

SB

207

STEVE COWPER  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

March 23, 1987

The Honorable Jan Faiks  
President of the Senate  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Senator Faiks:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill abolishing the Governor's Commission on the Administration of Justice and transferring certain of the commission's responsibilities to a more workable commission made up of representatives from those agencies that are charged with administering criminal justice information systems on a day-to-day basis.

The commission was originally established to be the steering agency for handling federal grants from the Law Enforcement Assistance Administration (LEAA). Since the LEAA no longer exists, the primary function of the commission has been eliminated.

A secondary function of the commission involved overseeing law enforcement uses of criminal justice information systems under AS 12.62. However, the large, 13-member commission has not met for a number of years. Therefore, under administrative regulations, the commission delegated this oversight function solely to the attorney general as ex-officio chairman of the commission.

This bill represents a realistic compromise between the inefficiency created by an unwieldy body such as the present commission, and what some may perceive as an overcentralization of authority in a single person, such as exists under current practice. The bill thus eliminates unnecessary statutes and governmental structures, while assuming that broadranging viewpoints will be considered in decisions involving criminal justice information. Therefore, I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper".

Steve Cowper  
Governor

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**      SB 207

**FISCAL DETAIL**

Bill/Resolution No. : \_\_\_\_\_  
 Title : "An Act abolishing the Governor's  
 Commission on the Administration of  
 Justice and transferring..."  
 Sponsor : Senate Rules/Req. of the Gov.  
 Requestor : Office of the Governor  
 Date of Request : November 18, 1986

Agency Affected : Department of Law  
 BRU : Prosecution  
 \_\_\_\_\_  
 Components : Administration and Support  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

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

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :**

Please see the attached analysis.

Prepared by : Richard I. Pegues, Director      Phone : 465-3672  
 Division : Administrative Services      Date : 11/19/86  
 Approved by Commissioner : Harold M. Brown, Attorney General      Date : 11/19/186  
 Agency : Department of Law

Distribution (by Agency preparing fiscal note) :

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB.207

This bill abolishes the thirteen-member Governor's Commission on the Administration of Justice and transfers responsibility for overseeing law enforcement uses of criminal justice information to a new seven-member Governor's Commission on Criminal Justice Information. It is anticipated that the new commission will meet three or four times in its first year to update the state's current privacy regulations under AS 12.62. Thereafter, the commission will probably meet twice each year. The individual state agencies represented on the commission will be responsible for paying for their representatives' attendance at commission meetings. The Department of Law will pay for the cost of adopting new or amended regulations, and it will pay the travel and per diem cost for the municipal police member to attend commission meetings from its existing budget.

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST: \_\_\_\_\_

Bill Version: SB 207  
Publish Date: \_\_\_\_\_

Revision Date: \_\_\_\_\_

Agency Affected: Department of Law  
BRU: Prosecution

Title: "An Act abolishing the Governor's  
Commission...Administration of Justice..."

Sponsor: Senate Rules/Req. of the Gov.

Components: Criminal Justice Litigation  
and Legal Services

Requestor: Senate Judiciary Committee

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
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 FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see the attached analysis.

Prepared by: Richard I. Pegues, Director  
Division: Administrative Services

Phone: 465-3672  
Date: April 14, 1987

Approved by Commissioner: Grace Berg Schaible, Attv. Gen.  
Agency: Department of Law

Date: April 14, 1987

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 207

This bill abolishes the thirteen-member Governor's Commission on the Administration of Justice and transfers responsibility for overseeing law enforcement uses of criminal justice information to a new seven-member Governor's Commission on Criminal Justice Information. It is anticipated that the new commission will meet three or four times in its first year to update the state's current privacy regulations under AS 12.62. Thereafter, the commission will probably meet twice each year. The individual state agencies represented on the commission will be responsible for paying for their representatives' attendance at commission meetings. The Department of Law will provide for the adoption of new or amended regulations using existing staff, and it will pay the travel and per diem cost for the municipal police member to attend commission meetings from its existing budget. These costs are not of sufficient magnitude to warrant fiscal note costs.

