

CS FOR HOUSE BILL NO. 442(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

**Offered: 2/24/94
Referred: Finance**

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to criminal justice information; providing procedural requirements
2 for obtaining certain criminal justice information; and providing for an effective
3 date."

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

5 * Section 1. AS 12.62 is amended by adding new sections to read:

6 **Sec. 12.62.100. CRIMINAL JUSTICE INFORMATION ADVISORY BOARD;**
7 **FUNCTIONS AND DUTIES. (a) There is established in the department the Criminal**
8 **Justice Information Advisory Board consisting of the following members:**

9 (1) a member of the general public appointed by and serving at the
10 pleasure of the governor;

11 (2) a municipal police chief appointed by and serving at the pleasure
12 of the governor; in making this appointment, the governor shall consult with the
13 Alaska Association of Chiefs of Police;

14 (3) the attorney general or the attorney general's designee;

- 1 (4) the chief justice of the supreme court or the chief justice's designee;
2 (5) the commissioner of administration or the commissioner's designee;
3 (6) the commissioner of corrections or the commissioner's designee;
4 (7) the commissioner of health and social services or the
5 commissioner's designee; and
6 (8) the commissioner of public safety or the commissioner's designee,
7 who will serve as chair of the board.

8 (b) Members of the board receive no compensation for services on the board,
9 but are entitled to per diem and travel expenses as authorized for boards under
10 AS 39.20.180.

11 (c) The board shall meet once every six months and at such other times as the
12 chair finds necessary.

13 (d) The board shall

14 (1) advise the department and other criminal justice agencies on matters
15 pertaining to the development and operation of the central repository described in
16 AS 12.62.110(1) and other criminal justice information systems, including providing
17 advice about regulations and procedures, and estimating the resources and costs of
18 those resources, needed to carry out the provisions of this chapter; and

19 (2) provide an annual report of its activities and recommendations to
20 the governor and the legislature.

21 Sec. 12.62.110. DUTIES OF THE COMMISSIONER REGARDING
22 INFORMATION SYSTEMS. The commissioner shall

23 (1) develop and operate a criminal justice information system that will
24 serve as the state's central repository of criminal history record information, and that
25 will collect, store, and release criminal justice information as provided in this chapter;

26 (2) consult with the board established by AS 12.62.100 regarding
27 matters concerning the operation of the department's criminal justice information
28 systems;

29 (3) provide a uniform crime reporting system for the periodic
30 collection, analysis, and reporting of crimes, and compile and publish statistics and
31 other information on the nature and extent of crime in the state;

1 (4) cooperate with other agencies of the state, the criminal record
2 repositories of other states, the Interstate Identification Index, the National Law
3 Enforcement Telecommunications System, the National Crime Information Center, and
4 other appropriate agencies or systems, in the development and operation of an effective
5 interstate, national, and international system of criminal identification, records, and
6 statistics; and

7 (5) in accordance with AS 44.62 (Administrative Procedure Act), adopt
8 regulations necessary to implement the provisions of this chapter; in adopting the
9 regulations, the commissioner shall consult with affected law enforcement agencies
10 regarding the fiscal implications of the regulations; regulations may not be adopted
11 under this section that affect procedures of the court system;

12 Sec. 12.62.120. MANDATORY FINGERPRINTING IN CRIMINAL CASES.

13 (a) A peace officer making an arrest, or another appropriate officer, shall take or
14 cause to be taken a person's fingerprints if the person is arrested in connection with
15 an arrestable offense. If a person's arraignment or first court appearance in connection
16 with an arrestable offense has been secured other than by arrest, or if for any other
17 reason the person was not fingerprinted in connection with the arrestable offense, the
18 court shall order, as a condition of the person's release, that the person submit to
19 fingerprinting at the appropriate police agency or correctional facility within 24 hours.

