

SB

120

5-0447X
Hein
3/17/88

Original sponsors: Faiks and Szymanski

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 2d CS FOR SENATE BILL NO. 120 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the entry of information regard-
7 ing minors on the Alaska Public Safety Information
8 Network."

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

10 * Section 1. AS 47.10.090 is amended by adding new subsections to read:

11 (d) Notwithstanding (a) of this section, if a minor is released
12 on probation, the court shall transmit for entry into the Alaska
13 Public Safety Information Network the following information:

- 14 (1) the fact that the minor is on probation;
15 (2) the dates, terms, and conditions of the probation;
16 (3) the name of the minor's probation officer; and
17 (4) the offenses for which the minor is on probation.

18 (e) The Department of Public Safety shall make the information
19 transmitted under (d) of this section available to a member of a
20 public agency involved in law enforcement, as defined in AS 12.62.070,
21 who requests the information for official business purposes.

22 (f) As soon as practicable after the date on which the minor is
23 scheduled to complete the terms of probation, the Department of Public
24 Safety shall remove the information transmitted under (d) of this
25 section from the Alaska Public Safety Information Network.
26

Original sponsors: Faiks and Szymanski

1-20-86 5-0467B

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 120 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

1 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

3 For an Act entitled: "An Act relating to the entry of information regard-
7 ing minors on the Alaska Public Safety Information
9 Network."

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

0 * Section 1. AS 47.10.090 is amended by adding new subsections to read:

1 (d) Notwithstanding (a) of this section, if a minor is released
2 on probation, the court may transmit for entry into the Alaska Public
3 Safety Information Network only the following information:

- 4 (1) the fact that the minor is on probation;
5 (2) the dates of the probation; and
6 (3) the name of the minor's probation officer.

7 (e) The Department of Public Safety may make the information
8 transmitted under (d) of this section available only to a member of a
9 public agency involved in law enforcement, as defined in AS 12.62.070,
0 who requests the information for official business purposes.

1 (f) As soon as practicable after the date on which the minor is
2 scheduled to complete the terms of probation, the Department of Public
3 Safety shall remove the information transmitted under (d) of this
4 section from the Alaska Public Safety Information Network.

FISCAL NOTE

REQUEST

Revision Date: January 14, 1988 Agency Affected: Public Safety
 Title: "An Act relating to entry of information regarding minors..." BRU: DPS Administration
 Sponsor: Sen. Faiks & Szymanski 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		28.9	28.9	28.9	28.9	28.9
TRAVEL						
CONTRACTUAL		17.8	16.3	16.3	16.3	16.3
SUPPLIES		.1	.1	.1	.1	.1
EQUIPMENT		1.8				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		48.6	45.3	45.3	45.3	45.3
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUNDS		48.6	45.3	45.3	45.3	45.3
FEDERAL FUNDS						
OTHER						
TOTAL		48.6	45.3	45.3	45.3	45.3

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Please see attached analysis, \$10.0, and request for new position, \$38.6.
Inflation is not included in above costs.

Prepared by: M. J. Clemens, Assistant Director Phone: 465-4336
 Division: Administrative Services Date: 1/14/88

Approved by Commissioner: Arthur English Date: 1/14/88
 Agency: Public Safety

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

SB 120 Fiscal Analysis

Security considerations will require additional computer programming. It will be necessary to insure that only certain authorized terminals (Alaska Court System, Children's Court office in Anchorage and Fairbanks) and Public Safety's Records and Identification, Anchorage) are able to input and delete basic juvenile probation data (name, DOB, duration). Making provision for full terms and conditions would require additional funding while the security considerations for basic juvenile probation data can probably be accommodated in-house and made operational by mid-year.

There will be initial and ongoing costs for data processing chargeback (estimated \$10,000). Public Safety's present chargeback allocation of \$2.7 million is fully utilized; additional use of computer resources must be funded or else other uses cutback. The initial chargeback cost includes both programming development and part-year operation. Subsequent year's chargeback costs would cover increased Computer Resource Units charged to APSIH for this new program for juvenile probation data.

