

HOUSE  
COMMITTEE REPORT

(11)

Date referred: 4/8/86

FURTHER REFERRALS:

DATE: 4-14-86

The FINANCE Committee has considered HB 183

"An Act abolishing the Governor's Commission on the Administration of Justice and transferring responsibilities to the attorney general."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS HB 183 (Jud)  same title
- new title

and recommends No Recommendation

further referral to the \_\_\_\_\_ Committee

- and attaches:
- letter of intent
  - first fiscal note
  - new fiscal note
  - zero fiscal note New - 4-12-86

SIGNING DO PASS:

Albert P. Adams

Jim Duca

Ronald J. Zarr

Pat Forchot

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SIGNING OTHER RECOMMENDATIONS:

Mike Szumanski No-Rec.

Jim Cleary (No Rec.)

Steve Rizzo No Recommendation

John No Rec.

Sen Gatto No Rec.

John No Rec.

Albert P. Adams  
Chairman

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : CS HB 183 (JUD)  
 Title : Commission on the Administration  
of Justice.  
 \_\_\_\_\_  
 Sponsor : Governor  
 Requestor : House Finance Committee  
 Date of Request : 4/12/86

**FISCAL DETAIL**

Agency Affected : Department of Law  
 BRU : \_\_\_\_\_  
 \_\_\_\_\_  
 Components : \_\_\_\_\_  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		-0-	-0-	-0-	-0-	-0-
TRAVEL		-0-	-0-	-0-	-0-	-0-
CONTRACTUAL		-0-	-0-	-0-	-0-	-0-
SUPPLIES		-0-	-0-	-0-	-0-	-0-
EQUIPMENT		-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES		-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS		-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS		-0-	-0-	-0-	-0-	-0-
<b>TOTAL OPERATING</b>		-0-	-0-	-0-	-0-	-0-

CAPITAL		-0-	-0-	-0-	-0-	-0-
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REVENUE		-0-	-0-	-0-	-0-	-0-
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS		-0-	-0-	-0-	-0-	-0-
OTHER		-0-	-0-	-0-	-0-	-0-
<b>TOTAL</b>		-0-	-0-	-0-	-0-	-0-

**POSITIONS :**

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME		-0-	-0-	-0-	-0-	-0-
TEMPORARY		-0-	-0-	-0-	-0-	-0-

**ANALYSIS :** Attach a separate page if necessary. Commission meetings should be conducted by teleconference whenever possible. If travel is necessary, it should be paid for out of the Department of Law's FY 87 Budget.

APA

Prepared by : Representative Al Adams - Chairman Phone : 465-3706  
 Division : House Finance Committee Date : 4/12/86

Approved by Commissioner : \_\_\_\_\_ Date : \_\_\_\_\_  
 Agency : \_\_\_\_\_

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Offered: 4/8/86  
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 CS FOR HOUSE BILL NO. 183 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to the Governor's Commission on the  
7 Administration of Justice and to intelligence infor-  
8 mation."  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
10 \* Section 1. AS 12.62.010 is amended to read:  
11 Sec. 12.62.010. REGULATIONS. (a) The Governor's Commission on  
12 the Administration of Justice established under AS 44.19.110 - 44.19.-  
13 122 may [IS AUTHORIZED], after appropriate consultation with represen-  
14 tatives of state and local law enforcement agencies participating in  
15 information systems covered by this chapter, [TO] adopt regulations  
16 and, by regulation, establish procedures considered necessary to  
17 facilitate and regulate the exchange of criminal justice information  
18 and to insure the security and privacy of criminal justice information  
19 systems. The notice and hearing requirements of the Administrative  
20 Procedure Act (AS 44.62), relating to the adoption of regulations,  
21 apply to regulations adopted under this chapter.  
22 (b) In addition to regulations adopted under (a) of this sec-  
23 tion, the commission shall, after appropriate consultation with rep-  
24 resentatives of state and local law enforcement agencies, adopt regu-  
25 lations [AND PROCEDURES] governing the gathering of intelligence  
26 information and the storage, security, and privacy of the intelligence  
27 information collected and maintained by law enforcement agencies in  
28 the state. [THE NOTICE AND HEARING REQUIREMENTS OF THE ADMINISTRATIVE  
29 PROCEDURE ACT (AS 44.62), RELATING TO THE ADOPTION OF REGULATIONS,

1 APPLY TO REGULATIONS ADOPTED UNDER THIS SUBSECTION.] In adopting  
2 these regulations, the commission shall take into account both the  
3 interest of law enforcement agencies in maintaining the ability to  
4 conduct intelligence operations and each individual's right to pri-  
5 vacy.

6 \* Sec. 2. AS 12.62.015(a) is amended to read:

7 (a) Regulations of the commission adopted under AS 12.62.010(b)  
8 must [SHALL] include requirements and guidelines concerning the cat-  
9 egories of intelligence information that [WHICH] may be gathered by  
10 law enforcement agencies in the state, the purposes for which intelli-  
11 gence information may be collected, and the methods and procedures  
12 that [WHICH] may be used in collecting intelligence information. The  
13 regulations must restrict methods and procedures for collecting intel-  
14 ligence information to methods and procedures likely to result in  
15 relevant and reliable information.

16 \* Sec. 3. AS 12.62.015 is amended by adding a new subsection to read:

17 (c) A law enforcement agency in the state may not gather or  
18 retain intelligence information unless the information pertains to an  
19 individual or group that is reasonably suspected of engaging in crimi-  
20 nal activity.

21 \* Sec. 4. AS 12.62.030(c) is amended to read:

22 (c) A person has [SHALL HAVE] the right to inspect criminal  
23 justice information that refers to the person. If a person believes  
24 the information to be inaccurate, incomplete, or misleading, the  
25 person may request the criminal justice agency having custody or  
26 control of the records to purge, modify or supplement them. When the  
27 agency responds to the person's request, the agency shall notify the  
28 person of the right to request a review from the commission under this  
29 subsection. If the agency declines to implement the person's request

1 [DO SO], or if the person believes the agency's decision to be other-  
2 wise unsatisfactory, the person may in writing request review by the  
3 commission within 60 days after [OF] the decision of the agency. If  
4 it finds a basis for complaint, the [THE] commission or [,] its rep-  
5 resentative or agent shall [, IN A CASE IN WHICH IT FINDS A BASIS FOR  
6 COMPLAINT,] conduct a hearing at which the person may appear with  
7 counsel, present evidence, and examine and cross-examine witnesses.  
8 Written findings and conclusions shall be issued and a copy of them  
9 sent to the person requesting review with a notice of the person's  
10 right to appeal under (f) of this section. If the record in question  
11 is found to be inaccurate, incomplete or misleading, the commission  
12 shall order it to be appropriately purged, modified or supplemented by  
13 an explanatory notation. An agency or person in the state with cus-  
14 tody, possession or control of the record shall promptly have every  
15 copy of the record altered in accordance with the commission's order.  
16 The commission shall promptly notify [NOTIFICATION OF A DELETION,  
17 AMENDMENT AND SUPPLEMENTARY NOTATION SHALL BE PROMPTLY DISSEMINATED BY  
18 THE COMMISSION TO] persons or agencies to which records in question  
19 have been communicated, and [AS WELL AS TO] the person whose records  
20 have been altered, of a deletion, amendment, or supplementary nota-  
21 tion.

