

CS FOR HOUSE BILL NO. 442(FIN)**IN THE LEGISLATURE OF THE STATE OF ALASKA****EIGHTEENTH LEGISLATURE - SECOND SESSION****BY THE HOUSE FINANCE COMMITTEE****Offered: 3/15/94****Referred: Rules****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;
6 (8) the commissioner of public safety or the commissioner's designee,
7 who serves as chair of the board; and
8 (9) the executive director of the Alaska Judicial Council or the
9 executive director's designee.

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

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

15 (d) The board shall

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

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

23 Sec. 12.62.110. DUTIES OF THE COMMISSIONER REGARDING
24 INFORMATION SYSTEMS. The commissioner shall

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

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

31 (3) provide a uniform crime reporting system for the periodic

1 collection, analysis, and reporting of crimes, and compile and publish statistics and
2 other information on the nature and extent of crime in the state;

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

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

14 Sec. 12.62.120. MANDATORY FINGERPRINTING. (a) When a person is
15 taken into custody for an arrestable offense, with or without a warrant, fingerprints of
16 the person may be taken by the law enforcement agency with custody of the person.
17 If the law enforcement agency with custody of the person does not take the
18 fingerprints, they shall be taken by the correctional facility where the person is lodged
19 following the arrest.

20 (b) At the initial court appearance or arraignment of a person for an arrestable
21 offense, the court shall determine if the person's fingerprints have been taken in
22 connection with the offense. If the court is unable to conclusively determine that the
23 person's fingerprints have been taken, the court shall order the person to submit to
24 fingerprinting within 24 hours at the appropriate correctional facility unless, after
25 consultation with state or local law enforcement agencies, the court determines that
26 another place for taking fingerprints is more appropriate.

27 (c) When a defendant is sentenced or otherwise adjudicated for an arrestable
28 offense, the court shall determine if legible fingerprints have been taken in connection
29 with the proceedings. If the court is unable to conclusively determine that legible
30 fingerprints have been taken, the court shall order that the defendant, as a condition
31 of sentence, adjudication, suspended imposition of sentence, probation, or release,

1 submit to fingerprinting within 24 hours at the appropriate correctional facility unless,
2 after consultation with state or local law enforcement agencies, the court determines
3 that another place for taking fingerprints is more appropriate.

4 (d) The department shall develop standard forms and procedures for the taking
5 of fingerprints under this section. Fingerprints shall be

6 (1) taken on a form, and in the manner, prescribed by the department;
7 and

8 (2) forwarded within five working days to the department.

9 (e) When the department receives fingerprints of a person in connection with
10 an arrestable offense, the department shall make a reasonable effort to confirm the
11 identity of the person fingerprinted. If the department finds that the person
12 fingerprinted has criminal history record information under a name other than the name
13 submitted with the fingerprints, the department shall promptly notify the officer,
14 agency, or facility that took the fingerprints.

15 (f) If the arresting officer, the law enforcement agency that employs the
16 officer, or the correctional facility where fingerprints were taken is notified by the
17 department that fingerprints taken under this section are not legible, the officer,
18 agency, or facility shall make a reasonable effort to obtain a legible set of fingerprints.
19 If legible fingerprints cannot be obtained within a reasonable period of time, and if the
20 illegible fingerprints were taken under a court order, the officer or agency shall inform
21 the court, which shall order the defendant to submit to fingerprinting again.

22 **Sec. 12.62.130. REPORTING OF CRIMINAL JUSTICE INFORMATION.**

23 (a) The commissioner, by regulation and after consultation with the board and affected
24 agencies, may designate which criminal justice agencies are responsible for reporting
25 the events described in (b) of this section. An agency designated under this subsection
26 shall report the events described in (b) of this section to the department, at the time,
27 in the manner, and in the form specified by the department.

