

COMMITTEE REPORT
SENATE

FURTHER:

4/26/85

Date 5/10/85

Mr. President

The Committee on FINANCE considered SB 21

background checks on certain employees who come into contact with children.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- ~~replace with/or adopt~~ CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation 81.2 Pub. Saf.
128.0 DH435
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSB 21 (HESS)
 Title: "...background checks...
 contact with children"
 Sponsor: Ferguson
 Requestor: Sen. HESS
 Date of Request: 4/03/85

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: AST Support & Service - Laboratory Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		70.2	70.2	70.2	70.2	70.2
200 TRAVEL		1.5	1.6	1.7	1.8	1.9
300 CONTRACTUAL		6.0	6.3	6.6	6.9	7.2
400 SUPPLIES		3.5	3.7	3.9	4.1	4.3
500 EQUIPMENT						
500 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
900 MISCELLANEOUS						
TOTAL OPERATING		81.2	81.8	82.4	83.0	83.6

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		81.2	81.8	82.4	83.0	83.6
FEDERAL FUNDS						
OTHER						
TOTAL		81.2	81.8	82.4	83.0	83.6

POSITIONS:

FULL-TIME		2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Marcia Lynn McKenzie
 Division: Administrative Services

Phone: 465-4349

Date: 4/03/85

Approved by Commissioner: Robert J. Sundberg
 Agency: Department of Public Safety

Date: 4/6/85

Distribution (by Agency preparing fiscal note):

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

7/1/84

COST ANALYSIS

CSSB 21 (HESS)

100 Personal Services

Both positions to work swing shift		\$70.2
Latent Fingerprint Examiner I (Range 15A)	\$41.6	
Clerk-Typist III (Range 8B)	28.6	

200 Travel

1.5

Travel for training to keep current in fingerprint technique

300 Contractual Services

6.0

Postage, telephone	3.5
Printing of fingerprint cards	2.5
Training fees	.5

400 Supplies & Materials

3.5

Supplies for computerized fingerprint system	2.0
Office & library supplies	1.5

TOTAL \$81.2

An effective date of July 1, 1985 is assumed.

A 5% annual inflation factor on line items 200-400 is included beginning in FY 87.

1.	POSITION TITLE Clerk-Typist III			
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER	PCH NUMBER
3.	CONTINUATION LEVEL			
4.	TYPE OF EXPENDITURE			
	1	2	AMOUNT	
	PERSONAL SERVICES			
5.	Salary 1678/mo + 3.75%	20,891		
6.	Benefits	3,772		
7.	Supplemental Benefits	1,281		
8.	Fixed Benefits	2,630		
9.	TOTAL PERSONAL SERVICES	01	28,574	
10.	Travel	02		
11.	Contractual	03	500	
12.	Commodities	04	1,000	
13.	Equipment	05		
14.	Other			
15.	TOTAL COST		30,074	

RECEIPT CODE	FUNDING SOURCE	AMOUNT
16.	Federal Receipts 1002	
17.	G.F. Hatch 1003	
18.	General Funds 1004	30 1
19.	I-A Receipts 1005	
20.	Program Receipts 1028	
21.	Other	

FOR BSM USE ONLY
KEY NUMBER _____

RANGE/STEP 8/B	DARG. UNIT G	PAGE/LINE	COV.	APPROV.	DISAP.
BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.		

JUSTIFICATION

This position would provide clerical support for background checks under proposed AS 47.35.065. Duties would include correspondence with employers or individuals concerned, accessing of original fingerprint cards on file and refileing, return of cards to applicants, maintaining tickler files and preliminary checks on the Alaska Public Safety Information Network.

The additional clerical workload which would result from passage of SB 21 cannot be absorbed by the two existing clerical positions in the Lab.

This position will work closely with a requested Latent Fingerprint Examiner and is budgeted at the swing shift rate.

**REQUEST FOR
NEW POSITION**

AGENCY Department of Public Safety
 PROGRAM Crime ID and Apprehension
 BRU AST Support & Service
 COMPONENT Laboratory Services

Page _____ of _____
 Revised Date _____

FY 86

Revisor's notes. — In 1984 "former" was inserted before the reference to AS 47.35.050. That section was repealed by sec. 5, ch. 97, SLA 1982.

Effect of amendments. — The 1984 amendment changed an internal reference in subsection (b).

NOTES TO DECISIONS

Cited in *J.M.A. v. State*, Sup. Ct. Op. No. 1201 (File No. 2391), 542 P.2d 170 (1975).

Sec. 47.35.020. License or permit required. A person may not, without a license or permit to do so,

(1) maintain or conduct, for more than 90 days, a boarding home, foster home, group home, institution, or other place for the regular reception or care of children under 16 years of age, or a foster home, group home, or institution for the care of dependent adults; or

(2) engage in the business of receiving or caring for children under 14 years of age, with or without compensation, in a nursery in which five or more children not related by blood or marriage, or legal adoption, to the owner, operator or manager of the business are lodged. (§ 3 ch 17 SLA 1951; am § 3 ch 42 SLA 1973; am § 3 ch 253 SLA 1976; am § 2 ch 45 SLA 1977; am § 1 ch 97 SLA 1982)

Effect of amendments. — The 1982 amendment inserted "for more than 90 days" near the beginning of paragraph (1) and made minor changes in style.

Sec. 47.35.030. Authority to issue regulations. The department may adopt regulations and standards consistent with other requirements of law. This authority does not deny a religious group from establishing and operating an institution solely because of the prior installation or operation of another religious group in the same area. The authority to adopt regulations and standards shall be exercised to insure compliance with the intents and purpose of AS 47.35.010 — 47.35.100. The department may inspect and examine an institution, home or place, or the performance of a service. (§ 4 ch 17 SLA 1951; am § 1 ch 77 SLA 1967)

Sec. 47.35.040. Licensing. (a) The department shall issue a license to a facility if it determines that the facility has met the standards for operation set out in AS 47.35.010 — 47.35.080 and the regulations adopted under AS 47.35.010 — 47.35.080.

(b) A license is valid for two years after the date of issuance unless it is revoked or modified. The department may revoke a license or modify a license to provisional status if it determines that a facility is not in compliance with AS 47.35.010 — 47.35.080 or the regulations adopted under AS 47.35.010 — 47.35.080.

(c) The department may waive compliance with a standard set out in regulations adopted under AS 47.35.010 — 47.35.080 if an accept-

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STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: Proposed CS SB No. 21
 Title: An Act relating to background checks
 Sponsor: HESS
 Requestor: _____
 Date of Request: 3/26/85

FISCAL DETAIL

Agency Affected: Health and Social Services
 Program Category Affected: Social Services
 BRU, Program or Subprogram(s) Affected: Social Services BRU, Southcentral, Northern and Central Office Components

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		76.1	79.1	82.3	85.6	89.0
200 TRAVEL		6.6	6.9	7.1	7.4	7.7
300 CONTRACTUAL		37.4	29.1	30.3	31.5	32.7
400 SUPPLIES		1.2	1.3	1.3	1.4	1.4
500 EQUIPMENT		6.7				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		128.0	116.4	121.0	125.9	130.8
CAPITAL		-0-				
REVENUE		-0-				

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND		128.0	116.4	121.0	125.9	130.8
FEDERAL FUNDS						
OTHER						
TOTAL		128.0	116.4	121.0	125.9	130.8

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME		1	1	1	1	1
PART-TIME		2	2	2	2	2
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See Attached

Prepared By: Michael L. Prade Phone: 465-3170
 Division: Family and Youth Services Date: 3/28/85

Approved by Commissioner: Jan R. Boy Date: 4-2-85 jcc
 Agency: Health & Social Services

Distribution (by Agency preparing fiscal note):

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

IV. ANALYSIS

A. Assumptions

This legislation would require the department to implement state and FBI criminal record checks, which include fingerprinting, for adoptive parents and all facility staff and adult occupants who work or reside within a facility. Because no system exists for this process and because there are numerous legal and logistics problems in implementing it, a full time professional position, Social Worker IV, will be required in the Central Office to work closely with the Department of Public Safety, division field offices, private adoption agencies and the Alaska Bar Association to secure implementation. In addition there will need to be extensive work with the Department of Law regarding confidentiality provisions and potential litigation. There will be a handling burden on offices in Fairbanks and Anchorage, requiring two permanent part-time positions, Clerk Typist III's, in those offices. Until the actual workload is examined it is difficult to measure and predict the actual fiscal impact of this legislation. There are currently 1,016 child and adult foster homes with an average of 2.3 adults in each home. Public Safety has advised that we process clearances at each biennial licensure evaluation. With a 15% turnover this will result in approximately 1,725 clearances in foster homes per year at \$20 per clearance. (\$12.00 FBI processing) (\$8.00 for contracted state processing). This fiscal note assumes that the \$20 background clearance processing cost in adoptions for the 800 new adoptions per year (x 2 adults) will be the responsibility of the adopting applicants.

