

Introduced: 3/20/85  
Referred: Health, Education &  
Social Services and Judiciary

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2

HOUSE BILL NO. 308

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to criminal background checks; and  
7 providing for an effective date."

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

9 \* Section 1. AS 12.62.035(a) is amended to read:

10 (a) Notwithstanding any other provision of law, an interested  
11 person [AS DEFINED IN (e) OF THIS SECTION] may request from the com-  
12 mission records of all convictions of an individual for crimes that  
13 might pose a risk of harm to a child if the individual [INVOLVING  
14 CONTRIBUTING TO THE DELINQUENCY OF A MINOR AND ANY SEX CRIMES OF A  
15 PERSON WHO] holds or applies for a position in which the individual  
16 [PERSON] has or would have supervisory or disciplinary power over a  
17 minor. The commission shall authorize the disclosure of the informa-  
18 tion to the requesting interested person and shall provide a copy of  
19 the information to the individual [PERSON] who is the subject of the  
20 request.

21 \* Sec. 2. AS 12.62.035(e)(1) is repealed and reenacted to read:

22 (1) "crime that might pose a risk of harm to a child"  
23 includes a violation or attempted violation of present or former  
24 Alaska statutes regarding the offenses now designated as murder,  
25 manslaughter, negligent homicide, assault, reckless endangerment,  
26 kidnapping, sexual assault, sexual abuse of a minor, unlawful ex-  
27 ploitation of a minor, incest, indecent exposure, robbery, arson,  
28 endangering the welfare of a minor, contributing to the delinquency of  
29 a minor, distribution of child pornography, promoting prostitution,

1 and felony offenses involving distribution of controlled substances;  
2 it also includes a violation or attempted violation of the laws of  
3 another jurisdiction if the offense would have been one of the crimes  
4 listed in this paragraph if committed in this state;

5 \* Sec. 3. AS 12.62.035 is amended by adding a new subsection to read:

6 (f) In addition to the information for which disclosure is  
7 authorized under (a) of this section, the commission may disclose the  
8 existence of an outstanding warrant for the arrest of the person who  
9 is the subject of the request if the warrant is for a crime that might  
10 pose a risk of harm to a child.

11 \* Sec. 4. AS 25.23.100(d) is amended to read:

12 (d) Except as provided in (g) and (i) of this section, an inves-  
13 tigation shall be made by the department or any other qualified agency  
14 or person designated by the court to inquire into the conditions and  
15 antecedents of a minor sought to be adopted and of the petitioner for  
16 the purpose of ascertaining whether the adoptive home is a suitable  
17 home for the minor and whether the proposed adoption is in the best  
18 interest of the minor. The department shall request a state and  
19 national criminal record background check by the Department of Public  
20 Safety on each person who seeks to adopt a minor.

21 \* Sec. 5. AS 47.35 is amended by adding a new section to read:

22 Sec. 47.35.058. INVESTIGATIONS OF PROSPECTIVE FOSTER HOMES. The  
23 department shall request a state and national criminal record check on  
24 each adult residing in a home before that home may be licensed as a  
25 foster home.

26 \* Sec. 6. This Act takes effect immediately in accordance with AS 01.-  
27 10.070(c).