1.	POSITION TITLE Clerk IV				RANGE/STEP 9/A	BARG. UNIT CCU	PAGE/LINE	GOV.	APPROV.	DISAPP																										
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 7-15	LEG.																												
3.	CONTINUATION LEVEL				JUSTIFICATION:																															
4.	TYPE OF EXPENDITURE			AMOUNT	<p>This position will be responsible for input and subsequent deletion of juvenile probation data in the Alaska Public Safety Information Network (APSIN). There were 1,174 juveniles formally on probation during an average month in FY 86 (D&YS/H&SS).</p> <p>Support costs include \$400 in contractual (communications) and \$100 for miscellaneous office supplies. Cost of an additional computer terminal in Anchorage for Records and Identification staff to enter the juvenile probation data will be:</p> <table border="0"> <tr> <td>Contractual Services - One-time connect fee</td> <td>\$1,500</td> </tr> <tr> <td>Dept. of Admin./IRM</td> <td></td> </tr> <tr> <td>Recurring cost for new APSIN terminals</td> <td>5,700</td> </tr> <tr> <td>DPS/Info (\$475/month)</td> <td></td> </tr> <tr> <td>Maintenance (recording)</td> <td>200</td> </tr> <tr> <td></td> <td>\$7,400</td> </tr> <tr> <td>Equipment - Purchase of T-179 color Terminal</td> <td>\$1,575</td> </tr> <tr> <td>(one-time) Computer Table</td> <td>200</td> </tr> <tr> <td></td> <td>\$1,775</td> </tr> </table> <p>If the Alaska Court System enters juvenile probation data with its children's court personnel in Anchorage and Fairbanks, then this full-time position can be reduced to a half-time position (which would share an existing terminal). This would reduce the costs as follows:</p> <table border="0"> <tr> <td>Personal Services</td> <td>(\$14.8)</td> </tr> <tr> <td>Contractual Services</td> <td>(7.4)</td> </tr> <tr> <td>Equipment</td> <td>(1.8)</td> </tr> <tr> <td></td> <td>(\$24.0)</td> </tr> </table>						Contractual Services - One-time connect fee	\$1,500	Dept. of Admin./IRM		Recurring cost for new APSIN terminals	5,700	DPS/Info (\$475/month)		Maintenance (recording)	200		\$7,400	Equipment - Purchase of T-179 color Terminal	\$1,575	(one-time) Computer Table	200		\$1,775	Personal Services	(\$14.8)	Contractual Services	(7.4)	Equipment	(1.8)		(\$24.0)
Contractual Services - One-time connect fee	\$1,500																																			
Dept. of Admin./IRM																																				
Recurring cost for new APSIN terminals	5,700																																			
DPS/Info (\$475/month)																																				
Maintenance (recording)	200																																			
	\$7,400																																			
Equipment - Purchase of T-179 color Terminal	\$1,575																																			
(one-time) Computer Table	200																																			
	\$1,775																																			
Personal Services	(\$14.8)																																			
Contractual Services	(7.4)																																			
Equipment	(1.8)																																			
	(\$24.0)																																			
5.	PERSONAL SERVICES																																			
5.	Salary		21.4																																	
6.	Benefits		7.5																																	
7.	Supplemental Benefits																																			
8.	Fixed Benefits																																			
9.	TOTAL PERSONAL SERVICES	01	28.9																																	
10.	Travel	02																																		
11.	Contractual	03	7.8																																	
12.	Commodities	04	.1																																	
13.	Equipment	05	1.8																																	
14.	Other																																			
15.	TOTAL COST		38.6																																	
16.	RECEIPT CODE	FUNDING SOURCE																																		
16.		Federal Receipts 1002																																		
17.		C.F. Match 1003																																		
18.		General Funds 1004		38.6																																
19.		I-A Receipts 1005																																		
20.		Program Receipts 1028																																		
21.		Other																																		
FOR B&M USE ONLY																																				
KEY NUMBER - - - - -																																				

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety

BRU DPS Administration

COMPONENT Administrative Services

FY 89

Page 3 of 3

Revised Date

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: CSB No. 120 (Jud)
Publish Date: _____

REQUEST: _____

Revision Date: _____
Title: The entry of information regarding minors on the APSIN.
Sponsor: Fajks and Szymanski
Requestor: _____

Agency Affected: Health & Social Services
BRU: Youth Services
Components: Probation Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
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	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
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)

n/a

Prepared by: Yvonne M. Chase, Director
Division: Division of Family and Youth Services
Approved by Commissioner: M. Munson, Commissioner
Agency: Department of Health and Social Services

Phone: 465-3170
Date: 4/14/87 1/21/88
Date: 4/14/87 1/21/88

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

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: CESB 120 (110)
Publish Date:

REQUEST: _____

Revision Date:
Title: An act relating to the entry of information regarding minors
Sponsor: Faiks & Szymanski
Requestor:

Agency Affected: Alaska Court System
BRU: Trial Courts
Components:

EXPENDITURES/REVENUES:		(Thousands of Dollars)					
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92	
OPERATING							
Personal Services	
Travel	
Contractual	5.3	4.6	4.6	4.6	4.6	
Supplies	
Equipment	
Land & Structures	
Grants & Claims	
TOTAL OPERATING	0.0	5.3	4.6	4.6	4.6	4.6	
CAPITAL	
REVENUE	

