

**SENATE BILL NO. 96**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Introduced: 3/4/99

Referred: Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to access to criminal history records and to revocation of or  
2 failure to renew certain licenses based on criminal conduct or alleged criminal  
3 conduct; and providing for an effective date."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 \* Section 1. AS 47.05.017(a) is amended to read:

6 (a) State money may not be used for a home care provider unless **criminal**  
7 **justice information** [RECORDS] under **AS 12.62.160 is** [AS 12.62.035(a) ARE]  
8 requested for the provider within 10 business days after the provider is hired to provide  
9 the care and **is** [ARE] reviewed **by the department** within five business days after **the**  
10 **criminal justice information is** [THEY ARE] received. The department shall require  
11 the grantee or contractor to **request** [DO] the **criminal justice information**  
12 [RECORDS REQUEST] and, **the department shall** review **the information**  
13 [REQUIRED] under this subsection for a home care provider employed by a person  
14 who has a grant or contract from the department to provide home care services.

1 \* **Sec. 2.** AS 47.14.100(h) is amended to read:

2 (h) The department may not pay for respite care, as defined in (d) of this  
 3 section, unless the department or the entity that has contracted with the department to  
 4 provide the respite care requests **criminal justice information** [RECORDS] under  
 5 **AS 12.62.160** [AS 12.62.035(a)] for the individual who provides the respite care within  
 6 10 business days after the individual is hired to provide respite care and, **the**  
 7 **department** reviews the **criminal justice information** [RECORDS] within five  
 8 business days after receiving **the criminal justice information** [THEM].

9 \* **Sec. 3.** AS 47.35.130(a) is amended to read:

10 (a) In addition to the ground of violation of this chapter or a regulation  
 11 adopted under this chapter, the department may revoke, or decline to renew, a license  
 12 issued under this chapter on one or more of the following grounds:

13 (1) failure to submit a timely and complete renewal application;

14 (2) the indictment or charging by information or complaint, or a  
 15 criminal conviction within the last 10 years, of the licensee or administrator, foster  
 16 parent, member of the licensee's household, regular volunteer, or staff person for

17 (A) a felony;

18 (B) a misdemeanor crime of assault, reckless endangerment,  
 19 contributing to the delinquency of a minor, or misconduct involving a  
 20 controlled substance; or

21 (C) the crime of perjury, as defined in AS 11 or the laws of  
 22 another jurisdiction;

23 (3) the conviction, indictment, presentment, or charging of the licensee  
 24 or an administrator, foster parent, member of the licensee's household, regular  
 25 volunteer, or staff person at any time for a **serious offense; "serious offense" in this**  
 26 **paragraph has the meaning given in AS 12.62.900** [SEX CRIME AS DEFINED IN  
 27 AS 12.62.035];

28 (4) obtaining or attempting to obtain or retain a license under this  
 29 chapter by fraudulent means, misrepresentation, or by submitting false information;

30 (5) failure to correct a violation noted in a report of investigation  
 31 provided under AS 47.35.105(c) or 47.35.110(b);

1 (6) failure to comply with a final administrative order issued by the  
2 department under AS 47.35.120.

3 \* **Sec. 4.** AS 47.65.050(b) is amended to read:

4 (b) The commission may not make payments to a sponsor whose program  
5 includes family respite care services or home care services unless the sponsor has  
6 agreed to request **criminal justice information** [RECORDS] under **AS 12.62.160**  
7 [AS 12.62.035(a)] for the individual who will provide the services within 10 business  
8 days after the individual is hired to provide the services and, **the commission reviews**  
9 [REVIEW] the **criminal justice information** [RECORDS] within five business days  
10 after receiving **the criminal justice information** [THEM].

11 \* **Sec. 5.** AS 47.65.100(e) is amended to read:

12 (e) The commission may not award a grant under this section for family  
13 respite care services or for adult day care services that include home care services  
14 unless the grantee has agreed to request **criminal justice information** [RECORDS]  
15 under **AS 12.62.160** [AS 12.62.035(a)] for the individual who will provide the services  
16 within 10 business days after the individual is hired to provide the services and, **the**  
17 **commission reviews** [REVIEW] the **criminal justice information** [RECORDS] within  
18 five business days after receiving **the criminal justice information** [THEM].

19 \* **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).