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

30 (1) the issuance, receipt, withdrawal, quashing, or execution of a
31 judicial arrest warrant, a governor's warrant of arrest for extradition, or a parole arrest

1 ~~reads~~ **warrant;**

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

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

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

6 **(5) a decision by a prosecutor or a grand jury not to commence**
7 **criminal proceedings, to defer or indefinitely postpone prosecution, or to decline to**
8 **prosecute charges;**

9 **(6) the filing of a charging document, including an indictment, criminal**
10 **complaint, criminal information, or a petition or other document showing a violation**
11 **of bail, probation, or parole, or the amendment of a charging document;**

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

14 **(8) the imposition of a sentence or the granting of a suspended**
15 **imposition of sentence under AS 12.55.085;**

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

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

21 **(11) the filing of an action in an appellate court or a federal court**
22 **relating to a conviction or sentence;**

23 **(12) a judgment of a court that reverses, remands, vacates, or reinstates**
24 **a criminal charge, conviction, or sentence;**

25 **(13) a pardon, reprieve, executive clemency, commutation of sentence,**
26 **or other change in the length or terms of a sentence by executive or judicial action;**
27 **and**

28 **(14) any other event required to be reported under regulations adopted**
29 **under this chapter.**

30 **Sec. 12.62.140. REPORTING OF UNIFORM CRIME INFORMATION. A**
31 **criminal justice agency shall submit to the department, at the time, in the manner, and**

1 in the form specified by the department, data regarding crimes committed within that
2 agency's jurisdiction. The department shall compile, and provide to the governor and
3 the attorney general, an annual report concerning the number and nature of criminal
4 offenses committed, the disposition of the offenses, and any other data the
5 commissioner finds appropriate relating to the method, frequency, cause, and
6 prevention of crime.

7 Sec. 12.62.150. REPORTING OF INFORMATION REGARDING WANTED
8 PERSONS AND STOLEN PROPERTY. (a) A criminal justice agency shall report
9 to the department, at the time, in the manner, and in the form specified by the
10 department, data regarding

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

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

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

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

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

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

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

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

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

31 (5) provide training for employees working with or having access to

1 criminal justice information;

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

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

9 (A) records showing the accuracy and completeness of
10 information maintained by the agency in a criminal justice information system;
11 and

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

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

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

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

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

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

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

7 (3) criminal justice information may be provided to a person if the
8 information is commonly or traditionally provided by criminal justice agencies in order
9 to identify, locate, or apprehend fugitives or wanted persons or to recover stolen
10 property, or for public reporting of recent arrests, charges, and other criminal justice
11 activity;

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

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

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

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

21 (A) personal or family security; or

22 (B) reviewing a candidate for appointment as a state official or
23 employee in the exempt or partially exempt service under AS 39.25.110 or
24 39.25.120;

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

27 (A) personal or family security;

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

30 (C) reviewing a candidate for legislative appointment or for
31 employment in the legislative branch of government;

1 **(9) criminal justice information may be released to a qualified person,**
2 **as determined by the agency, for criminal justice research, subject to written conditions**
3 **that assure the security of the information and the privacy of individuals to whom the**
4 **information relates;**

5 **(10) current offender information may be provided to a person for any**
6 **purpose;**

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

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

15 **(13) criminal justice information may be provided to the person who**
16 **is the subject of the information.**

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

19 **(1) the information may be released only by the agency maintaining**
20 **that information;**

21 **(2) the information may not be released under this section without first**
22 **determining that the information is the most current information available within that**
23 **criminal justice information system, unless the system is incapable of providing the**
24 **most current information available within the necessary time period;**

25 **(3) the information may not be released under this section until the**
26 **person requesting the information establishes the identity of the subject of the**
27 **information by fingerprint comparison or another reliable means of identification**
28 **approved by the department;**

29 **(4) the information may not be released under this section unless the**
30 **criminal justice agency releasing the information records, and maintains for at least**
31 **three years, the name of the person or agency that is to receive the information, the**

1 date the information was released, the nature of the information, and the statutory
2 authority that permits the release; and

