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SENATE FINANCE COMMITTEE REPORT

DATE: January 12, 1990

FURTHER:

DATE TURNED INTO OFFICE: 1/15/90

The Finance Committee considered CSHB 52 (Finance)

Access by an interested person to criminal records of all felony convictions, convictions involving contributing to the delinquency of a minor, and convictions involving sex crimes of certain persons; efd.

and recommended:

replace with \$ CS HB 52 (Finance)
 or adopt _____ CS _____

same title
 new title
 technical title change (HB only)

attached amendment(s)
 _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

APPROVES PREVIOUS:

fiscal note(s) Dept/Date: DOE 1/15/90 47.4/PR
SFA/DDS 1/15/90 55.4/FA

fiscal note(s) Dept/Date: _____

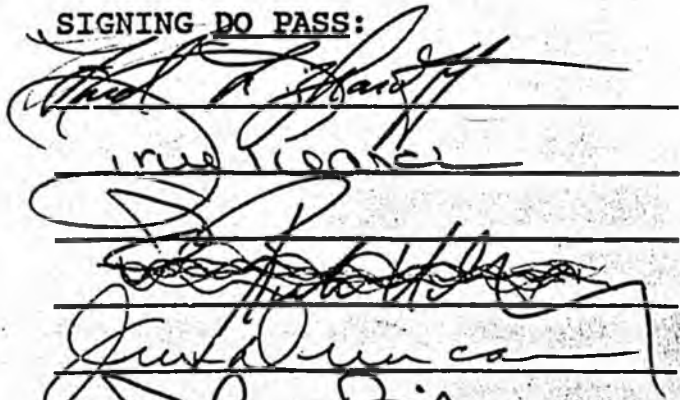
zero fiscal note(s) _____

zero fiscal note(s) DO Lm. 2/1/89

appropriation-no fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:



1. John P. ... Co-Chairs: Signatures and Recommendations 2. Richard ... (DO PASS)

FISCAL NOTE

REQUEST: _____

Revision Date: _____
Title: Access to Criminal Records

Agency Affected: Dept of Public Safety
BRU: DPS Statewide Support

Sponsor: Representative Zawacki
Requestor: _____

Components: AK Criminal Records & ID

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	46.1	46.1	46.1	46.1	46.1	46.1
TRAVEL						
CONTRACTUAL	2.3	2.3	2.3	2.3	2.3	2.3
SUPPLIES						
EQUIPMENT	7.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	55.4	48.4	48.4	48.4	48.4	48.4

CAPITAL						
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REVENUE						
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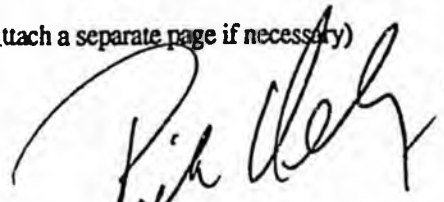
FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER I-A Rects	55.4	48.4	48.4	48.4	48.4	48.4
TOTAL	55.4	48.4	48.4	48.4	48.4	48.4

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)



Prepared by: Senator Rick Uehling, Co-chairman Phone: 465-4821
Division: Senate Finance Committee Date: 1/15/90

Approved by Commissioner: _____ Date: _____
Agency: _____

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

Adopted

FISCAL NOTE

REQUEST:

Revision Date: 1/15/90
Title: Access by an interested person to criminal records of all felony...
Sponsor: Senate Finance
Requestor: Senate Finance

Agency Affected: Education
BRU: Education Finance & Support Services
Components: District Support

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	28.7	29.5	30.2	31.0	31.8	32.2
TRAVEL						
CONTRACTUAL	7.2	6.2	6.2	6.2	6.2	6.2
SUPPLIES	1.5	1.5	1.5	1.5	1.5	1.5
EQUIPMENT	10.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	47.4	37.2	37.9	38.7	39.5	39.9
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND/PR	47.4	37.2	37.9	38.7	39.5	39.9
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See Attached.

Prepared by: Mary Hakala Phone: 465-2800
Division: Commissioner's Office Date: 1/15/90
Approved by Commissioner: William G. Demmert Date: 1/15/90
Agency: Education

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

Adopted

DEPARTMENT OF EDUCATION

FISCAL NOTE ANALYSIS

Revised 1/15/90

SCS for CSHB 52 (Finance): Access by an interested person to criminal records of all felony convictions...

Personal Services

1 FT Clerk Typist III, Range 8 A/B	FY91: 28.7
(Cost increase assumes merit increases)	FY92: 29.5
	FY93: 30.2
	FY94: 31.0
	FY95: 31.8
	FY96: 32.2

This position will be responsible for the tracking and filing of all background checks for initial and one-time renewal applicants for teacher certification in Alaska.