01

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March 12, 1987

Senator John Binkley  
P.O. Box V  
Juneau, Ak 99811

Re: ACLU -- Computer Privacy  
Our File No. 3012.01

Dear Senator <sup>John</sup>Binkley:

You indicated on last fall's ACLU Questionnaire that you would support legislation to

1) establish a system to verify, update, and purge criminal justice information; and 2) ensure that use of criminal justice information is strictly limited to legitimate law enforcement purposes.

The enclosed bill contains those goals and implements the findings of a 1986 Legislative Audit on computerized criminal justice information systems. Hopefully, the problem raised in the attached memo from "bill drafting" can be resolved. Arthur Snowden, of the Alaska Court System, takes the position that computer privacy procedures may not be imposed on the Court System without its consent. So long as that consent is obtained, there is no problem.

We are requesting that you be a sponsor of this legislation. Similar letters are being sent to Representatives Menard, Ulmer, Koponen, Navarre, Boucher, Donley, Gruenberg, Brown, Ellis, Martin, Furnace and Cotten and Senator Uehling.

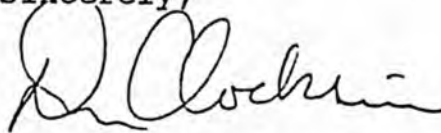
They all indicated support, and I hope all of you can confer and work to get this bill filed and enacted.

The ACLU will provide necessary back-up information.

Please call if you have questions.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Don Clocksin".

Don Clocksin  
Member of the Board  
Alaska Chapter, ACLU

DC:ksg

Representative Fran Ulmer  
Representative Curt Menard  
Representative Niilo Koponen  
Representative Mike Navarre  
Representative Red Boucher  
Representative Max Gruenberg  
Representative Kay Brown  
Representative Johnny Ellis  
Representative Terry Martin  
Representative Walt Furnace  
Representative Sam Cotten  
Senator Rick Uehling  
Senator John Binkley

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 10, 1987

SUBJECT: Criminal justice computer information bill  
(Work Order No. 5-0562)

TO: Representative Johnny Ellis

FROM: Keith B. Levy *KBL*  
Legislative Counsel

Enclosed you will find the bill draft you requested relating to criminal justice information systems. You should be aware of several issues raised by the bill.

The bill changes the name of the Governor's Commission on the Administration of Justice to the Governor's Commission on Criminal Justice Information. Section 18 of the bill restructures the composition of the commission to include the Attorney General, the Public Defender, the Chief Justice of the Supreme Court, and two public members appointed by the Governor. The bill gives the commission extensive powers to adopt regulations pertaining to criminal justice information systems. By including a member of the judiciary (the Chief Justice) on a primarily executive commission, the bill may be in violation of the separation of powers doctrine.

The Alaska Supreme Court has ruled that, although not expressly stated in the Alaska Constitution, the separation of powers doctrine is an inherent principle of Alaska government. Bradner v. Hammond, 553 P.2d (1976). Numerous cases from other jurisdictions have struck down legislative enactments putting legislators on commissions or boards serving an executive function. For a discussion of these cases see State ex rel. Wallace v. Bone, 286 S.E.2d 79, 84 - 87 (N.C. 1982). In each case, where the court found the duties of the commission or board to be primarily executive in nature, it was held that there is a violation of the constitutional principle of separation of powers if a legislator serves on such a commission or board. Limited exceptions to this rule

Representative Ellis  
February 10, 1987  
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have been noted where the commission or board is only advisory or informational:

The separation of powers doctrine does not in all cases prevent individual members of the legislature from serving on administrative boards or commissions created by legislative enactments. Individual members of the legislature may serve on administrative boards or commissions where such service falls in the realm of cooperation on the part of the legislature and there is no attempt to usurp functions of the executive department of the government. State ex rel. Schneider v. Bennet, 219 Kan. 285, 547 P.2d 786, 792 (Kansas 1976).

