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HOUSE STATE AFFAIRS COMMITTEE

NEXT COMMITTEE: JUDICIARY

BILL: SB 399

CURRENT VERSION: CS SB 399 (RULES)

SCHEDULED: APRIL 20, 1988

SPONSOR: SZYMANSKI

PHONE NO: 4978

CONTACT FILE: _____

BILL SUBJECT: ALASKA AUTOMATED FINGERPRINT SYSTEM AND INCLUSION OF FINGERPRINT INFORMATION IN THAT SYSTEM

SPONSOR BACKUP: IN FILES

AFFECTED AGENCIES:

<u>DEPARTMENT</u>	<u>CONTACT/PHONE</u>	<u>COMMENT</u>
PUBLIC SAFETY	HORETSKI/4332	
HARRY BUCCILLI	563-4659	OFFNET TELECONFERENCE/ANCHORAGE

FISCAL NOTES

<u>AGENCY</u>	<u>REQUESTED</u>	<u>DATED</u>	<u>FY 88 AMT</u>	<u>FY 89 AMT</u>
DPS		3/28/88	-0-	-0-

ACTION

<u>DATE</u>	<u>COMMENT</u>
4/20/88	PASSED FROM HOUSE STATE AFFAIRS

HOUSE COMMITTEE REPORT

(7)

Date referred: 3/29/88

FURTHER REFERRALS: Judiciary

DATE: 4-20-88

The State Affairs Committee has considered CSSB 399(R1s)

"An Act relating to the Alaska automated fingerprint system and to the inclusion of fingerprint information in that system."

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 [same as previous zero fiscal note published 3/29/88
[] zero with analysis

SIGNING DO PASS:

[Signature]
[Signature]

SIGNING OTHER RECOMMENDATIONS:

[Signature] (no rec)
[Signature] (no rec)
[Signature] (no rec)

[Signature]
Chairman's signature

STATE OF ALASKA
THE LEGISLATURE

POUCH 4 - STATE CAPITOL
JUNEAU, ALASKA 99811
607 465-3800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

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

HSA

4-20-88

3:00 p.m.



Alaska State Legislature

Senator Mike Szymanski

While in Session:
P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4978/4979

Interim
3111 C Street
Suite 150
Anchorage, AK 99503
(907) 276-6739

M E M O R A N D U M

To: Representative Fran Ulmer, Chair
House State Affairs

From: Senator Mike Szymanski *MS*

Date: April 6, 1988

Subject: Scheduling of Hearings for SB 399: Fingerprinting

165 E. Parks Hwy.
Suite 104
Wasilla, AK 99687
(907) 376-MIKE

I understand that SB 399, my bill on voluntary fingerprint submissions, which passed the Senate on March 29 on a 20-0 vote, has been referred to the House State Affairs Committee in the House.

I would therefore like to formally request a hearing be scheduled for the bill in your Committee at your earliest convenient date.

The bill would allow people to put fingerprints on the state DPS computer system on a voluntary basis, for a variety of identification purposes, such as to identify a body, for amnesia victims, Alzheimers disease, runaways, or for whatever personal reason they may have.

The bill provides protection of confidentiality, and allows a child to remove the prints upon reaching the age of 18. The fiscal note is zero. In response to concerns expressed by some Senators, a detailed position paper to the Senate Judiciary CS explains the structure of the system and who does and does not have access to the information.

Notes on SB 399, March 29, 1988

Attached is a copy of the Rules CS. The CS adds the phrase "and by a person submitting fingerprints under (c) of this section".

This will allow the Department to collect user fees from people who want to add their names to the AAFIS. In actual practice, most larger communities have private businesses who already take quality fingerprints for a fee; so in those communities the Department will set up regulations so people will have to go through those private businesses to submit prints, to ensure their quality, etc. In smaller, bush communities where no such businesses exist, Department personnel can take the prints instead--and the language change in the CS will allow them to charge an appropriate fee for it. It is not anticipated that there will be very many of these.