20 (b) If a person is found guilty of a criminal offense after plea or trial, the court
21 shall inquire whether the person has previously been fingerprinted in connection with
22 the proceedings leading to the conviction. If the court finds that the person has not
23 been fingerprinted, the fingerprints are not legible, or the evidence is inconclusive that
24 the person has been fingerprinted, the court shall order that the person submit to
25 fingerprinting at the appropriate police agency or correctional facility within 24 hours.

26 (c) A criminal justice agency operating a correctional facility shall obtain
27 fingerprints of each person received at the facility in connection with an arrestable
28 offense.

29 (d) A criminal justice agency taking fingerprints required by this section shall
30 send the fingerprints and other identifying information, in the manner and on forms
31 approved by the department, to the department no later than five working days after

1 the fingerprints are taken. If the fingerprints received from a criminal justice agency
2 are not legible enough to permit accurate identification, the department shall notify the
3 agency that took the fingerprints, and that agency shall make reasonable effort to
4 obtain a more legible set of the fingerprints.

5 (e) Upon receiving legible fingerprints from a criminal justice agency, the
6 department shall use reasonable efforts to confirm the identity of the person
7 fingerprinted. If the department finds that the person fingerprinted has criminal history
8 record information under a name other than the name on the fingerprint submission,
9 the department shall promptly notify the agency that sent the fingerprints.

10 (f) Unless otherwise provided by law or court rule, the commissioner,
11 by regulation, may exempt certain classes of persons from the fingerprinting
12 requirements of this section.

13 Sec. 12.62.130. REPORTING OF CRIMINAL JUSTICE
14 INFORMATION. (a) The commissioner, by regulation and after consultation with
15 the board and affected agencies, may designate which criminal justice agencies are
16 responsible for reporting the events described in (b) of this section. An agency
17 designated under this subsection shall report the events described in (b) of this section
18 to the department, at the time, in the manner, and in the form specified by the
19 department.

20 (b) An agency designated under (a) of this section shall report the following
21 events to the department if they occur in connection with an arrestable offense:

22 (1) the issuance, receipt, withdrawal, quashing, or execution of a
23 judicial arrest warrant, a governor's warrant of arrest for extradition, or a parole arrest
24 warrant;

25 (2) an arrest, with or without a warrant, or an escape after arrest;

26 (3) the release of a person after arrest without charges being filed;

27 (4) the admittance to, release or escape from, or unlawful evasion of,
28 official detention in a correctional facility, either pretrial or post-trial;

29 (5) a decision by a prosecutor or a grand jury not to commence
30 criminal proceedings, to defer or indefinitely postpone prosecution, or to decline to
31 prosecute charges;

1 ~~Text of bill was~~ (6) the filing of a charging document, including an indictment, criminal
2 complaint, criminal information, or a petition or other document showing a violation
3 of bail, probation, or parole, or the amendment of a charging document;

4 (7) an acquittal, dismissal, conviction or other disposition of charges
5 set out in a charging document described in (6) of this subsection;

6 (8) the imposition of a sentence or the granting of a suspended
7 imposition of sentence under AS 12.55.085;

8 (9) the commencement or expiration of parole or probation supervision;

9 (10) the commitment to or release from a facility, designated by the
10 Department of Health and Social Services, of a person who was previously accused
11 of a crime but who has been found to be incompetent to stand trial or found not
12 criminally responsible;

13 (11) the filing of an action in an appellate court or a federal court
14 relating to a conviction or sentence;

15 (12) a judgment of a court that reverses, remands, vacates, or reinstates
16 a criminal charge, conviction, or sentence;

17 (13) a pardon, reprieve, executive clemency, commutation of sentence,
18 or other change in the length or terms of a sentence by executive or judicial action;
19 and

20 (14) any other event required to be reported under regulations adopted
21 under this chapter.