B. Program Summary

New positions required by this legislation will be as follow:
 Social Worker IV in Juneau;
 Clerk Typist III, permanent part-time, one each in
 Anchorage and Fairbanks

C. Computations

Personal Services - Social Worker IV	\$ 48.8
Clerk Typist III	27.3
Travel	6.6
Contractual	37.4

1,016 x 15% divided by 2 x 2.3		
	= 1344 x 20.00	= \$26,880
Space Expense for S.W.		4,950
Space Expense for CT	2,250 x 2	= 4,500
General Contractual		1,100
		\$37,430

Supplies	1.2
Equipment - first year only	6.7
	\$128.0

Note: For successive fiscal years, space would be budgeted by Department of Administration. Computations for successive fiscal years at 4%.

D. Economic Impact

There will be no impact on the State economy.

E. Impact On Local Governments

There will be an economic impact on some local police departments.

1.	POSITION TITLE SOCIAL WORKER IV				RANGE/STEP 18A	DEPT. UNIT CGU	PAGE/LINE	COV.	APPROV.	DISAP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				Personal Services based on FY 86 PAC'S.					
	PERSONAL SERVICES				Travel based on 2 trips annually to the following: From Juneau to Bethel, Nome, Ketchikan, Anchorage and Fairbanks.					
5.	Salary		37.4		Contractual, Supplies and Equipment based on FY 86 Budget submission data.					
6.	Benefits		11.4							
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES	01	48.8							
10.	Travel	02	6.6							
11.	Contractual	03	5.4							
12.	Commodities	04	.4							
13.	Equipment	05	1.5							
14.	Other									
15.	TOTAL COST		62.7							
16.	RECEIPT CODE	FUNDING SOURCE								
17.		Federal Receipts 1002								
18.		C.F. Match 1003								
19.		General Funds 1004		62.7						
20.		I-A Receipts 1005								
21.		Program Receipts 1028								
		Other								
FOR B&M USE ONLY										
KEY NUMBER _____										

**REQUEST FOR
NEW POSITION**

AGENCY Health and Social Services
Social and Economic Assistance
PROGRAM for the General Population
BRU Social Services
COMPONENT Central Office

Page 1 of 3
Revised Date _____

FY 86

1.	POSITION TITLE Clerk Typist III				RANGE/STEP 8A	ORG. UNIT GGU	PAGE/LINE	COV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PPT	STAFF MONTHS 6	RP NUMBER	PCH NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT						
	1	2		3						
	PERSONAL SERVICES									
5.	Salary	9.8								
6.	Benefits	2.6								
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES	01		12.4						
10.	Travel	02		-0-						
11.	Contractual	03		2.6						
12.	Commodities	04		.4						
13.	Equipment	05		2.6						
14.	Other									
15.	TOTAL COST			18.0						
16.	RECEIPT CODE	FUNDING SOURCE								
17.		Federal Receipts 1002								
18.		G.F. Match 1003								
19.		General Funds 1004		18.0						
20.		I-A Receipts 1005								
21.		Program Receipts 1028								
		Other								
FOR B&M USE ONLY										
KEY NUMBER _____										

Personal Services calculations based on PAC'S.
Calculations for Contractual, Supplies and Equipment based on FY 86 Budget submission.

**REQUEST FOR
NEW POSITION**

AGENCY Health and Social Services
Social and Economic Assistance
PROGRAM for the General Population
BRU Social Services
COMPONENT Southcentral Region

FY 86

Page 2 of 3
Revised Date _____

Sec. 5 AS 47.35 is amended by adding a new section to read:

Sec. 47.35.058. CRIMINAL RECORDS BACKGROUND CLEARANCE.

(a) All facility staff and adult occupants who work or reside within a facility shall:

(1) have a state and national criminal record background clearance;

(2) sign a release authorizing the department to obtain their law enforcement records and to undertake investigations of reports, arrests and convictions which indicate past behavior which may pose a risk of harm to a child or dependent adults; and

(3) reveal, subject to the penalty for unsworn falsifications, whether they are awaiting trial or have been previously found in a criminal or civil proceedings to have committed or attempted to commit crimes that might pose a risk of harm to a child as defined in AS 12.62.035(e)(1) regardless of whether an adjudication was later set aside, dismissed or otherwise cleared from their record.

(b) The department must request criminal clearances on all facility operators, except board members of a corporation; facility administrators; and all adult occupants of a foster home and a family care home. An individual subject to a background check under this section may receive a provisional license or be provisionally employed only after the department has received a state criminal background clearance except that in an emergency, a foster home may receive a child or dependent adult prior to either the state or national criminal background clearance review. The individual may not be licensed under

AS 47.35.040 or permanently employed until the national and state criminal background clearance is reviewed and the department makes a determination that the individual does not pose a risk of harm to a child or dependent adult.

(c) Operators of facilities other than foster homes and family child care homes shall, under the authority of AS 12.62, request a state and national criminal record background clearance on each staff member and adult occupant of the facility. The staff member may only be provisionally employed until the criminal record background clearance is reviewed by the operator and the operator makes a determination that the individual does not pose a risk of harm to a child or dependent adult. A facility must remove a staff member or adult occupant if the operator determines that the individual poses a risk of harm to a child or dependent adult.

(d) The costs of the state and federal background clearances must be paid by the applicant or the facility operator except that the department will pay the cost for foster home applicants who care for children in state custody or for dependent adults in state protective care.

(e) The failure of an individual, subject to a criminal history background clearance under this section, to demonstrate that the individual does not pose a risk of harm to a child or dependent adult shall be justification for denial of an application for a license or revocation of an existing license or denial of employment.

(f) As used in this section "family child care home" means a small nursery, usually an occupied residence in which child care is provided for no more than six children who are not related to the operator.

POSITION PAPER

COMMITTEE SUBSTITUTE for SENATE BILL 21 (HESS)

This bill relates to criminal background checks for persons supervising, caring for or adopting children.

Secs. 1, 2 and 3

Existing AS 12.62.035 authorizes the release of certain criminal conviction records for persons who hold, or are applying for, paid or volunteer positions which would give them supervisory or disciplinary power over a child. Sections 1, 2 and 3 of this bill expand the types of convictions that may be reported to include all crimes that might pose a risk to children. Section 3 allows the state to inform an inquiring employer if there is a pending warrant for the arrest of the employee. These three sections contain the essential elements in the bill introduced by the Governor (HB 88) and so have the continuing support of the administration.

Secs. 4 and 5

Section 4 would require a criminal history background search on all petitioners for adoption.

Section 5 would require a criminal history background search on an applicant for a facility license, as defined in AS 47.35, or for facility employment. Either the Department of Health and Social Services or the facility would request the criminal clearance prior to license issuance or employment on a permanent status.