The same principle holds true for legislative enactments that encroach on the functions of the executive branch by the judicial branch. Placing the Chief Justice of the Supreme Court on a commission whose function appears to be primarily executive (adopting regulations regarding criminal justice information systems) is probably such an encroachment on the executive branch, and therefore unconstitutional under the separation of powers doctrine.

It is certainly true that the Supreme Court has the power to adopt regulations or rules regarding its own criminal justice information systems. However, since the commission would have power over executive branch computers as well, there is a separation of powers problem. The argument could be made that, as a matter of policy, it is critical to have both branches of the government represented on the commission because of the need for interaction between the computer systems of each branch. How such an argument would fare before the court is uncertain, however, in light of prior rulings on the separation of powers doctrine.

On a separate note, there are two items in your request that are not completely addressed in the bill. First, you requested that the application of AS 12.65.035 be limited to requests for conviction information on certain sex crimes only. Don Clocksin informed me that the intent is to go back to the law prior to the 1983 amendments. However, AS 12.65.035 was added in 1983 and then amended in 1984 to cover the statutory sex crime sections as they were written before the criminal code was rewritten. Therefore, it is impossible for me to determine which crimes you wish to include under AS 12.65.035. I can prepare language amending

Representative Ellis  
February 10, 1987  
Page 3

that section if you provide me with more specific information on which crimes are to be included.

Finally, the audit referred to in your bill request recommends that statutory language be adopted providing for purging of certain criminal justice information from computer systems. However, I am unable to draft such language without more specific directions. AS 12.62.040(a)(3), set out in sec. 9 of the bill, provides that criminal justice information must include operating procedures approved by the commission designed to assure that information in criminal justice information systems is periodically removed. Section 10 of the bill adds a new provision (AS 12.62.060(c)) requiring the commission to adopt regulations requiring law enforcement agencies to "modify, supplement, close, or purge" criminal justice information that is inaccurate or gathered illegally. If these provisions are not adequate to satisfy your concerns, I will need greater details in order to draft more specific requirements.

If I may be of further assistance, please advise.

KBL:mkr  
m8/112

Enclosure

1 IN THE HOUSE

2 HOUSE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to intelligence information; a  
7 relating to and renaming the Governor's Commission  
8 the Administration of Justice."

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

10 \* Section 1. AS 12.62.010 is amended to read:

11 Sec. 12.62.010. REGULATIONS. (a) The Governor's Commission c  
12 Criminal Justice Information [THE ADMINISTRATION OF JUSTICE] estab  
13 lished under AS 44.19.110 - 44.19.122 shall [IS AUTHORIZED], afte  
14 appropriate consultation with representatives of state and local la  
15 enforcement agencies participating in information systems covered by  
16 this chapter, [TO] adopt regulations to establish [AND] procedure:  
17 considered necessary to facilitate and regulate the exchange of crimi-  
18 nal justice information and to insure the security and privacy of  
19 criminal justice information systems. The notice and hearing require-  
20 ments of the Administrative Procedure Act (AS 44.62), relating to the  
21 adoption of regulations, apply to regulations adopted under this  
22 chapter.

23 (b) In addition to regulations adopted under (a) of this sec-  
24 tion, the commission shall, after appropriate consultation with rep-  
25 resentatives of state and local law enforcement agencies, adopt regu-  
26 lations [AND PROCEDURES] governing the gathering of intelligence  
27 information and the storage, security, and privacy of the intelligence  
28 information collected and maintained by law enforcement agencies in  
29 the state. [THE NOTICE AND HEARING REQUIREMENTS OF THE ADMINISTRATIVE

1 PROCEDURE ACT (AS 44.62), RELATING TO THE ADOPTION OF REGULATIONS  
2 APPLY TO REGULATIONS ADOPTED UNDER THIS SUBSECTION.] In adopting  
3 these regulations, the commission shall take into account both the  
4 interest of law enforcement agencies in maintaining the ability  
5 to conduct intelligence operations and each individual's right to privacy.  
6

7 \* Sec. 2. AS 12.62.010 is amended by adding a new subsection to read:

8 (c) This chapter and regulations adopted under this chapter  
9 apply to all criminal justice information systems in the state, in-  
10 cluding the Alaska Public Safety Information Network.

