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BILL FILE LOG

BILL # SB73

3/11 Committee files prepared. (SSB73 (SA)
Public safety position + FN; Sponsors
intent; State Affairs Committee report
summary

Edwards
3/13/85 ✓

Original sponsor: Abood

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 73 (Judiciary)

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 the identification of persons
7 arrested when driving while intoxicated."

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

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

10 Sec. 12.25.240. PHOTOGRAPH AND FINGERPRINTS REQUIRED. (a) The
11 arresting officer or law enforcement agency that has custody of a
12 person shall obtain a photograph and fingerprints from that person
13 before release from custody if the person is 18 years of age or older
14 and is under arrest for

15 (1) driving while intoxicated under AS 28.35.030 or an
16 ordinance with substantially similar elements at the time the offense
17 was committed; or

18 (2) another offense and there is probable cause to believe
19 that at the time of the offense the person operated or drove a motor
20 vehicle or operated an aircraft or a watercraft in violation of
21 AS 28.35.030 or an ordinance with substantially similar elements at
22 the time the offense was committed.

23 (b) A law enforcement agency that obtains fingerprints under
24 this section shall forward two sets of fingerprints and information
25 concerning the subject's arrest to the Alaska State Troopers, Scien-
26 tific Crime Detection Laboratory.
27
28
29

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

Original sponsor: Abood

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR SENATE BILL NO. 73 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION

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SENATE BILL 73

"An Act relating to the identification of persons arrested when driving while intoxicated."

SB 73 will force law enforcement agencies to take photographs and fingerprints from a person arrested for DWI, negligent homicide or assault in connection with driving incidents. As DWI and related statutes around the country are given more meaningful penalties for repeated violators, it becomes more and more important to be able to prove in court that a particular offense on a person's criminal record printout was actually committed by that person. Fingerprints do not lie. In Alaska, where defendants are routinely released on their own recognizance by the court before they are even booked into jail (where the fingerprints are normally obtained), law officers do not normally perform these operations themselves; they can do it, however, and should be required to do so.

There are people who have actually killed their victims in traffic accidents and whose names are not in either the state or federal criminal records, simply because they were not arrested at the scene of the accident and were later brought into court voluntarily without being fingerprinted or arrested.

DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER - CSSB 73 (SA)

Support

February 14, 1985

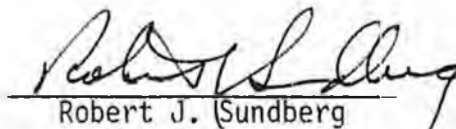
CSSB 73(SA) - An Act relating to the identification of persons arrested when driving while intoxicated.

The purpose of this legislation is to require the photographing and fingerprinting of all suspects arrested for driving while intoxicated.

In most, but not all, Alaska State Troopers posts these suspects are processed through a booking facility which obtains both photographs and fingerprints. In other locations including Anchorage, the suspects are brought before a magistrate after video taping and intoximeter testing. They are usually released on their own recognizance or to a third party, thus avoiding photographing or fingerprinting which are the best means of identification.

The recent installation of the Automated Fingerprint Identification Network (AFIN) in the AST Crime Lab has provided the law enforcement community with the ability to quickly identify suspects based upon their fingerprints if they are suspects in other crimes. This identification can then be confirmed through the examination of photographs.

Passage of this legislation will enhance the effective use of AFIN and will increase the number of arrests in both misdemeanor and felony cases.


Robert J. Sundberg
Commissioner

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSB 73 (SA)
 Title: "..identification of persons arrested for Driving While Intoxicated."
 Sponsor: Sen. Abood
 Requestor: Sen. Judiciary
 Date of Request: 2/21/85

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Alaska State Troopers

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		.5				
500 EQUIPMENT		4.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		5.0				

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		5.0				
FEDERAL FUNDS						
OTHER						
TOTAL		5.0				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

\$4,500 is required to purchase cameras capable of taking pictures of the quality necessary to ascertain identity for booking purposes.