The department strongly supports reducing risk to adoptive children, foster children, children in child care facilities and dependent adults in foster care. There are problems with criminal background checks through the fingerprinting process. The Governor's Criminal Justice Working Group recommended that criminal history background checks for licensee's not be included in the administration's child protection package until some of those procedural and legal problems could be resolved. Concerns expressed include:

- the high cost of fingerprinting; there is a \$12.00 charge for the FBI clearance and an estimated \$8.00 state processing charge. These costs would impact local police departments and the Department of Public Safety;

- logistics costs associated with obtaining fingerprints particularly in remote locations both for the Department of Public Safety and the Department of Health and Social Services;

2/2/21

- the Department of Public Safety has stated that the rejection of unacceptable fingerprints runs as high as 40% causing extensive delays in the process;
- even if the fingerprints are acceptably rolled, up to ten weeks is required for processing for results;
- results may be as long as three months out-of-date depending on FBI processing timeframes;
- some professionals have raised civil liberties questions regarding fingerprinting.

With regard to criminal history clearance on adoptive homes, there are an estimated 800 non-stepparent adoptions each year. Most of those adoptions are private adoptions handled by attorneys. Only one quarter of all adoptions involve studies by the Department of Health and Social Services or licensed private adoption agencies. Currently the department is not involved in the other 600 private adoptions per year, other than to receive notice from the petitioners under AS 25.23.100 at least 20 days before the hearing. At this point, DHSS has no tracking system on the notices for private adoptions. The department would need to notify attorneys of this new requirement and establish a tracking system to allow time for processing the criminal history background clearances. The proposed statute does not require the court to delay the adoption pending the criminal history background check, consequently many adoptions would be final before receipt of the check results. The 20 day notice period coupled with a ten week processing period should a court desire the results of the FBI records check would delay the adoption proceedings. Finally, the department is not certain that the state can legally release FBI records to the court or adoptive parties under federal regulations. The Department of Public Safety should be consulted on confidentiality provisions.

Presently, the Division of Family and Youth Services within the department requires a criminal history background check to be completed by all applicants for a foster home license and all adult members of a foster home household. This is a state, not an FBI, criminal history records clearance. The authority for the department is contained in AS 12.62.010, AS 12.62.030, and 6 AAC 60.070(c). Under this authority the Division of Family and Youth Services has a users agreement to access state criminal history background checks based on name, social security number and birthdate rather than fingerprinting. Sec. 5 of this bill would not withdraw the department's current ability to do state criminal history background checks, but would require that a new system of fingerprinting and obtaining FBI record checks be utilized prior to licensure issuance. Presently the department is receiving criminal history hits on approximately 6% of all the applicants and adults residing in foster home. Most criminal history information obtained on applicants does not pose a substantial risk to children.

The criminal histories give department personnel an opportunity to discuss the circumstances and rehabilitation following a violation. For example, there may be an adult son in the home with substantial numbers of violations. In these cases the criminal history background checks allow the department an opportunity to counsel those persons out of applying for foster care until the son is no longer residing in the home. In only two cases has a license been denied based on criminal history background findings. Current processing under the state system runs up to 30 days.

At Senate HESS request the department has drafted a criminal records background clearance section under AS 47.35 to include child care facilities. The new draft would continue the department's practice of doing state criminal background checks on administrators in residential child care facilities and adult residential care facilities. However the new draft would expand the criminal history to include national criminal background checks on the administrators. Additionally it would also include state and national checks on all facility staff and adult occupants of the facilities (defined by the department as residential child and adult care facilities, family child care homes [formerly called day care homes], child care centers [formerly called day care centers], as well as child and adult foster homes). The department will do the criminal history clearance on home size facilities. The other facilities, under the authority in AS 12.62, will do the criminal history search on their staff. The cost for the criminal history search will be payed by the facility or applicant. However the department will pay the costs for foster homes that care for children in state custody.

The department currently issues provisional licenses prior to obtaining criminal history background checks because of emergency situations where a child must be placed before the licensing study can be completed. In these cases, DFYS obtains references, visits the home and gets a signed application, but there is no time for a criminal history clearance. When a child has been removed from an unsafe home and there is no licensed foster home available to take that child, issuance of a license under an emergency condition is appropriate. The department would need to continue that practice pending FBI criminal history clearances. Under the new language in the DFYS draft, licenses and employment would be provisional until it was determined that an individual did not pose a risk of harm to a child.

Under sections (b) and (c) of the DFYS proposed bill a determination would have to be made by the department or facility concerning an individual's potential risk of harm to a child. Consequently the bill would authorize the department or the facility to investigate law enforcement records and to deny licensing or employment unless the licensee or employee can demonstrate that past danger of a risk of harm to a child does not continue to the present. This will, hopefully, avoid the constitutional issue of denial of a license or employment solely because of the badge of a "scarlet letter".

Although some child abusers will lie regardless of the application form, the penalty, class A misdemeanor with a penalty of up to one year in jail, for unsworn falsifications (AS 11.56.210) should be a strong inducement to care providers to be truthful.

Recommendations

The department urges passage of Secs. 1, 2 and 3 of this bill to provide ability of employers supervising children to obtain criminal history background checks on their employees. The department appreciates being given the opportunity to draft criminal history provisions that will respond to litigation experienced in the last year and to the complexities of implementing criminal history clearances in licensed facilities. Attached is a fiscal note for the bill including section 4 (adoptions) and the department's proposal for a revised section 5 (expanded criminal history background checks). It should be noted that the costs on Secs. 4 and 5 of the bill are not in the Governor's proposed FY 86 budget.

RECOMMENDED: Michael L. Price
Michael L. Price, Director
Division of Family
and Youth Services

DATE: March 29, 1985

APPROVED: John R. Pugh
John R. Pugh, Commissioner
Department of Health
and Social Services

DATE: 4-2-85

Offered: 4/18/85
Referred: Judiciary

Original sponsors: Ferguson, Kelly,
Faiks, et al

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

CS FOR SENATE BILL NO. 21 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to criminal background checks; and
7 providing for an effective date."

8

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

9

* Section 1. AS 12.62.035(a) is amended to read:

10

(a) Notwithstanding any other provision of law, an interested
11 person [AS DEFINED IN (e) OF THIS SECTION] may request from the com-
12 mission records of all convictions of an individual for crimes that
13 might pose a risk of harm to a child if the individual [INVOLVING
14 CONTRIBUTING TO THE DELINQUENCY OF A MINOR AND ANY SEX CRIMES OF A
15 PERSON WHO] holds or applies for a position in which the individual
16 [PERSON] has or would have supervisory or disciplinary power over a
17 minor. The commission shall authorize the disclosure of the informa-
18 tion to the requesting interested person and shall provide a copy of
19 the information to the individual [PERSON] who is the subject of the
20 request.

21

* Sec. 2. AS 12.62.035(e)(1) is repealed and reenacted to read:

22

(1) "crime that might pose a risk of harm to a child"

23

includes a violation or attempted violation of present or former
24 Alaska statutes regarding the offenses now designated as murder,
25 manslaughter, negligent homicide, assault, reckless endangerment,
26 kidnapping, sexual assault, sexual abuse of a minor, unlawful ex-
27 ploitation of a minor, incest, indecent exposure, robbery, arson,
28 endangering the welfare of a minor, contributing to the delinquency of
29 a minor, distribution of child pornography, promoting prostitution,

1 and felony offenses involving distribution of controlled substances;
2 it also includes a violation or attempted violation of the laws of
3 another jurisdiction if the offense would have been one of the crimes
4 listed in this paragraph if committed in this state;

5 * Sec. 3. AS 12.62.035 is amended by adding a new subsection to read:

6 (f) In addition to the information for which disclosure is
7 authorized under (a) of this section, the commission may disclose the
8 existence of an outstanding warrant for the arrest of the person who
9 is the subject of the request if the warrant is for a crime that might
10 pose a risk of harm to a child.