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

5 (d) Notwithstanding AS 09.25, a criminal justice agency may charge fees,
6 established by regulation or municipal ordinance, for processing requests for records
7 under this chapter, unless the request is from a criminal justice agency or is required
8 for purposes of discovery in a criminal case. In addition to fees charged under
9 AS 44.41.025 for processing fingerprints through the Alaska automated fingerprint
10 system, the department may charge fees for other services in connection with the
11 processing of information requests, including fees for contacting other jurisdictions to
12 determine the disposition of an out-of-state arrest or to clarify the nature of an
13 out-of-state conviction. The department may also collect and account for fees charged
14 by the Federal Bureau of Investigation for processing fingerprints forwarded to the
15 bureau by the department. The annual estimated balance in the account maintained by
16 the commissioner of administration under AS 37.05.142 may be used by the legislature
17 to make appropriations to the department to carry out the purposes of this chapter.

18 Sec. 12.62.180. CORRECTION OF CRIMINAL JUSTICE INFORMATION.

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

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

27 (c) The person requesting revision of criminal justice information may appeal
28 an adverse decision of the agency to the court under applicable rules of procedure for
29 appealing the decision of an administrative agency. The appellant bears the burden on
30 appeal of showing that the agency decision was in error. An appeal filed under this
31 subsection may not collaterally attack a court judgment or a decision by prison.

1 ~~probation, or parole authorities, or any other action that is or could have been subject~~
2 ~~to appeal, post-conviction relief, or other administrative remedy.~~

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

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

6 (b) A person may submit a written request to the head of the agency
7 responsible for maintaining past conviction or current offender information, asking the
8 agency to seal such information about the person that, beyond a reasonable doubt,
9 resulted from mistaken identity or false accusation. The decision of the head of the
10 agency is the final administrative decision on the request.

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

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

- 22 (1) for record management purposes, including auditing;
- 23 (2) for criminal justice employment purposes;
- 24 (3) for review by the subject of the record;
- 25 (4) for research and statistical purposes;
- 26 (5) when necessary to prevent imminent harm to a person; or
- 27 (6) for a use authorized by statute or court order.

28 **Sec. 12.62.200. PURGING OF CRIMINAL JUSTICE INFORMATION. (a)**

29 A criminal justice agency may purge only the criminal justice information that the
30 agency is responsible for maintaining. An agency may determine when and what
31 information will be purged, under (b) of this section.

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

- 3 (1) death of the subject of the information;
4 (2) age of the information;
5 (3) nature of the offense or of the information;
6 (4) volume of the agency's records or other record management
7 considerations.

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

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

20 Sec. 12.62.900. DEFINITIONS. In this chapter,

- 21 (1) "agency" means a criminal justice agency;
22 (2) "arrestable offense" means conduct subjecting a person to arrest as
23 an adult offender, or as a juvenile charged as an adult,
24 (A) due to a violation of a federal or state criminal law, or
25 municipal criminal ordinance;
26 (B) under AS 12.25.180;
27 (C) under AS 12.30.060; or
28 (D) under AS 12.70;
29 (3) "automatic data processing" has the meaning given in AS 44.21.170;
30 (4) "board" means the Criminal Justice Information Advisory Board;
31 (5) "commissioner" means the commissioner of public safety;

1. ~~definition of complete~~ (6) "complete" means that a criminal history record contains
2. information about the disposition of criminal charges occurring in the state within 90
3. days after the disposition occurred;

4. (7) "correctional facility" has the meaning given in AS 33.30.901;

5. (8) "correctional treatment information" means information about an
6. identifiable person, excluding past conviction information or current offender
7. information, collected to monitor that person in a correctional facility or while under
8. correctional supervision, including the person's current or past institutional behavior,
9. medical or psychological condition, or rehabilitative progress;

10. (9) "criminal history record information" means information that
11. contains

12. (A) past conviction information;

13. (B) current offender information;

14. (C) criminal identification information;

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

18. (11) "criminal justice activity" means

19. (A) investigation, identification, apprehension, detention, pretrial
20. or post-trial release, prosecution, adjudication, or correctional supervision or
21. rehabilitation of a person accused or convicted of a crime;

