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COMMITTEE REPORT  
SENATE

FURTHER: JUDICIARY  
FINANCE

1/22/85

Date 2/2/85

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 \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

[Signature]

Bick Ray

\_\_\_\_\_

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MEMBERS HAVING  
OTHER RECOMMENDATIONS

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[Signature]  
Chairman

[Signature]  
Chairman recommendation

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.

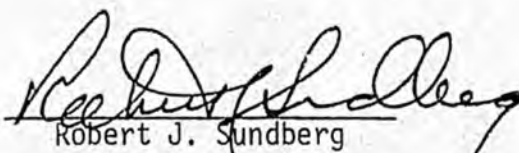
The purpose of this legislation is to require the photographing and fingerprinting of all suspects arrested for driving while intoxicated.

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.

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

*OK Paper*

TO: Senator Abood

FROM: Catherine Zalewski

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

DATE: January 31, 1985

On Monday, January 28th Craig Pease called (586-2008 or 586-3085) and suggested that we include video taping as mandatory in SB 73 along with photographing and fingerprinting.

On Tuesday, January 29th, I talked with Mr. Bill Brown from DMV and ask him the procedure dealing with the taping of DWI suspects. He stated that it was a departmental policy and as far as he knew that all the departments with video equipment did have the policy to video tape the suspects.

On Wednesday, January 30th, I talked with Mr. George Edwards of legal services. I asked him about the possibility of mandating the video taping. He said that he did not believe that it would be necessary, especially in this bill. SB 73 was drafted to make positive identification. Video taping is used as evidence of intoxication.

In addition, requiring the department to video tape would cause a few problems. One of financial impact. The departments that do not have the equipment would have to purchase it. There would also be the problem of what is a department to do when the equipment is broken down.

Therefore, I suggest that the issue of video taping not be addressed in SB 73 at this time.

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.

SENATE AMENDMENT

By \_\_\_\_\_

To: \_\_\_\_\_ SENATE BILL No. 73

To: \_\_\_\_\_ HOUSE BILL No. \_\_\_\_\_

PAGE:

LINE:

Sec

Sec. 12.25.240.

(b) A law enforcement agency that obtains fingerprints under this section shall forward two sets of fingerprints [a set of those fingerprints] and information concerning the subject's arrest to the Alaska State Troopers, Scientific Crime Detection Laboratory. [Federal Bureau of Investigation.]

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  
 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
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES		5.0				
500 EQUIPMENT		25.0				
600 LAND & STRUCTURES						
700 CRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>30.0</b>				

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

GENERAL FUND						
FEDERAL FUNDS		30.0				
OTHER						
<b>TOTAL</b>						

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.