Also, in an attempt to meet some of the concerns about privacy and accessibility raised on the floor by Coghill and Uehling, the Department submitted a revised Position Paper that attempts to spell out in more detail just who has access to the system. The basic point is that the fingerprint system is not connected to the criminal justice system--they are separate. Further, no state or federal agency has direct access to them; they have to request information from it. They will pretty much limit their requests to serious felony cases, or ID of dead bodies, etc. (Note: they may do background checks on people who are applying for top US Government posts). There is no reason for them to ask for the prints of someone who submitted the prints voluntarily, unless that person has committed a felony in another state and they are trying to get further information on him or her. Even then, the information they get would be practically useless; all they could get was the person's fingerprints, there would be no criminal record.

FISCAL NOTE

REQUEST

Revision Date: 3/28/88 Agency Affected: Public Safety
 Title: "An Act relating to the Alaska Automated Fingerprint System ..." BRU: DPS Administration
 Sponsor: Sen. Szymanski, Zharoff, etc. Components: Administrative Services
 Requestor: Senate Judiciary

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						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No additional funds are needed to handle the relatively small number of fingerprints anticipated under this bill.

Prepared by: Ken Bischoff *KSB* Phone: 465-4336
 Division: Administrative Services Date: 3/28/88

Approved by Commissioner: Arthur English *A.A. English* Date: 3-28-88
 Agency: Public Safety

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

BILL NO: CSSB 399 (JUD)

DATE: March 25, 1988

TITLE: An Act relating to the Alaska automated fingerprint system and to the inclusion of fingerprint information in that system.

CONTACT: Kenneth E. Bischoff
Division of Admin. Services
465-4336

DEPARTMENT OF PUBLIC SAFETY

Passage of this legislation would allow people to submit fingerprints for entry into the Alaska Automated Fingerprint Identification System (AAFIS). Fingerprints from an adult would be entered at his or her own request; fingerprints of a minor over two years old or of a person under the protection of a guardian would be entered upon request of the parent or guardian.

Fingerprints entered into AAFIS under this bill would be contained in the AAFIS data base, but the actual fingerprint cards would be maintained separately and indexed so that a person whose fingerprints were entered by a parent or guardian can have those fingerprints removed upon reaching age 18, if the person requests.

The Alaska Automated Fingerprint Identification System is a separate ("stand alone") computer system; it is not connected to the Alaska Public Safety Information Network (APSIN) or any other state, regional, or national criminal justice information system. Criminal history record information is contained on APSIN and other criminal justice information systems, not on AAFIS. AAFIS is an identification device which will positively confirm, based upon fingerprints, the identity of an individual whose fingerprints are submitted for identification or verification. The FBI is not hooked up to AAFIS. The FBI maintains a central national storehouse of fingerprint cards of serious criminals. The FBI's basic purpose is to maintain a clearinghouse allowing positive identification of serious criminals who cross state lines. The FBI would not be interested in knowing if a person has voluntarily submitted fingerprints into AAFIS.

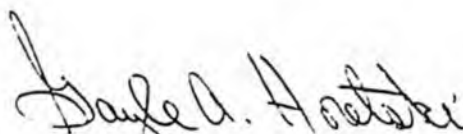
The Department of Public Safety controls access to AAFIS, and intends to continue to use the AAFIS data base for law enforcement purposes only. Law enforcement purposes would include, for example, using fingerprints on file to identify dead bodies.

Existing language in Title 44 allows the Department to charge a "reasonable fee" to a person requesting information from AAFIS. We understand that the Senate Rules Committee is considering an amendment that would add, on page 1, line 17, after "fingerprint system," "and by a person submitting fingerprints under (c) of this section." This would allow the Department to charge a reasonable fee to a person who wishes to submit his (or his child's) prints to the AAFIS system.

Generally, the Department of Public Safety staff does not take fingerprints for other than law enforcement purposes. Therefore, individuals desiring to take advantage of this bill's provisions would ordinarily be required to have their fingerprints taken by a qualified fingerprint technician in business for such purposes. Businesses offering these services exist in many of the larger communities in the state. In those areas where such services do not exist, procedures would be established to allow state troopers, VPSOs, or other trained DPS personnel to perform this service, probably for a modest fee.

Position Paper, CSSB 399 (Jud)
Department of Public Safety
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The Department of Public Safety supports this bill, including the proposed amendment discussed above.



for Arthur A. English
Commissioner