11 \* Sec. 3. AS 12.62.015(a) is amended to read:

12 (a) Regulations of the commission adopted under AS 12.62.010(b)  
13 must [SHALL] include requirements and guidelines concerning the cat-  
14 egories of intelligence information that [WHICH] may be gathered by  
15 law enforcement agencies in the state, the purposes for which intelli-  
16 gence information may be collected, and the methods and procedures  
17 that [WHICH] may be used in collecting intelligence information. The  
18 regulations must restrict methods and procedures for collecting intel-  
19 ligence information to methods and procedures likely to result in  
20 relevant and reliable information.

21 \* Sec. 4. AS 12.62.015 is amended by adding a new subsection to read:

22 (c) A law enforcement agency in the state may not gather or  
23 retain intelligence information unless the information pertains to an  
24 individual or group that is reasonably suspected of engaging in crimi-  
25 nal activity.

26 \* Sec. 5. AS 12.62.030(b) is amended to read:

27 (b) Criminal justice information may be made available to qual-  
28 ified persons for research related to law enforcement under regu-  
29 lations adopted by the commission. These regulations must include

1 procedures to assure the security of information and the privacy  
2 individuals about whom information is released. Release of infor  
3 tion under this subsection shall be limited to the maximum extent th  
4 is consistent with law enforcement goals.

5 \* Sec. 6. AS 12.62.030(c) is amended to read:

6 (c) A person has [SHALL HAVE] the right to inspect crimin  
7 justice information that refers to the person. If a person believ  
8 the information to be inaccurate, incomplete, or misleading, th  
9 person may request the criminal justice agency having custody o  
10 control of the records to purge, modify, or supplement them. When th  
11 agency responds to the person's request, the agency shall notify th  
12 person of the right to request a review from the commission under thi  
13 subsection. If the agency declines to implement the person's reques  
14 [DO SO], or if the person believes the agency's decision to be other-  
15 wise unsatisfactory, the person may in writing request review by the  
16 commission within 60 days after [OF] the decision of the agency. If  
17 it finds a basis for complaint, the [THE] commission or [,] its rep-  
18 resentative or agent shall [, IN A CASE IN WHICH IT FINDS A BASIS FOR  
19 COMPLAINT,] conduct a hearing at which the person may appear with  
20 counsel, present evidence, and examine and cross-examine witnesses.  
21 Written findings and conclusions shall be issued and a copy of them  
22 shall be sent to the person requesting review with a notice of the  
23 person's right to appeal under (f) of this section. If the record in  
24 question is found to be inaccurate, incomplete, or misleading, the  
25 commission shall order it to be appropriately purged, modified, or  
26 supplemented by an explanatory notation. An agency or person in the  
27 state with custody, possession, or control of the record shall prompt-  
28 ly have every copy of the record altered in accordance with the com-  
29 mission's order. The commission shall promptly notify [NOTIFICATION

1 OF A DELETION, AMENDMENT AND SUPPLEMENTARY NOTATION SHALL BE PROMI  
2 DISSEMINATED BY THE COMMISSION TO] persons or agencies to which  
3 cords in question have been communicated, and [AS WELL AS TO]  
4 person whose records have been altered, of a deletion, amendment,  
5 supplementary notation.

6 \* Sec. 7. AS 12.62.030(e) is amended to read:

7 (e) The commission shall adopt regulations for access to crim  
8 nal justice information and establishing reasonable [REASONABLE] hou  
9 and places of inspection, and any additional restrictions, includi  
10 fingerprinting, that are reasonably necessary both to assure th  
11 record's security and to verify the identity of a person who seeks t  
12 inspect a record [IDENTITIES OF THOSE WHO SEEK TO INSPECT THEM MAY B  
13 PRESCRIBED BY PUBLISHED RULES]. Fingerprints taken under this sub-  
14 section may not be transferred to another agency or used for any other  
15 purpose.