Prepared By: Paul Conger
 Division: Administrative Services

Phone: 465-4338

Date: 2/21/85

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

Date: 2-22-85

Distribution (by Agency preparing fiscal note):

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

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: Feb. 21, 1985

REQUEST

Bill/Resolution No.: SB 73
 Title: ".identification of persons
 arrested for Driving While Intoxicated."
 Sponsor: Sen. Abood
 Requestor:
 Date of Request:

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Alaska State Troopers

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		.5				
600 LAND & STRUCTURES		4.5				
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING						

CAPITAL						
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REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND						
FEDERAL FUNDS		5.0				
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

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 Division: Administrative Services Date: 2/21/85

Approved by Commissioner: Robert J. Sundberg Date: 2-22-85
 Agency: Public Safety

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

Introduced: 1/22/85
Referred: State Affairs, Judiciary
and Finance

1 IN THE SENATE

BY ABOOD

2

SENATE BILL NO. 73

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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14 an ordinance with substantially similar elements at the time the
15 offense was committed, the arresting officer or the law enforcement
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17 fingerprints before that person's release from custody.

18 (b) A law enforcement agency that obtains fingerprints under
19 this section shall forward a set of those fingerprints and information
20 concerning the subject's arrest to the Federal Bureau of Investiga-
21 tion.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 73
 Title: "...identification of persons arrested for Driving While Intoxicated."
 Sponsor: Sen. Abood
 Requestor: Sen. State Affairs
 Date of Request: 2-5-85

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Alaska State Troopers

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		5.0				
500 EQUIPMENT		25.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		30.0				

CAPITAL						
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REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS		30.0				
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See attached analysis.

Prepared By: Francis C. Allan *F.C.A.* Phone: 269-5691
 Division: Alaska State Troopers Date: 2/1/85
 Approved by Commissioner: R. J. Sundberg Date: 2-6-85
 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

SB 73
Fiscal Analysis

Ten of the Alaska State Trooper posts throughout the state do not have immediate access to a booking facility or which operate under procedures dictated by the Court System which do not provide for the suspect to be processed through a local booking facility. These locations are Anchorage, Yakutat, Deadhorse, Coldfoot, Seven Mile, Fort Yukon, Cantwell, Healy, Delta, and Tok.

At each of these locations a \$2,500.00 camera capable of taking pictures of the quality necessary to ascertain identity for booking purposes will need to be installed. No space requirements are anticipated since each location has areas used for Intoximeter Testing that can double for the picture taking and fingerprinting area. Minimal costs are anticipated for the initial film and fingerprint card supplies. Ongoing supply needs can be absorbed in future budgets. The additional Trooper time necessary to implement this system is felt to be minimal.

SENATE BILL 73

"An Act relating to the identification of persons arrested when driving while intoxicated."

SB 73 will force law enforcement agencies to take photographs and fingerprints from a person arrested for DWI, negligent homicide or assault in connection with driving incidents. As DWI and related statutes around the country are given more meaningful penalties for repeated violators, it becomes more and more important to be able to prove in court that a particular offense on a person's criminal record printout was actually committed by that person. Fingerprints do not lie. In Alaska, where defendants are routinely released on their own recognizance by the court before they are even booked into jail (where the fingerprints are normally obtained), law officers do not normally perform these operations themselves; they can do it, however, and should be required to do so.

There are people who have actually killed their victims in traffic accidents and whose names are not in either the state or federal criminal records, simply because they were not arrested at the scene of the accident and were later brought into court voluntarily without being fingerprinted or arrested.

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - SB 73

Support

January 31, 1985

SB 73 - An Act relating to the identification of persons arrested when driving while intoxicated.

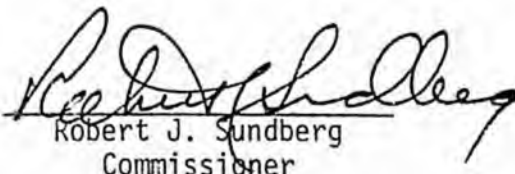
The purpose of this legislation is to require the photographing and fingerprinting of all suspects arrested for driving while intoxicated.