11 * Sec. 4. AS 25.23.100(d) is amended to read:

12 (d) Except as provided in (g) and (i) of this section, an inves-
13 tigation shall be made by the department or any other qualified agency
14 or person designated by the court to inquire into the conditions and
15 antecedents of a minor sought to be adopted and of the petitioner for
16 the purpose of ascertaining whether the adoptive home is a suitable
17 home for the minor and whether the proposed adoption is in the best
18 interest of the minor. The department shall request a state and
19 national criminal record background check by the Department of Public
20 Safety on each person who seeks to adopt a minor.

21 * Sec. 5. AS 47.35 is amended by adding a new section to read:

22 Sec. 47.35.058. CRIMINAL RECORD BACKGROUND CHECKS. (a) For
23 each person working or applying for work as a staff member of a facil-
24 ity and for each adult occupant who works or resides in a facility,
25 the department shall

26 (1) request a state and national criminal record background
27 check by the Department of Public Safety;

28 (2) require a signed release authorizing the department to
29 obtain the person's criminal records and to investigate reports,

1 arrests, and convictions that indicate past behavior by the person
2 that may pose a risk of harm to a child or to a dependent adult; and

3 (3) require the person to reveal, subject to the penalty
4 for unsworn falsifications under AS 11.56.210, any pending trial of
5 the person, or any allegation or charge against the person or con-
6 viction of the person of a crime that might pose a risk of harm to a
7 child, as defined in AS 12.62.035, regardless of whether the allega-
8 tion resulted in criminal charges being filed or whether the charge
9 was dismissed or whether the conviction was later set aside or cleared
10 from the person's record.

11 (b) The department shall request a state and national criminal
12 record background check on each facility administrator, each adult
13 occupant of a foster home or family child care home, and each facility
14 operator other than a board member of an incorporated facility who
15 does not participate in the day-to-day operation of the facility. The
16 department may license or continue to license only provisionally, and
17 a facility may employ or continue to employ only provisionally, a
18 person subject to a criminal record background check under this sub-
19 section until the state criminal record background check has been
20 completed and the department has determined, on the basis of the state
21 check and other information available to the department, that the
22 person does not pose a risk of harm to a child or dependent adult. A
23 person subject to a criminal record background check under this sub-
24 section may not be licensed under AS 47.35.040 or permanently employed
25 by a facility until the department has reviewed the state and national
26 criminal record background check and has determined that the person
27 does not pose a risk of harm to a child or dependent adult. Notwith-
28 standing the requirements of this subsection, the department may
29 authorize temporary emergency placement of a child or dependent adult

1 in a foster home before reviewing either the state or national crimi-
2 nal record background check.

3 (c) An operator of a facility other than a foster home or family
4 child care home shall, under the authority of AS 12.62, request a
5 state and national criminal record background check on each staff
6 member and each adult occupant of the facility. The facility operator
7 may employ or continue to employ a staff member only provisionally,
8 and may allow an adult occupant to reside in the facility only provi-
9 sionally, until the operator has reviewed the state and national
10 criminal record background check and has determined that the staff
11 member or adult occupant does not pose a risk of harm to a child or
12 dependent adult. A facility operator shall remove from the facility a
13 staff member or adult occupant whom the operator has determined poses
14 a risk of harm to a child or dependent adult.

15 (d) The department shall pay the cost of the state and national
16 criminal background check of a foster home applicant who cares for
17 children in state custody or cares for a dependent adult in state
18 protective care. The cost of any other state and national criminal
19 background check required under this section shall be paid by the
20 facility operator or the job applicant.

21 (e) In this section, "family child care home" means a small
22 nursery providing child care for six or fewer children who are not
23 related to the facility operator.

24 * Sec. 6. This Act takes effect immediately in accordance with AS 01.-
25 10.070(c).

Fair:

FISCAL NOTE SUMMARY FOR CHILD ABUSE LEGISLATION

<u>Bill #</u>	<u>Dept</u>	<u>Amount passed by House in HB's or Agency Request in Senate Bills</u>	<u>Recommended Senate Changes</u>
HB 67	Public Safety	0	
	DHSS	<u>0</u>	
	TOTAL	0	
HB 88	DHSS	1582.1	
	Law	515.8 (GF)	
		108.9 (IAR)	
	Public Defender	317.1	
	Public Advocate	218.3	
	Council on Domestic Violence	20.0	200.0
	Court System	51.3	
	Troopers	<u>0</u>	
	TOTAL	2704.9 (GF)	
HB 92	Revenue	(69.6)	
	Law	0	
	DHSS	<u>0</u>	
	Less Revenue	(69.6)	
SB21	DHSS	128.0	
	Public Safety	<u>81.2</u>	
	TOTAL	209.2	
SB 219	Pub.Safety	1478.9	891.0
	Corrections	0	
	DHSS	<u>0</u>	
	TOTAL	1478.9	
SB 263	Commerce	3.3	0
	Revenue	<u>+2.5</u>	
	TOTAL	.8	

5/8/85

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST DRAFT

FISCAL DETAIL

Bill/Resolution No. : HCS CSSB 21 (HESS)
 Title : "An Act relating to criminal background checks; and providing for an effective date."
 Sponsor : Senator Ferguson
 Requestor : House HESS
 Date of Request : 4/17/86

Agency Affected : Public Safety
 BRU : DPS Administration
 Components : Laboratory

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		71.3	74.9	78.6	82.5	86.7
TRAVEL		1.6	1.7	1.8	1.9	2.0
CONTRACTUAL		6.7	7.0	7.4	7.8	8.2
SUPPLIES		3.7	3.9	4.1	4.3	4.5
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		83.3	87.5	91.9	96.5	101.4

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND		83.3	87.5	91.9	96.5	101.4
FEDERAL FUNDS						
OTHER						
TOTAL		83.3	87.5	91.9	96.5	101.4

POSITIONS :

FULL-TIME		2	2	2	2	2
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Kathy Niles
 Division : Commissioner's Office

Phone : 455-4336
 Date : 4/17/86

Approved by Commissioner : [Signature]
 Agency : Public Safety

Date : 4/17/86

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. DRAFT HCS CSSB 21 (HESS)

<u>100</u>	<u>Personal Services</u>		\$71.3
	Both positions to work swing shift		
	Latent Fingerprint Examiner I (Range 15A)	\$42.2	
	Clerk-Typist III (Range 8B)	29.1	
<u>200</u>	<u>Travel</u>		1.6
	Travel for training to keep current in fingerprint technique		
<u>300</u>	<u>Contractual Services</u>		6.7
	Postage, telephone	3.6	
	Printing of fingerprint cards	2.6	
	Training fees	.5	
<u>400</u>	<u>Supplies and Materials</u>		3.7
	Supplies for computerized fingerprint system	2.1	
	Office & library supplies	1.6	

	TOTAL		\$83.3

An effective date of July 1, 1986 is assumed.

A 5% annual inflation factor is included beginning in FY 88.