16 \* Sec. 8. AS 12.62.035(a) is amended to read:

17 (a) Notwithstanding any other provision of law, an interested  
18 person as defined in (e) of this section may request from the commis-  
19 sion records of all convictions involving [CONTRIBUTING TO THE DELIN-  
20 QUENCY OF A MINOR AND ANY] sex crimes of a person who holds or applies  
21 for a position in which the person has or would have supervisory or  
22 disciplinary power over a minor. The requesting interested person  
23 shall include with the request a written authorization, signed by the  
24 subject of the request, indicating that the subject consents to re-  
25 lease of the records to the interested person. If the commission is  
26 satisfied that the subject of the request has authorized release of  
27 the information, the commission shall authorize the disclosure of the  
28 information to the requesting interested person, and shall provide a  
29 copy of the information to the person who is the subject of the

1 request. Information released under this section is limited to  
2 fact that the person was convicted of a crime and the date, time and place  
3 of the crime and any other information pertaining to the crime.

4 \* Sec. 9. AS 12.62.040(a) is amended to read:

5 (a) Criminal justice information systems shall

6 (1) be dedicated to law enforcement purposes and be under  
7 the management and control of law enforcement agencies in accordance  
8 with [UNLESS EXEMPTED UNDER] regulations adopted under AS 12.62.010;

9 (2) include operating procedures approved by the commission  
10 that [WHICH] are [REASONABLY] designed to assure the security of the  
11 information contained in the system from unauthorized disclosure, and  
12 [REASONABLY] designed to assure that criminal offender record informa-  
13 tion in the system is regularly and accurately revised to include  
14 subsequently furnished information;

15 (3) include operating procedures approved by the commission  
16 that [WHICH] are designed to assure that information concerning an  
17 individual shall be removed from the records, based on considerations  
18 of age, nature of record, and reasonable interval following the last  
19 entry of information indicating that the individual is still under the  
20 jurisdiction of a law enforcement agency.

21 \* Sec. 10. AS 12.62.040 is amended by adding a new subsection to read:

22 (c) The commission shall adopt regulations that require a law  
23 enforcement agency to modify, supplement, close, or purge from the  
24 criminal justice information system

25 (1) inaccurate information; or

26 (2) information gathered or entered in violation of this  
27 chapter.

28 \* Sec. 11. AS 12.62.060(b) is amended to read:

29 (b) A person who [WILFULLY] disseminates or uses criminal

1 justice information knowing the [SUCH] dissemination or use to be a  
2 violation of this chapter, or who knowingly collects, obtains or uses  
3 intelligence information in violation of this chapter, is guilty of  
4 class C felony [UPON CONVICTION, IS PUNISHABLE BY A FINE OF NOT MORE  
5 THAN \$1,000 OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH].  
6

7 \* Sec. 12. AS 12.62.060(c) is amended to read:

8 (c) A good faith reliance upon the provisions of this chapter or  
9 of applicable law governing maintenance, dissemination, or use of  
10 criminal justice information, or upon [RULES,] regulations adopted [  
11 OR PROCEDURES PRESCRIBED] under this chapter is a defense to a civil  
12 or criminal action brought under this chapter.

13 \* Sec. 13. AS 12.62.070(1) is amended to read:

14 (1) "commission" means the Governor's Commission on Crimi-  
15 nal Justice Information [THE ADMINISTRATION OF JUSTICE] established  
16 under AS 44.19.110 - 44.19.122.