22. (B) collection, storage, transmission, and release of criminal
23. justice information; or

24. (C) the employment of personnel engaged in activities described
25. in (A) or (B) of this paragraph;

26. (12) "criminal justice agency" means

27. (A) a court with criminal jurisdiction or an employee of that
28. court;

29. (B) a government entity or subdivision of a government entity
30. that allocates a substantial portion of its budget to a criminal justice activity
31. under a law, regulation, or ordinance; or

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

6 (13) "criminal justice information" means any of the following, other
7 than a court record, a record of traffic offenses maintained for the purpose of
8 regulating drivers' licenses, or a record of a juvenile subject to the jurisdiction of the
9 juvenile court under AS 47.10:

10 (A) criminal history record information;

11 (B) nonconviction information;

12 (C) correctional treatment information;

13 (D) information relating to a person to be located, whether or
14 not that person is wanted in connection with the commission of a crime;

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

22 (15) "current offender information" means information showing that an
23 identifiable person

24 (A) is currently under arrest for or is charged with a crime and

25 (i) prosecution is under review or has been deferred by
26 written or oral agreement;

27 (ii) a warrant exists for the person's arrest; or

28 (iii) less than a year has elapsed since the date of the
29 arrest or filing of the charges, whichever is latest;

30 (B) is currently released on bail or on other conditions imposed
31 by a court in a criminal case, either pretrial or post-trial, including the

1 conditions of the release;

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

5 (i) the terms and conditions of any sentence, probation,
6 suspended imposition of sentence, discretionary or mandatory parole,
7 furlough, executive clemency, or other release; and

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

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

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

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

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

18 (19) "interested person" means a person as defined in AS 01.10.060 that
19 employs, appoints, or permits a person to serve with or without compensation in a
20 position in which the person has or would have supervisory or disciplinary power over
21 a minor or dependent adult;

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

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

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

31 (C) there is no indication of the disposition of the criminal

1 charges or the arrest and at least a year has elapsed since the arrest, filing of
2 the charges, or referral of the matter for review by a prosecutor, whichever is
3 latest;

4 (21) "past conviction information" means information showing that an
5 identifiable person who has been unconditionally discharged has previously been
6 convicted of a crime; "past conviction information" includes

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

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

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

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

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

18 (A) AS 11.41.410 - 11.41.470;

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

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

21 (D) AS 11.66.100 - 11.66.130; or

22 (E) former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 -
23 11.40.420, if committed before January 1, 1980; and

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

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

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

30 * Sec. 3. AS 12.55.147; AS 12.62.010, 12.62.015, 12.62.017, 12.62.020, 12.62.030,
31 12.62.035, 12.62.040, 12.62.050, 12.62.060, 12.62.070; AS 18.65.060; and AS 44.41.040 are

1 repealed.

2 * **Sec. 4.** Notwithstanding the repeal of AS 44.41.040 by sec. 3 of this Act, the regulations
3 adopted under AS 44.41.040 that are in effect on the effective date of this Act remain in effect
4 until the regulations required to be adopted under AS 12.62.170(d), added by sec. 1 of this
5 Act, take effect.

6 * **Sec. 5. TRANSITION.** Notwithstanding sec. 8 of this Act, an agency of the state that
7 has regulation adoption authority or that is authorized by this Act to adopt regulations, may
8 proceed to adopt regulations necessary to implement provisions in this Act that affect that
9 agency. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
10 before July 1, 1995.

11 * **Sec. 6. APPLICABILITY.** Notwithstanding sec. 8 of this Act, the fingerprinting and
12 mandatory reporting requirements of AS 12.62.120 - 12.62.150, added by sec. 1 of this Act,
13 and regulations adopted under those statutes, are not applicable before July 1, 1996 to criminal
14 activity that does not constitute a felony offense.

15 * **Sec. 7.** Section 5 of this Act takes effect immediately under AS 01.10.070(c).

16 * **Sec. 8.** Sections 1 - 4 and 6 of this Act take effect July 1, 1995.