Contractual

Computer programming and system maintenance to integrate background criminal check into teacher certification data base: 5.0

Telephone, postage: 1.2

Development of form for distribution to applicants, "Certification pending background check": .5

certification approval pending outcome of background check (first year cost only): 1.0

Commodities

Supplies associated with position and function: 1.0

Annual cost of "Certification pending background check" forms for applicants: .5

Equipment (first year cost only)

Computer terminal and printer to meet paperwork/notification requirements and data entry into teacher certification data base: 6.0

File cabinet for records storage, desk, chair, phone & partition walls for position: 9.9

Position Title Clerk Typist III			No. of Positions	Range/Step 8A/B	Barg. Unit GGU
Time Status Full Time	Staff Months 12.0		Location Juneau	Election District	
Type of Expenditure			Justification		
		Amount	<p>The full time clerical position will handle administrative functions associated with implementation of HB 52, insuring that background checks are properly completed by each initial and one-time renewal applicant for teacher certification in Alaska.</p> <p>All non-personnel costs associated with this position are included in the HB 52 fiscal note.</p>		
1	2	3			
Salary	19.8				
Benefits	8.9				
Premium Pay					
Other					
Total Personal Services		28.7			
Travel					
Contractual					
Commodities					
Equipment					
Other					
Total Cost					
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004				
I-A Receipts	1006				
CIP Receipts	1061				
Other	GF/PR	28.7			

**Request For
New Position**

Agency EDUCATION
 BRU EDUCATION FINANCE & SUPPORT
 Component DISTRICT SUPPORT

Page 3 of 3
 Revised Date 1/15/90

FY 90

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Law
 Title: "An Act relating to access to criminal records by the Department of Education..." BRU: Prosecution
 Sponsor: Repr. Zawacki Components: Criminal Justice Litigation
 Requestor: Repr. Zawacki

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Please see the attached analysis.

Richard I. Pegues

Prepared by: Richard I. Pegues Director Phone: 465-3672
 Division: Administrative Services Division Date: February 1, 1989
 Approved by: Richard I. Pegues / FOR
 Commissioner: Grace Berg Schaible, Atty. Gen. Date: February 1, 1989
 Agency: Department of Law

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

Changes in SCS CSHB 52 (Fin)
 have no fiscal impact.
 This fiscal note is
 appropriate. 1/15/90 [signature]

And there are
 no changes in
 succeeding years.
1/15/90 [signature]
 page 1 of 2

Adopted

CONTINUATION of FISCAL NOTE ANALYSIS

No. 2
CSHB 52 (HESS)
HOUSE 4/5/89

For Bill/Resolution No. HB 52

This bill amends AS 12.65.035 to provide that the Department of Education shall request and receive criminal records for a person seeking certification as a teacher or administrator. The bill further provides that the Department of Education shall request such records on behalf of school districts, which employ persons serving in positions having a supervisory or disciplinary power over a minor. The safekeeping and administration of criminal records are handled by the Department of Public Safety. Consequently, this bill will not have a fiscal impact on the Department of Law. The bill could, however, have a fiscal impact on the Department of Education for administering requests from school districts for criminal history records. Existing statute permits school districts to request this information directly from the Department of Public Safety, without the second level of administration proposed in the bill.

Original sponsor(s): REP. ZAWACKI, Hanley, Grueberg

IN THE HOUSE

BY THE FINANCE COMMITTEE

SENATE CS FOR CS FOR HOUSE BILL NO. 52 (Finance)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to access by an interested person to criminal records of all felony convictions, convictions involving contributing to the delinquency of a minor, and convictions involving sex crimes of certain persons; and providing for an effective date."

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

* Section 1. AS 12.62.035(a) is amended to read:

(a) An [NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN] interested person [AS DEFINED IN (e) OF THIS SECTION] may request from the Department of Public Safety [COMMISSION] records of all felony convictions, convictions involving contributing to the delinquency of a minor, and convictions involving any sex crimes of a person who holds or applies for a position of employment in which the person has or would have supervisory or disciplinary power over a minor or dependent adult. The Department of Public Safety [COMMISSION] shall disclose [AUTHORIZE THE DISCLOSURE OF] the information to the requesting interested person and shall provide a copy of the information to the person who is the subject of the request.