FUNDING:		(Thousands of Dollars)					
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92	
General Funds	0.0	5.3	4.6	4.6	4.6	4.6	
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL	0.0	5.3	4.6	4.6	4.6	4.6	

POSITIONS:							
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92	
Full-time	
Part-time	
Temporary	

ANALYSIS: (Attach a separate page if necessary)

See attached analysis

Prepared by: Karla Forsythe, General Counsel
Division: Alaska Court System
Approved by: Stephanie J. Cole, Deputy Director
Agency: Alaska Court System

Phone: 264-8228
Date: ~~2-24-87~~
1-24-87
Date: ~~2-24-87~~
1-24-87

- Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management & Budget
Impacted Agency(ies)
Senate Secretary

ALASKA COURT SYSTEM

FISCAL NOTE ASB 120

Contractual Services:

Communications:

Division of Data Processing data
line rental (2 @ \$82/month) and
installation (2 @ \$350/one-time) charges \$2,668

Postage 500

Equipment Rental:

Terminal rental (2 @ \$87/month) 2,088

Total Contractual \$5,256

FISCAL ANALYSIS⁹⁵⁻ SB 120

This bill would require courts to transmit the terms and conditions of probation for minors for entry into the Alaska Public Safety Information Network. Terminals would be needed by children's court personnel in Anchorage and Fairbanks specifically to transmit this information. In other court locations, the court system anticipates transmitting hard copy, incurring only postage costs.

2/23/87-8

POSITION PAPER

SENATE BILL NO. 120

For an Act entitled: "An relating to the entry of information regarding minors on the Alaska Public Safety Information Network."

This bill would authorize the Superior Court to routinely allow entry of the terms and conditions of probation established for delinquent youth released on probation under AS 47.10.080 into the statewide computerized law enforcement information system (the Alaska Public Safety Information Network - APSIN).

Under the provisions of this bill the court would be authorized but not required to allow entry of terms and conditions of probation imposed on delinquent youth into APSIN. Once entered into APSIN, this information would be accessible on a 24 hour on-line basis to:

1. the Alaska Department of Public Safety,
2. local police departments,
3. the Alaska Court System
4. the Alaska Department of Corrections,
5. the Alaska Department of Law,
6. local prosecution agencies,
7. The Alaska Public Defender Agency, and
8. the FBI.

Ironically, the information would not be accessible through APSIN to probation officers of the Department of Health and Social Services charged with supervising the minor on probation nor to other DHSS probation officers who might be required to act in behalf of the supervising officer.

Under this legislation, the court would be required to request removal of the records from APSIN "As soon as practicable after the minor completes the terms of probation...". However, no actual time limit is imposed on the Department of Public Safety for the removal of the information from the system.

With the exception of the court system and, in some instances, prosecutors and public defenders, none of the agencies provided access to the information about terms and conditions of probation under this bill would have any direct participation in the supervision or enforcement of those conditions. Court system personnel, prosecutors, and public defenders routinely have direct access to and copies of the original court records where they have a direct involvement in a particular case and would not need access through APSIN.

From a purely practical standpoint, the terms and conditions of probation ordered for minors contain virtually no information which would be of aid to any of the agencies which do not have specific responsibilities in

supervising the minors. Terms and conditions of probation would be of no investigative value to law enforcement agencies since they do not contain information about the offense(s) committed by the youths. Instead, probation conditions contain behavioral restrictions and requirements established by the court as part of a rehabilitation plan. These include a universal prohibition against additional law violations and specific restrictions and requirements such as:

1. involvement in psychological or psychiatric therapy,
2. involvement in substance abuse counseling,
3. payment of restitution,
4. performance of community service work in lieu of or in addition to restitution,
5. curfew,
6. prohibitions against association with certain individuals,
7. attendance at school, and
8. other conditions specific to the rehabilitative needs of the youth and the level of risk presented by the youth.

The degree of specificity of probation conditions varies from case to case. In some instances the schedule for performing certain actions includes the days and times required, in other instances only general requirements are established. In either case information contained in the conditions is not useful except for the purposes of supervising the activities of these youths and enforcing the conditions. However, the conditions may contain information relating to social needs of the minor or the minor's family which have no investigative value and should not be available to persons or agencies not specifically involved in the rehabilitative treatment or supervision process.

This bill would make readily accessible information about juvenile probationers when such information about adult parolees and probationers is not readily or routinely accessible. Although probation/parole officers may release conditions imposed on adult criminals, this practice is limited to those instances in which a specific supervision or enforcement purpose will be served. The same type of practice presently occurs with juvenile probationers. Where necessary to ensure adequate supervision of probation conditions, probation officers may under current law release information about conditions of probation with the permission of the court.

