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SENATE STATE AFFAIRS COMMITTEE

BILL NUMBER SB 24

SPONSOR Faiks

BILL TITLE

DATE REFERRED 1-9-89

HEARING SCHEDULED

FISCAL NOTE PREPARED

SPONSOR CONTACTED

INTERESTED PARTIES CONTACTED

OTHER

# Alaska State Legislature



## Senate Judiciary Committee

February 6, 1990

Full on -  
ACLU  
Social Workers  
AG'S  
Sherri Goll

### MEMORANDUM

TO: Senator Pat Pourchot, Chairman  
Senate State Affairs Committee

FROM: Senator Jan Farks

SUBJECT: Senate Bill 24 - Entry into the Alaska Public Safety  
Information Network of Information Regarding Minors

Senate Bill 24, which relates to the entry of information regarding minors into the Alaska Public Safety Information Network is currently pending in your committee for consideration. I would appreciate your scheduling it at your earliest convenience.

Attached is a memo previously prepared which provides background about the legislation. Should you be in need of any additional information, please just let me know.

Thank you.

# Alaska State Legislature



## Senate Judiciary Committee

January 16, 1989

### MEMORANDUM

TO: Senator Pat Pourchot, Chairman  
Senate State Affairs Committee

FROM: Senator Jan Faiks, Chairman  
Senate Judiciary Committee

SUBJECT: SB 24 "An Act relating to the entry into the  
Alaska Public Safety Information Network  
of information regarding minors."

Senate Bill 24 has been referred to the Senate State Affairs Committee for consideration. The purpose of this bill is to enable the Alaska Public Safety Information Network (APSIN) to maintain information on minors who are on probation or who have been incarcerated.

APSIN is the state's criminal justice computer system. It contains information regarding the criminal activity of adults, but not minors. At the present time, law enforcement officers who detain juvenile suspects have no easy way of determining if the juvenile is a probationer acting in violation of the probation, or of learning necessary information about a juvenile who has escaped from a detention facility.

SB 24 requires the superior court to have certain facts entered into APSIN. These include the following:

1. The fact that a minor is incarcerated or on probation;
2. the dates of the incarceration or probation, and any terms and conditions of the probation which place restrictions on the minor's curfew hours or geographic location;
3. the name of the minor's probation officer; and
4. the offense committed, if the offense would be a crime if it were committed by an adult (for example, information about

minors on probation for violating juvenile curfew laws would not be entered into APSIN).

This information will provide law enforcement officers with the tools they need to investigate crimes in which minors on probation are suspects. It will also provide officers with the knowledge they require in order to take the necessary steps to protect themselves when they stop minors for questioning.

This information may be made available only to a member of a state or local public agency involved in law enforcement, who requires the information for official business purposes. The information will not be provided to federal agencies or to other states, since we cannot guarantee that those agencies will expunge their data base once the minor has completed his sentence.

DPS is required to remove the information from APSIN as soon as practicable after the date on which the minor is scheduled to complete the probation or incarceration.

The dates of the duration of the incarceration or probation must be entered into APSIN, so that law enforcement officers will be able to determine that inadvertently unexpunged information is no longer current, and so that the Department of Public Safety will know when to remove it.

SB 24 increases the ability of our police to protect themselves and the public, while maintaining the special treatment of minors which our juvenile justice system requires. I would appreciate your scheduling this bill at your earliest convenience. Please feel free to contact my office if you have any questions or comments.

Thank you.

This has been proposed before, & has been CONTROVERSIAL.

Introduced: 1/9/89  
Referred: State Affairs and  
Judiciary

6-0155A

→ Current law prohibits disclosure of a minor's records to anyone without the court's permission.