* Sec. 2. AS 12.62.035(e) is amended to read:

(e) As used in this section

(1) "contributing to the delinquency of a minor" means a conviction for a violation or attempted violations of AS 11.51.-130(a)(1), (3), or (5); former AS 11.40.130; or the laws of another jurisdiction if the offense would have been a crime in this state

1 under AS 11.51.130(a)(1), (3), or (5) or former AS 11.40.130 if com-
2 mitted in the state;

3 (2) "dependent adult" means an adult with a physical or
4 mental disability who requires assistance or supervision with the
5 activities of daily living;

6 (3) "interested person" means a corporation, company,
7 partnership, firm, association, organization, business trust, or
8 society, as well as a natural person, that employs or solicits the
9 employment of a person to serve with or without compensation in a
10 position in which the person has or would have supervisory or disci-
11 plinary power over a minor or dependent adult;

12 (4) [(3)] "sex crime" means a conviction for a violation or
13 attempted violation of AS 11.41.410 - 11.41.470, AS 11.61.110(1)(7),
14 or AS 11.66.100 - 11.66.130; former AS 11.15.120, 11.15.134, or 11.-
15 15.160; former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 -
16 11.40.420; or the laws of another jurisdiction if the offense would
17 have been a crime in this state under one of the sections listed in
18 this paragraph if committed in the state.

19 * Sec. 3. AS 12.62.035 is amended by adding a new subsection to read:

20 (f) The Department of Education shall request and receive re-
21 cords under (a) of this section for a person seeking initial certifi-
22 cation as a teacher or administrator.

23 * Sec. 4. The Department of Education shall request and receive records
24 under AS 12.62.035(a) as amended in sec. 1 of this Act, for a person who
25 renews the person's certification as a teacher or administrator, if the
26 department did not request and receive records for the person when the
27 person was initially certified. This section applies only to the first
28 renewal of certification of a teacher or administrator after the effective
29 date of this Act.

1 * Sec. 5. This Act takes effect immediately under AS 01.10.070(c).
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M E M O R A N D U M

TO: SENATOR RICK UEHLING, CO-CHAIR
SENATE FINANCE COMMITTEE

FROM: Jim Zawacki, Representative

DATE: January 11, 1990

SUBJ: HB52, An Act Relating to Access to Criminal
Records.

There exists a serious concern in our communities and schools related to the problem of persons employed by schools in Alaska having an undisclosed history of serious criminal activity.

When I introduced House Bill 52 earlier this year, I did so because I knew of the problem, and had been encouraged by a number of parents and teachers to do so. At that time I was unaware of the magnitude of the problem; since then, materials sent to me from concerned parents, teachers, school administrators, public safety agencies and personnel, and stories reported in the media, have highlighted just how serious a problem this is.

Of the 55 school districts in the state, only five have any procedures for checking possible criminal records of new and practicing teachers or administrators. House Bill 52 would qualify the State Department of Education as an "interested party" entitled to use the system by the fingerprinting of new and current teachers and administrators.

HB52 would also provide a vehicle for employers to access criminal records of prospective employees who would have supervisory power over children and dependent adults.

HB52 is endorsed by the affected administrative departments, the entire educational community, and all public participation has been enthusiastically supportive of swift passage.

There has been NO opposition to this legislation to date.

Because of the immense, widespread public support for this legislation and the numerous hearings and debates provided to the public and the legislature over the past three years, I feel it is imperative that the legislature take action on this matter.

HB52 will provide desperately needed safeguards to protect our children and dependent adults from potentially harmful situations in our public schools, health care facilities, and related facilities.

This is terribly important to our children and dependent adults and their futures. I encourage the committee to move swiftly and positively on HB52. Thank you.