22 **Sec. 12.62.140. REPORTING OF UNIFORM CRIME INFORMATION.** A
23 criminal justice agency shall submit to the department, at the time, in the manner, and
24 in the form specified by the department, data regarding crimes committed within that
25 agency's jurisdiction. The department shall compile, and provide to the governor and
26 the attorney general, an annual report concerning the number and nature of criminal
27 offenses committed, the disposition of the offenses, and any other data the
28 commissioner finds appropriate relating to the method, frequency, cause, and
29 prevention of crime.

30 **Sec. 12.62.150. REPORTING OF INFORMATION REGARDING WANTED**
31 **PERSONS AND STOLEN PROPERTY.** (a) A criminal justice agency shall report

1 to the department, at the time, in the manner, and in the form specified by the
2 department, data regarding

3 (1) a person the agency is trying to locate, whether that person is
4 wanted in connection with the commission of a crime, and the discovery, if any, of
5 that person;

6 (2) the theft, and recovery if any, of an identifiable motor vehicle; and

7 (3) the theft, and recovery if any, of identifiable property.

8 (b) A criminal justice agency, annually and at other times if requested by the
9 department, shall confirm whether information already reported under (a) of this
10 section continues to be valid, and shall cooperate with the department in periodic
11 audits to validate the information reported.

12 Sec. 12.62.160. COMPLETENESS, ACCURACY, AND SECURITY OF
13 CRIMINAL JUSTICE INFORMATION. (a) A criminal justice agency shall

14 (1) adopt reasonable procedures to ensure that criminal justice
15 information that the agency maintains is accurate and complete;

16 (2) notify a criminal justice agency known to have received information
17 of a material nature that is inaccurate or incomplete;

18 (3) provide adequate procedures and facilities to protect criminal justice
19 information from unauthorized access and from accidental or deliberate damage by
20 theft, sabotage, fire, flood, wind, or power failure;

21 (4) provide procedures for screening, supervising, and disciplining
22 agency personnel in order to minimize the risk of security violations;

23 (5) provide training for employees working with or having access to
24 criminal justice information;

25 (6) if maintaining criminal justice information within an automated
26 information system operated by a noncriminal justice agency, develop or approve
27 system operating procedures to comply with this chapter or regulations adopted under
28 this chapter, and monitor the implementation of those procedures to ensure that they
29 are effective; and

30 (7) maintain, for at least three years, and make available for audit
31 purposes,

1 (A) records showing the accuracy and completeness of
2 information maintained by the agency in a criminal justice information system;
3 and

4 (B) records required to be maintained under AS 12.62.170(c)(4).

5 (b) The department shall adopt reasonable procedures designed to ensure that
6 information about arrests and criminal charges that is stored in a criminal justice
7 information system can be linked with information about the disposition of those
8 arrests and charges.

9 (c) Every two years the department shall undertake an audit, and every four
10 years shall obtain an independent audit, of the department's criminal justice
11 information system that serves as the central repository and of a sample of other state
12 and local criminal justice information systems, to verify adherence to the requirements
13 of this chapter and other applicable laws. The department shall provide to the board
14 the final report of each audit.

15 Sec. 12.62.170. RELEASE AND USE OF CRIMINAL JUSTICE
16 INFORMATION; FEES. (a) Criminal justice information and the identity of
17 recipients of criminal justice information is confidential and exempt from disclosure
18 under AS 09.25. The existence or nonexistence of criminal justice information may
19 not be released to or confirmed to any person except as provided in this section and
20 AS 12.62.190(d).

