

CS FOR SENATE BILL NO. 108(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/7/14

Referred: Finance

Sponsor(s): SENATORS DYSON, Micciche, Coghill, McGuire, Bishop, Egan, Giessel, Meyer, Dunleavy, Stevens, Kelly, Ellis, Fairclough

REPRESENTATIVE Tammie Wilson

A BILL

FOR AN ACT ENTITLED

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

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

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 LEGISLATIVE INTENT. It is the intent of the legislature that, to the extent
7 practicable, the Alaska Court System hold confidential records of criminal cases that were
8 disposed of before the effective date of this Act by acquittal of all charges, by dismissal of all
9 charges, or by acquittal of some charges and dismissal of the remaining charges, to the same
10 extent that records are held confidential under AS 22.35.030, enacted by sec. 2 of this Act.

11 * **Sec. 2.** AS 22.35 is amended by adding a new section to read:

12 **Sec. 22.35.030. Records concerning criminal cases resulting in acquittal or**
13 **dismissal confidential.** (a) A court record of a criminal case is confidential if 120
14 days have elapsed from the date of acquittal or dismissal and

- 1 (1) the defendant was acquitted of all charges filed in the case;
2 (2) all criminal charges against the defendant in the case have been
3 dismissed by the prosecuting authority; or
4 (3) the defendant was acquitted of some of the criminal charges in the
5 case and the remaining charges were dismissed.

6 (b) Notwithstanding (a) of this section, the following persons may have access
7 to records made confidential under this section:

- 8 (1) employees of the Department of Health and Social Services who
9 are responsible for the health, safety, welfare, or placement of a child, a person with a
10 physical or intellectual disability, or a person with a mental illness;
11 (2) the public guardian under AS 13.26.370 or a guardian ad litem
12 supervised by the office of public advocacy;
13 (3) a person who is authorized to have access to the criminal justice
14 information network maintained by the Department of Public Safety under AS 12.62.

15 (c) The Department of Health and Social Services shall adopt regulations to
16 administer (b)(1) of this section.

17 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
18 read:

19 **APPLICABILITY.** AS 22.35.030, enacted by sec. 2 of this Act, applies to criminal
20 charges concluded on or after the effective date of this Act by dismissal or by acquittal of the
21 defendant.

22 * **Sec. 4.** This Act takes effect October 1, 2014.