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3 5 8

HOUSE COMMITTEE REPORT

4/23

(7)

Date Referred: March 19, 1990

FURTHER REFERRALS:

JUDICIARY
FINANCE

Date of Committee Action: 4/23/90

The HESS Committee considered:

CSSSSB 358 (FINANCE)

CS SS SENATE BILL NO. 358 (Fin)

FINGERPRINTING OF MINORS

"An Act relating to fingerprinting of minors; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with HCS CS SS SA 358 (HESS) the same title
- have 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):
(Dept)

- fiscal impact _____
- zero fiscal note _____
- zero with analysis _____

APPROVES PREVIOUS:

- fiscal note(s) 3/1/90 ^(Date/Dept) Pub. Safety
- zero fiscal note(s) 3/1/90 ^(Date/Dept) Pub. Safety
- zero fn/analysis _____ ^(Date/Dept) DHSS

SIGNING DO PASS:

J. Ellis ELLIS

Cheri Davis C. DAVIS

Max Boyer BOYER

Jacko JACKO

SIGNING:

(Check approp. column)

Do Not Pass No Rec Amend

<u>W. Greenberg</u>	GREENBERG		

J. Ellis
Chairman's Signature

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
Title: Fingerprinting of Minors BRU: Alaska State Troopers
Sponsor: Senators Fischer & Kelly Component: Detachments
Requestor: Senate Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	17.6	17.6	17.6	17.6	17.6	17.6
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	17.6	17.6	17.6	17.6	17.6	17.6

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND	17.6	17.6	17.6	17.6	17.6	17.6
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	17.6	17.6	17.6	17.6	17.6	17.6

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

This fiscal note is based upon the estimate of having State Troopers fingerprinting 1,500 juveniles per year. Each fingerprinting process will involve approximately 20 minutes for a total of approximately 500 hours per year. This equates to about 3 months of Trooper time statewide. The costs included on the fiscal note are based upon an average State Trooper position cost for three months. This would be a range 76, Step D.

Prepared by: Francis C. Allan Phone: 269-5691
Division: Alaska State Troopers Date: 02/08/90

Approved by Commissioner: Arthur English Date: 2-8-90
Agency: Department of Public Safety Page 1 of 1

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION: CSSSSB 358 (Jud)(b)
PUBLISH DATE: 2/27/90

FISCAL NOTE

REQUEST:

Revision Date: 2/23/90
Title: An Act Relating to the
Fingerprinting of Minors
Sponsor: Sen. Fischer
Requestor: Senate Judiciary

Agency Affected: Public Safety
BRU: DPS Statewide Support
Component: AK Criminal Records
& ID

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	9.1	9.1	9.1	9.1	9.1	9.1
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	9.1	9.1	9.1	9.1	9.1	9.1

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	9.1	9.1	9.1	9.1	9.1	9.1
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	9.1	9.1	9.1	9.1	9.1	9.1

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

The Records and Identification Section operates the Alaska Automated Fingerprint Identification System (AAFIS) and maintains criminal history record information used by police and other criminal justice agencies.

(continued on attached)

Prepared by: Ken Bischoff
Division: Administrative Services

Phone: 465-4336
Date: 02/26/90

Approved by Commissioner: Arthur English
Agency: Department of Public Safety

Date: 02/26/90

FISCAL NOTE - CSSSSB 358
Department of Public Safety
(Analysis - Page 2 of 2)

This bill would allow the fingerprinting of juveniles age 14 or older who are arrested for criminal offenses. These fingerprints would be compared with latent (crime scene) prints contained in the Alaska Automated Fingerprint Identification System (AAFIS).

This bill should have a positive impact on the ability of police to solve cases involving juvenile offenders. A large percentage of theft and burglary offenses are committed by juveniles. Fingerprint evidence is frequently found at the scene of these offenses, but is not matched to any suspect because juveniles are not fingerprinted. AAFIS records indicate that a large number of theft and burglary offenses are cleared when adults are arrested and their fingerprints matched to latents from crimes committed when the offender was a juvenile. Had these persons been fingerprinted as juvenile offenders they could have been identified, clearing additional cases and enabling the court to consider the offender's complete conduct when deciding the disposition of a case.

