

Original sponsors: Barnes, Hayes,
Liska, et al

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 375 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to access to certain criminal jus-
7 tice information."

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

9 * Section 1. AS 12.62.030(a) is amended to read:

10 (a) Except as provided in (b) and (c) of this section and in
11 AS 12.62.035, access to specified classes of criminal justice informa-
12 tion in criminal justice information systems is available only to
13 individual law enforcement agencies according to the specific needs of
14 the agency under regulations established by the commission under
15 AS 12.62.010. Criminal justice information may be used only for law
16 enforcement purposes or for those additional lawful purposes necessary
17 to the proper enforcement or administration of other provisions of law
18 as the commission may prescribe by regulations established under
19 AS 12.62.010. No criminal justice information may be disseminated to
20 an agency before the commission determines the agency's eligibility to
21 receive that information.

22 * Sec. 2. AS 12.62 is amended by adding a new section to read:

23 Sec. 12.62.035. ACCESS TO CERTAIN CRIME INFORMATION. (a)
24 Notwithstanding any other provision of law, an interested person as
25 defined in (d) of this section may request from the commission records
26 of all convictions involving contributing to the delinquency of a
27 minor and any sex crimes of a person who holds or applies for a posi-
28 tion in which the person has or would have supervisory or disciplinary
29 power over a minor. The commission shall authorize the disclosure of

1 the information to the requesting interested person and shall provide
2 a copy of the information to the applicant.

3 (b) A request for records under (a) of this section may include
4 the applicant's fingerprints and any other data specified in regula-
5 tions established by the commission. The request shall be on a form
6 approved by the commission, and the commission may charge a fee to be
7 paid by the requesting person for the actual cost of processing the
8 request. The commission shall destroy an application within six
9 months after the requested information is sent to the requesting
10 person and applicant.

11 (c) The commission shall adopt regulations to implement the
12 provisions of this section.

13 (d) As used in this section

14 (1) "contributing to the delinquency of a minor" means a
15 conviction for a violation or attempted violation of AS 11.51.130(a)-
16 (1), (3), or (5) or for a violation or attempted violation of an
17 offense committed outside the state if the offense would have been a
18 crime in this state under AS 11.51.130(a)(1), (3), or (5) if committed
19 in the state;

20 (2) "interested person" means a corporation, company,
21 partnership, firm, association, organization, business trust, or
22 society, as well as a natural person that employs or solicits the
23 employment of a person to serve with or without compensation in a
24 position in which the person has or would have supervisory or disci-
25 plinary power over a minor;

26 (3) "sex crime" means a conviction for a violation or
27 attempted violation of AS 11.41.410 - 11.41.455, AS 11.51.130(a)(4),
28 or AS 11.66.100 - 11.66.130 or for a violation or attempted violation
29 of an offense committed outside the state if the offense would have

1 been a crime in this state under one of the above sections if commit-
2 ted in the state.
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STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: HB 375
 Title: "Act relating to access. . ."
 Sponsor: Rep. Barnes
 Requestor: House Judiciary

II. FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Crime & ID
 BRU, Program of Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis No fiscal impact anticipated

Prepared By: Jos Mapranath Phone: 465-4336
 Division: Administrative Services Date: 5-4-83
 Approved by Commissioner: [Signature] Date: 5/4/83
 Department: Public Safety

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

The following individuals are expected to testify on CS
HB 375 (Judiciary):

Jim Wood, staff to Representative Barnes (prime
sponsor)

SECTIONAL ANALYSIS OF CS HB 375 (Judiciary)

SECTION 1: Amends AS 12.62.030(a) to authorize the Governor's Commission on the Administration of Justice to release information in accordance with Section 2 below.

SECTION 2: Adds Section 12.62.035 to the Statutes, which would allow employers to learn of any convictions for sex crimes or contributing to the delinquency of minors on the part of employees or prospective employees (including volunteers) who would supervise minors.

Subsections make providing of fingerprints optional; provide disclaimer of State liability for negligence; provide for regulations to implement provisions of the bill; and define terms used therein.

The attached articles exemplify the need for this legislation.

FJW/rv

Police say teacher molested 70

RENO, Nev. (AP)—Ninety parents trying to unravel a nightmare jammed into an auditorium to discuss the day care center they trusted—and the teacher who police say may have molested as many as 70 boys and girls.

"No one, including myself, had any comprehension of the magnitude of this case when we began," Reno Police Detective Lucky Burch said at the meeting for parents. "It's very, very sad."

The parents gathered Monday night to talk about the Papoose Palace Academy, a day care center in Reno with a mostly middle-class clientele.

Police say the abused children were as young as 2½ and as old as 12 and divided equally between boys and girls.

They allege that Stephen Boatwright, 35, described as a warm and caring teacher, well-liked by the children and their parents, was in reality a cunning child molester who sexually abused the children almost from the time the center opened in June 1979.

Boatwright was arrested April 28 for investigation of sexual assault following what police said was a three-month investigation. Unable to post \$200,000 bail, he was put in the Reno City Jail.

On Monday the district attorney's office filed four counts of sexual assault against Boatwright. On Tuesday he was brought briefly into Reno Justice Court, where he waived his right to a preliminary hearing.

Suspects arrested in sex cases

by Jeff Berlner
and Carl Gidlund
Times Writers

A man who allegedly used state agencies to procure juveniles for sex has been jailed.

