

Introduced: 1/31/72
Referred: Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 563

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3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act insuring the security and privacy of criminal
7 justice information systems."

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

9 * Section 1. AS 12 is amended by adding a new chapter to read:

10 CHAPTER 62. CRIMINAL JUSTICE INFORMATION SYSTEMS

11 SECURITY AND PRIVACY

12 Sec. 12.62.010. REGULATIONS. The Governor's Commission on the
13 Administration of Justice established under AS 44.19.746 - 44.19.758
14 is authorized, after appropriate consultation with representatives of
15 state and local law enforcement agencies participating in information
16 systems covered by this chapter, to establish rules, regulations,
17 and procedures considered necessary to facilitate and regulate the
18 exchange of criminal justice information and to insure the security
19 and privacy of criminal justice information systems.

20 Sec. 12.62.020. COLLECTION AND STORAGE. The commission may
21 establish regulations concerning the specific classes of criminal
22 justice information which may be collected and stored in criminal
23 justice information systems.

24 Sec. 12.62.030. ACCESS AND USE. (a) Except as provided in
25 subsections (b) and (c) of this section, access to specified classes
26 of criminal justice information in criminal justice information
27 systems is available only to individual law enforcement agencies
28 according to the specific needs of the agency pursuant to regulations
29 established by the commission under sec. 10 of this chapter. Criminal

1 justice information may be used only for law enforcement purposes
2 or for those additional lawful purposes necessary to the proper
3 enforcement or administration of other provisions of law as the
4 commission may prescribe by regulations established under sec. 10
5 of this chapter.

6 (b) Criminal justice information may be made available to
7 qualified persons for research related to law enforcement under
8 regulations established by the commission. These regulations must
9 include procedures to assure the security of information and the
10 privacy of individuals about whom information is released.

11 (c) An individual who believes that personal record information
12 concerning himself is inaccurate, incomplete, or maintained in
13 violation of this chapter shall, upon satisfactory verification of
14 his identity, and in accordance with published rules stating the
15 procedure to be followed, be entitled to review the personal record
16 information and to obtain a copy of it for the purpose of challenge
17 or correction.

18 Sec. 12.62.040. INFORMATION CLASSIFICATION. All information in
19 criminal justice information systems indexed under an individual's
20 name, or retrievable by reference to an individual by name or other-
21 wise and collected or stored in the criminal justice information
22 system for the purpose of identifying potential or actual criminal
23 offenders or supplying information about criminal offenders shall be
24 classified as personal record information and shall be available for
25 review by an individual under the provisions of sec. 30(c) of this
26 chapter unless the information is classified as confidential
27 information. Classes of information which are indexed under an
28 individual's name, or retrievable by reference to an individual by
29 name or otherwise may be classified as confidential information only

1 upon the written finding by the commission that secrecy of this
2 class of information is required in order to enable a criminal
3 justice agency to carry out its duties. In no case may information
4 concerning summaries of arrests, the nature and disposition of
5 criminal charges, sentencing, confinement, rehabilitation and release
6 be classified as confidential. The commission shall review and
7 evaluate all existing confidential classifications every twelve months.

8 Sec. 12.62.050. SECURITY, UPDATING, AND PURGING. (a) Criminal
9 justice information systems shall

10 (1) be dedicated to law enforcement purposes and be under
11 the management and control of law enforcement agencies unless
12 exempted under regulations prescribed under sec. 10 of this chapter;

13 (2) include operating procedures approved by the commission
14 which are reasonably designed to assure the security of the information
15 contained in the system from unauthorized disclosure, and reasonably
16 designed to assure that criminal offender record information in the
17 system is regularly and accurately revised to include subsequently
18 furnished information;

19 (3) include operating procedures approved by the commission
20 which are designed to assure that personal record information
21 concerning an individual may be removed from the active records, based
22 on considerations of age, nature of record, and reasonable interval
23 following the last entry of information indicating that the individual
24 is still under the jurisdiction of a law enforcement agency.

25 (b) Notwithstanding any provision of sec. 40 of this chapter or
26 of this section, any criminal justice information relating to minors
27 which is maintained as part of a criminal justice information system
28 must be afforded at least the same protection and is subject to the
29 same procedural safeguards for the benefit of the individual with

1 respect to whom the information is maintained, in matters relating
2 to access, use and security as it would be under AS 47.10.090.

3 Sec. 12.62.060. CIVIL AND CRIMINAL REMEDIES. (a) A person
4 with respect to whom criminal justice information has been wilfully
5 maintained, disseminated, or used in violation of this chapter has
6 a civil cause of action against the person responsible for the
7 violation and shall be entitled to recover actual damages and
8 reasonable attorney's fees and other reasonable litigation costs.

9 (b) Whoever wilfully disseminates or uses criminal justice
10 information knowing such dissemination or use to be in violation of
11 this chapter shall upon conviction be fined not more than \$1,000 or
12 imprisoned for not more than one year, or both.

13 (c) No public official or agency is subject to any civil
14 or criminal penalty under this section for the dissemination or use
15 of information obtained or derived from sources accessible to the
16 public.

17 (d) A good faith reliance upon the provisions of this chapter
18 or of applicable law governing maintenance, dissemination, or use of
19 criminal justice information, or upon rules, regulations, or
20 procedures prescribed under this chapter is a complete defense to a
21 civil or criminal action brought under this chapter.

22 Sec. 12.62.070. DEFINITIONS. For the purposes of this chapter

23 (1) "criminal justice information system" means a system,
24 including the equipment, facilities, procedures, agreements, and
25 organizations related to the system funded in whole or in part by the
26 Law Enforcement Assistance Administration, for the collection,
27 processing, or dissemination of criminal justice information;

28 (2) "criminal justice information" means information
29 concerning an individual in a criminal justice information system and

1 indexed under the individual's name, or retrievable by reference to
2 the individual by name or otherwise and which is collected or stored
3 in the criminal justice information system for the purpose of
4 identifying potential or actual criminal offenders or supplying
5 information about criminal offenders;

6 (3) "personal record information" means criminal justice
7 information which may be examined under the provisions of sec. 30(c)
8 of this chapter;

9 (4) "confidential information" means criminal justice
10 information which is classified under the provisions of sec. 40 of
11 this chapter which may not be examined under the provisions of
12 sec. 30(c) of this chapter;

13 (5) "commission" means the Governor's Commission on the
14 Administration of Justice established under AS 44.19.746 - 44.19.758;

15 (6) "law enforcement" means any activity relating to crime
16 prevention, control or reduction or the enforcement of the criminal
17 law, including, but not limited to police efforts to prevent, control
18 or reduce crime or to apprehend criminals, activities of criminal
19 prosecution, courts, public defender, corrections, probation or
20 parole authorities;

21 (7) "law enforcement agency" means a public agency which
22 performs as one of its principal functions activities pertaining
23 to law enforcement.
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