

CS FOR SENATE BILL NO. 321(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/7/94
Referred: Finance

Sponsor(s): SENATORS HALFORD, Phillips, Kelly

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the taking of a legible set of fingerprints when a person is
2 arrested, upon initial appearance or arraignment, upon the conviction of the
3 person, and when the person is received at a correctional facility, and providing
4 that the set of fingerprints shall be provided to the Department of Public Safety;
5 relating to criminal and crime records and information; requiring the reporting
6 of information concerning homicides, suspected homicides, and violent sexual
7 assaults to the Department of Public Safety for analysis; requiring the Department
8 of Public Safety to participate in the Federal Bureau of Investigation, Violent
9 Crimes Apprehension Program."

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

11 * Section 1. AS 12.25 is amended by adding a new section to read:

12 Sec. 12.25.170. FINGERPRINTING UPON ARREST. When a person is

1 arrested by a peace officer for an offense, with or without a warrant, and is not issued
2 a citation and released, the peace officer shall deliver the person to a correctional
3 facility and the correctional facility shall take the person's fingerprints on a form, and
4 in the manner, approved by the Department of Public Safety. The fingerprints shall
5 be forwarded within five working days to the Department of Public Safety. If the
6 officer, the law enforcement agency that employs the officer, or the correctional
7 facility is notified by the Department of Public Safety that the fingerprints are not
8 legible, the officer, agency, or facility shall make a reasonable effort to obtain a legible
9 set of fingerprints.

10 * Sec. 2. AS 12.55.147 is repealed and reenacted to read:

11 Sec. 12.55.147. FINGERPRINTS AT TIME OF SENTENCING. When a
12 defendant is convicted of an offense, the court shall determine if the defendant's
13 fingerprints have previously been taken in the proceedings leading to the conviction.
14 If the court is unable to conclusively determine that the defendant's fingerprints have
15 previously been taken in the proceedings, the court shall order that the defendant
16 submit to fingerprinting within 24 hours of the time of conviction at an appropriate
17 correctional facility, except that for good cause shown the court may order the
18 fingerprints be taken at a law enforcement facility. The fingerprints shall be taken on
19 a form, and in the manner, approved by the Department of Public Safety. The
20 fingerprints shall be forwarded within five working days to the Department of Public
21 Safety. If the court or the officer or facility that took the fingerprints is notified by
22 the Department of Public Safety that the fingerprints are not legible,

23 (1) the officer or agency shall either inform the court or make a
24 reasonable effort to obtain a legible set of fingerprints;

25 (2) if necessary, the court shall order the defendant to submit to
26 fingerprinting again.

27 * Sec. 3. AS 12.80 is amended by adding a new section to read:

28 Sec. 12.80.060. FINGERPRINTS AT INITIAL APPEARANCE OR
29 ARRAIGNMENT. At the initial appearance or arraignment of a person charged with
30 an offense, the court shall determine if the person's fingerprints have previously been
31 taken in the proceedings involving the offense. If the court is unable to conclusively

1 determine that the person's fingerprints have previously been taken in the proceedings,
2 the court shall order the person to submit to fingerprinting at that time or within 24
3 hours at an appropriate correctional facility, except that for good cause shown the court
4 may order the fingerprints be taken at a law enforcement facility. The fingerprints
5 shall be taken on a form, and in the manner, approved by the Department of Public
6 Safety. The fingerprints shall be forwarded within five working days to the
7 Department of Public Safety. If the court or the officer or facility that took the
8 fingerprints is notified by the Department of Public Safety that the fingerprints are not
9 legible,

10 (1) the officer or agency shall either inform the court or make a
11 reasonable effort to obtain a legible set of fingerprints;

12 (2) if necessary, the court shall order the defendant to submit to
13 fingerprinting again.

14 * Sec. 4. AS 33.30.011 is amended to read:

15 Sec. 33.30.011. DUTIES OF COMMISSIONER. The commissioner shall

16 (1) establish, maintain, operate, and control correctional facilities
17 suitable for the custody, care, and discipline of persons charged or convicted of
18 offenses against the state or held under authority of state law;

19 (2) classify prisoners;

20 (3) for persons committed to the custody of the commissioner, establish
21 programs, including furlough programs that are reasonably calculated to

22 (A) protect the public;

23 (B) maintain health;

24 (C) create or improve occupational skills;

25 (D) enhance educational qualifications;

26 (E) support court-ordered restitution; and

27 (F) otherwise provide for the rehabilitation and reformation of
28 prisoners, facilitating their reintegration into society;