The dissemination of conditions of probation to police or other agencies can be useful and appropriate when it aids in the supervision and rehabilitation of a probationer. However, since only probation officers may arrest a probationer for violation of probation conditions, the utility of disseminating such information lies in the provision of information about probationer activities to probation officers. (Police are, of course, empowered to arrest probationers for the commission of a crime. However, this police function differs significantly from that of the probation officer whose role is to enforce and supervise conditions imposed by the court.)

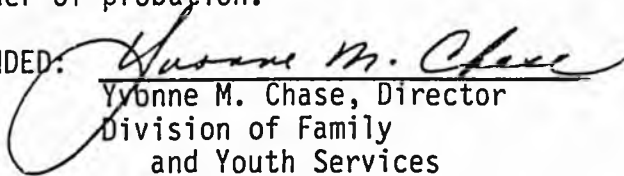
Police observations of and information about probationer activities may be routinely communicated to probation officer under present law and this practice would be unaffected by SB 120. Though there are differences in practice between locations these are based on police agency policy rather than law and would not be affected by passage of the provisions of this bill.

DEPARTMENT POSITION

The Department opposes SB 120.

The Department believes existing law is sufficient to allow appropriate dissemination of information among criminal justice agencies. Routine entry of the conditions of probation imposed on minors would not provide substantially greater protection to the public than is available under present law and could be detrimental to rehabilitative efforts. In addition, the ability of police to investigate crimes would not be enhanced by the availability of conditions of probation established for delinquent youth. Far more useful information is already available in the form of police reports of investigations of the original offense(s) leading to the adjudication and order of probation.

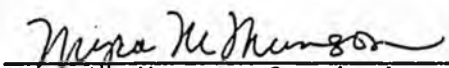
RECOMMENDED:


Yvonne M. Chase, Director
Division of Family
and Youth Services

DATE:

April 14, 1987

APPROVED:


Myra W. Munson, Commissioner
Department of Health
and Social Services

DATE:

April 14, 1987

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version : SB No. 120
Publish Date : _____

Revision Date: _____
Title: The entry of information regarding minors on the APSIN.
Sponsor : Faiks and Szymanski
Requestor : _____

Agency Affected: Health & Social Services
BRU: Youth Services
Components: Probation Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
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	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
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)

n/a

Prepared by: Yvonne M. Chase, Director *YMC*
Division: Division of Family and Youth Services

Phone: 465-3170
Date: 4/14/87

Approved by Commissioner: *Mrs. M. Munson*
Mrs. M. Munson, Commissioner
Agency: Department of Health and Social Services

Date: 4/14/87

Distribution (by preparer):

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

STATE OF ALASKA
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF FAMILY AND YOUTH SERVICES
FIRST JUDICIAL DISTRICT
JUNEAU, ALASKA

FILED IN THE TRIAL COURTS
STATE OF ALASKA, FIRST DISTRICT
AT JUNEAU

IN THE MATTER OF:

CASE NO: 1JU [REDACTED]

SEP. - 2 1986

DOB: 7/16/71

A Minor Under the age of 18 Years

Clerk of Court

By PB Deputy

CONDITIONS OF PROBATION

Pursuant to authority conferred by Alaska Statutes 47.10.080, you have been granted probation for a period of time beginning August 26, 1986 and not to exceed August 25, 1987 so long as you comply with the following conditions of probation:

1. I will obey all municipal, state and federal laws.
2. I will remain in the placement designated by my Probation Officer.
3. I will notify my Probation Officer prior to changing my residence, employment, or school.
4. I will obey the rules set forth by the Miller House staff, but may discuss any areas of conflict with them and my Probation Officer.
5. I will attend school when in session or vocational training and conduct myself in accordance with the school policy; or maintain steady employment.
6. I will follow my Probation Officer's instructions.
7. I will obtain permission from my Probation Officer before leaving the area defined as Juneau, Alaska.
8. I will obey the curfew hours as directed by Miller House Staff.
9. I will report in person to my Probation Officer as directed.
10. I will participate in group, family or individual counseling as directed by my probation officer and as recommended by the counseling provider and my primary counselor.
11. I will submit to random urinalysis at the request of my probation officer.
12. I will pay restitution in the amount of \$57.00.
13. I will complete 40 hours of Community Work Service.

I (have read) (have had read to me) these Conditions of Probation. I understand and agree to abide by them. I also understand that violation of one or more of these Conditions may result in Revocation/Modification of my probation.

