

SENATE BILL NO. 276

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/4/94  
Referred: JUD, FIN

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 a 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 state employees.

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

12 (d) The board shall

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

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

20 Sec. 12.62.110. DUTIES OF THE COMMISSIONER REGARDING  
21 INFORMATION SYSTEMS. The commissioner of public safety shall

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

25 (2) consult with the Criminal Justice Information Advisory Board  
26 established by AS 12.62.100 regarding matters concerning the operation of the  
27 department's criminal justice information systems;

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

31 (4) cooperate with other agencies of the state, the criminal record

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

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

11 Sec. 12.62.120. MANDATORY FINGERPRINTING IN CRIMINAL CASES.

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

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

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

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

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

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

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

12 Sec. 12.62.130. REPORTING OF CRIMINAL JUSTICE INFORMATION.

13 (a) The commissioner, by regulation and after consultation with the Criminal Justice  
14 Information Advisory Board and affected agencies, may designate which criminal  
15 justice agencies are responsible for reporting the events described in (b) of this section.  
16 An agency designated under this subsection shall report the events described in (b) of  
17 this section to the department, at the time, in the manner, and in the form specified by  
18 the department.

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

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

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

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

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

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

31 (6) the filing of a charging document, including an indictment, criminal

1 complaint, criminal information, or a petition or other document showing a violation  
2 of bail, probation, or parole, or the amendment of a charging document;

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

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

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

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

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

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

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

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

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

29 Sec. 12.62.150. REPORTING OF INFORMATION REGARDING WANTED  
30 PERSONS AND STOLEN PROPERTY. (a) A criminal justice agency shall report  
31 to the department, at the time, in the manner, and in the form specified by the

1 department, data regarding

2 (1) a person the agency is trying to locate, whether that person is

3 wanted in connection with the commission of a crime, and the discovery, if any, of

4 that person;

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

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

7 (b) A criminal justice agency, annually and at other times if requested by the

8 department, shall confirm whether information already reported under (a) of this

9 section continues to be valid, and shall cooperate with the department in periodic

10 audits to validate the information reported.

11 Sec. 12.62.160. COMPLETENESS, ACCURACY, AND SECURITY OF

12 CRIMINAL JUSTICE INFORMATION. (a) A criminal justice agency shall

13 (1) adopt reasonable procedures to ensure that criminal justice

14 information that the agency maintains is accurate and complete;

15 (2) notify a criminal justice agency known to have received information

16 of a material nature that is inaccurate or incomplete;

17 (3) provide adequate procedures and facilities to protect criminal justice

18 information from unauthorized access and from accidental or deliberate damage by

19 theft, sabotage, fire, flood, wind, or power failure;

20 (4) provide procedures for screening, supervising, and disciplining

21 agency personnel in order to minimize the risk of security violations;

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

23 criminal justice information;

24 (6) if maintaining criminal justice information within an automated

25 information system operated by a noncriminal justice agency, develop or approve

26 system operating procedures to comply with this chapter or regulations adopted under

27 this chapter, and monitor the implementation of those procedures to ensure that they

28 are effective; and

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

30 purposes,

31 (A) records showing the accuracy and completeness of

1 information maintained by the agency in a criminal justice information system;  
2 and

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

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

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

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

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

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

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

29 (3) criminal justice information may be provided to a person if the  
30 information is commonly or traditionally provided by criminal justice agencies in order  
31 to identify, locate, or apprehend fugitives or wanted persons or to recover stolen

1 property, or for public reporting of recent arrests, charges, and other criminal justice  
2 activity;

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

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

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

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

12 (A) personal or family security; or

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

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

18 (A) personal or family security;

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

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

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

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

31 (11) past conviction information may be provided to a person for any

1 purpose if less than 10 years has elapsed from the date of unconditional discharge to  
2 the date of the request;

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

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

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

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

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

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

22 (4) the information may not be released under this section unless the  
23 criminal justice agency releasing the information records the name of the person or  
24 agency that is to receive the information, the date the information was released, and  
25 the nature of the information; and

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

28 (d) Notwithstanding AS 09.25, a criminal justice agency may charge fees,  
29 established by regulation or municipal ordinance, for processing requests for records  
30 under this chapter, unless the request is from a criminal justice agency or is required  
31 for purposes of discovery in a criminal case. In addition to fees charged under

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

10 Sec. 12.62.180. CORRECTION OF CRIMINAL JUSTICE INFORMATION.

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

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

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

26 Sec. 12.62.190. SEALING OF CRIMINAL JUSTICE INFORMATION. (a)  
27 Under this section, a criminal justice agency may seal only the information that the  
28 agency is responsible for maintaining.