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The recent installation of the Automated Fingerprint Identification Network (AFIN) in the AST Crime Lab has provided the law enforcement community with the ability to quickly identify suspects based upon their fingerprints if they are suspects in other crimes. This identification can then be confirmed through the examination of photographs.

Passage of this legislation will enhance the effective use of AFIN and will increase the number of arrests in both misdemeanor and felony cases.

Section (b) of this proposed legislation requires that all law enforcement agencies forward a copy of the fingerprint cards to the Federal Bureau of Investigation. The Federal Bureau of Investigation will not accept these cards directly from all local law enforcement agencies. They should be forwarded through the Department of Public Safety. The following wording change is suggested: "shall forward two sets of fingerprints and information concerning the subject's arrest to the Alaska State Troopers, Scientific Crime Detection Laboratory."


Robert J. Sundberg
Commissioner

CSSB 73 (SA) - "An Act relating to the identification of persons arrested when driving while intoxicated."

Sec. 1(a)

Will require law enforcement agencies to take photographs and fingerprints from a person arrested for DWI, negligent homicide or assault in connection with driving incidents.

Sec. 1(b)

Specifies that the law enforcement agency shall forward two sets of fingerprints and information concerning the subject's arrest to the Alaska State Troopers, Scientific Crime Detection Laboratory.

Alaska State Legislature

INTERIM OFFICE
1024 WEST SIXTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 274-2843

WHILE IN SESSION
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4747



CHAIRMAN
STATE AFFAIRS
MEMBER
BUDGET & AUDIT
TRANSPORTATION

Senator Mitch Abood
SENATE DISTRICT G-A

COMPARISON OF SB 73 AND CSSB 73 (SA)

"An Act relating to the identification of persons arrested when driving while intoxicated."

The difference of the bills lie in subsection b. Originally the law enforcement agency was to send a set of the fingerprints and information concerning the subject's arrest to the Federal Bureau of Investigation.

At the suggestion of the Dept. of Public Safety, the language was changed to require that two sets of fingerprints and information concerning the subject's arrest be sent to the Alaska State Troopers, Scientific Crime Detection Laboratory.

The reason for the change is due to the fact that the FBI will not accept these cards directly from all local law enforcement agencies.

COMMITTEE REPORT
SENATE

FURTHER:

JUDICIARY
FINANCE

1/22/85

Date

2/8/84

Mr. President

The Committee on STATE AFFAIRS considered SB 73
identification of persons arrested when driving while intoxicated.

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 73 (SA)
- new title
- same title and recommends do pass
- and attached a "LETTER OF INTENT"
- reports it back without recommendation
- recommends referral to _____ Committee

NEW FISCAL NOTE
F.Y. Note

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Edna De Vries
Bice Ray

[Signature]
Chairman
[Signature]
Chairman recommendation

Offered: 2/8/85
Referred: Judiciary and Finance
Original sponsor: Abood

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR SENATE BILL NO. 73 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION

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Introduced: 1/22/85
Referred: State Affairs, Judiciary
and Finance

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BY ABOOD

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STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 73
 Title: "...identification of persons arrested for Driving While Intoxicated."
 Sponsor: Sen. Abood
 Requestor: Sen. State Affairs
 Date of Request: 2-6-85

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Administration of Justice
 WRU, Program or Subprogram(s) Affected: Alaska State Troopers

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		5.0				
500 EQUIPMENT		25.0				
500 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		30.0				

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS		30.0				
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See attached analysis.

Prepared By: Francis C. Allan *F.C.A.* Phone: 269-5691
 Division: Alaska State Troopers Date: 2/1/85
 Approved by Commissioner: R. J. Sundberg *[Signature]* Date: 2-6-85
 Agency: Department of Public Safety

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

SB 73
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