Probationer

[REDACTED] 8-26-86
Date

Robi Anderson
Probation Officer

8-26-86
Date

PARENTAL ACKNOWLEDGEMENT

We, the undersigned parents/custodians, agree that we will require our child to abide by these Conditions with the understanding that in the event one or more of such Conditions are violated, a Petition for Revocation/Modification of Probation may be filed.

Signature Parent/Guardian

[REDACTED] 8-26-86
Date

IT IS SO ORDERED.
EFFECTIVE DATE: August 26, 1986

Walter L. Carpenter
JUDGE OF THE SUPERIOR COURT

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 120
Publish Date:

REQUEST: _____

Revision Date:
Title: An act relating to the
entry of information regarding minors
Sponsor: Faiks & Szymanski
Requestor:

Agency Affected: Alaska Court System
BRU: Trial Courts
Components:

EXPENDITURES/REVENUES:		(Thousands of Dollars)				
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
Personal Services	••••	••••	••••	••••	••••	••••
Travel	••••	••••	••••	••••	••••	••••
Contractual	••••	5.3	4.6	4.6	4.6	4.6
Supplies	••••	••••	••••	••••	••••	••••
Equipment	••••	••••	••••	••••	••••	••••
Land & Structures	••••	••••	••••	••••	••••	••••
Grants & Claims	••••	••••	••••	••••	••••	••••
TOTAL OPERATING	0.0	5.3	4.6	4.6	4.6	4.6
CAPITAL	••••	••••	••••	••••	••••	••••
REVENUE	••••	••••	••••	••••	••••	••••

FUNDING:		(Thousands of Dollars)				
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
General Funds	0.0	5.3	4.6	4.6	4.6	4.6
Federal Funds	••••	••••	••••	••••	••••	••••
Other	••••	••••	••••	••••	••••	••••
TOTAL	0.0	5.3	4.6	4.6	4.6	4.6

POSITIONS:						
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
Full-time	••••	••••	••••	••••	••••	••••
Part-time	••••	••••	••••	••••	••••	••••
Temporary	••••	••••	••••	••••	••••	••••

ANALYSIS: (Attach a separate page if necessary)

See attached analysis

Prepared by: Karla Forsythe, General Counsel
Division: Alaska Court System

Phone: 264-8228
Date: 2-24-87

Approved by: Stephanie J. Cole, Deputy Director
Agency: Alaska Court System

Date: 2-24-87

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

ALASKA COURT SYSTEM

FISCAL NOTE - SB 120

Contractual Services:

Communications:

Division of Data Processing data line rental (2 @ \$82/month) and installation (2 @ \$350/one-time) charges	\$2,668
---	---------

Postage	500
---------	-----

Equipment Rental:

Terminal rental (2 @ \$87/month)	<u>2,088</u>
----------------------------------	--------------

Total Contractual	<u><u>\$5,256</u></u>
-------------------	-----------------------

FISCAL ANALYSIS SB 120

This bill would require courts to transmit the terms and conditions of probation for minors for entry into the Alaska Public Safety Information Network. Terminals would be needed by children's court personnel in Anchorage and Fairbanks specifically to transmit this information. In other court locations, the court system anticipates transmitting hard copy, incurring only postage costs.

Alaska State Legislature

AP

PRESIDENT
907-465-3755



JAN FAIKS
POST OFFICE BOX V
JUNEAU, ALASKA 99811

Senate

April 3, 1987

APR 6 1987

Belt

MEMORANDUM

TO: Senator Jay Kerttula, Chairman
Senate Judiciary Committee

FROM: Senator Jan Faiks
President of the Senate

SUBJECT: Committee Hearings on Senate Bill 120,
An Act relating to the recording and collection
of crime statistics.

I would appreciate your scheduling hearings before your committee on Senate Bill 120, an Act relating to the recording and collection of crime statistics.

This bill has already passed out of the State Affairs Committee, its first committee of referral, on January 27, 1987.

Enclosed is a memo which gives background information on this bill. Should you or the committee members need additional information, please let me know.

Your prompt consideration of my request will be appreciated.

Thank you.

OUT OF SESSION

6060 YUKON DRIVE ANCHORAGE, ALASKA 99516 907-274-6611



RECEIVED JAN 22 1987

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

SUBJECT: Entry of information on juveniles into state
crime computer system
(Work Order No. 5-0447A)

TO: Senator Jan Faiks
Senate President

FROM: Keith B. Levy *KBL*
Legislative Counsel

Enclosed is a bill draft allowing the court system to enter information on the terms and conditions of probation of a minor into the Alaska Public Safety Information Network. You should be aware that the argument could be made that your bill has the effect of amending Rule of Children's Procedure 26 and therefore this change should be reflected in the title and the bill. For the reasons set out below, however, it is my opinion that the bill does not amend the court rule.