22 \* Sec. 5. AS 12.62.030(e) is amended to read:

23 (e) The commission shall adopt regulations for access to crimi-  
24 nal justice information and establishing reasonable [REASONABLE] hours  
25 and places of inspection, and any additional restrictions, including  
26 fingerprinting, that are reasonably necessary both to assure the  
27 record's security and to verify the identity of a person who seeks to  
28 inspect a record [IDENTITIES OF THOSE WHO SEEK TO INSPECT THEM MAY BE  
29 PRESCRIBED BY PUBLISHED RULES]. Fingerprints taken under this sub-

1 section may not be transferred to another agency or used for any other  
2 purpose.

3 \* Sec. 6. AS 12.62.035(a) is amended to read:

4 (a) Notwithstanding any other provision of law, an interested  
5 person as defined in (e) of this section may request from the commis-  
6 sion records of all convictions involving contributing to the delin-  
7 quency of a minor and any sex crimes of a person who holds or applies  
8 for a position in which the person has or would have supervisory or  
9 disciplinary power over a minor. The requesting interested person  
10 shall include with the request a written authorization, signed by the  
11 subject of the request, indicating that the subject consents to re-  
12 lease of the records to the interested person. If the commission is  
13 satisfied that the subject of the request has authorized release of  
14 the information, the [THE] commission shall authorize the disclosure  
15 of the information to the requesting interested person and shall  
16 provide a copy of the information to the person who is the subject of  
17 the request.

18 \* Sec. 7. AS 12.62.040(a) is amended to read:

19 (a) Criminal justice information systems shall

20 (1) be dedicated to law enforcement purposes and be under  
21 the management and control of law enforcement agencies unless exempted  
22 under regulations adopted under AS 12.62.010;

23 (2) include operating procedures approved by the commission  
24 that [WHICH] are [REASONABLY] designed to assure the security of the  
25 information contained in the system from unauthorized disclosure, and  
26 [REASONABLY] designed to assure that criminal offender record informa-  
27 tion in the system is regularly and accurately revised to include  
28 subsequently furnished information;

29 (3) include operating procedures approved by the commission

1 which are designed to assure that information concerning an individual  
2 shall be removed from the records, based on considerations of age,  
3 nature of record, and reasonable interval following the last entry of  
4 information indicating that the individual is still under the juris-  
5 diction of a law enforcement agency.

6 \* Sec. 8. AS 12.62.040 is amended by adding a new subsection to read:

7 (c) The commission shall adopt regulations that require a law  
8 enforcement agency to modify, supplement, or purge from the criminal  
9 justice information system

10 (1) inaccurate information; or

11 (2) information gathered or entered in violation of this  
12 chapter.

13 \* Sec. 9. AS 12.62.060(b) is amended to read:

14 (b) A person who [WILFULLY] disseminates or uses criminal jus-  
15 tice information knowing the [SUCH] dissemination or use to be in  
16 violation of this chapter, or who knowingly collects, obtains or uses  
17 intelligence information in violation of this chapter, is guilty of a  
18 class C felony [UPON CONVICTION, IS PUNISHABLE BY A FINE OF NOT MORE  
19 THAN \$1,000 OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY  
20 BOTH].

21 \* Sec. 10. AS 12.62.060(c) is amended to read:

22 (c) A good faith reliance upon the provisions of this chapter or  
23 of applicable law governing maintenance, dissemination, or use of  
24 criminal justice information, or upon [RULES,] regulations adopted [,  
25 OR PROCEDURES PRESCRIBED] under this chapter is a defense to a civil  
26 or criminal action brought under this chapter.

27 \* Sec. 11. AS 12.62.070(3) is amended to read:

28 (3) "criminal justice information system" means a system [,  
29 INCLUDING THE EQUIPMENT, FACILITIES, PROCEDURES, AGREEMENTS, AND

1 ORGANIZATIONS RELATED TO THE SYSTEM FUNDED IN WHOLE OR IN PART BY THE  
2 LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,] for the collection, pro-  
3 cessing, or dissemination of criminal justice information;

4 \* Sec. 12. AS 44.19.112 is repealed and reenacted to read:

5 Sec. 44.19.112. MEMBERSHIP AND MEETINGS. (a) The commission is  
6 composed of the attorney general, the public defender, and three  
7 public members appointed by the governor. One of the public members  
8 must be experienced in the field of computer science.

9 (b) The commission shall elect a member to serve as chair and  
10 may elect other officers. Terms of officers are for one year.

11 (c) The commission shall meet at least once each year at the  
12 call of the chair.

13 \* Sec. 13. AS 44.19.114 is amended to read:

14 Sec. 44.19.114. COMPENSATION AND PER DIEM. Members of the  
15 commission receive no salary for their service on the commission. The  
16 public members [BUT] are entitled to per diem and travel expenses  
17 authorized by law for boards and commissions.

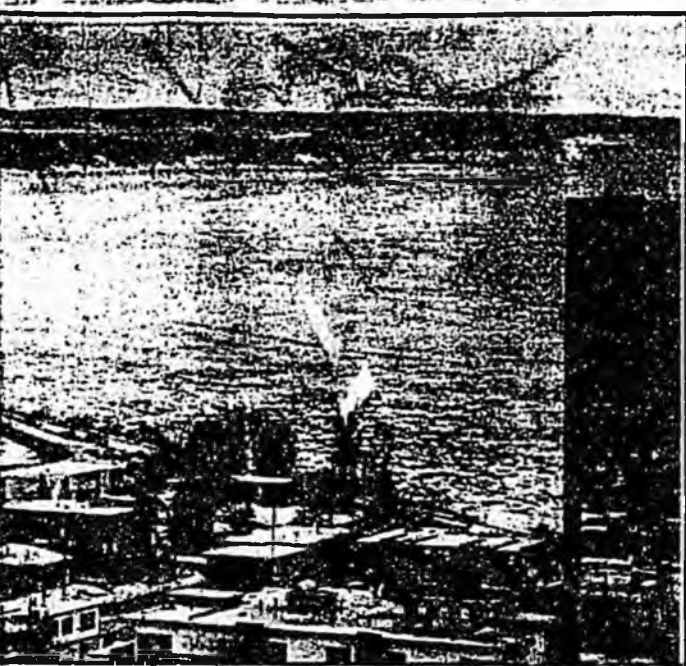
18 \* Sec. 14. AS 44.19.122 is repealed and reenacted to read:

19 Sec. 44.19.122. STAFF. The Department of Law shall provide  
20 staff for the commission without expense to the commission.