17 \* Sec. 14. AS 12.62.070(3) is amended to read:

18 (3) "criminal justice information system" means a system [,  
19 INCLUDING THE EQUIPMENT, FACILITIES, PROCEDURES, AGREEMENTS, AND  
20 ORGANIZATIONS RELATED TO THE SYSTEM FUNDED IN WHOLE OR IN PART BY THE  
21 LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,] for the collection, pro-  
22 cessing, or dissemination of criminal justice information;

23 \* Sec. 15. AS 14.43.310(b) is amended to read:

24 (b) To assist the administering authority in selecting eligible  
25 applicants for award of each of the memorial scholarship loans under  
26 AS 14.43.250 - 14.43.325 and in reviewing the memorial scholarship  
27 loan program, the following advisory committees are established:

28 (1) three Alaska state troopers, each one to be selected  
29 from and to represent a state trooper region of the state by the

1 regional commander to serve for three years, for the Michael Murph;  
2 memorial scholarship;

3 (2) three members of the Governor's Commission on Criminal  
4 Justice Information [THE ADMINISTRATION OF JUSTICE] selected annually  
5 by the commission from among its membership, for the Carroll L.  
6 "Butch" Swartz memorial scholarship;

7 (3) three members of the state Board of Registration for  
8 Architects, Engineers and Land Surveyors selected annually by the  
9 board from among its engineer members, for the Harvey Golub memorial  
10 scholarship; and

11 (4) three members of the state Board of Education, or of  
12 the staff of the Department of Education, or any combination of these,  
13 selected annually by the board, for the Robert L. Thomas memorial  
14 scholarship.

15 \* Sec. 16. AS 18.65.250(a) is amended to read:

16 (a) The Governor's Commission on Criminal Justice Information  
17 [THE ADMINISTRATION OF JUSTICE] has the authority to assist political  
18 subdivisions and police departments in meeting the costs involved by  
19 extending financial assistance for travel, per diem, tuition, and  
20 other costs.

21 \* Sec. 17. AS 44.19.110 is amended to read:

22 Sec. 44.19.110. ESTABLISHMENT OF THE COMMISSION. The Governor's  
23 Commission on Criminal Justice Information [THE ADMINISTRATION OF  
24 JUSTICE] is established in the Office of the Governor.

25 \* Sec. 18. AS 44.19.112 is repealed and reenacted to read:

26 Sec. 44.19.112. MEMBERSHIP AND MEETINGS. (a) The commission is  
27 composed of the attorney general, the public defender, the chief  
28 justice of the Supreme Court of Alaska, and two public members ap-  
29 pointed by the governor. One of the public members must be

1 experienced in the field of computer science.

2 (b) The commission shall elect a member to serve as chair and  
3 may elect other officers. Terms of officers are for one year.

4 (c) The commission shall meet at least once each year at the  
5 call of the chair.

6 \* Sec. 19. AS 44.19.114 is amended to read:

7 Sec. 44.19.114. COMPENSATION AND PER DIEM. Members of the  
8 commission receive no salary for their service on the commission. The  
9 public members [BUT] are entitled to per diem and travel expense  
10 authorized by law for boards and commissions.

11 \* Sec. 20. AS 44.19.122 is repealed and reenacted to read:

12 Sec. 44.19.122. STAFF. The Department of Law shall provide  
13 staff for the commission without expense to the commission.

14 \* Sec. 21. Each criminal justice agency in the state that has entered  
15 intelligence information into criminal justice information systems shall  
16 review that information and immediately purge from the system information  
17 that does not meet the requirements of this Act.

18 \* Sec. 22. AS 12.62.035(e)(1); AS 44.19.118, and 44.19.120(a) are  
19 repealed.

3211 Providence Drive  
Anchorage, Alaska 99508  
(907) 786-1810

SCHOOL OF JUSTICE

April 6, 1987

Hon. Jay Kerttula, Chairman  
Senate Judiciary Committee  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

*Batts  
file*

APR 7 1987

Dear Senator Kerttula:

A policy group such as would be created by Senate Bill No. 207 to oversee the use of Alaska criminal justice information is needed, since the Governor's Commission on the Administration of Justice which is presently designated to perform that role has not been convened for several years. On behalf of the faculty and staff of the School of Justice at the University of Alaska, Anchorage, and as director of the Alaska Justice Statistical Analysis Unit, I have several suggestions which we believe could be used to enhance the scope and effectiveness of the measure.