Position Title Latent Fingerprint Examiner			No. of Positions 1	Range/Step 15/A	Barg. Unit G	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 12	RP Number	Location Anchorage		Election District	Leg.		
Type of Expenditure			Justification					
			An additional fingerprint examiner will be necessary to run print comparisons required under the proposed legislation. The individual will load the cards into the fingerprint system, edit computerized print minutiae and run comparison checks against possible aliases, etc.					
Amount			This additional workload cannot be absorbed by current staffing and, in fact, this position is budgeted to work swing shift. We originally anticipated running 75 ten-print cards and 35 latent prints through the system daily. Currently, more than 100 ten-print cards and over 35 latent prints are being processed each day.					
1	2	3						
Salary \$2518/mo	30,216							
Benefits	10,865							
Premium Pay + 3.75%	1,133							
Other								
Total Personal Services		42,214						
Travel		1,600						
Contractual		4,400						
Commodities		2,700						
Equipment								
Other								
Total Cost		50,914						
Receipt Code			Funding					
			Federal Rec. 1002					
			G. F. Match 1003					
			General Funds 1004					
			I-A Receipts 1005					
			Program Receipts 1028					
			CIP Receipts 1061					
			Other					
			50.9					
For B&M Use Only								
Key Number								

**Request For
New Position**

Agency Department of Public Safety
 BRU DPS Administration
 Component Laboratory

Page 3 of 4
 Revised Date

FY 87

Position Title Clerk Typist III			No. of Positions 1	Range/Step 8/B	Barg. Unit G	Gov.	Approv.	Disapp.
Time Status	Staff Months 12	RP Number	Location Anchorage		Election District	Leg.		
Type of Expenditure			Justification					
Amount			<p>This position would provide clerical support for background checks. Duties would include correspondence with employers or individuals concerned, accessing of original fingerprint cards on file and refileing, return of cards to applicants, maintaining tickler files and preliminary checks on the Alaska Public Safety Information Network.</p> <p>The additional clerical workload which would result from passage of SCR 3 cannot be absorbed by the two existing clerical positions in the Lab.</p> <p>This position will work closely with a requested Latent Fingerprint Examiner and is budgeted at the swing shift rate.</p>					
1	2	3						
Salary \$1678/mo	20,136							
Benefits	8,250							
Premium Pay +3.75%	755							
Other								
Total Personal Services		20,141						
Travel								
Contractual		2,300						
Commodities		1,000						
Equipment								
Other								
Total Cost		32,441						
Receipt Code			Funding Source					
			Federal Receipts 1002					
			G. F. Match 1003					
			General Funds 1004					
			I-A Receipts 1005					
			Program Receipts 1028					
			CIP Receipts 1061					
			Other					
			32,4					
For B&M Use Only								
Key Number								

**Request For
New Position**

Agency Department of Public Safety
 BRU DPS Administration
 Component Laboratory

FY 87

Page 4 of 4
 Revised Date

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : 4/03/86

REQUEST

Bill/Resolution No. : CSSB 21 (HESS)
 Title : "An Act relating to criminal background checks; and providing for an effective date."
 Sponsor : Sen. Ferguson
 Requestor : Senate HESS
 Date of Request : 4/03/86

FISCAL DETAIL

Agency Affected : Public Safety
 BRU : DPS Administration
 Components : Laboratory

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		71.3	74.9	78.6	82.5	86.7
TRAVEL		1.6	1.7	1.8	1.9	2.0
CONTRACTUAL		6.7	7.0	7.4	7.8	8.2
SUPPLIES		3.7	3.9	4.1	4.3	4.5
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		83.3	87.5	91.9	96.5	101.4

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND		83.3	87.5	91.9	96.5	101.4
FEDERAL FUNDS						
OTHER						
TOTAL		83.3	87.5	91.9	96.5	101.4

POSITIONS :

FULL-TIME		2	2	2	2	2
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Kathy Niles, Admin Assistant Phone : 465-4336
 Division : Commissioner's Office Date : 4/03/86
 Approved by Commissioner : [Signature] Date : 4/4/86
 Agency : Public Safety

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. CSSB 21 (HESS)

<u>100</u>	<u>Personal Services</u>		\$71.3
	Both positions to work swing shift		
	Latent Fingerprint Examiner I (Range 15A)	\$42.2	
	Clerk-Typist III (Range 8B)	29.1	
<u>200</u>	<u>Travel</u>		1.6
	Travel for training to keep current in fingerprint technique		
<u>300</u>	<u>Contractual Services</u>		6.7
	Postage, telephone	3.6	
	Printing of fingerprint cards	2.6	
	Training fees	.5	
<u>400</u>	<u>Supplies and Materials</u>		3.7
	Supplies for computerized fingerprint system	2.1	
	Office & library supplies	1.6	
			<hr/>
		TOTAL	\$83.3

An effective date of July 1, 1986 is assumed.

A 5% annual inflation factor is included beginning in FY 88.

Position Title Latent Fingerprint Examiner			No. of Positions 1	Range/Step 15/A	Barg. Unit G	Gov.	Approv.	Disapp.																																				
Time Status PFT	Staff Months 12	RP Number	Location Anchorage		Election District	Leg.																																						
<table border="1"> <thead> <tr> <th colspan="2">Type of Expenditure</th> <th>Amount</th> </tr> <tr> <th>1</th> <th>2</th> <th>3</th> </tr> </thead> <tbody> <tr> <td>Salary \$2518/mo</td> <td>30,216</td> <td rowspan="4"></td> </tr> <tr> <td>Benefits</td> <td>10,865</td> </tr> <tr> <td>Premium Pay+ 3.75%</td> <td>1,133</td> </tr> <tr> <td>Other</td> <td></td> </tr> <tr> <td colspan="2">Total Personal Services</td> <td>42,214</td> </tr> <tr> <td colspan="2">Travel</td> <td>1,600</td> </tr> <tr> <td colspan="2">Contractual</td> <td>4,400</td> </tr> <tr> <td colspan="2">Commodities</td> <td>2,700</td> </tr> <tr> <td colspan="2">Equipment</td> <td></td> </tr> <tr> <td colspan="2">Other</td> <td></td> </tr> <tr> <td colspan="2">Total Cost</td> <td>50,914</td> </tr> </tbody> </table>			Type of Expenditure		Amount	1	2	3	Salary \$2518/mo	30,216		Benefits	10,865	Premium Pay+ 3.75%	1,133	Other		Total Personal Services		42,214	Travel		1,600	Contractual		4,400	Commodities		2,700	Equipment			Other			Total Cost		50,914	<p>Justification</p> <p>An additional fingerprint examiner will be necessary to run print comparisons required under the proposed legislation. The individual will load the cards into the fingerprint system, edit computerized print minutiae and run comparison checks against possible aliases, etc.</p> <p>This additional workload cannot be absorbed by current staffing and, in fact, this position is budgeted to work swing shift. We originally anticipated running 75 ten-print cards and 35 latent prints through the system daily. Currently, more than 100 ten-print cards and over 35 latent prints are being processed each day.</p>					
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Request For
New Position

Agency Department of Public Safety
 BRU DPS Administration
 Component Laboratory

FY 87

Page 3 of 4
Revised Date 4/03/86

Position Title Clerk Typist III			No. of Positions 1	Range/Step 8/B	Barg. Unit G	Gov.	Approv.	Disapp.
Time Status	Staff Months 12	RP Number	Location Anchorage		Election District	Leg.		
Type of Expenditure			Justification					
1	2	Amount 3	<p>This position would provide clerical support for background checks. Duties would include correspondence with employers or individuals concerned, accessing of original fingerprint cards on file and refileing, return of cards to applicants, maintaining tickler files and preliminary checks on the Alaska Public Safety Information Network.</p> <p>The additional clerical workload which would result from passage of SCR 3 cannot be absorbed by the two existing clerical positions in the Lab.</p> <p>This position will work closely with a requested Latent Fingerprint Examiner and is budgeted at the swing shift rate.</p>					
Salary \$1678/mo	20,136							
Benefits	8,250							
Premium Pay +3.75%	755							
Other								
Total Personal Services		29,141						
Travel								
Contractual		2,300						
Commodities		1,000						
Equipment								
Other								
Total Cost		32,441						
Receipt Code	Funding Source							
	Federal Receipts	1002						
	G. F. Match	1003	32,4					
	General Funds	1004						
	I-A Receipts	1005						
	Program Receipts	1028						
	CIP Receipts	1061						
	Other							
For B&M Use Only Key Number _____								

**Request For
New Position**

Agency Department of Public Safety
 BRU DPS Administration
 Component Laboratory

Page 4 of 4
 Revised Date 4/03/86

FY 87

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSB No. 21
 Title: An Act relating to.....
protection of children
 Sponsor: Sen Ferguson
 Requestor: _____
 Date of Request: 2/5/85