21 \* Sec. 15. Each criminal justice agency in the state that has entered  
22 intelligence information into the criminal justice information systems  
23 shall review that information and immediately purge from the system any  
24 information that does not meet the requirements of this Act.

25 \* Sec. 16. AS 44.19.118 and 44.19.120(a) are repealed.

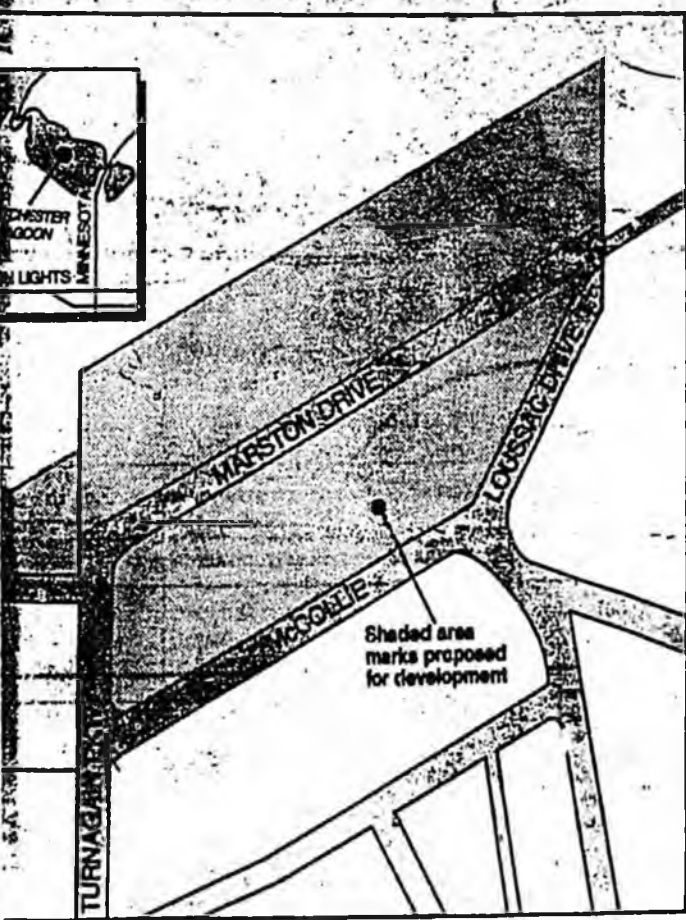
# DANGEROUS GROUND



Anchorage Daily News/Michael Perry

left, seen from atop the Hotel Captain Cook.

# Turnagain Slide



Daily News file map

# Criminal records in disarray

## Computer doesn't remember some convicted murderers

By SHEILA TOOMEY  
 Daily News reporter

If you remember Charles Meach, who killed four teen-agers in Russian Jack Park in 1982, and Anchorage baker Robert Hansen, who admitted murdering 17 women over about ten years, you have a better memory than the state criminal justice computer.

As far as the computer is concerned, Meach has brown eyes and brown hair and no criminal record.

Hansen and Meach are only a few of Alaska's convicted felons whose records come up empty when someone pushes a button on the state's \$1 million APSIN system — Alaska Public Safety Information Network.

The state criminal justice agencies agree only that someone is doing something wrong — someone else. Until recent months, there was no uniform system for getting criminal records to the computer.

As a result, frustrated prosecutors say they can never be sure they have the correct criminal history for a defendant — information that is necessary at bail hearings to evaluate how dangerous a prisoner is, information that is mandatory at sentencing, where having a record often kicks in additional time to serve.

The head of dispatch for the Anchorage Police Department says the department would rather rely on its own in-house computer system.

"I don't know anybody who's happy with it," said Municipal Prosecutor Jim Ottinger.

A drunken driver can be convicted in Cordova, or even by state prosecutors in Anchorage, and three months later when he gets picked up again, there is no record of him in the computer, Ottinger said. "He's going to avoid the consequences of his previous conviction."

"Some of the worst criminals in Alaska history are not in there," said Anchorage District Attorney Victor Krumm.

In addition to helping a judge determine appropriate bail and the proper sentence, criminal histories are used to obtain search warrants, to help determine the charge in close cases and to decide if a plea bargain is appropriate, Krumm said. "We're more prone to give a guy a break the first time around on the less serious crimes, just like everyone else. We use (histories) to assess risk."

dismiss its potential use by terrorists. The same is true of nuclear weapons, but probably over a longer time period," Jenkins wrote.

The Middle East will remain a focus of terrorists, in part because of religion. "As we have seen throughout history, the presumed approval of God for the killing of pagans, heathens or infidels can permit acts of great destruction and self-destruction," Jenkins wrote.

If the Iranian revolution and its spread to Lebanon become a model for other Third World nations, he said, "We are in for a lot of trouble."

## aid to have quit

the Arms Control and Disarmament Agency, also was being mentioned.

Presidential spokesman Larry Speakes, when asked about the reports of McFarlane's departure at his daily briefing on Tuesday, said, "I don't have anything on Bud ... I can't confirm or deny."

But Speakes deliberately left the door open for McFarlane, saying Reagan values his service but would abide by his wishes.

Reagan refused to discuss it as well. Asked at an East Room event whether he had talked with McFarlane about his job, Reagan said only, "We talk every day."

It's tough to convince people,

# Computer is a few facts shy: No criminal record for killers

Continued from Page A-1

The man in charge of the computer — Jim Vaden, deputy commissioner of Public Safety — has heard all the complaints, knows the history behind most of the more famous omissions, and says things are getting better.

Robert Hansen was originally booked for rape and a file was opened on him in the state records office. Months later, the records people got a piece of paper that said a man named Robert Hansen had been convicted of murder. But there was nothing to show they were the same person, Vaden said.

Wesley Ladd, convicted of murder in a highly publicized case a decade ago and now out on parole, is also not in the computer. Vaden knows all about that case because he was an Alaska State Trooper at the time and the investigating officer on the case.

Ladd was originally booked on a federal firearms charge and was already in jail when the murder indictment came down, Vaden said, so he wasn't "arrested" for murder.

When the paperwork showing a Wesley Ladd convicted of murder was reviewed during the programming of the new

computer system, they said how could that be the same individual? So his name didn't go in.

The problem has been the absence of a systematic, reliable way to match arrest, prosecution and conviction records for the same person, according to state officials.

State law requires that only verified convictions be entered into the system, Vaden said. When the state converted from the old computer system in 1983 to APSIN, clerks were cautious about whose record got transferred. A programmer error, unintelligible fingerprints and miscellaneous other problems that plague computer conversions resulted in a lot of records not making it into the new system, Vaden said.

But Krumm, Vaden and a spokeswoman for the courts agree that lack of a reliable identification system is the major culprit. They do not agree about whose fault it is that no such system was devised until a few months ago.

In Alaska, an accused criminal passes through four agencies from arrest to prison: police, corrections, prosecutors and courts. Each agency collects information it wants in its own way and gives the defendant a number — a dif-

ferent number. That's the way it was always done and no one changed when the state got big and moved to computers.