Sponsor's BACKGROUND INFORMATION

LETTERS OF SUPPORT

for

HB52

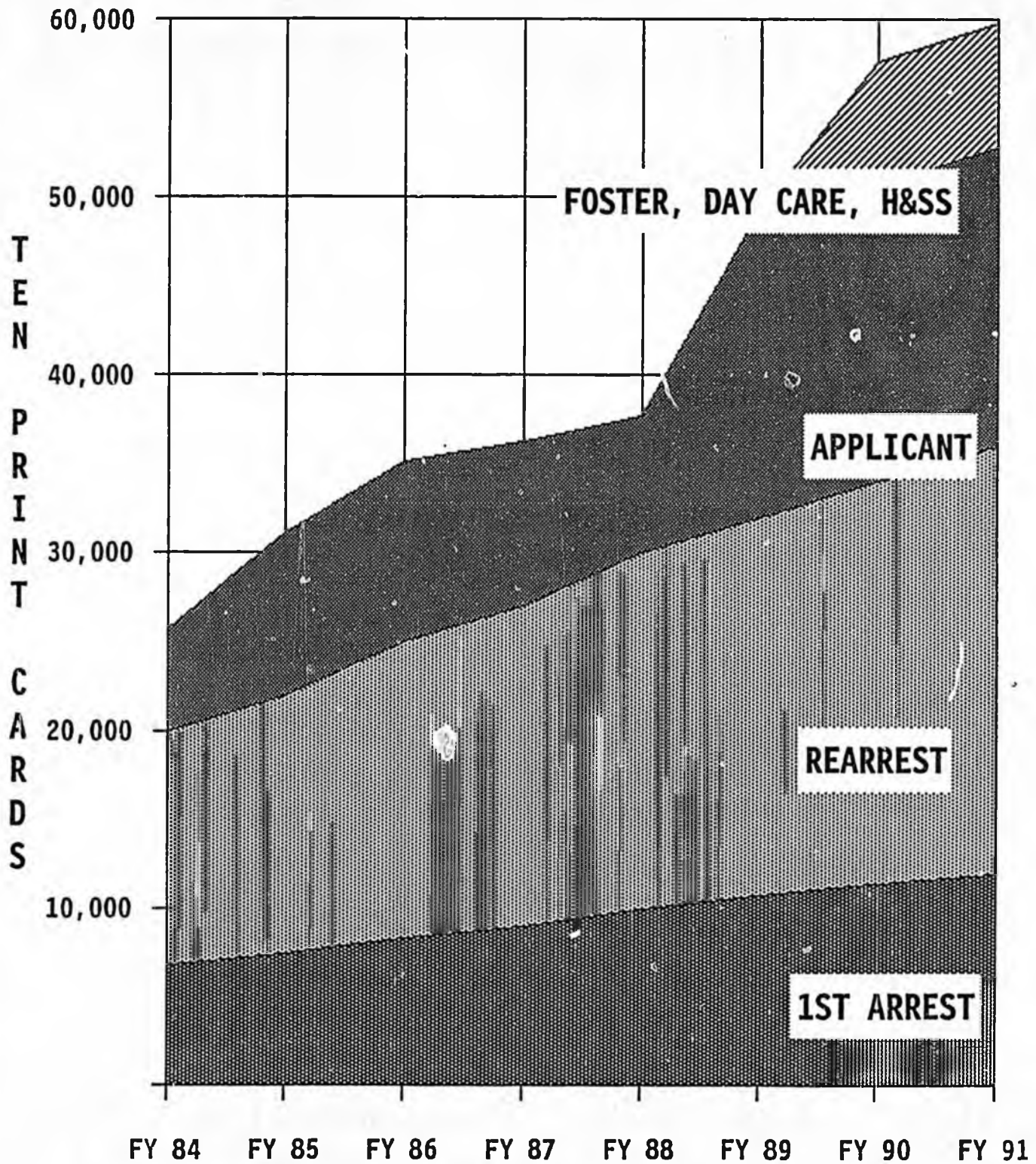
January 11, 1990

1. NEA-Alaska
2. Yukon/Koyukuk School District, Nenana, Ak.
3. Chatham School District, Angoon, Ak.
4. Mr. Pius F. Imgalrea, Chevak, Ak.
5. Anchorage School District, Anchorage, Ak.
6. Fairbanks North Star Borough Schools, Fairbanks, Ak.
7. Matanuska-Susitna Borough School District
8. Alaska Gateway School District, Tok, Ak.
9. Alaska PTA
10. Copper River School District, Glennallen, Ak.
11. Mr. Alex Tatum, Chevak, Ak.
12. Ms. Lillian Pingayak, Chevak, Ak.
13. Kodiak Baptist Mission, Kodiak, Ak.
14. Kenai Peninsula School District
15. Governor's Interim Commission on Children and Youth
16. Yupit School District, Akiachak, Ak.
17. Justice for Children, Juneau, Ak.
18. Louise Howerter, Juneau, Ak.
19. Pat Marlin, Juneau, Ak.
20. Sue Miller, Juneau, Ak.
21. Lower Yukon School District, Mountain Village, Ak.
22. Chugach School Board, Chenega Bay, Ak.

23. Hydaburg City School, Hydaburg, Ak.
24. Seward Chamber of Commerce, Seward, Ak.
25. Skagway City Schools, Skagway, Ak.
26. North Slope Borough School District
27. Cordova Chamber of Commerce, Cordova, Ak.
28. Talkeetna Chamber of Commerce, Talkeetna, Ak.
29. Big Lake Chamber of Commerce, Big Lake, Ak.
30. Kake City School District
31. National Federation of Parents For Drug Free Youth
32. Juneau School District, Juneau, Ak.
33. Alaska Council of School Administrators, Juneau, Ak.
34. Association of Alaska School Boards, Juneau, Ak.
35. Department of Education, State of Alaska
36. Department of Public Safety, State of Alaska
37. Craig School District, Craig, Ak.
38. Alaska State Board of Education, Anchorage, Ak.