Existing AAFIS staff are not able to keep current with their present workload. Additional funding is required in Personal Services to increase the staff months of a part-time position approved for this unit for FY91 under a fiscal note for HB 52 (Chp 7 SLA 1990). The increased workload expected as a result of this bill is estimated as follows:

Estimated Number of Juvenile Fingerprint Cards	-	2,700
Total time to complete 15 processing steps	-	436 hrs

Clerk IV - Range 9A (3.5 months)

Salary	\$6,059
Benefits	<u>2,999</u>
Total Salary & Benefits	\$9,058

FISCAL NOTE

REQUEST:

Revision Date: 2/23/90 Agency Affected: Public Safety
Title: An Act Relating to the BRU: DPS Statewide Support
Fingerprinting of Minors
Sponsor: Sen. Fischer Component: AK Criminal Records
Requestor: Senate Judiciary & ID

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	9.1	9.1	9.1	9.1	9.1	9.1
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	9.1	9.1	9.1	9.1	9.1	9.1

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	9.1	9.1	9.1	9.1	9.1	9.1
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	9.1	9.1	9.1	9.1	9.1	9.1

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

The Records and Identification Section operates the Alaska Automated Fingerprint Identification System (AAFIS) and maintains criminal history record information used by police and other criminal justice agencies.

(continued on attached)

Prepared by: Ken Bischoff Phone: 465-4336
Division: Administrative Services Date: 02/26/90

Approved by Commissioner: Arthur English Date: 02/26/90
Agency: Department of Public Safety Page 1 of 2

Changes in CSSSB 358 (Fin)
have no fiscal impact
This fiscal note is
appropriate. 2/28/90 ML

FISCAL NOTE - CSSSSB 358
Department of Public Safety
(Analysis - Page 2 of 2)

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Existing AAFIS staff are not able to keep current with their present workload. Additional funding is required in Personal Services to increase the staff months of a part-time position approved for this unit for FY91 under a fiscal note for HB 52 (Chp 7 SLA 1990). The increased workload expected as a result of this bill is estimated as follows:

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Salary		\$6,059
Benefits		<u>2,999</u>
Total Salary & Benefits		\$9,058

CAF

FISCAL NOTE

REQUEST:

Revision Date: February 6, 1990
Title: An Act Relating to Fingerprinting
of Minors
Sponsor: Senators Fisher & Kelly
Requestor: _____

Agency Affected: DH&SS
BRU: Youth Services
Components: Probation Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
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	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : (Attach a separate page if necessary)

This bill has no fiscal impact on the Department in FY90. SSSB358 permits the fingerprinting of minors arrested for an offence that is a felony if committed by an adult. Fingerprinting of minors 16 years of age and older could be entered into the Alaska automated fingerprint identification system. Arresting law enforcement agencies would take the fingerprints and the Department of Public

Prepared by: Russ Webb Phone: 465-3170

Division: Family and Youth Services Date: _____

Approved by Commissioner: [Signature] Date: 2/20/90

Agency: _____

Distribution (by preparer):

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

Changes in CS SSSB 358 (JW)
have no fiscal impact.
This fiscal note is
appropriate.

CK

Changes in SSSB 358 (Fin.)
have no fiscal impact
this fiscal note is
appropriate. 2/28/90 jwb

SSB358 An Act Relating to the Fingerprinting of Minors (con't.)

Safety would do the entries. This Department would not be fiscally impacted.

FISCAL NOTE

REQUEST:

Revision Date: February 6, 1990
Title: An Act Relating to Fingerprinting
of Minors
Sponsor: Senators Fisher & Kelly
Requestor: _____

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
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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	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS: (Attach a separate page if necessary)

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Prepared by: Russ Webb *Russ Webb* Phone: 465-3170
Division: Family and Youth Services Date: _____

Approved by Commissioner: *M. M. M. M.* Date: 2/20/90
Agency: _____

Distribution (by preparer):

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

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This fiscal note is
appropriate. *CK*

FISCAL NOTE -- CSSSSB 358
Department of Public Safety
(Analysis - Page 2 of 2)

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Sponsor: Sen. Fischer Component: AK Criminal Records
Requestor: Senate Judiciary & ID

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	9.1	9.1	9.1	9.1	9.1	9.1
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	9.1	9.1	9.1	9.1	9.1	9.1

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	9.1	9.1	9.1	9.1	9.1	9.1
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	9.1	9.1	9.1	9.1	9.1	9.1

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

The Records and Identification Section operates the Alaska Automated Fingerprint Identification System (AAFIS) and maintains criminal history record information used by police and other criminal justice agencies.