Over the past year, representatives of some of these agencies have met and agreed to use, in addition to their own number, a defendant's driver's license number or, if no license, to assign a state I.D. number.

In addition to a defendant's birthdate, his name and, in many cases, his fingerprints, this should provide a foolproof match-up, Krumm said.

One irony of the system is that, while major felons have slipped between the microchips, anyone who has gotten a traffic ticket made it into the computer with no problem because a driver's license number is always included on the conviction record.

Vaden says these years of problems for the system were unnecessary. His department had a state-of-the-art system designed and ready to go when the new program was being planned, he said. It provided that each agency enter information about a defendant as he passes through their hands. The district attorneys didn't want to do that, he said.

Krumm and Vaden agree

who lives above the slide area will be a crapshoot.

that fingerprints could have been used to solve much of the I.D. verification problem years ago, but they say the courts refused to cooperate.

There has been for years a law on the books that says a defendant's thumbprint is supposed to be taken at the time of sentencing, but it was never done. "The courts didn't feel it was their responsibility," Vaden said.

Delaplane agreed that some judges had problems with the propriety of the courts becoming involved in ordering defendants to submit to fingerprinting. As part of the new spirit of cooperation, judges in Anchorage have agreed to make time available at the end of a sentencing so district attorneys can get a thumbprint on the conviction form.

A memo to do likewise has gone out to all courts, said Susan Miller, who heads the court system forms committee.

Ottinger says he hasn't seen any evidence yet that things are getting better. His office is still relying on an internal card system and employee memories. Krumm says he is hopeful things are getting better. Vaden says he's spent a small fortune training people and has only about 10,000 problem cases left.

## an individual may be cheap, but it may not get you where you want to go

ticket, the agent knew something was wrong.

"I wasn't nervous," Earle said Tuesday by phone from Seattle. "Someone told me to be sure and put the ticket name on my luggage L.D. so I was busy doing that when

between a ticket honestly purchased privately and a lost or stolen ticket. The airline doesn't want to let someone ride on a stolen or lost ticket and then not be able to refund the money, MacKay said.

When a ticket is lost or stolen, the airline

traffic — people going Outside to school or on vacations that last longer than is allowed on super saver deals.

As long as special deals make it cheaper to buy roundtrips over one-way fares, the ticket trade is likely to continue, Strain acknowledged.

**STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE**

Revision Date : \_\_\_\_\_

**REQUEST**

**FISCAL DETAIL**

Bill/Resolution No. : CSHB 183 (Judiciary)  
 Title : "An Act Relating to the  
 Governor's Commission on the Administration  
 of Justice and to Intelligence Information."  
 Sponsoring : the Judiciary Committee  
 Requestor : House Judiciary Committee  
 Date of Request : April 4, 1986

Agency Affected : Department of Law  
 BRU : Prosecution  
 Components : Administration and Support

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL		4.3	4.4	4.5	4.6	4.7
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>4.3</b>	<b>4.4</b>	<b>4.5</b>	<b>4.6</b>	<b>4.7</b>

CAPITAL						
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REVENUE						
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND		4.3	4.4	4.5	4.6	4.7
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Please see attached analysis.

Prepared by : Richard I. Pegues, Director Phone : 465-3672  
 Division : Administrative Services Division Date : 4/7/86  
 Approved by Commission : Harold M. Brown, Att'y General Date : 4/7/86  
 Agency : Department of Law

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 183 (Judiciary)

The Committee Substitute continues the Governor's Commission on the Administration of Justice, and it empowers the commission to oversee justice information and criminal intelligence computer systems. The bill provides that the Department of Law shall provide staff for the commission without expense to the commission. The bill also provides that the five-member commission shall meet three times each year in Anchorage. Although the department can provide existing staff time to support the commission's activities, it cannot provide travel and per diem for commission members when its travel budget is being reduced. It is anticipated that three members and staff will have to travel to Anchorage each time the commission meets. Two days of per diem would be required for members and staff who would be on travel status for each meeting. Fiscal note funds are therefore requested as follows:

Travel = 3 x \$322 x 3 trips	=	\$2,898
Per Diem = 3 x \$ 80 x 2 days x 3 trips	=	<u>\$1,440</u>
	TOTAL	\$4,338

BILL SHEFFIELD  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

*Louann*  
*HB 183*

The Honorable Ben Grussendorf  
Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill abolishing the Governor's Commission on the Administration of Justice and transferring certain of the commission's responsibilities to the attorney general.

The commission was originally established to be the steering agency for handling federal grants from the Law Enforcement Assistance Administration (LEAA). Since the LEAA no longer exists, the primary function of the commission has been eliminated.

A secondary function of the commission involved overseeing law enforcement uses of criminal justice information systems under AS 12.62. However, the large, 13-member commission has not met for a number of years. Therefore, under administrative regulations, this oversight function has been delegated to the attorney general as ex-officio chairman of the commission.

This bill thus codifies the practice that has evolved, whereby continuous oversight of such systems is maintained by the attorney general. It thus eliminates unnecessary statutes and unnecessary governmental structures. Therefore, I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bill Sheffield".

Bill Sheffield  
Governor

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB 183  
 Title: "An Act abolishing the Gov.'s  
 Comm. on the Admin. of Justice..."  
 Sponsor: House Rules/Governor  
 Requestor: Governor's Ofc./OMB  
 Date of Request: 12/18/84

FISCAL DETAIL

Agency Affected: Department of Law  
 Program Category Affected: \_\_\_\_\_  
Administration of Justice  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Prosecution

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL	--					
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

This bill would abolish the Governor's Commission on the Administration of Justice and transfers the responsibility for regulating security and privacy of criminal justice information and intelligence systems to the Attorney General. The bill would validate what has in fact become practice since the programs formerly provided by the LEAA and the state's Criminal Justice Planning Agency were discontinued in 1982 and 1983, respectively. Consequently, there will not be a fiscal impact.

Prepared By: Richard I. Pegues Director Phone: 465-3672  
 Division: Administrative Services Date: 12/19/84

Approved by Commissioner: Richard I. Pegues / FOR Date: 12/19/84  
 Agency: Department of Law

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84



# REPRESENTATIVE DON CLOCKSIN

## Alaska House of Representatives

MAJORITY LEADER

1024 WEST SIXTH AVENUE  
ANCHORAGE, ALASKA 99501  
(907) 274-4031

### M E M O R A N D U M

WHILE IN JUNEAU:  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3704

TO: Representative Al Adams  
Chairman  
House Finance Committee

DATE: April 11, 1986

FROM: Representative Don Clocksin

SUBJECT: CSHB 183

Attached is CSHB 183 entitled "An Act relating to the Governor's Commission on the Administration of Justice and to intelligence information." (Attachment 1) I have a special interest in this bill because I was appointed as a subcommittee for the House Judiciary to review the original bill. This Committee Substitute is the product of my work.

#### I. Background

The Alaska Justice Information System (AJIS) was the computerized criminal justice network and information system used in Alaska as established by AS 12.62.010 et seq. This system failed and within the past two years, the legislature approved funding for a new system known as ASPIN which operates under the same general principles.