FISCAL DETAIL

Agency Affected: Health and Social Services
 Program Category Affected: _____
Social Services
 BRU, Program or Subprogram(s) Affected: _____
Social Services and Juvenile Custody BRU's
Northern and Southcentral Regions

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		28.5	29.6	30.8	32.1	33.3
200 TRAVEL		-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL		9.0	9.4	9.7	10.1	10.5
400 SUPPLIES		.8	.8	.9	.9	.9
500 EQUIPMENT		5.2	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		43.5	39.8	41.4	43.1	44.7
CAPITAL		-0-	-0-	-0-	-0-	-0-
REVENUE		-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND		43.5	39.8	41.4	43.1	44.7
FEDERAL FUNDS						
OTHER						
TOTAL		43.5	39.8	41.4	43.1	44.7

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME						
PART-TIME		2	2	2	2	2
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See attached

Prepared By: Michael L. Price Phone: 465-3170
 Division: Family and Youth Services Date: 2/8/85

Approved by Commissioner: [Signature] Date: 2/12/85 JCC
 Agency: _____

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

IV. ANALYSIS

A. Assumptions

This legislation results in significant changes in the civil child protection laws and in the laws relating to criminal prosecution of persons who fail to provide adequate protection for children. As a result, there is a high potential for increased service demands on division social workers. The extent and magnitude of these impacts are undefinable at this time, and caseload impacts cannot be precisely quantified. It is believed that the child protection staff increments requested in the Governor's FY 86 budget will provide staff levels necessary to provide adequate levels of investigation and family protective services. It must be emphasized that this fiscal note does assume full funding of the Governor's FY 86 increments, otherwise an amended fiscal note will be required. Section 26 of the bill will have an impact. While the Department has informed the Department of Public Safety that we will not roll fingerprints, tracking the estimated 6,268 individuals requiring fingerprints, and receiving reports of new individuals during a year estimated at 20% or 1,254 will place a burden on offices in Fairbanks and Anchorage requiring two PPT positions, Clerk Typist III's, in those offices.

B. Program Summary

New positions required by this legislation will be as follows:

Clerk Typist III, PPT, 1 each in Anchorage and Fairbanks

C. Computations

Personal Services - Clerk Typist III, PPT, Fairbanks	\$15.1
Clerk Typist III, PPT, Anchorage	13.4
Travel	-0-
Contractual - 2 Clerk Typist III's @ \$4.5	9.0
Supplies - 2 Clerk Typist III's @ \$.4	.8
Equipment - 2 Clerk Typist III's @ \$2.6	5.2
	<u>\$43.5</u>

Calculations for successive years at 4%.

D. Economic Impact

There will be no impact on the state economy.

E. Impact on Local Governments

There would be no impact on local governments.

1.	POSITION TITLE Clerk Typist III				RANGE/STEP 8A	BARG. UNIT GGU	PAGE/LINE	COV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PPT	STAFF MONTHS 6	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Fairbanks	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT						
	1			2		3				
	PERSONAL SERVICES									
5.	Salary			11.0						
6.	Benefits			4.1						
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES			01		15.1				
10.	Travel			02		-0-				
11.	Contractual			03		4.5				
12.	Commodities			04		.4				
13.	Equipment			05		2.6				
14.	Other									
15.	TOTAL COST					22.6				
	RECEIPT CODE			FUNDING SOURCE						
16.				Federal Receipts 1002						
17.				C.F. Match 1003						
18.				General Funds 1004		22.6				
19.				I-A Receipts 1005						
20.				Program Receipts 1028						
21.				Other						
FOR B&M USE ONLY KEY NUMBER _____										

Personal Services calculations based on PAC's
Calculations for Contractual, Supplies and Equipment based of FY 86 budget submission.

**REQUEST FOR
NEW POSITION**

AGENCY Health and Social Services
Social and Economic Assistance
PROGRAM for the General Population
BRU Social Services
COMPONENT Northern Region

FY 86

Page 1 of 2
Revised Date _____

1.	POSITION TITLE Clerk Typist III				RANGE/STEP 8A	BARG. UNIT GGU	PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PPT	STAFF MONTHS 6	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT	Personal Services calculations based on PAC's. Calculations for Contractual, Supplies and Equipment based on FY 86 budget submission.					
	1	2	3							
	PERSONAL SERVICES									
5.	Salary	9.8								
6.	Benefits	3.6								
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES	01	13.4							
10.	Travel	02	-0-							
11.	Contractual	03	4.5							
12.	Commodities	04	.4							
13.	Equipment	05	2.6							
14.	Other									
15.	TOTAL COST		20.9							
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		C.F. Match 1003								
18.		General Funds 1004 ✓		20.9						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY KEY NUMBER _____										

**REQUEST FOR
NEW POSITION**

AGENCY Health and Social Services
Social and Economic Assistance
 PROGRAM for the General Population

 BRU Social Services

 COMPONENT Southcentral Region

Page 2 of 2
 Revised Date _____

FY 86

POSITION PAPER

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 21

For an act entitled: "an act relating to the protection of children; and amending Rules 504, 505, and 506, Alaska Rules of Evidence, and Rule 6(r), Alaska Rules of Criminal Procedure."

The department supports Senate Health and Social Services Committee's decision to substitute the Governor's Child Protection bill (HB 88) for SB 21. However, the department does have some concern with section 26, criminal history checks. Although the department supports the concept of criminal history clearance on individuals who work directly with children, the department has some reservations which are listed below.

Committee Substitute for Senate Bill 21 is an important part of a comprehensive approach to enhancing the State's ability to protect children who have been abused or neglected. Both improved laws and resources are needed to provide effective State intervention in cases of child abuse or neglect.

Committee Substitute for Senate Bill 21 contains numerous improvements to existing civil and criminal law. This Bill is the result of extensive review and proposals by personnel in the Departments of Health and Social Services and Law. A detailed section by section analysis of the Bill was transmitted to Representative Ben Grussendorf and printed in the January 18, 1985 House Journal. Major components of the Bill will:

- facilitate prosecution where appropriate;
- improve the law as it applies to child victims, through hearsay evidence changes and a "rape shield";
- expand the criminal records check of persons employed in positions of authority over children;
- provide municipalities with an effective method of enforcing curfews;
- provide practical procedures for predisposition reports in delinquency proceedings and for assuming emergency custody of an abused or neglected child;
- expand the child abuse reporting law to include "mental injury" and expand the classification of persons required under the law to report suspected child abuse or neglect;

- authorize the State to enjoin dangerous persons from child contact; and
- authorize a system of civil fines to enhance enforcement of the child care licensing law of residential facilities. The completed forms are then submitted to the Department of Public Safety which does a state record check. DFYS does not now do fingerprinting nor does it have the expertise to do fingerprinting. Fingerprinting is best done by the Department of Public Safety personnel who are trained for that activity.

Section 26 of this bill will require a criminal history check, through both state records and national FBI records, on the licensee and employees in licensed residential child care facilities, child day care facilities and child foster homes. This portion of the bill has the potential to prevent some cases of child sexual abuse by identifying persons who have endangered or harmed children in the past. However, the department has the following major concerns with section 26:

- subsection (a) does not cover volunteers or adult members of the licensee's family living in the foster home or child care home. These persons should be included in check requirements.
- subsection (a) states that all persons licensed shall have a criminal history check. "Person" as defined in AS 01.10.060(7) includes "corporation", "association", and "organization", so a question arises as to whether the board of directors of child care facilities would also be required to submit to criminal history checks.
- subsection (a)(2) requires the background check report to be completed before the new employee can start work. Although this may be a good policy, it may cause hardships on employers, and a reduction in staff to child ratios while an employer waits for a clearance on a new replacement employee. The Department of Public Safety has stated that it could be as long as ten (10) weeks before a criminal history check is completed.
- subsection (b) states that a criminal record clearance card is valid for two (2) years. However, a method of revoking a card is needed so that a person who commits a crime which has or could endanger children during the two year card validation period could not be hired by another child care facility.
- subsection (c) refers to training for DHSS. The Department of Public Safety has stated that the training would include the taking of fingerprints. Presently the Division of Family and

Youth Services requires a Licensing Record Clearance Request form to be completed by applicants for a foster home license, all adult members of a foster home, and administrators of residential facilities. The completed form is then submitted to the Department of Public Safety which does a state record check. DFYS does not now have the expertise to do fingerprinting. Fingerprinting is best done by the Department of Public Safety personnel, who are trained for that function, and who otherwise perform this type of service. Criminal history checks and the issuance of cards could probably be most efficiently performed within the Department of Public Safety. If DHSS must do fingerprinting, fiscal note needs revision up.