21 (b) Subject to the requirements of this section, and except as otherwise limited
22 or prohibited by other provision of law or court rule, criminal justice information may
23 be released by a criminal justice agency as follows:

24 (1) an assessment or summary of criminal justice information may be
25 provided to a person when necessary to avoid imminent danger to life or extensive
26 damage to property;

27 (2) criminal justice information may be provided to any person to the
28 extent required by applicable court rules or under an order of a court of this state,
29 another state, or the United States;

30 (3) criminal justice information may be provided to a person if the
31 information is commonly or traditionally provided by criminal justice agencies in order

1 to identify, locate, or apprehend fugitives or wanted persons or to recover stolen
2 property, or for public reporting of recent arrests, charges, and other criminal justice
3 activity;

4 (4) criminal justice information may be provided to a criminal justice
5 agency for a criminal justice activity;

6 (5) criminal justice information may be provided to a government
7 agency to the extent necessary for enforcement of or for a purpose authorized by local,
8 state, or federal law;

9 (6) criminal justice information may be provided to a person
10 specifically authorized by a state or federal law to receive such information;

11 (7) criminal justice information may be provided to the governor or the
12 lieutenant governor for purposes of

13 (A) personal or family security; or

14 (B) reviewing a candidate for appointment as a
15 state official or employee in the exempt or partially exempt
16 service under AS 39.25.110 or 39.25.120;

17 (8) criminal justice information may be provided to a legislator
18 of this state for purposes of

19 (A) personal or family security;

20 (B) reviewing a governor's appointee whose
21 appointment has been submitted to the legislature for
22 confirmation; or

23 (C) reviewing a candidate for legislative
24 appointment or for employment in the legislative branch of
25 government;

26 (9) criminal justice information may be released to a qualified person,
27 as determined by the agency, for criminal justice research, subject to written conditions
28 that assure the security of the information and the privacy of individuals to whom the
29 information relates;

30 (10) current offender information may be provided to a person for any
31 purpose;

1 (11) past conviction information may be provided to a person for any
2 purpose if less than 10 years has elapsed from the date of unconditional discharge to
3 the date of the request;

4 (12) past conviction information relating to a serious offense may be
5 provided to an interested person if 10 or more years have elapsed from the date of
6 unconditional discharge to the date of the request and if the information is requested
7 for the purpose of determining whether to grant a person supervisory or disciplinary
8 power over a minor or dependent adult; and

9 (13) criminal justice information may be provided to the person who
10 is the subject of the information.

11 (c) Unless otherwise provided for in regulations adopted by the commissioner,
12 if access to criminal justice information is permitted under (b) of this section

13 (1) the information may be released only by the agency maintaining
14 that information;

15 (2) the information may not be released under this section without first
16 determining that the information is the most current information available within that
17 criminal justice information system, unless the system is incapable of providing the
18 most current information available within the necessary time period;

19 (3) the information may not be released under this section until the
20 person requesting the information establishes the identity of the subject of the
21 information by fingerprint comparison or another reliable means of identification
22 approved by the department;

23 (4) the information may not be released under this section unless the
24 criminal justice agency releasing the information records, and maintains for at least
25 three years, the name of the person or agency that is to receive the information, the
26 date the information was released, the nature of the information, and the statutory
27 authority that permits the release; and

28 (5) information released under this section may be used only for the
29 purpose or activity for which the information was released.

30 (d) Notwithstanding AS 09.25, a criminal justice agency may charge fees,
31 established by regulation or municipal ordinance, for processing requests for records.

1 under this chapter, unless the request is from a criminal justice agency or is required
2 for purposes of discovery in a criminal case. In addition to fees charged under
3 AS 44.41.025 for processing fingerprints through the Alaska automated fingerprint
4 system, the department may charge fees for other services in connection with the
5 processing of information requests, including fees for contacting other jurisdictions to
6 determine the disposition of an out-of-state arrest or to clarify the nature of an
7 out-of-state conviction. The department may also collect and account for fees charged
8 by the Federal Bureau of Investigation for processing fingerprints forwarded to the
9 bureau by the department. The annual estimated balance in the account maintained by
10 the commissioner of administration under AS 37.05.142 may be used by the legislature
11 to make appropriations to the department to carry out the purposes of this chapter.

12 **Sec. 12.62.180. CORRECTION OF CRIMINAL JUSTICE INFORMATION.**

13 (a) A criminal justice agency shall correct, modify, or add an explanatory notation to
14 criminal history records that the agency is responsible for maintaining if the revision
15 is necessary to achieve accuracy or completeness.