Police and prosecutors say he gave the youths alcohol and drugs then sexually molested them. The man acted under the guise of helping youths he had obtained through legitimate channels, police said.

Held on \$40,000 bail is Hensley L. "Pat" Patterson, 33. He is charged on two felony counts of sexual abuse of a minor, one felony count of contributing to the delinquency of a minor and five misdemeanor charges of contributing to the delinquency of a minor.

Patterson reportedly got access to the youths — all boys age 14 to 17 — through his work under the authority of the state juvenile probation office and as a state-approved foster parent.

"Patterson used state agencies as a way of maintaining contact with the boys," said Paul Olson, an assistant district attorney here who specializes in prosecuting sex crimes.

Police and prosecutors said they stopped another case of an adult man sexually molesting

See Arrest, page A-5

Arrest

(Continued from page A-1)

male juveniles in a second unrelated arrest Friday.

In that case, Robert Elstad, 41, was jailed on \$35,000 bail and charged with six counts of sexual abuse of a minor and lewd and lascivious acts toward children.

Both men were arraigned Friday. The cases were put together by the sex crimes units of the Anchorage Police Department and the district attorney's office.

Authorities say that in addition to using state agencies to get custody of the youths, Patterson had other ways of coming into seemingly legitimate contact with young boys.

Olson said Patterson was director of the Cook Inlet Native Association Youth Center and also worked at the Fairview Community Center. In both jobs he came into contact with boys about the age of those he is accused of molesting.

A foster parent from 1973 to 1975 and again from 1977 to 1979, Patterson was given legal custody of juveniles and was an officially approved guardian, Olson said.

Patterson was a so-called "pass partner" for youths held at McLaughlin Youth Center and for youngsters on probation,

Olson said, adding that the state "juvenile probation office allowed him to be with kids on probation."

Juvenile probation officers have the power to authorize approved individuals, such as Patterson, to take the youths out of an institutional setting or out of other custodial situations and act as the guardian of the youths while they are assigned to him.

Officials at McLaughlin and in the Department of Health and Social Services could not be reached for comment Friday. However, Anchorage police Lt. George Novaky said the department's investigation began last December when a youth in custody at McLaughlin told investigators of his involvement with Patterson. The youngster provided information that led to the other boys, he said.

Although the criminal complaint against Patterson lists only five victims, Olson said it is "generally thought that more kids are involved."

The felony contributing-to-the-delinquency-of-a-minor charge alleges that Patterson induced a juvenile to commit a sex act with him. Five misdemeanor contributing-to-the-delinquency-of-a-minor charges state that Patterson supplied drugs and alcohol to the youngsters. The incidents are said to have occurred from 1979 to 1982 at Patterson's home.

In a similar case, police recently charged that the assistant director of the Boys Club of Alaska was using his job to come into contact with boys he allegedly molested sexually.

Venson Brown still faces trial on those charges. And although he has pleaded not guilty, court documents state that Brown has confessed "in substantial part" to the allegations on tape. He goes to trial next month.

Elstad, a businessman who operates a contracting firm, allegedly molested boys age 12 to 15 in incidents that occurred from 1980 through 1982. He lured the boys into his home at 6525 McGill St. without force and then sexually assaulted them, police reported.

Lt. Novaky said the department's investigation of Elstad began last October while officers were pursuing another case — not related to sexual conduct — that involved him. Investigators pursued leads that lead them to seven other alleged victims, several of whom were in McLaughlin, he said.

Patterson and Elstad face grand jury indictments and will be returned to court next week.

Introduced: 4/21/83
Referred: Judiciary and
Finance

BY BARNES, HAYES, LISKA,
RUSSELL AND TISCHER

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22 * Sec. 2. AS 12.62 is amended by adding a new section to read:

23 Sec. 12.62.035. EMPLOYER ACCESS TO CERTAIN CRIME INFORMATION.
24 (a) Notwithstanding any other provision of law, an employer may
25 request from the commission records of all convictions involving
26 contributing to the delinquency of a minor and any sex crimes of a
27 person who applies for employment or volunteers for a position in
28 which the person would have supervisory or disciplinary power over a
29 minor. The commission shall furnish the information to the requesting

1 employer and shall also send a copy of the information to the appli-
2 cant.

3 (b) Any request for records under (a) of this section shall
4 include the applicant's fingerprints, that may be taken by the em-
5 ployer, and any other data specified in regulations established by the
6 commission. The request shall be on a form approved by the commis-
7 sion, and the commission may charge a fee to be paid by the employer
8 for the actual cost of processing the request. The commission shall
9 destroy an application within six months after the requested informa-
10 tion is sent to the employer and applicant.

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12 provisions of this section.

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15 conviction for a violation or attempted violation of AS 11.51.130(a)-
16 (1), (3), or (5) or for a violation or attempted violation of an
17 offense committed outside the state if the offense would have been a
18 crime in this state under AS 11.51.130(a)(1), (3), or (5) if committed
19 in the state;

20 (2) "employer" means a nonprofit corporation or other
21 organization specified by the commission that employs persons or uses
22 the services of volunteers in positions in which the employee or
23 volunteer has supervisory or disciplinary power over a minor;

24 (3) "sex crime" means a conviction for a violation or
25 attempted violation of AS 11.41.410 - 11.41.455, AS 11.51.130(a)(4),
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29 ted in the state.