- subsection (c) states that if an applicant is denied employment one-half the criminal clearance fee will be refunded. The direct charge for a FBI clearance is presently \$12.00. DPS has stated that the price to do a state criminal check should be \$8.00. Will DHSS or DPS be required to refund \$10.00 out of State general funds to the applicant? A refund policy would be costly and time consuming in both direct cost and accounting costs. This provision should be deleted from the bill.
- subsection (d) addresses confidentiality. Under the present agreement giving DFYS access to criminal records at the Department of Public Safety, DFYS cannot allow anyone, including the applicant, to see a criminal history report. Subsection (d), as written, continues that procedure, stating that criminal reports can be used by governmental agencies who by law license child care facilities or who protect children. May it be used by a child care employer to deny employment? Apparently, the employer will be authorized to deny employment based on the applicant's failure to obtain a clearance card from DHSS. Will there be an appeal procedure from a DHSS decision not to issue a clearance card?

The department urges this committee to hear from all private and public agencies and individuals involved in this area of criminal history checks to obtain their comments on the difficulties and possible hardships of such a new policy. Specifically, the department urges this committee to hold a public teleconference on this issue, inviting child care operators to share their concerns about the cost and delay inherent in requesting and waiting for criminal records check on all potential employees. The Governor's Criminal History Working Group has expressed concerns over procedural and legal aspects of history checks. Furthermore, the cost for this new program is not in the Governor's proposed FY 86 budget.

Practical and important improvements to the State's civil and criminal laws are needed and addressed by Committee Substitution Senate Bill 21 but these improvements will not alone meet the challenge of ensuring adequate protective services for children in Alaska. Both the child protection staff increments contained in the Division of Family and Youth Services operating budget and the management information system for the division contained in the capital budget must be fully funded to adequately address the problem. Only with improved laws, resources, and an ability to manage will Alaska break the destructive cycle of child abuse and neglect.

RECOMMENDED: Michael L. Price
Michael L. Price, Director
Division of Family
and Youth Services

DATE: 2/12/85

APPROVED: John R. Pugh
John R. Pugh, Commissioner
Department of Health
and Social Services

DATE: 2/12/85

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 21
 Title: An Act relating to.....
background checks
 Sponsor: Sen Ferguson
 Requestor: _____
 Date of Request: 1/18/85

FISCAL DETAIL

Agency Affected: Health and Social Services
 Program Category Affected: _____
 BRU, Program or Subprogram(s) Affected: _____
Social Services BRU

SB 21

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-				

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

N/A

Prepared By: Michael L. Price *Michael L. Price* Phone: 465-3170
 Division: Family and Youth Services Date: 1/19/85

Approved by Commissioner: John P. ... *John P. ...* Date: 1/24/85 *JCS*
 Agency: Health & Social Services

- Distribution (by Agency preparing fiscal note):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

POSITION PAPER

SENATE BILL NO. 21

For an act entitled "An Act relating to background checks on certain employees who come in contact with children."

This bill will require an employer to do a criminal history check, through the national FBI records, on an employee applicant who will have "supervisory or disciplinary power over a minor" in licensed residential child care facilities, child day care facilities or child foster homes. The bill has the potential to prevent some cases of child sexual abuse by identifying persons who have endangered or harmed children in the past.

The bill as written raises several ambiguities. The cost of the federal records search (\$12) and of obtaining employee applicant fingerprints is apparently to be borne by each employer. However, the bill is not clear whether the employer must only request the background check before hiring the employee, or whether the employer must wait for the result of the background check, which takes a minimum of eight weeks. Also, if the employer hires the applicant while waiting for the background check but negative information does come forth, is the employer obligated to fire the employee, and will the employer be protected when doing so? If this bill is to become law, the department urges the legislature to eliminate these ambiguities.

Under licensing responsibilities contained in AS 47.35, the Department of Health and Social Services has long sought ways to reduce risk of harm to children and dependant adults who must receive care outside of their own homes. For the past two years the Division of Family and Youth Services has been doing criminal history checks, using Alaska records, not national records, on all foster home license applicants and adult members of the licensee family living in the foster home, and on all administrators in residential child or adult care facilities.

Currently public concern has focused on criminal background checks as a method to reduce child sexual abuse in child care settings. The national trend is for states to develop stricter regulations for criminal clearance of child care workers. Through a grant program, the federal government is encouraging states to fingerprint all day care workers so that potential abusers are not hired, but the grants being offered to states do not begin to cover the cost of such programs.

The public has met the proposed review of criminal histories with a mixed response. Many early childhood program operators and parents in Alaska have asked the department to commit itself to stricter scrutiny of all employees who work with children. On the other hand, employee groups and individuals, as well as facility operators, are concerned about privacy rights and logistical problems in using a background check system. Not only is this proposal subject to debate, but as Betty Caldwell, president of the National Association for the Education of Young Children, recently stated at a Congressional hearing:

Position Paper
SB 21
Page 2

Fingerprinting day care providers and running criminal checks on prospective employees may catch an incidental individual who should never have been allowed into a child care program.

But shortcut solutions of this nature will fail to address the underlying and far more pervasive problems: the low status and inadequate training of child care providers, insufficient encouragement of parental participation and meager resources for the implementation and monitoring or qualitative improvement in all types of child care arrangements.

The department supports attempts to reduce child sexual abuse. However, the department urges this committee to hear from all private and public agencies and individuals involved in this area to obtain their comments on the difficulties and possible hardships of such a new policy. Specifically, the department urges this committee to hold a public teleconference on this issue, inviting child care operators to share their concerns about the cost and delay inherent in requesting and waiting for criminal records check on all potential employees. In addition, the committee would wish to hear from the Department of Public Safety which this department understands will submit a fiscal note concerning the cost of such a program. The cost for this new program is not in the Governor's proposed FY 86 budget. Also, the Governor's Criminal History Working Group has expressed concerns over procedural and legal aspects of history checks.

Protection of children is an extremely important goal. However, in order for criminal history clearance checks to be effective, a commitment must be made to the total cost required in money and time, both public and private, to not only obtain the information but to take effective action upon negative information.

RECOMMEND: Michael L Price
Michael L. Price, Director
Division of Family and
Youth Services

DATE: 1/24/85

APPROVED: John R. Pugh
John R. Pugh, Commissioner
Department of Health and
Social Services

DATE: 1/24/85

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 21
 Title: "...background checks...
 contact with children"
 Sponsor: Ferguson et al
 Requestor: Sen. HESS
 Date of Request: 1-21-85

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: AST Support & Service - Laboratory Services

SB 21

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		70.2	70.2	70.2	70.2	70.2
200 TRAVEL		1.5	1.6	1.7	1.8	1.9
300 CONTRACTUAL		6.0	6.3	6.6	6.9	7.2
400 SUPPLIES		3.5	3.7	3.9	4.1	4.3
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		81.2	81.8	82.4	83.0	83.6

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		81.2	81.8	82.4	83.0	83.6
FEDERAL FUNDS						
OTHER						
TOTAL		81.2	81.8	82.4	83.0	83.6

POSITIONS:

FULL-TIME		2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Marcia Lynn McKenzie Phone: 465-4349
 Division: Administrative Services Date: 1/23/85

Approved by Commissioner: Robert J. Sundberg Date: 1-24-85
 Agency: Department of Public Safety

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

COST ANALYSIS

SB 21

100 Personal Services

Both positions to work swing shift		\$70.2
Latent Fingerprint Examiner I (Range 15A)	\$41.6	
Clerk-Typist III (Range 8B)	28.6	

200 Travel

1.5

Travel for training to keep current in fingerprint technique

300 Contractual Services

6.0

Postage, telephone	3.5	
Printing of fingerprint cards	2.5	
Training fees	.5	

400 Supplies & Materials

3.5

Supplies for computerized fingerprint system	2.0	
Office & library supplies	1.5	

TOTAL \$81.2

An effective date of July 1, 1985 is assumed.