In 1972 the Governor's Commission on the Administration of Justice (AS 44.19.110 - 44.19.122) was authorized to draft regulations (6 AAC 60) and provide oversight over the AJIS system. This 13 member Commission was made up of representatives from the public and private sectors.

However, this Commission is now defunct, and it is my understanding that they have not met since 1981. Under administrative regulations this oversight function is now delegated to the Attorney General as the ex-officio chair of the Commission.

My research shows that the last audit was conducted in 1981 by SRI International of California. This security and privacy audit had three pages of observations and recommendations. (See Attachment 2). I do not know how many of these have been implemented. At Judiciary Committee hearings during this last interim, concerns were voiced on the accuracy, security and control of this system. Forty-seven agencies, including Big

Brothers/Big Sisters of Juneau and the Federal Highway Administration, now have some access to this system. These agencies have to sign a user agreement but no audits are made to check compliance.

I was concerned that there has been no oversight or review of the system since the Commission ceased to exist. I have requested the Legislative Budget and Audit Committee to conduct a performance audit of the entire system and to investigate the following in detail:

1. data quality;
2. record - subject review and challenge;
3. system security;
4. dissemination and use;
5. gathering of intelligence information;
6. record keeping on juveniles; and
7. purging and expungment of information

It is my understanding that the audit will not be released before the session adjourns.

## II. Recommendations:

In balancing the competing interests of protecting the public and an individual's right to privacy, I felt it was necessary to retain a scaled-down version of the original 13 member commission. The proposed committee substitute sets up a five member commission composed of the Attorney General, public defender, and three public members appointed by the Governor. One of the public members must be experienced in the field of computer science.

This bill has a fiscal impact of \$4,300 for FY 87 with an increase of \$100 for each new fiscal year. (Attachment 3) This money will be used only to pay travel and per diem for the three public members. Travel and per diem for the attorney general and the public defender would be funded out of their respective existing budgets.

No new positions would be required to assist the commission in carrying out its duties. In fact, this bill validates what is current practice, that is, the Attorney General's office provides staff for the system.

I have also amended existing statutes to take care of the concerns voiced in testimony and by members of the Committee regarding security and access. Furthermore, an additional duty is imposed on users to purge any information currently kept in their system which is not in compliance with this bill.

Thank you for your consideration.

Attachments

Offered: 4/8/86  
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 CS FOR HOUSE BILL NO. 183 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Governor's Commission on the  
7 Administration of Justice and to intelligence infor-  
8 mation."

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

10 \* Section 1. AS 12.62.010 is amended to read:

11 Sec. 12.62.010. REGULATIONS. (a) The Governor's Commission on  
12 the Administration of Justice established under AS 44.19.110 - 44.19.-  
13 122 may [IS AUTHORIZED], after appropriate consultation with represen-  
14 tatives of state and local law enforcement agencies participating in  
15 information systems covered by this chapter, [TO] adopt regulations  
16 and, by regulation, establish procedures considered necessary to  
17 facilitate and regulate the exchange of criminal justice information  
18 and to insure the security and privacy of criminal justice information  
19 systems. The notice and hearing requirements of the Administrative  
20 Procedure Act (AS 44.62), relating to the adoption of regulations,  
21 apply to regulations adopted under this chapter.

22 (b) In addition to regulations adopted under (a) of this sec-  
23 tion, the commission shall, after appropriate consultation with rep-  
24 resentatives of state and local law enforcement agencies, adopt regu-  
25 lations [AND PROCEDURES] governing the gathering of intelligence  
26 information and the storage, security, and privacy of the intelligence  
27 information collected and maintained by law enforcement agencies in  
28 the state. [THE NOTICE AND HEARING REQUIREMENTS OF THE ADMINISTRATIVE  
29 PROCEDURE ACT (AS 44.62), RELATING TO THE ADOPTION OF REGULATIONS,

1 APPLY TO REGULATIONS ADOPTED UNDER THIS SUBSECTION.] In adopting  
2 these regulations, the commission shall take into account both the  
3 interest of law enforcement agencies in maintaining the ability to  
4 conduct intelligence operations and each individual's right to pri-  
5 vacy.

6 \* Sec. 2. AS 12.62.015(a) is amended to read:

7 (a) Regulations of the commission adopted under AS 12.62.010(b)  
8 must [SHALL] include requirements and guidelines concerning the cat-  
9 egories of intelligence information that [WHICH] may be gathered by  
10 law enforcement agencies in the state, the purposes for which intelli-  
11 gence information may be collected, and the methods and procedures  
12 that [WHICH] may be used in collecting intelligence information. The  
13 regulations must restrict methods and procedures for collecting intel-  
14 ligence information to methods and procedures likely to result in  
15 relevant and reliable information.

16 \* Sec. 3. AS 12.62.015 is amended by adding a new subsection to read:

17 (c) A law enforcement agency in the state may not gather or  
18 retain intelligence information unless the information pertains to an  
19 individual or group that is reasonably suspected of engaging in crimi-  
20 nal activity.

21 \* Sec. 4. AS 12.62.030(c) is amended to read:

22 (c) A person has [SHALL HAVE] the right to inspect criminal  
23 justice information that refers to the person. If a person believes  
24 the information to be inaccurate, incomplete, or misleading, the  
25 person may request the criminal justice agency having custody or  
26 control of the records to purge, modify or supplement them. When the  
27 agency responds to the person's request, the agency shall notify the  
28 person of the right to request a review from the commission under this  
29 subsection. If the agency declines to implement the person's request

1 [DO SO], or if the person believes the agency's decision to be other-  
2 wise unsatisfactory, the person may in writing request review by the  
3 commission within 60 days after [OF] the decision of the agency. If  
4 it finds a basis for complaint, the [THE] commission or [,] its rep-  
5 resentative or agent shall [, IN A CASE IN WHICH IT FINDS A BASIS FOR  
6 COMPLAINT,] conduct a hearing at which the person may appear with  
7 counsel, present evidence, and examine and cross-examine witnesses.  
8 Written findings and conclusions shall be issued and a copy of them  
9 sent to the person requesting review with a notice of the person's  
10 right to appeal under (f) of this section. If the record in question  
11 is found to be inaccurate, incomplete or misleading, the commission  
12 shall order it to be appropriately purged, modified or supplemented by  
13 an explanatory notation. An agency or person in the state with cus-  
14 tody, possession or control of the record shall promptly have every  
15 copy of the record altered in accordance with the commission's order.  
16 The commission shall promptly notify [NOTIFICATION OF A DELETION,  
17 AMENDMENT AND SUPPLEMENTARY NOTATION SHALL BE PROMPTLY DISSEMINATED BY  
18 THE COMMISSION TO] persons or agencies to which records in question  
19 have been communicated, and [AS WELL AS TO] the person whose records  
20 have been altered, of a deletion, amendment, or supplementary nota-  
21 tion.