HB 52
Ken Birschhoff
DPS
1/15/90

TEN PRINT WORKLOAD PROJECTED THRU FY 91



FISCAL NOTE

Chapter 7, SLA 90

REQUEST:

Revision Date: 4/12/90
Title: Access by an interested person to criminal records..
Sponsor: Senate Finance
Requestor: _____

Agency Affected: Education
BRU: Education Finance & Support Services
Components: Certification fingerprint fees (new component)

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	200.0	200.0	200.0	200.0	200.0	200.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	200.0	200.0	200.0	200.0	200.0	200.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER Program	200.0	200.0	200.0	200.0	200.0	200.0
TOTAL Rcnts						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached analysis. FY-90 Fiscal Impact: \$60.0 Program Receipts, contractual obligation for fingerprint, criminal history background checks...

Prepared by: Mary Hakala Phone: 465-2800
Division: Commissioner's office Date: 4/12/90

Approved by Commissioner: William G. Demmert Date: 4/12/90
Agency: Education

Distribution (by preparer):

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

DEPARTMENT OF EDUCATION
April 12, 1990

FISCAL NOTE ANALYSIS (Chapter 7, SLA 90)

SCS CSHB 52 (Finance) Access by an interested person to criminal records of all felony convictions, convictions involving contributing to the delinquency of a minor, and convictions involving sex crimes of certain persons.

Analysis:

FY-90 Fiscal Impact: \$60,000 in Program Receipts
Contractual obligation for processing of
fingerprint/background criminal history checks.
RSA with Department of Public Safety.

Implementation of HB 52 necessitates the State's collection of an additional fee of \$40.00 per teacher certification applicant for the fingerprint/background criminal history check. This fee is remitted by certification applicants along with the standard teacher certification fee (\$60.00) to the Department of Education. Revenues generated by the \$40.00 fee will be RSA'd to the Department of Public Safety for the express purpose of conducting the background check.

The Department estimates that 5,000 applications will be processed in FY-91. With a fee structure of \$40.00 per applicant for the background check, a total of \$60,000 in FY-90 and \$200,000 in FY-91 through FY-96 in program receipt authority will be necessary for this function.

In addition to this cost, implementation of HB 52 requires a supplemental appropriation of \$40,000 general funds and an ongoing increase to the Teacher Certification Unit of program receipt authority. These costs are included within the Governor's amended FY-91 budget and FY-90 supplemental request and are necessary for the processing of the 5,000 teacher certification applications handled by the Teacher Certification Unit and implementation of HB 52 within that process..

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Access to criminal records by
the Department of Education
Sponsor: Zawacki
Requestor: House HESS

Agency Affected: Education
BRU: Education Finance & Support
Services
Components: District Support

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		14.6	14.6	14.6	14.6	14.6
TRAVEL						
CONTRACTUAL		4.0	4.0	3.0	3.0	3.0
SUPPLIES		5	5	5	5	5
EQUIPMENT		4.5				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		23.6	19.1	18.1	18.1	18.1

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND /PR		23.6	19.1	18.1	18.1	18.1
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Costs include 1 part time clerktypist, postage and phone costs, general office supplies, and minimal computer programming costs to upgrade system to integrate background check data into existing teacher certification data base. In the first year, purchase of one word processing terminal and file cabinet storage capacity is necessary.

Prepared by: Hakala Phone: 465-2800
Division: Commissioner's Office Date: March 31, 1989

Approved by Commissioner: William G. Demmert Date: March 31, 1989-
Agency: Education

Distribution (by preparer):

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

Position Title Clerk Typist III		No. of Positions 1	Range/Step 8B	Barg. Unit GGU
Time Status PT	Staff Months 6.0	Location Juneau		Election District
		Justification		
Type of Expenditure		Amount		
1	2	3		
Salary	9.8			
Benefits	4.8			
Premium Pay				
Other				
Total Personal Services		14.6		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost				
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004			
I-A Receipts	1006			
CIP Receipts	1061			
Other	GF/PR	14.6		

The part time clerical position will handle administrative functions associated with implementation of HB 52, insuring that background checks are properly completed by each initial applicant for teacher certification in Alaska.

page 2 of 2

**Request For
New Position**

Agency Education
 BRU Education Finance & Support Services
 Component District Support

Page 2 of 2
 Revised Date

FY 90

CSHB 52 (HESS)
 HOUSE 4/5/89
 No. 1

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CSHB 52 (Jud)
PUBLISH DATE: HOUSE 5/2/89

FISCAL NOTE

REQUEST:

