

Original sponsor(s): REP. ZAWACKI, Hanley, Gruenberg

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 52 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to access by an interested person to  
7 criminal records of all felony convictions, convic-  
8 tions involving contributing to the delinquency of a  
9 minor, and convictions involving sex crimes of cer-  
10 tain persons; and providing for an effective date."

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

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

13 (a) An [NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN] inter-  
14 ested person [AS DEFINED IN (e) OF THIS SECTION] may request from the  
15 Department of Public Safety [COMMISSION] records of all felony con-  
16 victions, convictions involving contributing to the delinquency of a  
17 minor, and convictions involving any sex crimes of a person who holds  
18 or applies for a position of employment in which the person has or  
19 would have supervisory or disciplinary power over a minor or dependent  
20 adult. The Department of Public Safety [COMMISSION] shall disclose  
21 [AUTHORIZE THE DISCLOSURE OF] the information to the requesting inter-  
22 ested person and shall provide a copy of the information to the person  
23 who is the subject of the request.

24 \* Sec. 2. AS 12.62.035(e) is amended to read:

25 (e) As used in this section

26 (1) "contributing to the delinquency of a minor" means a  
27 conviction for a violation or attempted violations of AS 11.51.-  
28 130(a)(1), (3), or (5); former AS 11.40.130; or the laws of another  
29 jurisdiction if the offense would have been a crime in this state

1 under AS 11.51.130(a)(1), (3), or (5) or former AS 11.40.130 if com-  
2 mitted in the state;

3 (2) "dependent adult" means an adult with a physical or  
4 mental disability who requires assistance or supervision with the  
5 activities of daily living;

6 (3) "interested person" means a corporation, company,  
7 partnership, firm, association, organization, business trust, or  
8 society, as well as a natural person, that employs or solicits the  
9 employment of a person to serve with or without compensation in a  
10 position in which the person has or would have supervisory or disci-  
11 plinary power over a minor or dependent adult;

12 (4) [(3)] "sex crime" means a conviction for a violation or  
13 attempted violation of AS 11.41.410 - 11.41.470, AS 11.61.110(a)(7),  
14 or AS 11.66.100 - 11.66.130; former AS 11.15.120, 11.15.134, or 11.-  
15 15.160; former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 -  
16 11.40.420; or the laws of another jurisdiction if the offense would  
17 have been a crime in this state under one of the sections listed in  
18 this paragraph if committed in the state.

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

20 (f) The Department of Education shall request and receive re-  
21 cords under (a) of this section for a person seeking initial certifi-  
22 cation as a teacher or administrator.

23 \* Sec. 4. The Department of Education shall request and receive records  
24 under AS 12.62.035(a) as amended in sec. 1 of this Act, for a person who  
25 renews the person's certification as a teacher or administrator, if the  
26 department did not request and receive records for the person when the  
27 person was initially certified. This section applies only to the first  
28 renewal of certification of a teacher or administrator after the effective  
29 date of this Act.

1 \* Sec. 5. This Act takes effect immediately under AS 01.10.070(c).