22 \* Sec. 5. AS 12.62.030(e) is amended to read:

23 (e) The commission shall adopt regulations for access to crimi-  
24 nal justice information and establishing reasonable [REASONABLE] hours  
25 and places of inspection, and any additional restrictions, including  
26 fingerprinting, that are reasonably necessary both to assure the  
27 record's security and to verify the identity of a person who seeks to  
28 inspect a record [IDENTITIES OF THOSE WHO SEEK TO INSPECT THEM MAY BE  
29 PRESCRIBED BY PUBLISHED RULES]. Fingerprints taken under this sub-

1 section may not be transferred to another agency or used for any other  
2 purpose.

3 \* Sec. 6. AS 12.62.035(a) is amended to read:

4 (a) Notwithstanding any other provision of law, an interested  
5 person as defined in (e) of this section may request from the commis-  
6 sion records of all convictions involving contributing to the delin-  
7 quency of a minor and any sex crimes of a person who holds or applies  
8 for a position in which the person has or would have supervisory or  
9 disciplinary power over a minor. The requesting interested person  
10 shall include with the request a written authorization, signed by the  
11 subject of the request, indicating that the subject consents to re-  
12 lease of the records to the interested person. If the commission is  
13 satisfied that the subject of the request has authorized release of  
14 the information, the [THE] commission shall authorize the disclosure  
15 of the information to the requesting interested person and shall  
16 provide a copy of the information to the person who is the subject of  
17 the request.

18 \* Sec. 7. AS 12.62.040(a) is amended to read:

19 (a) Criminal justice information systems shall  
20 (1) be dedicated to law enforcement purposes and be under  
21 the management and control of law enforcement agencies unless exempted  
22 under regulations adopted under AS 12.62.010;  
23 (2) include operating procedures approved by the commission  
24 that [WHICH] are [REASONABLY] designed to assure the security of the  
25 information contained in the system from unauthorized disclosure, and  
26 [REASONABLY] designed to assure that criminal offender record informa-  
27 tion in the system is regularly and accurately revised to include  
28 subsequently furnished information;  
29 (3) include operating procedures approved by the commission

1       which are designed to assure that information concerning an individual  
2       shall be removed from the records, based on considerations of age,  
3       nature of record, and reasonable interval following the last entry of  
4       information indicating that the individual is still under the juris-  
5       diction of a law enforcement agency.

6       \* Sec. 8. AS 12.62.040 is amended by adding a new subsection to read:

7               (c) The commission shall adopt regulations that require a law  
8       enforcement agency to modify, supplement, or purge from the criminal  
9       justice information system

10               (1) inaccurate information; or

11               (2) information gathered or entered in violation of this  
12       chapter.

13       \* Sec. 9. AS 12.62.060(b) is amended to read:

14               (b) A person who [WILFULLY] disseminates or uses criminal jus-  
15       tice information knowing the [SUCH] dissemination or use to be in  
16       violation of this chapter, or who knowingly collects, obtains or uses  
17       intelligence information in violation of this chapter, is guilty of a  
18       class C felony [UPON CONVICTION, IS PUNISHABLE BY A FINE OF NOT MORE  
19       THAN \$1,000 OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY  
20       BOTH].

21       \* Sec. 10. AS 12.62.060(c) is amended to read:

22               (c) A good faith reliance upon the provisions of this chapter or  
23       of applicable law governing maintenance, dissemination, or use of  
24       criminal justice information, or upon [RULES,] regulations adopted [,  
25       OR PROCEDURES PRESCRIBED] under this chapter is a defense to a civil  
26       or criminal action brought under this chapter.

27       \* Sec. 11. AS 12.62.070(3) is amended to read:

28               (3) "criminal justice information system" means a system [,  
29       INCLUDING THE EQUIPMENT, FACILITIES, PROCELURES, AGREEMENTS, AND

1 ORGANIZATIONS RELATED TO THE SYSTEM FUNDED IN WHOLE OR IN PART BY THE  
2 LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,] for the collection, pro-  
3 cessing, or dissemination of criminal justice information;

4 \* Sec. 12. AS 44.19.112 is repealed and reenacted to read:

5 Sec. 44.19.112. MEMBERSHIP AND MEETINGS. (a) The commission is  
6 composed of the attorney general, the public defender, and three  
7 public members appointed by the governor. One of the public members  
8 must be experienced in the field of computer science.

9 (b) The commission shall elect a member to serve as chair and  
10 may elect other officers. Terms of officers are for one year.

11 (c) The commission shall meet at least once each year at the  
12 call of the chair.

13 \* Sec. 13. AS 44.19.114 is amended to read:

14 Sec. 44.19.114. COMPENSATION AND PER DIEM. Members of the  
15 commission receive no salary for their service on the commission. The  
16 public members [BUT] are entitled to per diem and travel expenses  
17 authorized by law for boards and commissions.

18 \* Sec. 14. AS 44.19.122 is repealed and reenacted to read:

19 Sec. 44.19.122. STAFF. The Department of Law shall provide  
20 staff for the commission without expense to the commission.

21 \* Sec. 15. Each criminal justice agency in the state that has entered  
22 intelligence information into the criminal justice information systems  
23 shall review that information and immediately purge from the system any  
24 information that does not meet the requirements of this Act.

25 \* Sec. 16. AS 44.19.118 and 44.19.120(a) are repealed.

Introduced: 2/8/85  
Referred: Judiciary  
and Finance

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 183

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act abolishing the Governor's Commission on the  
7 Administration of Justice and transferring responsi-  
8 bilities to the attorney general."

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

10 \* Section 1. AS 12.62.010 is amended to read:

11 Sec. 12.62.010. REGULATIONS. (a) After [THE GOVERNOR'S COMMIS-  
12 SION ON THE ADMINISTRATION OF JUSTICE ESTABLISHED UNDER AS 44.19.-  
13 110 -- 44.19.122 IS AUTHORIZED, AFTER] appropriate consultation with  
14 representatives of state and local law enforcement agencies partici-  
15 pating in information systems covered by this chapter, the attorney  
16 general may [TO] adopt regulations and procedures considered necessary  
17 to facilitate and regulate the exchange of criminal justice informa-  
18 tion and to insure the security and privacy of criminal justice infor-  
19 mation systems. The notice and hearing requirements of the Adminis-  
20 trative Procedure Act (AS 44.62), relating to the adoption of regula-  
21 tions, apply to regulations adopted under this chapter.

22 (b) In addition to regulations adopted under (a) of this sec-  
23 tion, the attorney general may [COMMISSION SHALL], after appropriate  
24 consultation with representatives of state and local law enforcement  
25 agencies, adopt regulations and procedures governing the gathering of  
26 intelligence information and the storage, security, and privacy of the  
27 intelligence information collected and maintained by law enforcement  
28 agencies in the state. The notice and hearing requirements of the  
29 Administrative Procedure Act (AS 44.62), relating to the adoption of

1 regulations, apply to regulations adopted under this subsection. In  
2 adopting these regulations, the attorney general [COMMISSION] shall  
3 take into account both the interest of law enforcement agencies in  
4 maintaining the ability to conduct intelligence operations and each  
5 individual's right to privacy.

