspection and copying at the council office within the FBI, and shall publish  
4 in the Federal Register, any rules, procedures, or standards established by the council.

5 (f) Assistance from FBI. The council may request from the FBI such reports,  
6 studies, statistics, or other information or materials as the council determines to be  
7 necessary to enable the council to perform its duties under this Compact. The FBI, to  
8 the extent authorized by law, may provide such assistance or information upon such  
9 a request.

10 (g) Committees. The chair may establish committees as necessary to carry out  
11 this Compact and may prescribe their membership, responsibilities, and duration.

## 12 ARTICLE VII. RATIFICATION OF COMPACT

13 This Compact shall take effect upon being entered into by two or more states as  
14 between those states and the federal government. Upon subsequent entering into this  
15 Compact by additional states, it shall become effective among those states and the  
16 federal government and each party state that has previously ratified it. When ratified,  
17 this Compact shall have the full force and effect of law within the ratifying  
18 jurisdictions. The form of ratification shall be in accordance with the laws of the  
19 executing state.

## 20 ARTICLE VIII. MISCELLANEOUS PROVISIONS

21 (a) Relation of Compact to certain FBI activities. Administration of this  
22 Compact shall not interfere with the management and control of the director of the FBI  
23 over the FBI's collection and dissemination of criminal history records and the  
24 advisory function of the FBI's advisory policy board chartered under the Federal  
25 Advisory Committee Act (5 U.S.C. App.) for all purposes other than noncriminal  
26 justice.

27 (b) No authority for nonappropriated expenditures. Nothing in this Compact  
28 shall require the FBI to obligate or expend funds beyond those appropriated to the FBI.

29 (c) Relating to Public Law 92-544. Nothing in this Compact shall diminish  
30 or lessen the obligations, responsibilities, and authorities of any state, whether a party  
31 state or a nonparty state, or of any criminal history record repository or other

1 subdivision or component thereof, under the Departments of State, Justice, and  
 2 Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973 (Public Law  
 3 92-544) or regulations and guidelines promulgated thereunder, including the rules and  
 4 procedures promulgated by the council under Article VI(a), regarding the use and  
 5 dissemination of criminal history records and information.

#### 6 ARTICLE IX. RENUNCIATION

7 (a) In general. This Compact shall bind each party state until renounced by  
 8 the party state.

9 (b) Effect. Any renunciation of this Compact by a party state shall

10 (1) be effected in the same manner by which the party state ratified this  
 11 Compact; and

12 (2) become effective 180 days after written notice of renunciation is  
 13 provided by the party state to each other party state and to the federal government.

#### 14 ARTICLE X. SEVERABILITY

15 The provisions of this Compact shall be severable, and if any phrase, clause, sentence,  
 16 or provision of this Compact is declared to be contrary to the constitution of any  
 17 participating state, or to the Constitution of the United States, or the applicability  
 18 thereof to any government, agency, person, or circumstance is held invalid, the validity  
 19 of the remainder of this Compact and the applicability thereof to any government,  
 20 agency, person, or circumstance shall not be affected thereby. If a portion of this  
 21 Compact is held contrary to the constitution of any party state, all other portions of  
 22 this Compact shall remain in full force and effect as to the remaining party states and  
 23 in full force and effect as to the party state affected, as to all other provisions.

#### 24 ARTICLE XI. ADJUDICATION OF DISPUTES

25 (a) In general. The council shall

26 (1) have initial authority to make determinations with respect to any  
 27 dispute regarding

28 (A) interpretation of this Compact;

29 (B) any rule or standard established by the council pursuant to  
 30 Article V; and

31 (C) any dispute or controversy between any parties to this

1 Compact; and

2 (2) hold a hearing concerning any dispute described in paragraph (1)  
3 at a regularly scheduled meeting of the council and only render a decision based upon  
4 a majority vote of the members of the council. Such decision shall be published  
5 pursuant to the requirements of Article VI(e).

6 (b) Duties of the FBI. The FBI shall exercise immediate and necessary action  
7 to preserve the integrity of the III System, maintain system policy and standards,  
8 protect the accuracy and privacy of records, and to prevent abuses, until the council  
9 holds a hearing on such matters.

10 (c) Right of appeal. The FBI or a party state may appeal any decision of the  
11 council to the attorney general, and thereafter may file suit in the appropriate district  
12 court of the United States, which shall have original jurisdiction of all cases or  
13 controversies arising under this Compact. Any suit arising under this Compact and  
14 initiated in a state court shall be removed to the appropriated district court of the  
15 United States in the manner provided by section 1446 of title 28, United States Code,  
16 or other statutory authority.

17 \* Sec. 3. AS 47.14.990(11) is amended to read:

18 (11) "serious offense" means a conviction for a violation or for an  
19 attempt, solicitation, or conspiracy to commit a violation of any of the following  
20 laws, or of the laws of another jurisdiction with substantially similar elements:

21 (A) a felony offense;

22 (B) a crime involving domestic violence;

23 (C) AS 11.41.410 - 11.41.470;

24 (D) AS 11.51.130;

25 (E) AS 11.61.110(a)(7) or 11.61.125;

26 (F) AS 11.66.100 - 11.66.130;

27 (G) former AS 11.15.120, former 11.15.134, or assault with  
28 the intent to commit rape under former AS 11.15.160; or

29 (H) former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 -  
30 11.40.420, if committed before January 1, 1980; [HAS THE MEANING

31 GIVEN IN AS 12.62.900.]

1 \* **Sec. 4.** AS 47.17.033(a) is amended to read:

2 (a) In investigating child abuse and neglect reports under this chapter, the  
3 department may make necessary inquiries about the criminal records of the parents or  
4 of the alleged abusive or neglectful person, including inquiries about the existence of  
5 a criminal history record involving a serious offense as defined in **AS 47.14.990**  
6 [AS 12.62.900].

7 \* **Sec. 5.** AS 47.35.047(b) is amended to read:

8 (b) A licensee shall notify the department within 24 hours after having  
9 knowledge of a conviction or indictment, presentment, or charging by information or  
10 complaint of an administrator, foster parent, member of the licensee's household,  
11 regular volunteer, or staff person for a violation of the following laws or the laws of  
12 another jurisdiction with similar elements:

13 (1) offenses against the family and vulnerable adults under AS 11.51;

14 (2) perjury under AS 11.56.200;

15 (3) offenses included in the definition of "serious offense" under  
16 **AS 47.14.990** [AS 12.62.900].

17 \* **Sec. 6.** AS 47.35.900(24) is amended to read:

18 (24) "serious offense" has the meaning given in **AS 47.14.990**;  
19 [AS 12.62.900.]

20 \* **Sec. 7.** AS 12.62.900(23) and 12.62.900(24) are repealed.

21 \* **Sec. 8.** This Act takes effect September 1, 2000.