

Offered: 4/3/85
Referred: Judiciary and
Finance

Original sponsor: Health, Education and
Social Services Committee

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

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CS FOR HOUSE BILL NO. 308 (HESS)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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

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

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

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

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 AS 12.62.035(e)(1) is repealed and reenacted to read:

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

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

6 * Sec. 3. AS 12.62.035(e)(2) is amended to read:

7 (2) "interested person" means a corporation, company,
8 partnership, firm, association, organization, business trust, or
9 society, as well as a natural person, that employs, enters into a
10 contract with, or solicits the employment of a person to serve with or
11 without compensation in a position in which the person has or would
12 have supervisory or disciplinary power over a minor;

13 * Sec. 4. AS 12.62.035 is amended by adding a new subsection to read:

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

19 * Sec. 5. AS 25.23.100(d) is amended to read:

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

29 * Sec. 6. AS 47.35 is amended by adding a new section to read:

1 Sec. 47.35.058. INVESTIGATIONS OF PROSPECTIVE FOSTER HOMES. The
2 department shall request from the Department of Public Safety and pay
3 the cost of a state and national criminal record check on each adult
4 residing in a home before that home may be licensed as a foster home.
5 * Sec. 7. This Act takes effect immediately in accordance with AS 01.-
6 10.070(c).