6 \* Sec. 2. AS 12.62.015 is amended to read:

7 Sec. 12.62.015. COLLECTION AND SECURITY OF INTELLIGENCE INFORMA-  
8 TION. (a) Regulations [OF THE COMMISSION] adopted under AS 12.62.-  
9 010(b) must [SHALL] include requirements and guidelines concerning the  
10 categories of intelligence information which may be gathered by law  
11 enforcement agencies in the state, the purposes for which intelligence  
12 information may be collected, and the methods and procedures which may  
13 be used in collecting intelligence information.

14 (b) The [COMMISSION'S] regulations adopted under AS 12.62.010(b)  
15 must [SHALL] establish standards for the confidentiality and security  
16 of intelligence information and provide for controls, access to and  
17 dissemination of intelligence information, and methods for updating,  
18 correcting and purging intelligence information while maintaining the  
19 security and confidentiality of the information.

20 \* Sec. 3. AS 12.62.017 is amended to read:

21 Sec. 12.62.017. ANNUAL REPORT [TO COMMISSION]. The chief offi-  
22 cer of each state or municipal law enforcement agency shall submit an  
23 annual report to the attorney general [COMMISSION], in the form  
24 required by the attorney general [COMMISSION], certifying compliance  
25 by the agency with the regulations adopted [BY THE COMMISSION] under  
26 AS 12.62.010(b).

27 \* Sec. 4. AS 12.62.020(a) is amended to read:

28 (a) The attorney general [COMMISSION] shall adopt regulations  
29 concerning the specific classes of criminal justice information that

1 [WHICH] may be collected and stored in criminal justice information  
2 systems.

3 \* Sec. 5. AS 12.62.030 is amended to read:

4 Sec. 12.62.030. ACCESS AND USE. (a) Except as provided in (b)  
5 and (c) of this section and in AS 12.62.035, access to specified  
6 classes of criminal justice information in criminal justice informa-  
7 tion systems is available only to individual law enforcement agencies  
8 according to the specific needs of the agency under regulations adopt-  
9 ed by the attorney general [COMMISSION] under AS 12.62.010. Criminal  
10 justice information may be used only for law enforcement purposes or  
11 for those additional lawful purposes necessary to the proper enforce-  
12 ment or administration of other provisions of law as the attorney  
13 general [COMMISSION] may prescribe by regulations adopted under  
14 AS 12.62.010. Criminal justice information may not be disseminated to  
15 an agency unless the attorney general [BEFORE THE COMMISSION] deter-  
16 mines that the agency is eligible [THE AGENCY'S ELIGIBILITY] to re-  
17 ceive that information.

18 (b) Criminal justice information may be made available to quali-  
19 fied persons for research related to law enforcement under regulations  
20 adopted by the attorney general [COMMISSION]. These regulations must  
21 include procedures to assure the security of information and the  
22 privacy of individuals about whom information is released.

23 (c) A person has [SHALL HAVE] the right to inspect criminal  
24 justice information that refers to the person. If a person believes  
25 the information to be inaccurate, incomplete, or misleading, the  
26 person may request the criminal justice agency having custody or  
27 control of the records to purge, modify, or supplement them. If the  
28 agency declines to do so, or if the person believes the agency's  
29 decision to be otherwise unsatisfactory, the person may in writing

1 request review by the attorney general [COMMISSION] within 30 [60]  
2 days after [OF] the decision of the agency. If the attorney general  
3 [THE COMMISSION, ITS REPRESENTATIVE OR AGENT SHALL, IN A CASE IN WHICH  
4 IT] finds a basis for complaint, [CONDUCT] a hearing may be conducted  
5 at which the person may appear with counsel, present evidence, and  
6 examine and cross-examine witnesses. Written findings and conclusions  
7 must [SHALL] be issued. If the record in question is found to be  
8 inaccurate, incomplete, or misleading, the attorney general [COMMIS-  
9 SION] shall order it to be appropriately purged, modified, or supple-  
10 mented by an explanatory notation. An agency or person in the state  
11 with custody, possession, or control of the record shall promptly

12 (1) have every copy of the record altered in accordance  
13 with the attorney general's [COMMISSION'S] order; and

14 (2) disseminate notification [. NOTIFICATION] of a dele-  
15 tion, amendment or [AND] supplementary notation [SHALL BE PROMPTLY  
16 DISSEMINATED BY THE COMMISSION] to persons or agencies to which re-  
17 cords in question have been communicated, as well as to the person  
18 whose records have been altered.

19 (d) An agency holding or receiving criminal justice information  
20 shall maintain, for a period determined by the attorney general [COM-  
21 MISSION] to be appropriate, a listing of the agencies to which it has  
22 released or communicated the information. These listings must [SHALL]  
23 be reviewed from time to time by the attorney general [COMMISSION OR  
24 STAFF MEMBERS OF THE COMMISSION] to determine whether the provisions  
25 of this chapter or any applicable regulations have been violated.

26 (e) Reasonable hours and places of inspection, and any addi-  
27 tional restrictions, including fingerprinting, that are reasonably  
28 necessary both to assure the record's security and to verify the  
29 identities of those who seek to inspect them may be prescribed by

1 published rules. Fingerprints taken under this subsection may not be  
2 transferred to another agency or used for any other purpose.

3 (f) A person who requests the attorney general's review [OR  
4 AGENCY AGGRIEVED BY AN ORDER OR DECISION OF THE COMMISSION] under (c)  
5 of this section may appeal the order or decision to the superior  
6 court. The court shall in each case conduct a de novo hearing and may  
7 order the relief it determines to be necessary. If a person about  
8 whom information is maintained by an agency challenges that informa-  
9 tion in an action under this subsection as being inaccurate, incom-  
10 plete, or misleading, the burden is on the agency to prove that the  
11 information is not inaccurate, incomplete, or misleading.

12 \* Sec. 6. AS 12.62.035(a) is amended to read:

13 (a) Notwithstanding any other provision of law, an interested  
14 person as defined in (e) of this section may request [FROM THE COMMIS-  
15 SION] records of all convictions involving contributing to the delin-  
16 quency of a minor and any sex crimes of a person who holds or applies  
17 for a position in which the person has or would have supervisory or  
18 disciplinary power over a minor. The attorney general [COMMISSION]  
19 shall authorize the disclosure of the information to the requesting  
20 interested person and [SHALL PROVIDE] a copy of the information must  
21 be provided to the person who is the subject of the request.

22 \* Sec. 7. AS 12.62.035(b) is amended to read:

23 (b) A request for records under (a) of this section must [SHALL]  
24 include within it the fingerprints of the person who is the subject of  
25 the request and any other data specified in regulations adopted by the  
26 attorney general [COMMISSION]. The request must [SHALL] be on a form  
27 approved by the attorney general [COMMISSION], and [THE COMMISSION MAY  
28 CHARGE] a fee may be charged to [BE PAID BY] the requesting interested  
29 person for the actual cost of processing the request. Applications

1        for information under (a) of this section must be destroyed [THE  
2        COMMISSION SHALL DESTROY AN APPLICATION] within six months after the  
3        requested information is sent to the requesting interested person and  
4        the person who is the subject of the request.

