

**HOUSE BILL NO. 120**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE COGHILL**

**Introduced: 2/9/01**

**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 record**  
3 **information available to the public; providing for the use of criminal justice information**  
4 **and records by the Alcoholic Beverage Control Board; making certain conforming**  
5 **amendments; and providing for an effective date."**

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

7 **\* Section 1.** AS 04.06 is amended by adding a new section to read:

8 **Sec. 04.06.095. Criminal justice information and records.** (a) The board  
9 shall require a person filing or executing an application for the issuance, renewal, or  
10 transfer of a license under this title to be fingerprinted. The board shall submit the  
11 fingerprints to the Department of Public Safety to obtain a report of criminal justice  
12 information under AS 12.62 and a national criminal history record check. The  
13 Department of Public Safety is authorized to submit the fingerprints to the Federal

1 Bureau of Investigation for a national criminal history record check. The board shall  
 2 use the information obtained under this subsection in its determination of the  
 3 suitability for licensure of the person filing or executing the application.

4 (b) In this section, "criminal justice information" has the meaning given in  
 5 AS 12.62.900.

6 \* **Sec. 2.** 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,  
 15 another state, or the United States;

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

21 (4) criminal justice information may be provided to a criminal justice  
 22 agency for a criminal justice activity;

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

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

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

1 (8) current offender information, past conviction information, and  
 2 criminal identification information except fingerprints, may be provided to a  
 3 person for any purpose, except that information may not be released if the release of  
 4 the information would unreasonably compromise the privacy of a minor or vulnerable  
 5 adult;

6 (9) criminal justice information [PAST CONVICTION  
 7 INFORMATION MAY BE PROVIDED TO A PERSON FOR ANY PURPOSE IF  
 8 LESS THAN 10 YEARS HAS ELAPSED FROM THE DATE OF  
 9 UNCONDITIONAL DISCHARGE TO THE DATE OF THE REQUEST;

10 (10) PAST CONVICTION INFORMATION RELATING TO A  
 11 SERIOUS OFFENSE] may be provided to an interested person if the information is  
 12 requested for the purpose of determining whether to grant a person supervisory or  
 13 disciplinary power over a minor or dependent adult; and

14 (10) [(11)] criminal justice information may be provided to the person  
 15 who is the subject of the information.

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

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

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

22 The contracting parties agree to the following:

23 OVERVIEW

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

28 (b) Obligations of parties. Under this Compact, the FBI and the party states  
 29 agree to maintain detailed databases of their respective criminal history records,  
 30 including arrests and dispositions, and to make them available to the federal  
 31 government and to party states for authorized purposes. The FBI shall also manage

1 the federal data facilities that provide a significant part of the infrastructure for the  
2 system.

### 3 ARTICLE I. DEFINITIONS

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

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

6 (2) "Compact officer" means

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

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

12 (3) "council" means the Compact Council established under Article

13 VI;

14 (4) "criminal history records"

15 (A) means information collected by criminal justice agencies  
16 on individuals consisting of identifiable descriptions and notations of arrests,  
17 detentions, indictments, or other formal criminal charges, and any disposition  
18 arising therefrom, including acquittal, sentencing, correctional supervision, or  
19 release; and

20 (B) does not include identification information such as  
21 fingerprint records if such information does not indicate involvement of the  
22 individual with the criminal justice system;

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

27 (6) "criminal justice" includes activities relating to the detection,  
28 apprehension, detention, pretrial release, post-trial release, prosecution, adjudication,  
29 correctional supervision, or rehabilitation of accused persons or criminal offenders; the  
30 administration of criminal justice includes criminal identification activities and the  
31 collection, storage, and dissemination of criminal history records;

1 (7) "criminal justice agency" means

2 (A) courts;

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

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

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

8 (C) federal and state inspectors general offices;