(continued on attached)

Prepared by: Ken Bischoff Phone: 455-4336
Division: Administrative Services Date: 02/26/90
Approved by Commissioner: Arthur English Date: 02/26/90
Agency: Department of Public Safety Page 1 of 2

FISCAL NOTE - C555B 35B
Department of Public Safety
(Analysis - Page 2 of 2)

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Total Salary & Benefits		\$9,058

252

FISCAL NOTE

REQUEST:

Revision Date: February 6, 1990
 Title: An Act Relating to Fingerprinting
of Minors
 Sponsor: Senators Fisher & Kelly
 Requestor: _____

Agency Affected: DH&SS
 BRU: Youth Services
 Components: Probation Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
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TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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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	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : (Attach a separate page if necessary)

This bill has no fiscal impact on the Department in FY90. SSSB358 permits the fingerprinting of minors arrested for an offence that is a felony if committed by an adult. Fingerprinting of minors 16 years of age and older could be entered into the Alaska automated fingerprint identification system. Arresting law enforcement agencies would take the fingerprints and the Department of Public

Prepared by: Russ Webb Phone: 465-3170
 Division: Family and Youth Services Date: _____

Approved by Commissioner: *M. M. M...* Date: 2/20/90
 Agency: _____

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

SSB358 An Act Relating to the Fingerprinting of Minors (con't.)

Safety would do the entries. This Department would not be fiscally impacted.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Fingerprinting of Minors

Agency Affected: Public Safety
BRU: Alaska State Troopers

Sponsor: Senators Fischer & Kelly
Requestor: Senate Judiciary

Component: Detachments

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	17.6	17.6	17.6	17.6	17.6	17.6
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	17.6	17.6	17.6	17.6	17.6	17.6

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND	17.6	17.6	17.6	17.6	17.6	17.6
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	17.6	17.6	17.6	17.6	17.6	17.6

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

This fiscal note is based upon the estimate of having State Troopers fingerprinting 1,500 juveniles per year. Each fingerprinting process will involve approximately 20 minutes for a total of approximately 500 hours per year. This equates to about 3 months of Trooper time statewide. The costs included on the fiscal note are based upon an average State Trooper position cost for three months. This would be a range 76, Step D.

Prepared by: Francis C. Allan
Division: Alaska State Troopers

Phone: 269-5691
Date: 02/08/90

Approved by Commissioner: Arthur English
Agency: Department of Public Safety

Date: 2-8-90
Page 1 of 1

2/16/90

Alaska State Legislature

Senator Paul Fischer
Senate District D
Box 784
Soldotna, Alaska 99669
(907) 262-9420 W
262-9269



State Senate

While in Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 465-3791

Jim/Nina

MEMORANDUM

TO: Representatives Johnny Ellis, Chairmen
House Health, Education and Social Services
Committee

FROM: Senator Paul Fischer *PAF*

SUBJECT: CSSS Senate Bill 358 (Finance)
(fingerprinting of minors)

DATE: March 28, 1990

I would like to respectfully request that the above referenced bill be considered by the House Health, Education and Social Services Committee at the earliest possible time.

As you are aware this entire issue is of major concern to the various law enforcement agencies across the state.

In 1988, the legislature addressed this matter in depth, eventually passing compromise legislation that could be supported by the affected state agencies involved as well as provide a meaningful aid which was desired by law enforcement. However, it soon became evident to several of us in the legislature that the statute that was enacted in 1988 had never been implemented, thus the reason for the reintroduction of this legislation. As you know similar legislation was introduced on the House side by Representative Donley (HB 486) and is presently in your committee.

The Departments of Law and Public Safety are in full support of the legislation which passed the Senate. The Law Enforcement Coalition also supports the Senate version. This coalition is made up of members of the Alaska Association of Chiefs of Police, Alaska Peace Officers Association, and the Federal Bureau of Investigation National Academy Associates.

I am hopeful that we can pass Senate Bill 358, prior to adjournment, in order to complete the job we started in 1988.

Your consideration is appreciated.

PAF/sgn

Alaska Association of Chiefs of Police



Alaska Peace Officers Association, Inc.



