

Introduced: 3/24/87
Referred: Judiciary

wo00597s

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 207

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act abolishing the Governor's Commission on the
7 Administration of Justice and transferring responsi-
8 bilities to the Governor's Commission on Criminal
9 Justice Information; and providing for an effective
10 date."

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

12 * Section 1. AS 12.62 is amended by adding a new section to read:

13 Sec. 12.62.005. GOVERNOR'S COMMISSION ON CRIMINAL JUSTICE INFOR-
14 MATION. (a) There is established in the office of the governor a
15 seven-member commission on criminal justice information, consisting of

16 (1) the administrative director of the court system;

17 (2) the chief of a municipal police department appointed
18 by, and serving at the pleasure of, the governor; and

19 (3) the principal executive officers of the Department of
20 Corrections, the Department of Law, the Department of Public Safety,
21 the office of public advocacy, and the public defender agency.

22 (b) The attorney general, or a person designated by the attorney
23 general, is chairperson of the commission.

24 (c) No regulation adopted by the commission is binding on the
25 court system without the affirmative vote of the administrative direc-
26 tor of the court system.

27 (d) No regulation adopted by the commission is binding on execu-
28 tive-branch agencies without the affirmative vote of a majority of the
29 officials listed in (a)(3) of this section.

1 * Sec. 2. AS 12.62.010(a) is amended to read:

2 (a) After [THE GOVERNOR'S COMMISSION ON THE ADMINISTRATION OF
3 JUSTICE ESTABLISHED UNDER AS 44.19.110 -- 44.19.122 IS AUTHORIZED,
4 AFTER] appropriate consultation with representatives of state and
5 local law enforcement agencies participating in information systems
6 covered by this chapter, the commission may [TO] adopt regulations and
7 procedures considered necessary to facilitate and regulate the ex-
8 change of criminal justice information and to insure the security and
9 privacy of criminal justice information systems. The notice and
10 hearing requirements of the Administrative Procedure Act (AS 44.62),
11 relating to the adoption of regulations, apply to regulations adopted
12 under this chapter.

13 * Sec. 3. AS 12.62.070 is amended to read:

14 Sec. 12.62.070. DEFINITIONS. In this chapter

15 (1) "commission" means the Governor's Commission on Crimi-
16 nal Justice Information [THE ADMINISTRATION OF JUSTICE ESTABLISHED
17 UNDER AS 44.19.110 -- 44.19.122];

18 (2) "criminal justice information" means information con-
19 cerning an individual in a criminal justice information system and
20 indexed under the individual's name, or retrievable by reference to
21 the individual by name or otherwise and which is collected or stored
22 in a criminal justice information system;

23 (3) "criminal justice information system" means an automatic
24 data processing [A] system[, INCLUDING THE EQUIPMENT, FACILITIES,
25 PROCEDURES, AGREEMENTS, AND ORGANIZATIONS RELATED TO THE SYSTEM FUNDED
26 IN WHOLE OR IN PART BY THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,]
27 for the collection, processing, or dissemination of criminal justice
28 information;

29 (4) "intelligence information" means information concerning

1 the background, activities, or associations of an individual or group
2 collected or obtained by a law-enforcement agency for preventive,
3 precautionary, or general investigative purposes not directly connect-
4 ed with the investigation of a specific crime which has been committed
5 nor with the apprehension of a specific person in connection with the
6 commission of a particular crime;

7 (5) "interstate systems" means agreements, arrangements,
8 and systems for the interstate transmission and exchange of criminal
9 justice information, but does include record-keeping systems in the
10 state maintained or controlled by a state or local agency, or a group
11 of agencies, even if the agency receives information through, or
12 otherwise participates in, systems for the interstate exchange of
13 criminal justice information;

14 (6) "law enforcement" means any activity relating to crime
15 prevention, control, or reduction; [OR THE ENFORCEMENT OF THE CRIMINAL
16 PREVENTION, CONTROL OR REDUCTION] or the enforcement of the criminal
17 law, including, but not limited to, police efforts to prevent, con-
18 trol, or reduce crime or to apprehend criminals, activities of crimi-
19 nal prosecution, courts, public defender, public advocate, correc-
20 tions, probation, or parole authorities;

21 (7) "law enforcement agency" means a public agency which
22 performs as one of its principal functions activities pertaining to
23 law enforcement, and includes the child support enforcement agency
24 created by AS 47.23.

25 * Sec. 4. AS 39.50.200(b)(17) is amended to read:

26 (17) Governor's Commission on Criminal Justice Information
27 (AS 12.62.005) [THE ADMINISTRATION OF JUSTICE (AS 44.19.110)];

28 * Sec. 5. AS 14.43.310(b)(2), AS 18.65.250, AS 44.19.110, 44.19.112,
29 44.19.114, 44.19.116, 44.19.118, 44.19.120, and 44.19.122 are repealed.

1 * Sec. 6. TRANSITION. Litigation, hearings, investigations, and other
2 proceedings pending under a law amended or repealed by this Act, or in
3 connection with functions transferred by this Act, continue in effect and
4 may be continued and completed notwithstanding a transfer or amendment or
5 repeal provided for in this Act. Certificates, orders, and regulations
6 issued or adopted under authority of a law amended or repealed by this Act
7 remain in effect for the term issued, or until revoked, vacated, or other-
8 wise modified under the provisions of this Act. Contracts, rights, liabil-
9 ities, and obligations created by or under a law amended or repealed by
10 this Act, and in effect on the effective date of this Act, remain in effect
11 notwithstanding this Act's taking effect. Records, equipment, appropria-
12 tions, and other property of agencies of the state whose functions are
13 transferred under this Act must be transferred to implement the provisions
14 of this Act.

15 * Sec. 7. This Act takes effect immediately in accordance with AS 01.-
16 10.070(c).