9 (8) "criminal justice services" means services provided by the FBI to  
10 criminal justice agencies in response to a request for information about a particular  
11 individual or as an update to information previously provided for criminal justice  
12 purposes;

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

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

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

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

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

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

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

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

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

5 (16) "national indices" means the National Identification Index and the  
 6 National Fingerprint File;

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

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

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

13 (20) "positive identification" means a determination, based upon a  
 14 comparison of fingerprints or other equally reliable biometric identification  
 15 techniques, that the subject of a record search is the same person as the subject of a  
 16 criminal history record or records indexed in the III System; identifications based  
 17 solely upon a comparison of subjects' names or other nonunique identification  
 18 characteristics or numbers, or combinations thereof, shall not constitute positive  
 19 identification;

20 (21) "sealed record information" means

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

22 (i) not available for criminal justice uses;

23 (ii) not supported by fingerprints or other accepted  
 24 means of positive identification; or

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

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

31 (22) "state" means any state, territory, or possession of the United

1 States, the District of Columbia, and the Commonwealth of Puerto Rico.

2 ARTICLE II. PURPOSES

3 The purposes of this Compact are to

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

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

12 (3) require party states to provide information and records for the  
13 National Identification Index and the National Fingerprint File and to provide criminal  
14 history records, in a timely fashion, to criminal history record repositories of other  
15 states and the federal government for noncriminal justice purposes, in accordance with  
16 the terms of this Compact and with rules, procedures, and standards established by the  
17 council under Article VI;

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

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

25 ARTICLE III. RESPONSIBILITIES OF COMPACT PARTIES

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

27 (1) appoint an FBI Compact officer who shall

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

31 (B) ensure that Compact provisions and rules, procedures, and

1 standards prescribed by the council under Article VI are complied with by the  
 2 Department of Justice and the federal agencies and other agencies and  
 3 organizations referred to in Article III(1)(A); and

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

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

10 (A) information from nonparty states; and

11 (B) information from party states that is available from the FBI  
 12 through the III System, but is not available from the party state through the III  
 13 System;

14 (3) provide a telecommunications network and maintain centralized  
 15 facilities for the exchange of criminal history records for both criminal justice  
 16 purposes and the noncriminal justice purposes described in Article IV, and ensure that  
 17 the exchange of such records for criminal justice purposes has priority over exchange  
 18 for noncriminal justice purposes; and

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

22 (b) State responsibilities. Each party state shall

23 (1) appoint a Compact officer who shall

24 (A) administer this Compact within that state;

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

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

30 (2) establish and maintain a criminal history record repository, which  
 31 shall provide

1 (A) information and records for the National Identification  
2 Index and the National Fingerprint File; and

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

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

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

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

13 (d) Maintenance of record services.

14 (1) Use of the III System for noncriminal justice purposes authorized  
15 in this Compact shall be managed so as not to diminish the level of services provided  
16 in support of criminal justice purposes.

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

#### 20 ARTICLE IV. AUTHORIZED RECORD DISCLOSURES

21 (a) State criminal history record repositories. To the extent authorized by  
22 section 552a of title 5, United States Code (commonly known as the "Privacy Act of  
23 1974"), the FBI shall provide on request criminal history records (excluding sealed  
24 records) to state criminal history record repositories for noncriminal justice purposes  
25 allowed by federal statute, federal executive order, or a state statute that has been  
26 approved by the attorney general and that authorizes national indices checks.

27 (b) Criminal justice agencies and other governmental or nongovernmental  
28 agencies. The FBI, to the extent authorized by section 552a of title 5, United States  
29 Code (commonly known as the "Privacy Act of 1974"), and state criminal history  
30 record repositories shall provide criminal history records (excluding sealed records) to  
31 criminal justice agencies and other governmental or nongovernmental agencies for

1 noncriminal justice purposes allowed by federal statute, federal executive order, or a  
 2 state statute that has been approved by the attorney general, that authorizes national  
 3 indices checks.