Revision Date: 4/27/89
Title: Access to Criminal Records

Agency Affected: Public Safety
BRU: DPS Administration

Sponsor: Representative Zawacki
Requestor: House Judiciary

Component: Administrative Services

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

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	2.2	13.3	13.3	13.3	13.3	13.3
TRAVEL						
CONTRACTUAL		1.8	.3	.3	.3	.3
SUPPLIES						
EQUIPMENT		7.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2.2	22.1	13.6	13.6	13.6	13.6

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	2.2	22.1	13.6	13.6	13.6	13.6
FEDERAL FUNDS						
OTHER						
TOTAL	2.2	22.1	13.6	13.6	13.6	13.6

POSITIONS:

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

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. Because of the complexity of the research required to process criminal history record checks under AS 12.62.035, a part-time Clerk IV will be required to handle the 2,000 requests expected from the Department of Education for initial certifications each year. Existing AAFIS staff are not able to keep current with their present workload. Without additional staff to accommodate the predicted increase in workload, a criminal history records check for applicants may be delayed by several months.

(Analysis continued on attached)

JMC
4/27/89

Prepared by: M. J. Clemens
Division: Administrative Services

Phone: 465-4336
Date: 4/27/89

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

Date: 4/27/89

Department of Public Safety
FISCAL NOTE - CSHB 52 (Jud)
(Analysis, continued - Page 2 of 4)

The Department of Education has estimated that they will submit about 2,000 requests for criminal history record checks annually in connection with the initial certification of school teachers in Alaska. These records checks are in addition to those requested by other interested persons under AS 12.62.035, such as the employers of day care providers. The provision of a criminal history record to a law enforcement or criminal justice agency is a relatively quick and simple process. Requests for records under AS 12.62.035 are much more time consuming and complicated to process.

The processing of a request for information under AS 12.62.035 begins with the interested party (or agency) sending a letter to Records and Identification explaining how they meet the definition of an "interested person" under the statute and requesting that records checks be performed on certain individuals. Two completed fingerprint cards, showing the interested party as the contributor, are submitted for processing.

The submitted fingerprint cards are searched in AAFIS for the existence of a fingerprint record. If a fingerprint record is identified, the Alaska Public Safety Information Network (APSIN) record for that person is then checked for the existence of a criminal history. The second fingerprint card, accompanied by a money order for \$14, is submitted by mail to the FBI Identification Division to check for an out-of-state criminal history.

Upon enactment of CSHB 52 (Jud), if an Alaskan criminal history arrest record was verified by fingerprints, it would be reviewed to determine if a felony or applicable misdemeanor conviction resulted. If so, the interested party and the applicant would be notified of the charge and disposition by mail. Unfortunately, about 25% of arrest records in Alaska do not have disposition information. In these cases, the court records must be researched to determine the outcome of the case. This can be a very time-consuming process.

If the FBI fingerprint check results in the return of a "rap sheet", it must be carefully examined. Each arrest or offense reported must be checked for disposition information. A large proportion of the arrests shown on FBI rap sheets do not indicate a disposition. In this case the records division of the contributing state must be contacted by mail for disposition information.

Because of NLETS and NCIC regulations prohibiting the use of those systems for employment and licensing purposes, all of the contacts with out-of-state agencies must be conducted by mail. If a conviction is identified both the interested party and the applicant would be notified of the findings by mail. The fingerprint cards are returned to the contributor.

During the time that present AS 12.62.035 has been in effect, less than 1% of the criminal history record checks processed have resulted in convictions being reported to the interested party. However, about 11% of the records examined pursuant to requests under AS 12.62.035 contained serious criminal violations not reportable under present language. These have included convictions for attempted murder, felony assault, and drug sales.

Department of Public Safety
 FISCAL NOTE - CSHB 52 (Jud)
 (Analysis, continued - Page 3 of 4)

Releasing conviction information as prescribed by CSHB 52 (Jud) will change the search time required in gathering and reporting arrest with convictions information to interested parties. The following are the computations for the times required for out-of-state checks:

- 1) 18% of the people checked have FBI rap sheets with arrest information.
- 2) 57% of these out-of-state records do not have disposition information.
- 3) Of the 2,000 estimated initial certification, 360 will have FBI rap sheets.
- 4) 15% are felonies and 60% of these do not have disposition information.
- 5) Therefore, $((360 \times .15) \times .60) = 32$ people with felony records that will require extensive researching.
- 6) 39% of the charges on the FBI rap sheet are misdemeanors.
- 7) 49% of these do not have disposition information, and 10% of the 49% involve contributing to the delinquency of a minor, and sex charges.
- 8) Therefore, $(360 \times .39) \times .10 \times .49 = 7$ people that will require extensive researching.
- 9) 46% we are not able to determine if the charge on the FBI rap sheet is a felony or misdemeanor. Of these, 63% do not have disposition information.
- 10) The following applies, $((360 \times .46) \times .63) = 104$ people requiring extensive researching.