Federal Bureau of Investigation National Academy Associates



**Position Statement
from The Law Enforcement Coalition
Concerning Legislative Proposals
before the
Sixteenth Alaska Legislature
January 1990**

EXECUTIVE BOARDS FOR THE COALITION

AACP

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President
Homer, 235-8113

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Vice President
Anchorage, 786-8552

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Fairbanks, 452-2114

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Board Member
Anchorage, 262-4455

Greg Hansen
Board Member
Anchorage, 786-8787

Terry Quarton
Board Member
Wasilla, 276-3550

FBINAA

Terry McConnaughey
President
Anchorage. 269-5643

Dan Anslinger
Vice President
Southeast Region
225-6631

Glenn Flothe
Vice President
South Central Region
262-4453

Richard Cummings
Vice President
Northern Region
452-1527

Turk Mayfield
Secretary/Treasurer
Willow
495-6413

JAN 29 1990

FOREWORD

This is the third year that the Coalition, consisting of the Alaska Peace Officers Association, Inc., the Alaska Association of Chiefs of Police, and the F.B.I. National Academy Associates, have jointly identified what we feel are the two top priorities involving legislation affecting public safety statewide.

During the last legislative session the limiting of Municipal liability imposed by the Busby decision was passed into law in the form of SB 66. We feel that was a significant accomplishment and appreciate the support of the Sixteenth Alaska Legislature. We are very satisfied that our concerns were heard by the members who met with us.

The other two priorities listed in our Statement last session were **Indemnification of Government Employees** and **Fingerprinting of Minors**. We feel these two issues are critical as they continue to affect the jobs police officers are able to do for their communities.

We strongly urge that you support these issues. The interests of every citizen in the State is affected. We strive for ever increasing professionalism throughout our ranks and we ask that the legislature continue to support us by passing laws which enable us to better serve the people of Alaska.

There are other bills being introduced this session which we intend to support. Recriminalization of marijuana continues to receive our support and urging. We are working for and will support legislation in favor of conspiracy, retirement reforms for peace officers in various fields, and possession of a deadly weapon during a violation of a domestic violence writ. We anticipate there will be other bills we support and favor and we always look forward to sharing our concerns.

Thank you for your interest. We extend to you an invitation to call or meet with any member of the Executive Boards for the Coalition. The officers are listed at the end of our Statement.

FINGERPRINTING OF MINORS

In 1988, Alaska State Statute 47.10.097 (Fingerprinting of Minors) was passed by the Legislature. This allows an officer to fingerprint a minor who is 16 years of age or older for entry into, or reference to, the Alaska Automated Fingerprint System (hereafter referred to as AAFIS) without a court order if the minor is convicted of, or adjudicated a delinquent for an offense that is a felony. However, we believe that the statute does not go far enough in that it does not allow for fingerprints to be taken, referenced, or entered into the AAFIS without a court order if the minor is only in custody and has not yet been adjudicated or convicted of a crime. This is what we wish to have amended.

Fingerprints are a primary tool for detection in many areas of criminal investigation. We believe, in the case of juveniles, a tremendous psychological deterrent to future criminal conduct. Statistics show that over the last 13 year period, juveniles constituted over 50% of the arrest rate for crimes such as burglary, larceny/theft, motor vehicle theft, and arson.

The "Coalition" believes that the true percentage of juvenile perpetrators is actually much higher. Detection, apprehension, and the rehabilitation process could advance much faster should law enforcement have access to fingerprint files of previously arrested youth between the ages of 14 and 17. We stress the rehabilitation process in this position statement as we strongly believe that the longer a juvenile is allowed to go undetected the more his or her conduct has been reinforced. This would, thereby, substantially diminish rehabilitation into productive adulthood.

The "Coalition" again urges the Legislature to pass into law a statute which would enable law enforcement to solve and prevent more crimes and ultimately better protect our citizens. We urge the Legislature to amend the 1988 statute to include the following:

1. A law enforcement officer may fingerprint and photograph any juvenile 14-17 years of age who has been arrested for any offense for which a person 18 years and older can be arrested, and
2. fingerprints taken from an arrested juvenile may then be entered and stored into AAFIS.

