

HOUSE BILL NO. 338

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES CHENAULT AND LYNN

Introduced: 1/9/06

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to applications, qualifications, and criminal history and background**
2 **checks for a certificate of fitness for explosives handlers; and providing for an effective**
3 **date."**

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

5 * **Section 1.** AS 08.52.030 is amended to read:

6 **Sec. 08.52.030. Application for and issuance of certificate.** The department
7 shall issue certificates of fitness. A certificate may be issued only to an individual. An
8 applicant for a certificate shall apply in writing, under oath, on a form prescribed by
9 the department containing

10 (1) the name and address of the applicant;

11 (2) the applicant's age;

12 (3) the applicant's citizenship; [AND]

13 (4) **the applicant's fingerprints and fees for a criminal background**
14 **check conducted under AS 08.52.035; and**

1 **(5)** other information that the department requires.

2 * **Sec. 2.** AS 08.52 is amended by adding a new section to read:

3 **Sec. 08.52.035. Criminal justice information and records.** (a) An applicant
4 for the issuance or renewal of a certificate of fitness under this chapter shall submit to
5 the department, with the application, the applicant's fingerprints and the fees required
6 by the Department of Public Safety under AS 12.62.160 for criminal justice
7 information and a national criminal history record check. The department shall submit
8 the fingerprints to the Department of Public Safety to obtain a report of criminal
9 justice information under AS 12.62 and a national criminal history record check under
10 AS 12.62.400. The Department of Public Safety may submit the fingerprints to the
11 Federal Bureau of Investigation for a national criminal history record check. The
12 department shall use the information obtained under this section in its determination of
13 an applicant's qualification for issuance or renewal of a certificate of fitness.

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

16 * **Sec. 3.** AS 08.52.040 is amended to read:

17 **Sec. 08.52.040. Issuance and contents of certificate.** If, upon investigation
18 and examination by the department, the applicant is found competent by reason of
19 training, experience, **criminal history and background check**, and physical fitness,
20 the department shall issue a certificate of fitness. The certificate **must** [SHALL] set
21 out the competency of the applicant and provide for positive identification of the
22 applicant, and shall be carried on the person engaged in handling explosives.

23 * **Sec. 4.** AS 08.52.040 is amended by adding a new subsection to read:

24 (b) The department may not find an applicant competent if the applicant's
25 criminal history and background check conducted under AS 08.52.035 indicates a
26 conviction of a felony in the past 10 years under the laws of the state or another
27 jurisdiction. In this subsection, "conviction" has the meaning given in
28 AS 12.55.045(n).

29 * **Sec. 5.** AS 12.62.400 is amended by adding a new paragraph to read:

30 (14) a certificate of fitness to handle explosives under AS 08.52.

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