5        \* Sec. 8. AS 12.62.035(c) is amended to read:

6                (c) The attorney general [COMMISSION] shall adopt regulations to  
7        implement the provisions of this section.

8        \* Sec. 9. AS 12.62.040(a) is amended to read:

9                (a) Criminal justice information systems must [SHALL]

10                (1) be dedicated to law enforcement purposes and be under  
11        the management and control of law enforcement agencies unless exempted  
12        under regulations adopted under AS 12.62.010;

13                (2) include operating procedures approved by the attorney  
14        general [COMMISSION] which are reasonably designed to assure the  
15        security of the information contained in the system from unauthorized  
16        disclosure, and reasonably designed to assure that criminal offender  
17        record information in the system is regularly and accurately revised  
18        to include subsequently furnished information;

19                (3) include operating procedures approved by the attorney  
20        general [COMMISSION] which are designed to assure that information  
21        concerning an individual must [SHALL] be removed from the records,  
22        based on considerations of age, nature of record, and reasonable  
23        interval following the last entry of information indicating that the  
24        individual is still under the jurisdiction of a law enforcement agen-  
25        cy.

26        \* Sec. 10. AS 12.62.050 is amended to read:

27                Sec. 12.62.050. INTERSTATE SYSTEMS FOR THE EXCHANGE OF CRIMINAL  
28        JUSTICE INFORMATION. (a) The attorney general [COMMISSION] shall  
29        regulate the participation by all state and local criminal justice

1 agencies in an interstate system for the exchange of criminal justice  
2 information, and is [SHALL BE] responsible for assuring [TO ASSURE]  
3 the consistency of the participation with the provisions and purposes  
4 of this chapter. The attorney general [COMMISSION] may not compel any  
5 criminal justice agency to participate in an interstate system.

6 (b) Direct access to an interstate system for the exchange of  
7 criminal justice information must [SHALL] be limited to those criminal  
8 justice agencies that are expressly designated for that purpose by the  
9 attorney general [COMMISSION]. When the system employs telecommuni-  
10 cations access terminals, the attorney general [COMMISSION] shall  
11 limit the number and placement of the terminals to those for which  
12 adequate security measures may be taken and as to which the attorney  
13 general [COMMISSION] may impose appropriate supervisory regulations.

14 \* Sec. 11. AS 12.62.070 is amended to read:

15 Sec. 12.62.070. DEFINITIONS. In this chapter

16 (1) "attorney general" means the principal executive offi-  
17 cer of the Alaska Department of L'w or that person's designee ["COM-  
18 MISSION" MEANS THE GOVERNOR'S COMMISSION ON THE ADMINISTRATION OF  
19 JUSTICE ESTABLISHED UNDER AS 44.19.110 -- 44.19.122;]

20 (2) "criminal justice information" means information con-  
21 cerning an individual in a criminal justice information system and  
22 indexed under the individual's name, or retrievable by reference to  
23 the individual by name or otherwise and which is collected or stored  
24 in a criminal justice information system;

25 (3) "criminal justice information system" means a system,  
26 including the equipment, facilities, procedures, agreements, and  
27 organizations related to the system funded in whole or in part by the  
28 Law Enforcement Assistance Administration, for the collection, pro-  
29 cessing, or dissemination of criminal justice information;

1           (4) "intelligence information" means information concerning  
2 the background, activities, or associations of the individual or group  
3 collected or obtained by a law-enforcement agency for preventive,  
4 precautionary, or general investigative purposes not directly connect-  
5 ed with the investigation of a specific crime which has been committed  
6 nor with the apprehension of a specific person in connection with the  
7 commission of a particular crime;

8           (5) "interstate systems" means agreements, arrangements,  
9 and systems for the interstate transmission and exchange of criminal  
10 justice information, but does not include record keeping systems in  
11 the state maintained or controlled by a state or local agency, or a  
12 group of agencies, even if the agency receives information through, or  
13 otherwise participates in, systems for the interstate exchange of  
14 criminal justice information;

15           (6) "law enforcement" means any activity relating to crime  
16 prevention, control, or reduction; [OR] the enforcement of the crimi-  
17 nal prevention, control, or reduction; or the enforcement of the  
18 criminal law, including, but not limited to, police efforts to pre-  
19 vent, control, or reduce crime or to apprehend criminals, activities  
20 of criminal prosecution, courts, public defender, corrections, pro-  
21 bation, or parole authorities;

22           (7) "law enforcement agency" means a public agency which  
23 performs as one of its principal functions activities pertaining to  
24 law enforcement, and includes the child support enforcement agency  
25 created by AS 47.23.

26 \* Sec. 12. AS 14.43.250(b) is amended to read:

27           (b) The purposes of the several memorial scholarship accounts in  
28 the memorial scholarship revolving loan fund are as follows:

29           (1) the Michael Murphy Memorial Scholarship perpetuates the

1 memory of Michael Murphy, a member of the Alaska State Troopers, who,  
2 while on leave from that division, gave his life for his adopted  
3 community in Vietnam on May 22, 1968;

4 (2) the Carroll L. "Butch" Swartz Memorial Scholarship  
5 perpetuates the memory of Carroll L. "Butch" Swartz, of Juneau, who  
6 was a student intern with the Criminal Justice Planning Agency and the  
7 former Governor's Commission on the Administration of Justice during  
8 the summer months of 1972 and 1973 and whose accidental and untimely  
9 death in November 1973, occurred while he was completing his under-  
10 graduate education at Yale University, thus never realizing his educa-  
11 tional goals or career objective;

12 (3) the Harvey Golub Memorial Scholarship perpetuates the  
13 memory of Harvey Golub, of Juneau, who was chief engineer of the  
14 bridge design section of the Department of Highways of the State of  
15 Alaska and whose accidental and untimely death September 13, 1971, cut  
16 short a widely-respected career in civil engineering; and

17 (4) the Robert L. Thomas Memorial Scholarship perpetuates  
18 the memory of Robert L. Thomas, of Juneau, who as deputy commissioner  
19 of education, and for 13 years as a member of the professional staff  
20 of that department contributed significantly to the creation, opera-  
21 tion and administration of a sound system of public education in  
22 Alaska and whose tragic and untimely death March 12, 1974, terminated  
23 a distinguished career in education and public administration that  
24 long will be exemplary for those who aspire to service in that profes-  
25 sion.

26 \* Sec. 13. AS 14.43.310(b)(2), AS 18.65.250, AS 39.50.200(b)(17),  
27 AS 44.19.110, 44.19.112, 44.19.114, 44.19.116, 44.19.118, 44.19.120, and  
28 44.19.122 are repealed.