It is important to note that the Supreme Court of Alaska in 1987 removed the provisions governing the restrictions of fingerprinting and the photographing of minors from the "Children's Rules". After this ruling, the Attorney General's office recommended in a letter to the Youth Bureau of the Anchorage Police Department that they should, as a matter of policy, commence fingerprinting and photographing juveniles under the same conditions as for adults. They even included polygraphing arrested juveniles when necessary, however that is not what is of primary concern to us in this position statement.

The Supreme Court had given law enforcement the latitude they needed to protect the victims, as well as create the foundation for rehabilitation of those particular juveniles. We now ask that the Legislature assist in this same vein by considering the above recommendations.

A major concern from detractors of this proposal is that juveniles arrested for various crimes are too young to have realized the consequences of their mistakes. They conclude that by simple virtue of their age they should not then be subjected to fingerprinting and supposedly stigmatized for life. It must be countered that other than to certified law enforcement agencies, there is no access to juvenile files and that even access by other law enforcement agencies is extremely restricted. It is therefore our contention that this particular argument against juvenile fingerprinting is simply unwarranted and not a concern to the juvenile unless he or she becomes an habitual offender.

Unfortunately, it is a sad commentary of our present day society that an increasing number of crimes are being committed by juveniles. However, law enforcement needs to be able to use all the tools at their disposal to address and confront this growing problem and we are asking for your assistance in considering this important proposal.

FISCAL NOTE

REQUEST:

Revision Date: 4/10/90 Agency Affected: Public Safety
Title: An Act Relating to the BRU: DPS Statewide Support
Fingerprinting of Minors
Sponsor: Sen. Fischer Component: AK Criminal Records
Requestor: Senate Finance & ID

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	9.1	9.1	9.1	9.1	9.1	9.1
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	9.1	9.1	9.1	9.1	9.1	9.1

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	9.1	9.1	9.1	9.1	9.1	9.1
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	9.1	9.1	9.1	9.1	9.1	9.1

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

The Records and Identification Section operates the Alaska Automated Fingerprint Identification System (AAFIS) and maintains criminal history record information used by police and other criminal justice agencies.

(continued on attached)

Prepared by: Ken Bischoff Phone: 465-4336
Division: Administrative Services Date: 04/10/90
Approved by Commissioner: S.A.H. English Date: 04/10/90
Agency: Department of Public Safety Page 1 of 2

Ken Bischoff
4/10/90

FISCAL NOTE - CSSSSB 358 (Fin)
Department of Public Safety
(Analysis - Page 2 of 2)

This bill would allow the fingerprinting of juveniles age 14 or older who are arrested for criminal offenses. These fingerprints would be compared with latent (crime scene) prints contained in the Alaska Automated Fingerprint Identification System (AAFIS).

This bill should have a positive impact on the ability of police to solve cases involving juvenile offenders. A large percentage of theft and burglary offenses are committed by juveniles. Fingerprint evidence is frequently found at the scene of these offenses, but is not matched to any suspect because juveniles are not fingerprinted. AAFIS records indicate that a large number of theft and burglary offenses are cleared when adults are arrested and their fingerprints matched to latents from crimes committed when the offender was a juvenile. Had these persons been fingerprinted as juvenile offenders they could have been identified, clearing additional cases and enabling the court to consider the offender's complete conduct when deciding the disposition of a case.

Existing AAFIS staff are not able to keep current with their present workload. Additional funding is required in Personal Services to increase the staff months of a part-time position approved for this unit for FY91 under a fiscal note for HB 52 (Chp 7 SLA 1990). The increased workload expected as a result of this bill is estimated as follows:

Estimated Number of Juvenile Fingerprint Cards = 2,700

Total time to complete 15 processing steps = 436 hrs

Clerk IV - Range 9A (3.5 months)

Salary	\$6,059
Benefits	<u>2,999</u>
Total Salary & Benefits	\$9,058

... policy, a firm need not meet the customer's demand to resolve a complaint.

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Anchorage Daily News 2/23/90 E3

Police arrest suspect in Safeway stabbing

By MARILEE ENGE

Daily News reporter

Anchorage police on Thursday arrested a man suspected of stabbing two Safeway employees earlier this week after identifying him through the state's fingerprint computer.

Mike Troy White, 27, was charged with attempted murder and two counts of first-degree assault for the Monday morning stabbings. He was booked into Cook Inlet Pre-Trial Facility on \$100,000 bail.