16 (b) A person may submit a written request to the head of the agency
17 responsible for maintaining criminal justice information asking the agency to correct,
18 modify, or add any information or explanatory notation to criminal justice information
19 about the person that the person believes is inaccurate or incomplete. The decision of
20 the head of the agency is the final administrative decision on the request.

21 (c) The person requesting revision of criminal justice information may appeal
22 an adverse decision of the agency to the court under applicable rules of procedure for
23 appealing the decision of an administrative agency. The appellant bears the burden on
24 appeal of showing that the agency decision was in error. An appeal filed under this
25 subsection may not collaterally attack a court judgment or a decision by prison,
26 probation, or parole authorities, or any other action that is or could have been subject
27 to appeal, post-conviction relief, or other administrative remedy.

28 **Sec. 12.62.190. SEALING OF CRIMINAL JUSTICE INFORMATION. (a)**

29 Under this section, a criminal justice agency may seal only the information that the
30 agency is responsible for maintaining.

31 (b) A person may submit a written request to the head of the agency

1 responsible for maintaining past conviction or current offender information, asking the
2 agency to seal such information about the person that, beyond a reasonable doubt,
3 resulted from mistaken identity or false accusation. The decision of the head of the
4 agency is the final administrative decision on the request.

5 (c) The person requesting that the information be sealed may appeal an adverse
6 decision of the agency to the court under applicable rules of procedure for appealing
7 the decision of an administrative agency. The appellant bears the burden on appeal
8 of showing that the agency decision was clearly mistaken. An appeal filed under this
9 subsection may not collaterally attack a court judgment or a decision by prison,
10 probation, or parole authorities, or any other action that is or could have been subject
11 to appeal, post-conviction relief, or other administrative remedy.

12 (d) A person about whom information is sealed under this section may deny
13 the existence of the information and of an arrest, charge, conviction, or sentence shown
14 in the information. Information that is sealed under this section may be provided to
15 another person or agency only

- 16 (1) for record management purposes, including auditing;
- 17 (2) for criminal justice employment purposes;
- 18 (3) for review by the subject of the record;
- 19 (4) for research and statistical purposes;
- 20 (5) when necessary to prevent imminent harm to a person; or
- 21 (6) for a use authorized by statute or court order.

22 **Sec. 12.62.200. PURGING OF CRIMINAL JUSTICE INFORMATION. (a)**
23 A criminal justice agency may purge only the criminal justice information that the
24 agency is responsible for maintaining. An agency may determine when and what
25 information will be purged, under (b) of this section.

26 (b) Criminal justice information may be purged if the agency determines that
27 the information is devoid of usefulness to a criminal justice agency due to the

- 28 (1) death of the subject of the information;
- 29 (2) age of the information;
- 30 (3) nature of the offense or of the information;
- 31 (4) volume of the agency's records or other record management

1 considerations.

2 **Sec. 12.62.210. CIVIL ACTION AND DEFENSE. (a) Failure to comply with**
3 **a requirement of this chapter or a regulation adopted under this chapter is not a basis**
4 **for civil liability, but may be the basis for employee discipline or administrative action**
5 **to restrict a person's or agency's access to information. However, a person whose**
6 **criminal justice information has been released or used in knowing violation of this**
7 **chapter or a regulation adopted under this chapter may bring an action for damages in**
8 **the superior court.**

9 (b) It is a defense to a civil or criminal action based on a violation of this
10 chapter, or regulations adopted under this chapter, if a person relied in good faith upon
11 the provisions of this chapter or of other laws or regulations governing maintenance,
12 release, or use of criminal justice information, or upon policies or procedures
13 established by a criminal justice agency.