1. Although existing security and privacy statutes specifically provide for justice researchers to have access to the state's computerized information for research purposes, in practice, gaining such access has in the past proven difficult and time-consuming. We suspect even legislative researchers have encountered problems in obtaining criminal justice data. Without someone to speak to the concerns of the researchers, the problems of access will likely increase under this agency-dominated commission. Given the state's economic downturn, expeditious research related to crime and the administration of justice will be even more important than in times past.

We suggest that the membership of the proposed commission be expanded to include representation of the justice research community. Since the School of Justice is responsible for coordinating university research in this field, we would appreciate a designated position on the Commission.

2. The bill's provisions that no regulations affecting the executive or judicial branches can be binding without an independent affirmative vote from the representatives of the affected branch seems to render the Commission impotent in establishing rules except as the rules affect those outside the executive and judicial branches. Since the municipal police representative has no similar

Senator Jay Kerttula  
April 6, 1987  
Page 2

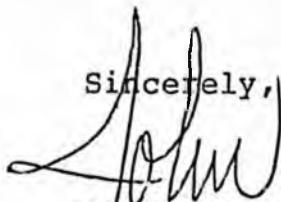
authority, it seems that local justice and police agencies are among those who will be forced to abide by criminal information rules created by a Commission composed almost exclusively of state-level criminal justice administrators.

3. As the Governor indicates in his letter, the Governor's Commission on the Administration of Justice served as a "steering agency for handling federal grants from LEAA" in the 1970s, however, the Commission also performed a broader responsibility of planning and coordination within the criminal justice system. Creating a successor agency to handle only criminal justice information policies might have the unintended effect of reducing the importance of inter-agency planning. System-wide planning for the justice system is particularly important during the present period of economic contraction. We understand several criminal justice coordinating committees have been instituted throughout the state to perform such planning. It would seem that the responsibilities of such ad hoc committees and those of the Commission on Criminal Justice Information might profitably be merged to improve their effectiveness and perhaps achieve a savings to the state.

We understand this bill is scheduled for a hearing on April 9 in Juneau. Our efforts to reduce travel costs prevent our faculty from attending the hearing; however, we will be available in Anchorage to respond by telephone or letter to issues or questions related to the bill.

Thank you for consideration of these observations and suggestions.

Sincerely,



John E. Angell, Ph. D.  
Dean

JEA/jld

cc: Senator Arliss Sturgulewski  
Senator Joe Josephson  
Senator Rick Halford  
Senator Pat Rodey

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST: \_\_\_\_\_

Bill Version: SB 207  
Publish Date: \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: "An Act abolishing the Governor's  
Commission...Administration of Justice..."  
Sponsor: Senate Rules/Req. of the Gov.  
Requestor: Senate Judiciary Committee

Agency Affected: Department of Law  
BRU: Prosecution  
Components: Criminal Justice Litigation  
and Legal Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
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 FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Please see the attached analysis.

Prepared by: Richard I. Pegues, Director Phone: 465-3672  
Division: Administrative Services Date: April 14, 1987  
Approved by Commissioner: Grace Berg Schaible, Attv. Gen. Date: April 14, 1987  
Agency: Department of Law

Distribution (by preparer):

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 207

This bill abolishes the thirteen-member Governor's Commission on the Administration of Justice and transfers responsibility for overseeing law enforcement uses of criminal justice information to a new seven-member Governor's Commission on Criminal Justice Information. It is anticipated that the new commission will meet three or four times in its first year to update the state's current privacy regulations under AS 12.62. Thereafter, the commission will probably meet twice each year. The individual state agencies represented on the commission will be responsible for paying for their representatives' attendance at commission meetings. The Department of Law will provide for the adoption of new or amended regulations using existing staff, and it will pay the travel and per diem cost for the municipal police member to attend commission meetings from its existing budget. These costs are not of sufficient magnitude to warrant fiscal note costs.