Employees of the University Center Safeway store saw a man shoplift some cigarettes about 6 a.m. Monday, police said. When Donald Tomlinson and Dustin Prince tried to stop the man at the door, he pulled

a hunting knife and stabbed them.

Tomlinson was knifed in the back and underwent surgery at Providence Hospital. He was in stable condition there on Thursday. Price was treated for a leg wound and released.

Investigators took a fingerprint from the scene, ran it through the computer and came up with White's name. Then they pulled a photograph of him from state records and showed a photo line-up to witnesses, who identified him, said police spokesman Sgt. Walt Monegan.

Thursday, police found White at the Eagle Crest, a men's half-way house and residence hotel on Ninth Avenue. They surrounded the building and arrested him inside about 6 p.m.

Senate committee delays

The Associated Press

JUNEAU — A Senate committee vote on legislation that would ban flag desecration in Alaska was postponed Thursday because of a judge's ruling that the new federal flag-desecration law was unconstitutional.

The Senate Judiciary Committee had planned to approve the flag bill and

send it on its way. But the committee's vote was delayed by Sen. Jan Faiks, said a source. Faiks said he will look at the new legislation. "I don't think it's just for political purposes," Faiks said. He is a Republican from Anchorage's District 10.

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PARATEX

PIED PIPE

CALL US — 344-2538

465-4322

February 23, 1990

The Honorable Jan Faiks
Chairwoman
Senate Judiciary Committee
P.O. Box V
Juneau, AK 99811

RE: CS SSSB 358 (JUD), "An
Act Relating to Finger-
printing
of Minors"

Dear Senator Faiks:

At the Senate Judiciary Committee meeting yesterday regard-
ing SB 358, some questions were raised by committee members,
and I was asked to provide some additional information.

In response to the question regarding the number of juveniles
arrested for criminal offenses in Alaska, I am enclosing a
summary of those numbers for calendar years 1987 and 1988.
These numbers are based upon Uniform Crime Report (UCR) data
reported to the Department of Public Safety (DPS) by 24
police agencies; we estimate that about 85 percent of the
state's population is served by these 24 agencies.

As you may recall from the testimony given yesterday, the
Alaska Automated Fingerprint Identification System (AAFIS)
works in the following manner: A set of fingerprints taken
from an arrested offender is entered into the computer, and
compared with latent prints ("unknowns") collected from
crime scenes. The computer searches the entire data base,
and provides a list of prints that are possible matches
("hits"), with the most likely matches listed first. The
AAFIS operator then pulls and physically compares the
original fingerprint card with the latent prints. A
positive identification is based only on an actual
comparison of the original prints.

As you know, the committee substitute adopted by the Judi-
ciary Committee would allow the fingerprinting of juveniles
aged 14 or older who are arrested for criminal offenses. A
question was raised regarding the usefulness of fingerprints

Jan Faiks

taken from offenders aged 14 and 15 given that these offenders will continue to grow, and the size of their fingers will therefore change over time. I have spoken with Mr. Peter Davis, Supervisor of the DPS Records and Identification Section, and Mr. John Sauve, Supervisor of AAFIS, regarding this matter. They have informed me that our present AAFIS is accurate to "plus or minus 18 percent of growth." Beyond 18 percent there is a loss of accuracy in the computer's ability to detect a match. This loss of accuracy is in direct proportion to the quality of the original print. (Some latent prints collected at crime scenes are partial or somewhat smudged.) This loss of accuracy may mean that an actual match may not be detected; it would not result in an incorrect "match."

Based on our experience, and that of other law enforcement agencies with Automated Fingerprint Identification Systems (AFIS), we believe that the fingerprints of virtually all 14- and 15-year-olds would be within 18 percent of the size of the person's adult fingerprint. The San Francisco Police Department has included the fingerprints of juvenile offenders in its AFIS since 1984. They have informed us that the slight difference in size between juvenile and adult prints has not presented a problem in obtaining matches in their system. [Here in Alaska from 1984 through 1989 the fingerprints of 124 persons arrested for the first time as adults were matched with unidentified latent fingerprints taken from the scenes of unsolved crimes which were committed when the arrestee was a juvenile.] We believe very strongly that the ability to obtain and enter into AAFIS the fingerprints of 14- and 15-year-old juveniles arrested for criminal offenses would be of tremendous assistance in solving crimes in Alaska.