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

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

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

13 (3) ensure that record entries that may not legally be used for a  
 14 particular noncriminal justice purpose are deleted from the response and, if no  
 15 information authorized for release remains, an appropriate "no record" response is  
 16 communicated to the requesting official.

#### 17 ARTICLE V. RECORD REQUEST PROCEDURES

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

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

27 (c) Submission of federal requests. Each request for criminal history record  
 28 checks utilizing the national indices made under federal authority shall be submitted  
 29 through the FBI or, if the state criminal history record repository consents to process  
 30 fingerprint submissions, through the criminal history record repository in the state in  
 31 which such request originated. Direct access to the National Identification Index by

1 entities other than the FBI and state criminal history records repositories shall not be  
2 permitted for noncriminal justice purposes.

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

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

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

9 (e) Additional search.

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

14 (2) If, with respect to a request forwarded by a state criminal history  
15 record repository under paragraph (1), the FBI positively identifies the subject as  
16 having a III System-indexed record or records

17 (A) the FBI shall so advise the state criminal history record  
18 repository; and

19 (B) the state criminal history record repository shall be entitled  
20 to obtain the additional criminal history record information from the FBI or  
21 other state criminal history record repositories.

## 22 ARTICLE VI. ESTABLISHMENT OF A COMPACT COUNCIL

23 (a) Establishment.

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

28 (2) Organization. The council shall

29 (A) continue in existence as long as this Compact remains in  
30 effect;

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

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

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

5 (1) nine members, each of whom shall serve a two-year term, who  
6 shall be selected from among the Compact officers of party states based on the  
7 recommendation of the Compact officers of all party states, except that, in the absence  
8 of the requisite number of Compact officers available to serve, the chief administrators  
9 of the criminal history record repositories of nonparty states shall be eligible to serve  
10 on an interim basis;

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

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

16 (B) one shall be a representative of the noncriminal justice  
17 agencies of the federal government;

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

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

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

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

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

30 (c) Chair and vice chair.

31 (1) In general. From its membership, the council shall elect a chair

1 and a vice chair of the council, respectively. Both the chair and vice chair of the  
2 council

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

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

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

10 (d) Meetings.

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

15 (2) Quorum. A majority of the council or any committee of the  
16 council shall constitute a quorum of the council or of such committee, respectively, for  
17 the conduct of business. A lesser number may meet to hold hearings, take testimony,  
18 or conduct any business not requiring a vote.

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

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

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

## 29 ARTICLE VII. RATIFICATION OF COMPACT

30 This Compact shall take effect upon being entered into by two or more states as  
31 between those states and the federal government. Upon subsequent entering into this

1 Compact by additional states, it shall become effective among those states and the  
 2 federal government and each party state that has previously ratified it. When ratified,  
 3 this Compact shall have the full force and effect of law within the ratifying  
 4 jurisdictions. The form of ratification shall be in accordance with the laws of the  
 5 executing state.

#### 6 ARTICLE VIII. MISCELLANEOUS PROVISIONS

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

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

16 (c) Relating to Public Law 92-544. Nothing in this Compact shall diminish or  
 17 lessen the obligations, responsibilities, and authorities of any state, whether a party  
 18 state or a nonparty state, or of any criminal history record repository or other  
 19 subdivision or component thereof, under the Departments of State, Justice, and  
 20 Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973 (Public Law  
 21 92-544) or regulations and guidelines promulgated thereunder, including the rules and  
 22 procedures promulgated by the council under Article VI(a), regarding the use and  
 23 dissemination of criminal history records and information.

#### 24 ARTICLE IX. RENUNCIATION

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

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

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

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



1 controversies arising under this Compact. Any suit arising under this Compact and  
 2 initiated in a state court shall be removed to the appropriated district court of the  
 3 United States in the manner provided by section 1446 of title 28, United States Code,  
 4 or other statutory authority.