29 (b) A person may submit a written request to the head of the agency  
30 responsible for maintaining past conviction or current offender information, asking the  
31 agency to seal such information about the person that, beyond a reasonable doubt,

1           resulted from mistaken identity or false accusation. The decision of the head of the  
2           agency is the final administrative decision on the request.

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

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

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

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

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

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

31          Sec. 12.62.210. CIVIL ACTION AND DEFENSE. (a) Failure to comply with

1 a requirement of this chapter or a regulation adopted under this chapter is not a basis  
2 for civil liability, but may be the basis for employee discipline or administrative action  
3 to restrict a person's or agency's access to information. However, a person whose  
4 criminal justice information has been released or used in knowing violation of this  
5 chapter or a regulation adopted under this chapter may bring an action for damages in  
6 the superior court.

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

12 Sec. 12.62.900. DEFINITIONS. In this chapter,

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

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

16 (A) a violation of a federal or state criminal law, or municipal  
17 criminal ordinance;

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

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

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

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

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

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

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

28 (8) "correctional treatment information" means information about an  
29 identifiable person, excluding past conviction information or current offender  
30 information, collected to monitor that person in a correctional facility or while under  
31 correctional supervision, including the person's current or past institutional behavior,

1 medical or psychological condition, or rehabilitative progress;

2 (9) "criminal history record information" means information that  
3 contains

4 (A) past conviction information;

5 (B) current offender information;

6 (C) criminal identification information;

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

10 (11) "criminal justice activity" means

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

14 (B) collection, storage, transmission, and release of criminal  
15 justice information; or

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

18 (12) "criminal justice agency" means

19 (A) a court with criminal jurisdiction or an employee of that  
20 court;

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

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

29 (13) "criminal justice information" means any of the following, other  
30 than a court record, a record of traffic offenses maintained for the purpose of  
31 regulating drivers' licenses, or a record of a juvenile subject to the jurisdiction of the

1 juvenile court under AS 47.10:

2 (A) criminal history record information;

3 (B) nonconviction information;

4 (C) correctional treatment information;

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

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

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

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

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

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

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

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

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

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

31 (ii) the location of any place of incarceration, halfway

1 house, restitution center, or other correctional placement to which the  
2 person is assigned; and

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

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

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

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

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

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

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

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

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

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

31 (A) the terms of any sentence, probation, suspended imposition

1 of sentence, or discretionary or mandatory parole; and  
2 (B) information that a criminal conviction or sentence has been  
3 reversed, vacated, set aside, or been the subject of executive clemency;  
4 (22) "purge" means to electronically delete or destroy information in  
5 a criminal justice information system so that there can be no access to the information;  
6 (23) "seal" means to retain information in a criminal justice information  
7 system subject to special restrictions on access or dissemination;  
8 (24) "serious offense" means a conviction for a felony offense or a  
9 violation or attempted violation of any of the following laws, or of the laws of another  
10 jurisdiction with substantially similar elements:  
11 (A) AS 11.41.410 - 11.41.470;  
12 (B) AS 11.51.130(a)(1), (3), or (5);  
13 (C) AS 11.61.110(a)(7);  
14 (D) AS 11.66.100 - 11.66.130; or  
15 (E) former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 -  
16 11.40.420, if committed before January 1, 1980; and  
17 (25) "unconditional discharge" has the meaning given in AS 12.55.185.

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

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

23 \* Sec. 3. AS 12.62.010, 12.62.015, 12.62.017, 12.62.020, 12.62.030, 12.62.035, 12.62.040,  
24 12.62.050, 12.62.060, 12.62.070; AS 18.65.060; and AS 44.41.040 are repealed.

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

30 \* Sec. 5. APPLICABILITY. Notwithstanding sec. 7 of this Act, the fingerprinting and  
31 mandatory reporting requirements of AS 12.62.120 - 12.62.150, enacted by sec. 1 of this Act,

1 and regulations adopted under those statutes, are not applicable before July 1, 1996 to criminal  
2 activity that does not constitute a felony offense.

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

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