

1 IN THE HOUSE

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2

HOUSE BILL NO. 446

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to access to criminal history infor-  
7 mation in the Criminal Justice Information System."

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

9 \* Section 1. AS 12.62.035 is repealed and reenacted to read:

10 Sec. 12.62.035. ACCESS TO CERTAIN CRIME INFORMATION. (a) An  
11 interested person may request from the commission the transcript of  
12 the conviction record of a person who holds or applies for

13 (1) employment for the purpose of:

14 (A) securing a bond for employment;

15 (B) conducting preemployment evaluations of employees  
16 and prospective employees who, in the course of employment, may  
17 have access to information affecting national security, trade  
18 secrets, confidential or proprietary business information, money,  
19 or items of value; or

20 (C) assisting an investigation of suspected employee  
21 misconduct where the misconduct may also constitute a crime under  
22 the laws of the United States, this state, or another state; or

23 (2) a position in which the person has or would have super-  
24 visory or disciplinary power over a minor, including a conviction for  
25 a violation or attempted violation of

26 (A) AS 11.41.410 - 11.41.470;

27 (B) AS 11.51.130;

28 (C) AS 11.61.110(a)(7);

29 (D) AS 11.66.100 - 11.66.130;

1 (E) former AS 11.40.080, 11.40.110, 11.40.130, or  
2 11.40.200 - 11.40.420; or

3 (F) the laws of another jurisdiction if the offense  
4 would have been a crime in this state under one of the sections  
5 listed in (A) - (E) of this paragraph if committed in the state.

6 (b) Information may be released under this section only for  
7 purposes related to the hiring, completion of background information  
8 checks, or job assignment of the subject of the request and may be  
9 used only for the purposes set out in (a) of this section.

10 (c) The commission shall

11 (1) authorize the disclosure of the information to the  
12 person making the request under (a) of this section; and

13 (2) provide a copy of the information to the person who is  
14 the subject of the request.

15 (d) Notwithstanding (c) of this section, the commission may  
16 refuse to disclose information to the person making the request under  
17 (a) of this section if the commission reasonably believes that the  
18 information will be used for purposes inconsistent with (b) of this  
19 section.

20 (e) A request for records under (a) of this section shall in-  
21 clude within it the fingerprints of the person who is the subject of  
22 the request and any other data specified in regulations adopted by the  
23 commission.

24 (f) The request made under (a) of this section must be on a form  
25 approved by the commission. The commission shall destroy an applica-  
26 tion within six months after the requested information is sent to the  
27 person making the request and to the person who is the subject of the  
28 request.

29 (g) The commission may charge a fee for the actual cost of

1 processing the request, to be paid by the person making the request.

2 (h) The commission shall adopt regulations to implement the  
3 provisions of this section.

4 \* Sec. 2. AS 12.62 is amended by adding a new section to read:

5 Sec. 12.62.037. USE OF INFORMATION. (a) When an interested  
6 person has received a conviction record requested under AS 12.62.035,  
7 the interested person must notify the subject of the record of receipt  
8 of the record. The interested person must give notice to the subject  
9 of the record

10 (1) within 30 days after receipt of the record; or

11 (2) at the time the interested person completes the inves-  
12 tigation under AS 12.62.035(a)(3).

13 (b) If, after receiving notice under (a) of this section, the  
14 subject of the record requests, the interested person to whom the  
15 conviction record was released shall make the record available for  
16 examination by the subject of the record, and shall notify the subject  
17 of the record of its availability.

18 \* Sec. 3. AS 12.62.060 is amended by adding a new subsection to read:

19 (d) If a person who is the subject of a request made under  
20 AS 12.62.035 is denied employment or assignment as a result of the  
21 disclosure of inaccurate or incomplete records, the person

22 (1) may bring a civil action against the state;

23 (2) may not bring an action against the agency or an em-  
24 ployee of the state for disclosure or failing to disclose criminal  
25 justice information.

26 \* Sec. 4. AS 12.62.070 is amended by adding new paragraphs to read:

27 (8) "conviction record" means the criminal history record  
28 information relating to an incident that has led to a conviction of  
29 the subject;

1           (9) "criminal history record" means information contained  
2           in records about individuals, other than juveniles, collected in the  
3           criminal justice information system consisting of descriptions and  
4           notations of arrest, detention, indictment, information, or other  
5           formal criminal charges, and the disposition of them, including sen-  
6           tences, correctional supervision, or release;

7           (10) "interested person" means a natural person or a cor-  
8           poration, company, partnership, firm, association, organization,  
9           business trust, or society that employs or solicits the employment of  
10          a person.