

(LIMITED RUN FOR ADDITIONAL SPONSORS)

8-LS1649X

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

BY THE SENATE FINANCE COMMITTEE

Offered: 3/16/94  
Referred: Rules

Sponsor(s): SENATORS HALFORD, Phillips, Kelly, Kerttula, Taylor, Pearce, Donley, Leman, Little, Miller, Sharp

REPRESENTATIVE Nordlund

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 and suspected homicides to the Department  
7 of Public Safety for analysis; requiring the Department of Public Safety to  
8 participate in the Federal Bureau of Investigation, Violent Criminals Apprehension  
9 Program."

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

11 \* Section 1. AS 12.80 is amended by adding a new section to read:

12 Sec. 12.80.060. FINGERPRINTING. (a) When a person is arrested for an

1 offense, with or without a warrant, fingerprints of the person may be taken by the law  
2 enforcement agency with custody of the person. If the law enforcement agency with  
3 custody of the person does not take the fingerprints, the person's fingerprints shall be  
4 taken by the correctional facility where the person is lodged following the arrest.

5 (b) At the initial court appearance or arraignment of a person for an offense,  
6 the court shall determine if the person's fingerprints have been taken in connection  
7 with the offense. If the court is unable to conclusively determine that the person's  
8 fingerprints have been taken, the court shall order the person to submit to  
9 fingerprinting within 24 hours at the appropriate correctional facility or another place  
10 for taking fingerprints that is more appropriate.

11 (c) When a defendant is sentenced or otherwise adjudicated for an offense, the  
12 court shall determine if legible fingerprints have been taken in connection with the  
13 proceedings. If the court is unable to conclusively determine that legible fingerprints  
14 have been taken, the court shall order that the defendant, as a condition of sentence,  
15 adjudication, suspended imposition of sentence, probation, or release, submit to  
16 fingerprinting within 24 hours at the appropriate correctional facility or another place  
17 for taking fingerprints that is more appropriate.

18 (d) The Department of Public Safety shall develop standard forms and  
19 procedures for the taking of fingerprints under this section. Fingerprints shall be

20 (1) taken on a form, and in the manner, prescribed by the Department  
21 of Public Safety; and

22 (2) forwarded within five working days to the Department of Public  
23 Safety.

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

30 (f) If the arresting officer, the law enforcement agency that employs the  
31 officer, or the correctional facility where fingerprints were taken is notified by the

1 Department of Public Safety that fingerprints taken under this section are not legible,  
2 the officer, agency, or facility shall make a reasonable effort to obtain a legible set of  
3 fingerprints. If legible fingerprints cannot be obtained within a reasonable period of  
4 time, and if the illegible fingerprints were taken under a court order, the officer or  
5 agency shall inform the court, which shall order the defendant to submit to  
6 fingerprinting again.

7 (g) In this section,

8 (1) "correctional facility" has the meaning given in AS 33.30.901;

9 (2) "offense" means conduct subjecting a person to arrest as an adult  
10 offender, or as a juvenile charged as an adult,

11 (A) due to a violation of a federal or state criminal law, or  
12 municipal criminal ordinance;

13 (B) under AS 12.25.180;

14 (C) under AS 12.30.060; or

15 (D) under AS 12.70.

16 \* Sec. 2. AS 33.30.011 is amended to read:

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

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

21 (2) classify prisoners;

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

24 (A) protect the public;

25 (B) maintain health;

26 (C) create or improve occupational skills;

27 (D) enhance educational qualifications;

28 (E) support court-ordered restitution; and

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

31 (4) provide necessary medical services for prisoners in correctional

1 facilities or who are committed by a court to the custody of the commissioner,  
2 including examinations for communicable and infectious diseases;

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

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

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

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

12 **(7) provide for fingerprinting in correctional facilities in accordance**  
13 **with AS 12.80.060.**

14 \* Sec. 3. AS 44.41 is amended by adding a new section to read:

15 Sec. 44.41.050. UNIFORM HOMICIDE REPORTING. (a) A law  
16 enforcement agency shall report each homicide or suspected homicide committed  
17 within the jurisdiction of the agency to the Department of Public Safety within 25 days  
18 of the homicide's discovery. The report shall be on a form approved by the  
19 commissioner of public safety and must contain information as determined by the  
20 commissioner to be necessary to aid law enforcement personnel in comparing  
21 homicides and suspected homicides and discovering those that exhibit similar  
22 characteristics. If the Department of Public Safety determines that a homicide or  
23 suspected homicide meets the Violent Criminals Apprehension Program criteria, the  
24 department shall notify the law enforcement agency that submitted the report, and the  
25 agency shall complete and forward to the department within 30 days a Federal Bureau  
26 of Investigation Violent Criminals Apprehension Program form.

27 (b) The Department of Public Safety shall enter the information submitted  
28 under (a) of this section into a file and shall compare the information to information  
29 on other homicides or suspected homicides for the purpose of discovering similarities  
30 in criminal methods and suspect descriptions. If the Department of Public Safety finds  
31 homicides exhibiting similar criminal methods or suspect descriptions, the department

1 shall notify the concerned law enforcement agencies of the discoveries.

2 (c) If a law enforcement agency terminates active investigation of a homicide  
3 or suspected homicide due to the arrest of a suspect, death of the primary suspect, or  
4 other reason, the agency shall notify the Department of Public Safety of the  
5 termination and the reason for the termination within 30 days following the  
6 termination.

7 (d) The Department of Public Safety shall participate in the Federal Bureau of  
8 Investigation, Violent Criminals Apprehension Program. The Department of Public  
9 Safety shall transmit each Violent Criminals Apprehension Program report received  
10 under (a) of this section concerning homicides or suspected homicides, discoveries  
11 under (b) of this section of homicides exhibiting similar criminal methods or suspect  
12 descriptions, and notices of and reasons for termination of investigations of homicides  
13 received under (c) of this section to the Federal Bureau of Investigation, Violent  
14 Criminals Apprehension Program manager, at least on a quarterly basis.

15 \* Sec. 4. Notwithstanding AS 44.41.050, added by sec. 3 of this Act, each law enforcement  
16 agency in the state shall report each homicide or suspected homicide discovered in the one-  
17 year period before the effective date of this Act, and the termination of investigation of any  
18 of those homicides or suspected homicides, to the Department of Public Safety in the manner  
19 provided in AS 44.41.050 within 60 days of the date the Department of Public Safety  
20 prescribes forms for the reporting.

21 \* Sec. 5. APPLICABILITY. The fingerprinting requirements of AS 12.80.060, enacted by  
22 sec. 1 of this Act, and regulations adopted under that statute, are not applicable before July 1,  
23 1996, to criminal activity that does not constitute a felony offense.