Function	# Cards	Seconds	Hours
Search AAFIS	2,000	540	300
APSIN Search	2,000	96	53
AK Dispo Research	55*	4,080	62
Sort and Mail	4,000	14	16
Extensive research	143**	9,060	360
Research FBI rcds	62***	1,800	31
Transfer FBI raps	205	189	11
Sort other FBI	1,795	64	32
Total processing time			865

* $(2,000 \times .11) \times .25 = 55$

** $32 + 7 + 104 = 143$

*** $(2,000 \times .18) = 360 \times .57 = 205 - 143 = 62$

Position Title		Clerk IV		No. of Positions	Range/Step	9A	Barg. Unit	G
Time Status	PPT	Staff Months	5.5	Location		Anchorage	Election District	
				Justification				
Type of Expenditure				Amount				
1		2		3				
Salary*		9.5		////////////////////				
Benefits*		3.8		////////////////////				
Premium Pay (Included in Above)		////////////////////		////////////////////				
Other		////////////////////		////////////////////				
Total Personal Services		////////////////////		13.3				
Travel								
Contractual		line hook up - \$1.5		1.8				
Commodities								
Equipment		Micro \$6.2 chair \$.8		7.0				
Other								
Total Cost				22.1				
Funding Source for Total Cost								
Federal Receipts		1002						
G.F. Match		1003						
General Fund		1004		22.1				
Program Receipts/GF		1005						
I-A Receipts		1007						
CIP Receipts		1061						
Other								
<p>* Personal Services Salary and Benefits Costs are from PACS Scenario #2.</p>								
				<p>Processing criminal history record checks under AS 12.62.035 involves actions by a Clerk II, AAFIS Operator I, Clerk IV, and AAFIS Operator II.</p> <p>The additional workload connected with HB 52 will require the equivalent of a part-time position (17.0 hours/week).</p> <p>Initial furniture and equipment costs would not be needed in future years.</p> <p>Due to the immediate effective date of the bill, assuming it becomes law about May 1, two months of personal services would be needed to pay unbudgeted overtime to existing staff who would have to handle requests prior to classification, recruitment, selection, and training of a new position.</p> <p>Without approval of this position, backlogs will develop: "interested persons" will not receive timely responses to their requests for criminal history records checks.</p>				

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 BRU DPS Administration
 COMPONENT Administrative Services

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 Revised Date

FY 90

NO. 3
 CSHB 52 (Jud)
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FISCAL NOTE

REQUEST:

Revision Date: 01/12/90 Agency Affected: Public Safety
Title: Access to Criminal Records BRU: DPS Statewide Support
Sponsor: Representative Zawacki Component: AK Criminal Records & ID
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	46.1	46.1	46.1	46.1	46.1	46.1
TRAVEL						
CONTRACTUAL	2.3	2.3	2.3	2.3	2.3	2.3
SUPPLIES						
EQUIPMENT	7.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	55.4	48.4	48.4	48.4	48.4	48.4

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	55.4	48.4	48.4	48.4	48.4	48.4
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	55.4	48.4	48.4	48.4	48.4	48.4

POSITIONS:

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

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. Because of the complexity of the research
(Analysis continued on attached)

Prepared by: Ken Bischoff Phone: 465-4336
Division: Administrative Services Date: 01/12/90
Approved by Commissioner: Arthur English Date: 1/12/90
Agency: Department of Public Safety Page 1 of 5

FISCAL NOTE - SCS CSHB 52 (Jud)
Department of Public Safety
(Analysis, continued - Page 2 of 5)

required to process criminal history record checks under AS 12.62.035, one full-time and one part-time Clerk IV will be required to handle the 2,000 requests expected from the Department of Education for initial certifications and 2,000 recertifications, and 2,500 for health care employees each year. Existing AAFIS staff are not able to keep current with their present workload. Without additional staff to accommodate the predicted increase in workload, a criminal history records check for applicants will be delayed by several more months.

There are over 5,000 health care employees in Alaska who care for dependent adults under the definition of 7 AAC 55.330(8), (12). Covered employees include those who work for certain alcoholism programs, State institutions such as API and Harborview, providers of adult residential care, providers of adult foster care, nursing home aides, hospital staff, personal care attendants, home health aides, and pioneer home staff. Since a criminal history records check under this statute would be permissive rather than mandatory, it is estimated that about half of the covered employees would be processed each fiscal year.

The provision of a criminal history record to a law enforcement or criminal justice agency is a relatively quick and simple process. Requests for records under AS 12.62.035 are much more time consuming and complicated to process.