Rule of Children's Procedure 26 prohibits releasing the name or picture of a child under the jurisdiction of the children's court to the public without a court order. The argument could be made that by releasing the name of a minor on probation to the Alaska Public Safety Information Network the court is making the name public, and thus the bill has the effect of amending the rule. However, 13 AAC 25.260 limits distribution of information in the system to those individuals who are required to enter information and other law enforcement officials. 13 AAC 25.280 specifically provides that information in the system is confidential and may be released only to authorized individuals. Therefore, it seems clear that entry of the information into the computer system does not make it public and your bill does not have the effect of amending Rule of Children's Procedure 26.

If I may be of further assistance, please advise.

KBL:csh
c7/022

Enclosure

BILL NO: SB 120

DATE: 2/24/87

TITLE: "An Act relating to entry of information regarding minors on the Alaska Public Safety Information Network."

CONTACT: Jos Mapranath
Director
Div. of Admin. Services

DEPARTMENT OF
PUBLIC SAFETY

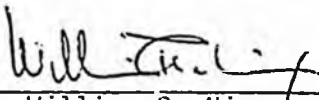
ALASKA
LEGISLATURE

Currently, the Alaska Public Safety Information Network (APSIN) is unable to maintain data on minors' probation status. This inhibits investigations where a law enforcement officer cannot readily identify a juvenile as a likely suspect or if a suspect is acting in violation of probation.

This statute change will remove the current protection afforded minors. Current laws tend to inhibit investigations of minors who abuse the privileged status normally afforded them.

In order to obtain the maximum benefit from such a change, it is suggested that the court not be allowed latitude in deciding if such data should be entered into APSIN ("...the court shall (may) transmit..."). Additionally, in order to prevent the possible abuse of such information being available, it is suggested that an additional sentence be added to AS 47.10.090 as follows: "This information will be made available only to law enforcement agencies as defined in AS 12.62.070 (6)."

The Department of Public Safety supports the passage of this legislation.



William R. Nix
Acting Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 120

Publish Date: _____

REQUEST _____

Revisor Date: _____

Agency Affected: Public Safety

Title: "An Act relating to entry of information regarding minors..."

BRU: DPS Administration

Sponsor: Sen. Faiks & Syzmanski

Components: Administrative Services

Requestor: Senate Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		28.9	29.8	30.7	31.6	32.5
TRAVEL						
CONTRACTUAL		.4	.4	.4	.4	.5
SUPPLIES		.1	.1	.1	.1	.1
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	29.4	30.3	31.2	32.1	33.1
CAPITAL	0	0	0	0	0	0
REVENUE						

FUNDING:: (Thousands of Dollars)

GENERAL FUNDS	0	29.4	30.3	31.2	32.1	33.1
FEDERAL FUNDS						
OTHER						
TOTAL	0	29.4	30.3	31.2	32.1	33.1

POSITIONS:

FULL-TIME	0	1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Allows entry of data on minors' probation status. Will require 1 PFT Clerk IV with minimal support costs to accept and process data into the APSIN system. 3% inflation factor added into future years.

JWR
2/24/87

Prepared by: Joe Reeves, Budget Analyst
Division: Administrative Services

Phone: 465-4349
Date: 2/24/87

Approved by Commissioner: [Signature]
Agency: Public Safety

Date: 2/24/87

Distribution (by preparer):

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

Position Title Clerk IV		No. of Positions 1	Range/Step 9/B	Barg. Unit GGU
Time Status PFT	Staff Months 12	Location Anchorage		Election District 7-15
Justification				
Type of Expenditure		Amount		
1	2	3		
Salary	21.4	////////////////////		
Benefits	7.5	////////////////////		
Premium Pay		////////////////////		
Other		////////////////////		
Other Personal Services	////////////////////	28.9		
Travel				
Contractual		.4		
Commodities		.1		
Equipment				
Other				
Total Cost		29.4		
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	29.4		
I-A Receipts	1005			
CIP Receipts	1061			
Other				
////////////////////////////////////				

This position will be responsible for accepting and processing data into the APSIN system on minors' probation status from the Alaska Court system. The position will also be responsible for the maintenance of the program in APSIN.

Support costs of \$400 in contractual communication and \$100 for miscellaneous office supplies.