29 (4) provide necessary medical services for prisoners in correctional
30 facilities or who are committed by a court to the custody of the commissioner,
31 including examinations for communicable and infectious diseases;

1 (5) provide necessary psychological or psychiatric treatment if a
2 physician or other health care provider, exercising ordinary skill and care at the time
3 of observation, concludes that

4 (A) a prisoner exhibits symptoms of a serious disease or injury
5 that is curable or may be substantially alleviated; and

6 (B) the potential for harm to the prisoner by reason of delay or
7 denial of care is substantial; [AND]

8 (6) establish minimum standards for sex offender treatment programs
9 offered to persons who are committed to the custody of the commissioner; and

10 (7) provide for the fingerprinting of all persons charged with, or
11 convicted of, an offense who are received at a correctional facility; the
12 fingerprints shall be taken on a form, and in the manner, approved by the
13 Department of Public Safety and shall be forwarded to the Department of Public
14 Safety within five working days; if the commissioner is notified by the
15 Department of Public Safety that the fingerprints are not legible, the
16 commissioner shall make a reasonable effort to fingerprint the person again.

17 * Sec. 5. AS 44.41 is amended by adding a new section to read:

18 Sec. 44.41.026. FINGERPRINT STANDARDS, RECEIPT, AND
19 IDENTIFICATION. (a) The Department of Public Safety shall develop standard
20 forms and procedures for the taking of fingerprints of those charged with or convicted
21 of offenses.

22 (b) When the Department of Public Safety receives fingerprints of a person
23 charged with or convicted of an offense, the Department of Public Safety shall make
24 a reasonable effort to confirm the identity of the person fingerprinted. If the
25 Department of Public Safety finds that the person fingerprinted has criminal history
26 record information under a name other than the name submitted with the fingerprints,
27 the Department of Public Safety shall promptly notify the officer, agency, or facility
28 that took the fingerprints.

29 * Sec. 6. AS 44.41 is amended by adding a new section to read:

30 Sec. 44.41.050. UNIFORM HOMICIDE AND SEXUAL ASSAULT
31 REPORTING. (a) A law enforcement agency shall report each homicide or suspected

1 homicide, or violent sexual assault where it is suspected that the offender may have
2 committed another sexual offense, committed within the jurisdiction of the agency to
3 the Department of Public Safety within 25 days of the homicide's discovery. The
4 report must contain information as determined by the commissioner of public safety
5 to be necessary to aid law enforcement personnel in comparing homicides, suspected
6 homicides, and violent sexual assaults and discovering those that exhibit similar
7 characteristics. The report shall be made on a form similar to and consistent with the
8 Violent Crimes Apprehension Program conducted by the Federal Bureau of
9 Investigation.

10 (b) The Department of Public Safety shall enter the information submitted
11 under (a) of this section into a file and shall compare the information to information
12 on other homicides, suspected homicides, or violent sexual assaults for the purpose of
13 discovering similarities in criminal methods and suspect descriptions. If the
14 Department of Public Safety finds homicides exhibiting similar criminal methods or
15 suspect descriptions, the department shall notify the concerned law enforcement
16 agencies of the discoveries.

17 (c) If a law enforcement agency terminates active investigation of a homicide,
18 suspected homicide, or violent sexual assault due to the arrest of a suspect, death of
19 the primary suspect, or other reason, the agency shall notify the Department of Public
20 Safety of the termination and the reason for the termination within 30 days following
21 the termination.

22 (d) The Department of Public Safety shall participate in the Federal Bureau of
23 Investigation, Violent Crimes Apprehension Program. The Department of Public
24 Safety shall transmit each report received under (a) of this section concerning
25 homicides, suspected homicides, or violent sexual assaults, discoveries under (b) of this
26 section of homicides exhibiting similar criminal methods or suspect descriptions, and
27 notices of and reasons for termination of investigations of homicides received under
28 (c) of this section to the Federal Bureau of Investigation, Violent Crimes Apprehension
29 Program manager, at least on a quarterly basis.

30 * Sec. 7. Notwithstanding AS 44.41.050, added by sec. 6 of this Act, each law enforcement
31 agency in the state shall report each homicide or suspected homicide, or violent sexual assault

1 in which it is suspected that the offender may have committed other sexual offenses,
2 discovered in the one-year period before the effective date of this Act, and the termination of
3 investigation of any of those homicides or suspected homicides, to the Department of Public
4 Safety in the manner provided in AS 44.41.050 within 60 days of the date the Department of
5 Public Safety prescribes forms for the reporting.