14 **Sec. 12.62.900. DEFINITIONS. In this chapter,**

15 (1) "agency" means a criminal justice agency;

16 (2) "arrestable offense" means an offense that is committed by an adult
17 or by a juvenile who has been charged as an adult, and that is

18 (A) a violation of a federal or state criminal law, or municipal
19 criminal ordinance;

20 (B) an offense resulting in arrest under AS 12.25.170; or

21 (C) an offense resulting in arrest under AS 12.70;

22 (3) "automatic data processing" has the meaning given in AS 44.21.170;

23 (4) "board" means the Criminal Justice Information Advisory Board;

24 (5) "commissioner" means the commissioner of public safety;

25 (6) "complete" means that a criminal history record contains
26 information about the disposition of criminal charges occurring in the state within 90
27 days after the disposition occurred;

28 (7) "correctional facility" means a prison, jail, or other facility for the
29 temporary or indefinite confinement of persons charged with criminal offenses;

30 (8) "correctional treatment information" means information about an
31 identifiable person, excluding past conviction information or current offender

1 information, collected to monitor that person in a correctional facility or while under
2 correctional supervision, including the person's current or past institutional behavior,
3 medical or psychological condition, or rehabilitative progress;

4 (9) "criminal history record information" means information that
5 contains

6 (A) past conviction information;

7 (B) current offender information;

8 (C) criminal identification information;

9 (10) "criminal identification information" means fingerprints,
10 photographs, and other information or descriptions that identify a person as having
11 been the subject of a criminal arrest or prosecution;

12 (11) "criminal justice activity" means

13 (A) investigation, identification, apprehension, detention, pretrial
14 or post-trial release, prosecution, adjudication, or correctional supervision or
15 rehabilitation of a person accused or convicted of a crime;

16 (B) collection, storage, transmission, and release of criminal
17 justice information; or

18 (C) the employment of personnel engaged in activities described
19 in (A) or (B) of this paragraph;

20 (12) "criminal justice agency" means

21 (A) a court with criminal jurisdiction or an employee of that
22 court;

23 (B) a government entity or subdivision of a government entity
24 that allocates a substantial portion of its budget to a criminal justice activity
25 under a law, regulation, or ordinance; or

26 (C) an individual or organization obligated to undertake a
27 criminal justice activity under a written agreement with an agency described in
28 (A) or (B) of this paragraph; as used in this subparagraph, "organization"
29 includes an interagency or interjurisdictional task force formed to further
30 common criminal justice goals;

31 (13) "criminal justice information" means any of the following, other

1 than a court record, a record of traffic offenses maintained for the purpose of
2 regulating drivers' licenses, or a record of a juvenile subject to the jurisdiction of the
3 juvenile court under AS 47.10:

- 4 (A) criminal history record information;
- 5 (B) nonconviction information;
- 6 (C) correctional treatment information;
- 7 (D) information relating to a person to be located, whether or
8 not that person is wanted in connection with the commission of a crime;

9 (14) "criminal justice information system" means an automatic data
10 processing system used to collect, store, display, or transmit criminal justice
11 information, and that permits information within the system, without action by the
12 agency maintaining the information, to be directly accessed by another principal
13 department of the state, another branch of state government, an agency of another state
14 or the federal government, or by a political subdivision of a state or the federal
15 government;

16 (15) "current offender information" means information showing that an
17 identifiable person

- 18 (A) is currently under arrest for or is charged with a crime and
 - 19 (i) prosecution is under review or has been deferred by
20 written or oral agreement;
 - 21 (ii) a warrant exists for the person's arrest; or
 - 22 (iii) less than a year has elapsed since the date of the
23 arrest or filing of the charges, whichever is latest;

24 (B) is currently released on bail or on other conditions imposed
25 by a court in a criminal case, either pretrial or post-trial, including the
26 conditions of the release;

27 (C) is currently serving a criminal sentence or is under the
28 custody of the commissioner of corrections for supervision purposes; "current
29 offender information" under this subparagraph includes