A 5% annual inflation factor on line items 200-400 is included beginning in FY 87.

1.	POSITION TITLE Clerk-Typist III				RANGE/STEP 8/B	BARG. UNIT G	PAGE/LINE	COV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary 1678/mo + 3.75%		20,891							
6.	Benefits		3,772							
7.	Supplemental Benefits		1,281							
8.	Fixed Benefits		2,630							
9.	TOTAL PERSONAL SERVICES		01		28,574					
10.	Travel		02							
11.	Contractual		03		500					
12.	Commodities		04		1,000					
13.	Equipment		05							
14.	Other									
15.	TOTAL COST				30,074					
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		C.F. Match 1003								
18.		General Funds 1004		30.1						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY KEY NUMBER _____										

This position would provide clerical support for background checks under proposed AS 47.35.065. Duties would include correspondence with employers or individuals concerned, accessing of original fingerprint cards on file and refileing, return of cards to applicants, maintaining tickler files and preliminary checks on the Alaska Public Safety Information Network.

The additional clerical workload which would result from passage of SB 21 cannot be absorbed by the two existing clerical positions in the Lab.

This position will work closely with a requested Latent Fingerprint Examiner and is budgeted at the swing shift rate.

**REQUEST FOR
NEW POSITION**

AGENCY Department of Public Safety
 PROGRAM Crime ID and Apprehension
 BRU AST Support & Service
 COMPONENT Laboratory Services

Page _____ of _____
 Revised Date _____

FY 86

1.	POSITION TITLE Latent Fingerprint Examiner I				RANGE/STEP 15/A	BARG. UNIT G	PAGE/LINE	GOV.	APPROV.	DISAPP.		
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.				
3.	CONTINUATION LEVEL				JUSTIFICATION							
4.	TYPE OF EXPENDITURE				<p>An additional fingerprint examiner will be necessary to run print comparisons required under the proposed legislation. The individual will load the cards into the fingerprint system, edit computerized print minutiae and run compar checks against possible aliases, etc.</p> <p>This additional workload cannot be absorbed by current staffing and, in fact, this position is budgeted to work swing shift. We originally anticipated running 75 ten-print cards and 35 latent prints through the system daily. Currently, more than 100 ten-print cards and over 35 latent prints are being processed each day.</p>							
	1		2								3	
	PERSONAL SERVICES											
5.	Salary		31,349									
6.	Benefits		5,661									
7.	Supplemental Benefits		1,922									
8.	Fixed Benefits		2,630									
9.	TOTAL PERSONAL SERVICES		01								41,562	
10.	Travel		02								1,500	
11.	Contractual		03								1,000	
12.	Commodities		04								500	
13.	Equipment		05									
14.	Other											
15.	TOTAL COST										44,562	
16.	RECEIPT CODE	FUNDING SOURCE										
17.		Federal Receipts 1002										
18.		C.F. Match 1003										
19.		General Funds 1004		44.6								
20.		I-A Receipts 1005										
21.		Program Receipts 1028										
		Other										
FOR BSM USE ONLY												
KEY NUMBER _____												

**REQUEST FOR
NEW POSITION**

AGENCY Department of Public Safety
PROGRAM Crime ID and Apprehension
BRU AST Support & Service
COMPONENT Laboratory Services

Page _____ of _____
Revised Date _____

FY 86

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - CSSB 21 (HESS)

SUPPORT

CSSB 21 (HESS) - "An act relating to the protection of children..."

The Department of Public Safety supports background checks as specified in this bill.

At present, we are exceeding our projected workload for personnel in our fingerprint identification center. Our projections from four years ago indicated a maximum input level of 35 latents and 75 ten print cards per day. We are presently receiving more than 75 criminal cards daily.

With our present backgrounds which are required, plus the applicant cards for school teachers and others supervising children, we are unable to keep up with the workload in a timely manner. This unit must be able to provide timely service to Health and Social Services as well as other employees. Criminal cases take priority over the applicant and background checks.

We propose hiring a clerk and an AAFIS operator to work swing shift. Their primary responsibility will be checks required by this bill.

Each request must be handled several times. We would first complete a background check based on name and demographics. The requester would be notified at our preliminary findings.

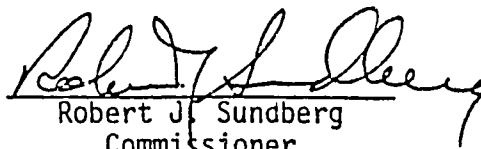
After receiving the cards, we would: 1. Acknowledge receipt; 2. Send one card to the FBI with the required funds. The card would be run through AAFIS to verify the persons identity. If different than on the card, a second computer check would have to be accomplished.

After the information is received from the FBI, correspondence would have to be sent to the requesting person or agency. Tickler files would have to be established and maintained to insure backgrounds are done and to avoid duplication.

This bill does not address who is responsible for rolling the prints. We assume it is the applicants responsibility.

Private firms are presently available in Anchorage and Juneau to perform this service. I'm certain that other security firms in other cities would also be interested in providing this service.

The cost in Anchorage is \$5.50 and in Juneau \$7.50 for this service.


Robert J. Sundberg
Commissioner

Introduced: 1/14/85
Referred: Health, Education and Social
Services, Judiciary and
Finance

BY FERGUSON, KELLY, FAIKS,
COGHILL, JOSEPHSON AND
KERTTULA

1 IN THE SENATE

2

SENATE BILL NO. 21

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to background checks on certain
7 employees who come into contact with children."

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

9 * Section. 1. AS 47.35 is amended by adding a new section to read:

10 Sec. 47.35.065. BACKGROUND CHECKS ON EMPLOYEES. Before hiring
11 an employee who would have supervisory or disciplinary power over a
12 minor, a person that is required to be licensed under AS 47.35 shall
13 request from the Governor's Commission on the Administration of Jus-
14 tice the employee's records of convictions permitted under AS 12.62.-
15 035.

COMMITTEE REPORT
SENATE

FURTHER:

FINANCE

4/18/85

Date 4-25-85

Mr. President

The Committee on JUDICIARY considered SB 21

background checks on certain employees who come into contact with children.

and (a majority of the committee) (the committee) reports it back with the following recommendations.

- do pass
- do pass with attached amendment(s) *Hess es*
- recomm* replace with/or adopt *CS* for ~~CS SB 21 (Hess)~~
- new title
- same title and recommends *majority*
- and attached a "LETTER OF INTENT" [] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Kirk Halford

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature]
Chairman
DO PASS
Chairman recommendation

COMMITTEE REPORT
SENATE

FURTHER:

JUDICIARY
FINANCE

1/14/85

Date

4-16-85

Mr. President

The Committee on HESS considered SB 21
relating to background checks on certain employees who come into contact
with children.

and ((a majority of the committee)) (the committee) reports it back with
the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 21 (HESS)
new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

1 Edo De Vries

1 Adrian Stajgulinski

1 Gen. Joseph M. ...

MEMBERS HAVING
OTHER RECOMMENDATIONS

1 Bettye Johnson King
Chairman
Dr. Paas
Chairman recommendation