1 IN THE SENATE

BY FAIKS AND KELLY

2

SENATE BILL NO. 24

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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

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

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

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(d) Notwithstanding (a) of this section, if a minor is placed in

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a juvenile facility under AS 47.10.080(b)(1) or released on probation,

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the court shall transmit for entry into the Alaska Public Safety

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Information Network the following information if applicable:

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(1) the fact that the minor is in a juvenile facility or on

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probation;

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(2) the dates of the placement or probation and any terms

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or conditions imposed that restrict the minor's curfew hours and

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geographic area;

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(3) the name of the minor's probation officer; and

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(4) any offense for which the minor is in a juvenile facil-

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ity or on probation if the offense would be a crime if committed by an

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adult.

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(e) The Department of Public Safety shall make the information

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transmitted under (d) of this section available to a member of a state

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or local law enforcement agency, as defined in AS 12.62.070, who

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requests the information for official business purposes.

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(f) (As soon as practicable) after the date on which the minor is

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scheduled to complete the period of detention or the terms of

SB0024a

-1-

SB 24

→ Current law requires juvenile's records to be sealed within 30 days of the date on which the court relinquishes jurisdiction.

1       probation, the Department of Public Safety shall remove the informa-  
2       tion transmitted under (d) of this section from the Alaska Public  
3       Safety Information Network.



Official Business

# Alaska State Legislature

## Senate

P.O. BOX V  
State Capitol  
Juneau, Alaska 99811

### MEMORANDUM

January 16, 1989

TO: Senator Pat Pourchot, Chairman  
Senate State Affairs Committee

FROM: Senator Jan Faiks, Chairman  
Senate Judiciary Committee

SUBJECT: SB 24 "An Act relating to the entry into the  
Alaska Public Safety Information Network  
of information regarding minors."

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SB 24 requires the superior court to have certain facts entered into APSIN. These include the following:

1. The fact that a minor is incarcerated or on probation;
2. the dates of the incarceration or probation, and any terms and conditions of the probation which place restrictions on the minor's curfew hours or geographic location;
3. the name of the minor's probation officer; and
4. the offense committed, if the offense would be a crime if it were committed by an adult (for example, information about minors on probation for violating juvenile curfew laws would not be entered into APSIN).

This information will provide law enforcement officers with the tools they need to investigate crimes in which minors on

probation are suspects. It will also provide officers with the knowledge they require in order to take the necessary steps to protect themselves when they stop minors for questioning.

This information may be made available only to a member of a state or local public agency involved in law enforcement, who requires the information for official business purposes. The information will not be provided to federal agencies or to other states, since we cannot guarantee that those agencies will expunge their data base once the minor has completed his sentence.

DPS is required to remove the information from APSIN as soon as practicable after the date on which the minor is scheduled to complete the probation or incarceration.

The dates of the duration of the incarceration or probation must be entered into APSIN, so that law enforcement officers will be able to determine that inadvertently unexpunged information is no longer current, and so that the Department of Public Safety will know when to remove it.

SB 24 increases the ability of our police to protect themselves and the public, while maintaining the special treatment of minors which our juvenile justice system requires. I would appreciate your scheduling this bill at your earliest convenience. Please feel free to contact my office if you have any questions or comments.

Thank you.

## SECTIONAL ANALYSIS

SB 24 "An Act relating to the entry into the Alaska Public Safety Information Network of information regarding minors."

Section 1. Adds new subsections to AS 47.10.090 as follows:

AS 47.10.090(d): Requires the court to transmit the following information regarding a minor placed in a juvenile facility or on probation to the Department of Public Safety (DPS) for entry into the Alaska Public Safety Information Network (APSIN):

- (1) the fact that a minor is incarcerated or on probation;
- (2) the dates of the placement or probation and any terms of probation that restrict a minor's curfew hours and geographic area;
- (3) the name of the minor's probation officer; and
- (4) the offense for which the minor is incarcerated or on probation, if the offense would be a crime if it had been committed by an adult.

AS 47.10.090(e): DPS shall make this information available to a member of a state or local law enforcement agency who requires the information for official business purposes.

AS 47.10.090(f): DPS shall remove the information from APSIN as soon as practicable after the minor completes the period of detention or the terms of probation.