The processing of a request for information under AS 12.62.035 begins with the interested party (or agency) sending a letter to Records and Identification explaining how they meet the definition of an "interested person" under the statute and requesting that records checks be performed on certain individuals. Two completed fingerprint cards, showing the interested party as the contributor, are submitted for processing.

The submitted fingerprint cards are searched in AAFIS for the existence of a fingerprint record. If a fingerprint record is identified, the Alaska Public Safety Information Network (APSIN) record for that person is then checked for the existence of a criminal history. The second fingerprint card, accompanied by a money order for \$14, (\$20 as of 3/1/90) is submitted by mail to the FBI Identification Division to check for an out-of-state criminal history.

Upon enactment of SCS CSHB 52 (Jud), if an Alaskan criminal history arrest record was verified by fingerprints, it would be reviewed to determine if a felony or applicable misdemeanor conviction resulted. If so, the interested party and the applicant would be notified of the charge and disposition by mail. Unfortunately, about 25% of arrest records in Alaska do not have disposition information. In these cases, the court records must be researched to determine the outcome of the case.

If the FBI fingerprint check results in the return of a "rap sheet", it must be carefully examined. Each arrest or offense reported must be checked for disposition information. A large proportion of the arrests shown on FBI rap sheets do not indicate a disposition. In this case the records division of the contributing state must be contacted by mail for disposition information.

FISCAL NOTE - SCS CSHB 52 (Jud)
Department of Public Safety
(Analysis, continued - Page 3 of 5)

Because of NLETS and NCIC regulations prohibiting the use of those systems for employment and licensing purposes, all of the contacts with out-of-state agencies must be conducted by mail. If a conviction is identified, both the interested party and the applicant would be notified of the findings by mail.

During the time that present AS 12.62.035 has been in effect, less than 1% of the criminal history record checks processed have resulted in convictions being reported to the interested party. However, about 11% of the records examined pursuant to requests under AS 12.62.035 contained serious criminal violations not reportable under present language. These have included convictions for attempted murder, felony assault, and drug sales.

Position Title Clerk IV		No. of Positions	Range/Step 9A	Barg. Unit G	
Time Status PFT	Staff Months 6	Location Anchorage		Election District 7	
Type of Expenditure		Justification			
Amount		<p>Processing criminal history record checks under AS 12.62.035 involves actions by a Clerk II, AAFIS Operator I, Clerk IV, and AAFIS Operator II.</p> <p>The additional workload connected with SCS CSHB 52 (Jud) will require the equivalent of a full-time position and one part-time position.</p> <p>In spite of the immediate effective date of the bill, unless it becomes law early in the session, its program impact will not likely occur in FY90.</p> <p>If this bill becomes law and this position is not approved, backlogs will increase; "interested persons" will not receive timely responses to their requests for criminal history records checks.</p>			
1	2				3
Salary*	9.8				////////////////////
Benefits*	3.8				////////////////////
Premium Pay (Included in Above)	////////////////////				////////////////////
Other	////////////////////				////////////////////
Total Personal Services	////////////////////				13.6
Travel					
Contractual	Misc. \$.5				.5
Commodities					
Equipment					
Other					
Total Cost		14.1			
Funding Source for Total Cost					
Federal Receipts	1002				
G.F. Match	1003				
General Fund	1004	14.1			
Program Receipts/GF	1005				
I-A Receipts	1007				
CIP Receipts	1061				
Other					
* Personal Services Salary and Benefits Costs are from PACS.					

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 BRU DPS Statewide Support
 COMPONENT AK Criminal Records & ID

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FY 91

Position Title Clerk IV		No. of Positions	Range/Step 9A	Barg. Unit G
Time Status PFT	Staff Months 12	Location Anchorage		Election District 7
Type of Expenditure		Justification		
Amount		Processing criminal history record checks under AS 12.62.035 involves actions by a Clerk II, AAFIS Operator I, Clerk IV, and AAFIS Operator II.		
1	2	3		
Salary*	20.8	////	The additional workload connected with SCS CSHB 52 (Jud) will require the equivalent of a full-time position and one part-time position.	
Benefits*	11.7	////	In spite of the immediate effective date of the bill, unless it becomes law early in the session, its program impact will not likely occur in FY90.	
Premium Pay (Included in Above)	////	////	If this bill becomes law and this position is not approved, backlogs will increase; "interested persons" will not receive timely responses to their requests for criminal history records checks.	
Other	////	////		
Total Personal Services	////	32.5		
Travel				
Contractual	Line Hookup \$1.5	Misc. \$.3	1.8	
Commodities				
Equipment	Micro \$6.2	Chair \$.8	7.0	
Other				
Total Cost		41.3		
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	41.3		
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS.				

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 BRU DPS Statewide Support
 COMPONENT AK Criminal Records & ID

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