I would like to emphasize a point made during yesterday's hearing. Fingerprint records maintained in AAFIS are entirely separate from criminal history records, which are contained in the Alaska Public Safety Information Network (APSIN). [The presence of a person's fingerprints in AAFIS does not mean that a person has a criminal record.] For example, AAFIS contains thousands of fingerprints submitted by persons seeking employment in or certification for certain fields, such as school bus drivers, teachers, law enforcement officers, and security guards, to name a few. Under AS 44.41.020, any person who wishes to do so may submit his or her fingerprints, or those of their minor children, for inclusion in AAFIS.]

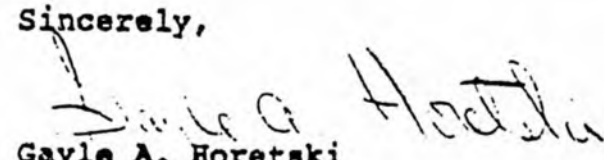
The Honorable Jan Faiks

-3-

February 23, 1990

I hope this letter answers the questions raised by committee members yesterday. Please let me know if I can provide any further information.

Sincerely,


Gayle A. Horetski
Deputy Commissioner

Enclosure: a/s

cc: The Honorable Pat Rodey
Vice-Chairman
Senate Judiciary Committee

The Honorable Rick Halford
Senate Judiciary Committee

The Honorable Drue Pearce
Senate Judiciary Committee

The Honorable Mike Szymanski
Senate Judiciary Committee

JUVENILE ARRESTS *

	1987	%	1988	%	87/88	%
Major Felonies**						
Total Arrests	990		1,100		2,090	
Juveniles	96	9.7%	97	9%	193	9%
Burglary						
Total Arrests	1,041		960		2,001	
Juveniles	475	46%	509	53%	984	49%
Larceny						
Total Arrests	4,934		4,398		9,332	
Juveniles	1,754	36%	1,624	37%	3,378	36%
Motor Vehicle Theft						
Total Arrests	331		481		812	
Juveniles	166	50%	214	44%	380	47%
Grand Totals					14,235 Arrests	
Juveniles					4,935	35%

* Data obtained from 24 police agencies submitting Uniform Crime Reports (about 85% of Alaska's population is served by these 24 police agencies)

** Major Felonies - Combined figures for Murder, Manslaughter, Rape, Robbery and Aggravated Assault

Letter of Intent

for

HCS FOR CS FOR SENATE BILL NO. 355 (Judiciary)

The changes to AS 11.41.434(a) are intended to clarify the meaning of two terms used in existing law -- "entrusted to the offender's care by authority of law" and "temporarily entrusted to the offender's care." The amendments are needed as a result of a recent Anchorage case, State v. Carlson, 3AN-S89-7443 Cr., in which the superior court concluded that the term "entrusted to the offender's care by authority of law" did not apply to teachers, and that if the legislature intended the language to apply to persons other than legal guardians, the statute was unconstitutionally vague. The term "temporarily entrusted to the offender's care" is clarified as well, in order to avoid litigating whether that term is unconstitutionally vague.

The amendments make it an unclassified felony to have sexual penetration (and a B felony to have sexual contact) with a person under 16 where the offender occupies a "position of special trust" in relation to the victim. In addition, where the offender occupies a "position of special trust" in relation to the victim and holds a license or certificate to engage in certain professions, it is a B misdemeanor to have sexual penetration (and a violation to have sexual contact) with a 16- or 17-year-old person who is at least three years younger than the offender.

A "position of special trust" is a position that could enable an offender to exercise undue influence over the victim. The definition includes a list of positions that fall within the law. The definition is intended to include all persons covered under the current law making it a crime to have sexual penetration or contact with a person under age 16 who is "temporarily entrusted to the offender's care," and to broaden the definition to include other persons, such as police officers and guardian ad litem, who are in a position that could enable them to exercise undue influence over children. Persons other than those specifically listed are included within the definition only if they are in a position substantially similar to a position specifically included in the definition.