- 30 (i) the terms and conditions of any sentence, probation,
31 suspended imposition of sentence, discretionary or mandatory parole,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

furlough, executive clemency, or other release; and

(ii) the location of any place of incarceration, halfway house, restitution center, or other correctional placement to which the person is assigned; and

(D) has had a criminal conviction or sentence reversed, vacated, set aside, or has been the subject of executive clemency;

(16) "department" means the Department of Public Safety;

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

(18) "information" means, unless the context clearly indicates otherwise, data compiled within a criminal justice information system;

(19) "interested person" means a corporation, company, partnership, firm, association, organization, business trust, or society, as well as a natural person, that employs, appoints, or permits a person to serve with or without compensation in a position in which the person has or would have supervisory or disciplinary power over a minor or dependent adult;

(20) "nonconviction information" means information that an identifiable person was arrested or that criminal charges were filed or considered against the person and

(A) a prosecutor or grand jury has elected not to begin criminal proceedings against the person and at least a year has elapsed since that decision;

(B) criminal charges against the person have been dismissed or the person has been acquitted and at least a year has elapsed since that action; or

(C) there is no indication of the disposition of the criminal charges or the arrest and at least a year has elapsed since the arrest, filing of the charges, or referral of the matter for review by a prosecutor, whichever is latest;

(21) "past conviction information" means information showing that an identifiable person who has been unconditionally discharged has previously been

1 convicted of a crime; "past conviction information" includes

2 (A) the terms of any sentence, probation, suspended imposition
3 of sentence, or discretionary or mandatory parole; and

4 (B) information that a criminal conviction or sentence has been
5 reversed, vacated, set aside, or been the subject of executive clemency;

6 (22) "purge" means to electronically delete or destroy information in
7 a criminal justice information system so that there can be no access to the information;

8 (23) "seal" means to retain information in a criminal justice information
9 system subject to special restrictions on access or dissemination;

10 (24) "serious offense" means a conviction for a felony offense or a
11 violation or attempted violation of any of the following laws, or of the laws of another
12 jurisdiction with substantially similar elements:

13 (A) AS 11.41.410 - 11.41.470;

14 (B) AS 11.51.130(a)(1), (3), or (5);

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

16 (D) AS 11.66.100 - 11.66.130; or

17 (E) former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 -
18 11.40.420, if committed before January 1, 1980; and

19 (25) "unconditional discharge" has the meaning given in AS 12.55.185.

20 * Sec. 2. AS 44.99.310(f) is amended to read:

21 (f) This section does not apply to criminal intelligence or criminal investigative
22 records, criminal justice information under AS 12.62, state agency personnel or
23 retirement system records, records of applicants for employment with the state agency,
24 or information in documents recorded under AS 40.17.

25 * Sec. 3. AS 12.62.010, 12.62.015, 12.62.017, 12.62.020, 12.62.030, 12.62.035, 12.62.040,
26 12.62.050, 12.62.060, 12.62.070; AS 18.65.060; and AS 44.41.040 are repealed.

27 * Sec. 4. TRANSITION. Notwithstanding sec. 7 of this Act, an agency of the state that
28 has regulation adoption authority or that is authorized by this Act to adopt regulations, may
29 proceed to adopt regulations necessary to implement provisions in this Act that affect that
30 agency. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
31 before July 1, 1995.

1 * **Sec. 5. APPLICABILITY.** Notwithstanding sec. 7 of this Act, the fingerprinting and
2 mandatory reporting requirements of AS 12.62.120 - 12.62.150, added by sec. 1 of this Act,
3 and regulations adopted under those statutes, are not applicable before July 1, 1996 to criminal
4 activity that does not constitute a felony offense.

5 * **Sec. 6.** Section 4 of this Act takes effect immediately under AS 01.10.070(c).

6 * **Sec. 7.** Sections 1 - 3 and 5 of this Act take effect July 1, 1995.