

Offered: 5/10/83
Referred: Finance

Original sponsors: Barnes, Hayes,
Liska, et al

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 375 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to access to certain criminal jus-
7 tice information."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 12.62.030(a) is amended to read:
10 (a) Except as provided in (b) and (c) of this section and in
11 AS 12.62.035, access to specified classes of criminal justice informa-
12 tion in criminal justice information systems is available only to
13 individual law enforcement agencies according to the specific needs of
14 the agency under regulations established by the commission under
15 AS 12.62.010. Criminal justice information may be used only for law
16 enforcement purposes or for those additional lawful purposes necessary
17 to the proper enforcement or administration of other provisions of law
18 as the commission may prescribe by regulations established under
19 AS 12.62.010. No criminal justice information may be disseminated to
20 an agency before the commission determines the agency's eligibility to
21 receive that information.
22 * Sec. 2. AS 12.62 is amended by adding a new section to read:
23 Sec. 12.62.035. ACCESS TO CERTAIN CRIME INFORMATION. (a)
24 Notwithstanding any other provision of law, an interested person as
25 defined in (e) of this section may request from the commission records
26 of all convictions involving contributing to the delinquency of a
27 minor and any sex crimes of a person who holds or applies for a posi-
28 tion in which the person has or would have supervisory or disciplinary
29 power over a minor. The commission shall authorize the disclosure of

1 the information to the requesting person and shall provide a copy of
2 the information to the applicant.

3 (b) A request for records under (a) of this section may include
4 the applicant's fingerprints and any other data specified in regula-
5 tions established by the commission. The request shall be on a form
6 approved by the commission, and the commission may charge a fee to be
7 paid by the requesting person for the actual cost of processing the
8 request. The commission shall destroy an application within six
9 months after the requested information is sent to the requesting
10 person and applicant.

11 (c) Negligent disclosure of information by the state under this
12 section is not actionable in a court of law.

13 (d) The commission shall adopt regulations to implement the
14 provisions of this section.

15 (e) As used in this section

16 (1) "contributing to the delinquency of a minor" means a
17 conviction for a violation or attempted violation of AS 11.51.130(a)-
18 (1), (3), or (5) or for a violation or attempted violation of an
19 offense committed outside the state if the offense would have been a
20 crime in this state under AS 11.51.130(a)(1), (3), or (5) if committed
21 in the state;

22 (2) "interested person" means a corporation, company,
23 partnership, firm, association, organization, business trust, or
24 society, as well as a natural person that employs or solicits the
25 employment of a person to serve with or without compensation in a
26 position in which the person has or would have supervisory or disci-
27 plinary power over a minor;

28 (3) "sex crime" means a conviction for a violation or
29 attempted violation of AS 11.41.410 - 11.41.455, AS 11.51.130(a)(4),

1 or AS 11.66.100 - 11.66.130 or for a violation or attempted violation
2 of an offense committed outside the state if the offense would have
3 been a crime in this state under one of the above sections if commit-
4 ted in the state.