For example, the definition includes the term "babysitter." Positions substantially similar to "babysitter" include a person who is temporarily caring for a minor while the minor's parents are out of town, or an adult who takes a minor along on a camping trip, or an adult who allows a minor to sleep in the adult's home overnight as the guest of the adult's own child. Other examples of positions that are substantially similar to those specifically listed within the definition are parents who

volunteer to work with children in schools or youth groups. These adults are in positions substantially similar to youth leaders and scout leaders.

The nature of an adult's position of special trust determines the duration of the prohibition against sexual relations between the adult and child. The relationship of special trust between a child and the child's teacher or youth leader continues even during the intervals between classes or formal meetings of the youth group, because there is an expectation of future, ongoing (albeit intermittent) contact between the adult and the child in the context of the relationship of special trust. On the other hand, an adult who volunteers to chaperon a single school dance does not thereby create an open-ended relationship of special trust with all the students who attend the dance; rather, that relationship is limited to the dance and the time before and after the dance when students are arriving and going home.

The amendments also make it an unclassified felony for a natural parent, stepparent, adopted parent, or legal guardian to engage in sexual penetration (and a B felony to engage in sexual contact) with a person under the age of 18. The penalties are the same as provided under current law for these categories of persons; the amendment is necessary as a result of removing the language "entrusted to the offender's care by authority of law" from the statute. The definition of "legal guardian" specifically includes foster parents, staff members of group homes or youth correctional facilities where a child is placed as a result of court order or action of the Division of Family and Youth Services, and police or probation officers exercising custodial control over a minor.

DRAFT
5/2/90

~~ADDITIONS TO SENATE LETTER OF INTENT~~
~~DELETIONS FROM SENATE LETTER OF INTENT~~

Letter of Intent

for

~~HCS FOR~~ CS FOR SENATE BILL NO. 355 (Judiciary)

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The amendments make it an unclassified felony to have sexual penetration (and a B felony to have sexual contact) with a person under 16 where the offender occupies a "position of special trust" in relation to the victim. In addition, where the offender occupies a "position of special trust" in relation to the victim and holds a license or certificate to engage in certain professions, it is a B misdemeanor ~~a B felony~~ to have sexual penetration (and a violation ~~a felony~~ to have sexual contact) with a 16- or 17-year-old person who is at least three years younger than the offender.

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~~Employers and job supervisors were specifically not included within the definition of "position of special trust."~~

The amendments also make it an unclassified felony for a natural parent, stepparent, adopted parent, or legal guardian to engage in sexual penetration (and a B felony to engage in sexual contact) with a person under the age of 18. The penalties are the same as provided under current law for these categories of persons; the amendment is necessary as a result of removing the language "entrusted to the offender's care by authority of law" from the statute. The definition of "legal guardian" specifically includes foster parents, and staff members of group homes or youth correctional facilities where a child is placed as a result of court order or action of the Division of Family and Youth Services, and police or probation officers exercising custodial control over a minor.

Original sponsor(s): SEN. FISCHER, Kelly

1 IN THE SENATE BY THE HESS COMMITTEE

2 HOUSE CS FOR CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 358 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to fingerprinting of minors; and
7 providing for an effective date."

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

9 * Section 1. INTENT. It is the intent of the amendment made to AS 44.-
10 41.025(c) by sec. 2 of this Act that, consistent with the current manner of
11 managing the Alaska automated fingerprint system, the commissioner of
12 public safety manage and strictly limit use of the fingerprints of minors
13 taken under AS 47.10.097 for purposes of identification. The commissioner
14 may not maintain those fingerprints for the purpose of developing or aug-
15 menting a criminal record for the minor.

16 * Sec. 2. AS 44.41.025(c) is amended to read:

17 (c) The department may enter into the Alaska automated finger-
18 print identification system the fingerprints of a minor whose finger-
19 prints are taken under AS 47.10.097. The commissioner of public
20 safety shall assure that fingerprints entered into the Alaska auto-
21 mated fingerprint system under AS 47.10.097 are not cross-referenced
22 with a record showing that the minor has been arrested or adjudicated
23 a delinquent.

24 * Sec. 3. AS 47.10.097(a) is amended to read:

25 (a) Except as provided in (b) of this section, a minor in the
26 custody of the department or of a law enforcement agency may not be
27 fingerprinted for reference to or entry into the Alaska automated
28 fingerprint system without a court order upon good cause shown. Good
29 cause exists if the minor is in custody for an offense that is a