REQUEST FOR
NEW POSITION

Agency Department of Public Safety
 BRU DPS Administration
 Component Administrative Services

Page 2 of 2
 Revised Date

FY 88



military
cases of
responsibility
§ 26 ch

evidence
of child.
§ 357 (File

App. Op.
§ 2d 1229

nt. In a
ought to
on con-
that the
prayer
urch or
urch or
matter.
dom, on

Sec. 47.10.090. Records. (a) The court shall make and keep records of all cases brought before it. The court's official records may be inspected only with the court's permission and only by persons having a legitimate interest in them. All information and social records pertaining to a minor and prepared by an employee of the court or by a federal, state or city agency in the discharge of the employee's or agency's official duty, are privileged and may not be disclosed directly or indirectly to anyone without the court's permission. However, a state or city law-enforcement agency shall disclose information regarding a case which is needed by the person or agency charged with making a preliminary investigation for the information of the court. Within 30 days of the date of a minor's 18th birthday or, if the court retains jurisdiction of a minor past the minor's 18th birthday, within 30 days of the date on which the court relinquishes jurisdiction over the minor, the court shall order sealed all the court's official records, information and social records pertaining to that minor, as well as records of all criminal proceedings against the minor and punishments assessed against the minor except for traffic offenses. A person may not use these sealed records for any purpose except that the court may order their use for good cause shown or may order their use by an officer of the court in making a presentencing report for the court.

(b) The name or picture of a minor under the jurisdiction of the court may not be made public in connection with the minor's status as a delinquent child or a child in need of aid unless authorized by order of the court, except that the name of a minor who is found for the second time to have violated a law, which if committed by an adult would be a felony, shall be made public unless the court, for good cause, in certain individual cases, enters an order prohibiting the disclosure.

(c) A person who violates a provision of this section is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$500 or by imprisonment for not more than one year, or by both. (§ 10(3)(4) art I ch 145 SLA 1957; am § 1 ch 124 SLA 1972; am § 1 ch 90 SLA 1975; am § 20 ch 63 SLA 1977)

Cross references. — For explanation of of Children's Procedure, see § 2, ch. 90, how amendments in 1975 changed Rules SLA 1975).



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

KARLA L. FORSYTHE
STAFF COUNSEL

303 K Street
Anchorage, Alaska 99501

(907) 264-8228

April 14, 1987

Senator Jay Kerttula
Chair, Senate Judiciary Committee
Alaska State Legislature
P. O. Box V
Juneau, Alaska 99811

Dear Senator Kerttula:

I am writing with regard to Senate Bill 120. This measure provides that if a minor is released on probation the court may transmit the terms and conditions of probation for entry to APSIN. After the minor completes the terms of probation, the court would request DPS to remove the information.

The court system has submitted a fiscal note in the amount of \$5,300 for initial expenses, and \$4,600 in future years. Transmission of this data would require terminals in Anchorage and Fairbanks, with data entry by court system personnel. In other court locations, court personnel would send copies of the terms of probation to DPS, and DPS would enter the data.

Although the court system does not oppose this legislation, there is a concern that this bill could set a precedent by permitting entry of court information into a computer system which does not have an outstanding record for accuracy. The court system would be entrusting some of its most sensitive data - data regarding juveniles, which historically has been afforded great protection - to a system which has a high error rate.

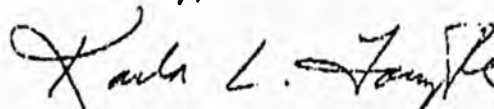
It is my understanding that the Department of Public Safety supports modifying the bill to require the court to transmit this data. The court system believes the present wording is preferable, since there may be situations in which a judge believes this data should not be entered. The court system favors leaving this discretion with the judge. It is also the understanding of the court system that although the present APSIN program includes information about the duration of probation ordered for adult defendants, the program is not designed to include detailed information about terms and conditions of probation. Thus, program modifications would be required to implement this bill as presently worded. These modifications would be the responsibility of DPS.

Senator Jay Kerttula
April 14, 1987
Page Two

In summary, the court system will need additional resources to accomplish the work contemplated under this bill. Although the court system does not oppose the legislation, there are serious concerns which need to be addressed, given the error rate of justice information systems.

Thank you for the opportunity to comment on this legislation.

Sincerely,



Karla L. Forsythe
Staff Counsel

KLF:bs

cc: Senator Jan Falks
Senator Mike Szymanski
Arthur H. Snowden, II, Administrative Director

4/14/87-4

APR 14 1987

ALASKA COURT SYSTEM
ADMINISTRATIVE OFFICE
TELEFACSIMILE TRANSMITTAL SHEET

TO: SENATOR JAY KERTTILA DATE: 4-14-87

FROM: Karla Forsythe, Staff Counsel

TOTAL NUMBER OF PAGES: 2
(Not including the cover sheet)

MESSAGE: CALL HAYDEN KADEN 465-3771
TO PICK UP

(If you do not receive the above document(s) please call 264-8228)
Telecopier number is 276-6342

LISA

Please make copies of
letter for Senators Fairks
and Szymanski.
Thank you!

