

SB

37

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY
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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House Files:

April 21, 1988

CITY OF SEWARD

P.O. BOX 167
SEWARD, ALASKA 99664



- Main Office (907) 224-3331
- Police (907) 224-3338
- Harbor (907) 224-3138
- Fire (907) 224-3445
- Telecopier (907) 224-3248

April 14, 1988

The Honorable Nilo E. Koponen, Co-chairman
Health, Education and Social Services Committee
House of Representatives
P.O. Box V
Juneau, Alaska 99811

Dear Sir:

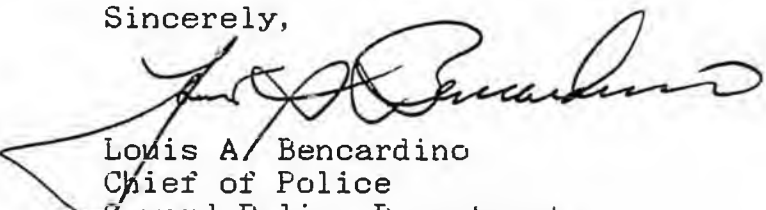
I would like to express my opinion on Senate Bill No. 37, regarding the fingerprinting of minors.

Because of the increase over past years of crimes committed by minor persons, it is necessary to change our attitudes toward our younger people. It is a hard choice, but one that must be made to protect the public. This bill would not change anything that is currently happening to the young person who has merely had a brush with law enforcement.

However, a young person who has committed a serious crime would be checked for other serious crimes, and his card would then be destroyed. If he had committed other crimes that latent fingerprints had been found, he could be identified. This would protect the public, and allow us to insert the minor into the justice system, thereby protecting the public and the minor. This is a tool that law enforcement needs desperately.

I urge that you direct your attention to this bill and assist in seeing that it is enacted.

Sincerely,



Louis A. Bencardino
Chief of Police
Seward Police Department

LAB/dra

HOUSE COMMITTEE REPORT

(7)

Date referred: 1/29/88

FURTHER REFERRALS:

Judiciary
Finance

DATE: 4-27-88

The Health, Education and Social Services Committee has considered CSSB 37(R1s)

"An Act relating to fingerprinting of minors."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note
- zero with analysis same as previous zero fiscal note published 5/4/87/5/4/87

SIGNING DO PASS:

Deuce Henley
REC. E. C. [unclear]

SIGNING OTHER RECOMMENDATIONS:

Mike Koronas (no rec.)
Mike [unclear] (no rec.)
John Ellis (no rec.)
Bill [unclear] (no rec.)

John Ellis
 Chairman's signature
Mike Koronas

Alaska State Legislature

Senator Paul A. Fischer
Senate District D
Box 784
Soldotna, Alaska 99689
(907) 262-9420 W
262-9269 H



While in Juneau
Pouch V
Juneau, Alaska 99811
(907) 465-3791

State Senate

Jim -
file

MEMORANDUM

FEB 11 1988

TO: Representatives Niilo Koponen and
✓ Johnny Ellis, Co-Chairmen
House Health, Education and Social
Services Committee

FROM: Senator Paul Fischer *PF*

SUBJECT: Senate Bill 37
(fingerprinting of minors)

DATE: February 10, 1988

I would appreciate your scheduling the above referenced bill before the House Health, Education and Social Services Committee at your earliest possible convenience.

This legislation prohibits fingerprinting a minor in the custody of health & social services or a law enforcement agency without a court order upon good cause shown. Good cause exists if the minor is in custody for a serious offense against persons or property, or if identification is necessary for the safety of the minor or of other persons. Reference to Alaska Rules of Children's Procedure 24 was deleted in the version that passed the Senate since the Alaska Supreme Court, during the interim, modified Procedure 24 and deleted reference to fingerprinting of minors. Additionally, the Senate deleted language that required fingerprints of a minor to be purged from the Alaska automated fingerprint identification system. This suggested deletion was a position taken by the Alaska Chiefs of Police Association, the Alaska Peace Officers Association and the FBI National Academy Associates. I have attached a copy of their position statement for your files.

Committee Substitute for Senate Bill 37 (Rules) passed the Senate on January 27, by a vote of 15 Yeas - 1 Nay.

PAF/sgn

Attachment

— Position Statement —

**ALASKA CHIEFS OF POLICE ASSOCIATION
ALASKA PEACE OFFICERS ASSOCIATION
FBI NATIONAL ACADEMY ASSOCIATES**



Concerning Legislative Proposals

before the

Fifteenth Alaska Legislature

January 1988

SB 37 (Fisher) relating to fingerprinting of minors

We support the fingerprinting and photographing of minors who have been arrested, for several reasons. Fingerprints of a minor found at the scene of a crime cannot be identified by the state's computer because minors cannot now be fingerprinted without a court order. Thus their fingerprints are not in the computer, even if they have been previously arrested. Since more than half of those persons arrested for certain crimes are minors, investigating officers have less than a 50 percent chance of identifying the fingerprints left at scenes of certain crimes. In effect, this means that minors breaking the law will not be arrested on the basis of fingerprint identification until they become adults, and then only after at least one previous arrest.