5 \* **Sec. 4.** AS 14.37.140(b) is amended to read:

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

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

12 (2) perjury under AS 11.56.200;

13 (3) offenses included in the definition of "serious offense" under

14 **AS 47.14.990** [AS 12.62.900].

15 \* **Sec. 5.** AS 14.37.180(a) is amended to read:

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

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

20 (2) the indictment or charging by information or complaint, or a  
 21 criminal conviction within the last 10 years, of the licensee or administrator, member  
 22 of the licensee's household who is present in the facility at any time the facility is in  
 23 operation, regular volunteer, or staff person for

24 (A) a felony;

25 (B) a misdemeanor crime of assault, reckless endangerment,  
 26 contributing to the delinquency of a minor, or misconduct involving a  
 27 controlled substance; or

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

30 (3) the conviction, indictment, presentment, or charging of the licensee  
 31 or an administrator, member of the licensee's household who is present in the facility

1 at any time the facility is in operation, regular volunteer, or staff person at any time for  
 2 a violation or attempted violation of an offense included in the definitions of "serious  
 3 offense" under **AS 47.14.990** [AS 12.62.900];

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

6 (5) failure to correct a violation noted in a report of investigation  
 7 provided under AS 14.37.150(c) or 14.37.160(b);

8 (6) failure to comply with a final administrative order issued by the  
 9 department under AS 14.37.170.

10 \* **Sec. 6.** AS 14.37.299(11) is amended to read:

11 (11) "serious offense" has the meaning given in **AS 47.14.990**  
 12 [AS 12.62.900].

13 \* **Sec. 7.** AS 47.14.990(11) is amended to read:

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

17 **(A) a felony offense;**

18 **(B) a crime involving domestic violence;**

19 **(C) AS 11.41.410 - 11.41.470;**

20 **(D) AS 11.51.130;**

21 **(E) AS 11.61.110(a)(7) or 11.61.125;**

22 **(F) AS 11.66.100 - 11.66.130;**

23 **(G) former AS 11.15.120, former 11.15.134, or assault with**  
 24 **the intent to commit rape under former AS 11.15.160; or**

25 **(H) former AS 11.40.080, 11.40.110, 11.40.130, or**  
 26 **11.40.200 - 11.40.420, if committed before January 1, 1980;** [HAS THE  
 27 MEANING GIVEN IN AS 12.62.900.]

28 \* **Sec. 8.** AS 47.17.033(a) is amended to read:

29 (a) In investigating child abuse and neglect reports under this chapter, the  
 30 department may make necessary inquiries about the criminal records of the parents or  
 31 of the alleged abusive or neglectful person, including inquiries about the existence of a

1 criminal history record involving a serious offense as defined in AS 47.14.990  
 2 [AS 12.62.900].

3 \* **Sec. 9.** AS 47.35.047(b) is amended to read:

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

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

10 (2) perjury under AS 11.56.200;

11 (3) offenses included in the definition of "serious offense;" [UNDER  
 12 AS 12.62.900.]

13 \* **Sec. 10.** AS 47.35.900(24) is amended to read:

14 (24) "serious offense" has the meaning given in AS 47.14.990;  
 15 [AS 12.62.900.]

16 \* **Sec. 11.** AS 12.62.900(23) and 12.62.900(24) are repealed.

17 \* **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to  
 18 read:

19 TRANSITION: PENDING APPLICATIONS UNDER AS 04. Notwithstanding  
 20 AS 04.06.095, enacted by sec. 1 of this Act, the Alcoholic Beverage Control Board may  
 21 process an application for a license under AS 04 without a national criminal history record  
 22 check from the Federal Bureau of Investigation if that application was pending with the board  
 23 on the effective date of sec. 1 of this Act.

24 \* **Sec. 13.** Sections 1 and 12 of this Act take effect immediately under AS 01.10.070(c).

25 \* **Sec. 14.** Except as provided in sec. 13, this Act takes effect September 1, 2001.