Bobbie



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

303 K Street
Anchorage, Alaska 99501

KARLA L. FORSYTHE
STAFF COUNSEL

(907) 264-8228

April 14, 1987

Senator Jay Kerttula
Chair, Senate Judiciary Committee
Alaska State Legislature
P. O. Box V
Juneau, Alaska 99811

Dear Senator Kerttula:

I am writing with regard to Senate Bill 120. This measure provides that if a minor is released on probation the court may transmit the terms and conditions of probation for entry to APSIN. ~~After the minor completes the terms of probation, the court would request DPS to remove the information.~~

The court system has submitted a fiscal note in the amount of \$5,300 for initial expenses, and \$4,600 in future years. ~~Transmission of this data would require terminals in Anchorage and Fairbanks, with data entry by court system personnel. In other court locations, court personnel would send copies of the terms of probation to DPS, and DPS would enter the data.~~

Although the court system does not oppose this legislation, there is a concern that this bill could set ~~a precedent by permitting entry of court information~~ into a computer system which does not have an outstanding record for accuracy. The court system would be entrusting some of its most sensitive data - data regarding juveniles, which historically has been afforded great protection - to a system which has a high error rate.

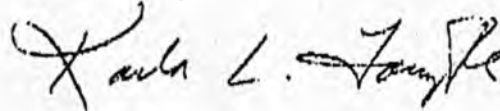
It is my understanding that the Department of Public Safety supports modifying the bill to require the court to transmit this data. The court system believes the present wording is preferable, since there may be situations in which a judge believes this data should not be entered. The court system favors leaving this discretion with the judge. It is also the understanding of the court system that although the present APSIN program includes information about the duration of probation ordered for adult defendants, the program is not designed to include detailed information about terms and conditions of probation. Thus, program modifications would be required to implement this bill as presently worded. These modifications would be the responsibility of DPS.

Senator Jay Kerttula
April 14, 1987
Page Two

In summary, the court system will need additional resources to accomplish the work contemplated under this bill. Although the court system does not oppose the legislation, there are serious concerns which need to be addressed, given the error rate of justice information systems.

Thank you for the opportunity to comment on this legislation.

Sincerely,



Karla L. Forsythe
Staff Counsel

KLF:bs

cc: Senator Jan Falks
Senator Mike Szymanski
Arthur H. Snowden, II, Administrative Director

**STATE OF ALASKA 1988 LEGISLATIVE SESSION
FISCAL NOTE**

Bill Version: SB 120
Publish Date:

REQUEST: _____

Revision Date: 1-6-88
Title: An act relating to the entry of information regarding minors
Sponsor: Faiks & Szymanski
Requestor:

Agency Affected: Alaska Court System
BRU: Trial Courts
Components:

EXPENDITURES/REVENUES:		(Thousands of Dollars)				
	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
OPERATING						
Personal Services
Travel
Contractual	5.3	4.6	4.6	4.6	4.6
Supplies
Equipment
Land & Structures
Grants & Claims
TOTAL OPERATING	0.0	5.3	4.6	4.6	4.6	4.6
CAPITAL
REVENUE

FUNDING:		(Thousands of Dollars)				
	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
General Funds	0.0	5.3	4.6	4.6	4.6	4.6
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL	0.0	5.3	4.6	4.6	4.6	4.6

POSITIONS:						
Full-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Part-time	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Temporary	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .

ANALYSIS: (Attach a separate page if necessary)

See attached analysis

Prepared by: *Jan Strandberg*
 Division: Alaska Court System
 Approved by: *Stephanie J. Cole*
 Agency: Alaska Court System

Phone: 264-8228
 Date: 1-6-88
 Date: 1-6-88

- Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management & Budget
 Impacted Agency(ies)
 Senate Secretary

FISCAL ANALYSIS SB 120

This bill would require courts to transmit the terms and conditions of probation for minors for entry into the Alaska Public Safety Information Network. Terminals would be needed by children's court personnel in Anchorage and Fairbanks specifically to transmit this information. In other court locations, the court system anticipates transmitting hard copy, incurring only postage costs.

ALASKA COURT SYSTEM

FISCAL NOTE - SB 120

Contractual Services:

Communications:

Division of Data Processing data line rental (2 @ \$82/month) and installation (2 @ \$350/one-time) charges	\$2,668
---	---------

Postage	500
---------	-----

Equipment Rental:

Terminal rental (2 @ \$87/month)	2,088
----------------------------------	-------

Total Contractual	<u>\$5,256</u> <u>=====</u>
-------------------	--------------------------------