SE 37 permits the fingerprinting of minors 14 years of age or older who have been: (1) arrested for an offense that would be a felony if committed by an adult, or (2) minors institutionalized after adjudication for delinquency. Such fingerprints may be checked through the automated fingerprint identification system once, and then be destroyed. Fingerprints of minors 16 or 17 years of age may be entered into the automated system, but must be destroyed when the minor becomes 18 years old.

We are sensitive to the fact that some minors in trouble with the law may be successfully rehabilitated, but it is equally true that some minors commit extremely serious crimes, such as homicide. Being able to match fingerprints of a minor from a crime scene to fingerprints from a previous arrest would be a major step toward identification of the guilty and the better protection of the public. In addition, ~~minors on the street occasionally become homicide~~ victims themselves. If the minor had been previously fingerprinted, the body could positively identified. Absent other information, such positive identification is sometimes not possible now.

For these reasons we suggest amending SB-37 to permit the fingerprinting of all minors charged with committing a crime, and minors institutionalized following adjudication for delinquency, and permitting the fingerprints to remain in the automated system.

FISCAL NOTE

REQUEST: _____

Revision Date: _____
Title: "An Act relating to
fingerprinting of minors;..."
Sponsor: Fischer
Requestor: Senat Judiciary

Agency Affected: Administration
BRU: Office of Public Advocacy

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Brant McGee, Public Advocate *BM* Phone: 274-1684
Division: Office of Public Advocacy Date: 1/21/88

Approved by Commissioner: John Andrews *JA* Date: 2/2/88
Agency: Department of Administration

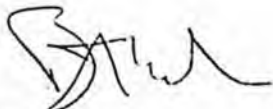
Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

POSITION PAPER
SB 37

This bill would allow the fingerprinting of minors aged 14 and older without a court order. The procedure is allowed only where the minor has been arrested for a felony or upon institutionalization after adjudication for delinquency.

New fingerprint technology currently available in Alaska allows a computerized review of thousands of fingerprints for comparison to crime scene latents. This technology could greatly enhance the efficiency of law enforcement authorities in identifying perpetrators, particularly for property crimes where no witnesses are available. The majority of burglaries are committed by juveniles and thus the fingerprinting of such persons could allow authorities to efficiently apprehend suspects and resolve a greater number of cases.

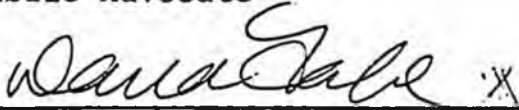
The Office of Public Advocacy and Alaska Public Defender Agency support this legislation because it will enhance the ability of law enforcement agencies to arrest perpetrators and provide the criminal justice system with strong, and often conclusive, evidence in the adjudication process.



Brant McGee
Public Advocate

11/21/88

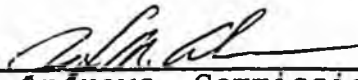
Date



Dana Fabe
Public Defender

1/21/88

Date



John Andrews, Commissioner
Department of Administration

2/2/88

Date

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CS SB 37
PUBLISH DATE: 5/4/87

FISCAL NOTE

REQUES.:

Revision Date: _____
Title: "An Act relating to finger-
printing of minors;"
Sponsor: Fischer
Requestor: Senate Judiciary

Agency Affected: Dept. of Administration
BRU: Public Defender Agency
Components: Third Judicial District

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Dana Fabe, Public Defender Phone: 279-7541
Division: Public Defender Agency Date: 1/25/88

Approved by Commissioner: John Andrews Date: 1/29/88
Agency: Department of Administration

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



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET

HOMER, AK., 99603-7609

(907) 235-8113

February 8, 1988

Representative Mike Navarre
Ak State Legislature
PO Box V
Juneau, AK 99811

Re: Senate Bill 37
Fingerprinting of Minors

Dear Rep. Navarre;

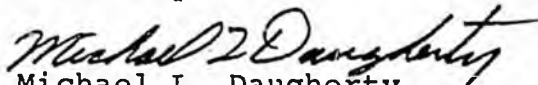
The proposed bill appears appropriate and, if adopted, should enhance our law enforcement operations. I do see a potential problem with inability to fingerprint minors arrested and held on adult status offenses, as the prints are necessary for positive identification in the event the conviction record is used in subsequent sentencing (such as DWI's, Fish and Game, and Parks offenses).

I would propose S.B. 37 be amended to include a new provision, 47.10.097(b)(3) to read:

(3) When the minor is arrested or held on an adult status offense pursuant to A.S. 47.10.010(b).

Without fingerprints, the State would be unable to bring in the prior conviction if the defendant challenged the identity issue successfully.

Sincerely,


Michael L. Daugherty
Director of Public Safety

MLD/db