

HB

103

# Alaska Association Chiefs of Police



February 2, 1991

Representative Dave Donley  
Alaska State Legislature  
P. O. Box V (MS 3100)  
Juneau, AK 99811

Dear Representative Donley,

On behalf of the Alaska Association of Chiefs of Police I want to express our whole hearted support for House Bill 103. The ability to Fingerprint juveniles would be an important law enforcement tool.

We know that the majority of property offenses are committed by juveniles. House Bill 103 would help apprehend juveniles while still young. This would greatly aid efforts to correct their behavior before they become adult career criminals. It would also help us recover stolen property and return it to victims.

If we can do anything to assist you in the passage of this bill, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Duane S. Udland".

Duane S. Udland  
President

*Chiefs of Police Position*

BILL NO: HB 103

DATE: February 7, 1991

TITLE: An Act Relating to the  
Fingerprinting of Minors

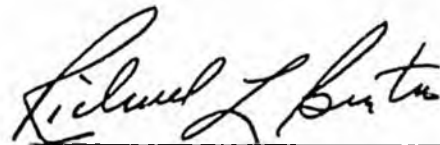
CONTACT: Gayle A. Horetski  
Deputy Commissioner

POSTAL PERMIT  
DEPARTMENT OF  
PUBLIC SAFETY

This bill would allow the fingerprinting of juveniles age 14 and older who are arrested for criminal offenses. The fingerprints would be taken for comparison 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. Over 40% of all persons arrested for theft and burglary offenses are juveniles (see attached chart). Fingerprint evidence is frequently found at crime scenes, but is not matched to any suspect because juveniles are not fingerprinted. 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. AAFIS records indicate that 22% of the crime scene prints identified by the system since 1985 have been from first-time adult arrests which matched latent prints taken from the scenes of crimes committed when the offender was a juvenile. See attached graph. Had these persons been fingerprinted as juvenile offenders they could have been identified, solving additional cases, and enabling the court to consider the offender's complete conduct when deciding the disposition of a case.

The Department of Public Safety supports HB 103.



Richard L. Burton  
Commissioner

*Dick Salati, Assistant Director*

### JUVENILE ARRESTS\*

	1987	%	1988	%	1989	%
<b>MAJOR FELONIES**</b>						
Total Arrests	990		1100		2090	
Juveniles	96	9.7%	97	9%		
<b>BURGLARY</b>						
Total Arrests	1041		960		1004	
Juveniles	475	46.0%	509	49%	527	52.5%
<b>LARCENY</b>						
Total Arrests	4934		4398		4487	
Juveniles	1754	36.0%	1624	37%	1761	39.2%
<b>MOTOR VEHICLE THEFT</b>						
Total Arrests	331		481		512	
Juveniles	166	50.0%	214	44%	272	53.0%

\*Data obtained from the 24 agencies submitting UCR figures to DPS.

\*\*Major Felonies = Combined figures for Murder, Manslaughter, Rape, Robbery and Aggravated Assault.

**KENNETH C. KIRK**

Attorney-at-Law  
540 L Street, Suite 206  
Anchorage, Alaska 99501  
(907) 279-1659

February 19, 1991

VIA FAX - 465-2652

House Health and Social  
Services Committee

Re: HB 44

To Whom it May Concern:

I am writing to comment on House Bill 44, an act relating to domestic violence.

My primary concern with regard to this bill are the two sections in which a judge in a domestic violence case loses the option of ordering family counseling. I believe that judges should retain this option.

I suspect those who are pushing for this language will press the concept that all of these domestic violence cases involve husbands who intimidate and beat their wives, and that therefore it is unreasonable to force the battered wife into counseling. Unfortunately, that does not square with the facts of most domestic violence cases. I would guess that the majority of such petitions involve threats, property damage, mutual violence, or very light physical contact such as grabbing somebody by the arm or pushing somebody on the way out the door. The petitions are usually granted by the courts because they are concerned that the situation might elevate into actual, serious domestic violence. Nonetheless, they are not battering cases and don't deserve to be treated as if they are.

Another thing to keep in mind is that family counseling is merely an option for the judge, and not mandatory. I haven't seen anything to suggest that judges are overusing family counseling; in fact a family counseling order is fairly rare in the courtroom on the days these cases are heard. Nonetheless, it is an option available to the judge if he gets one of those cases in which it appears that the central problem is that communications within the family are breaking down. This is not the old days in which judges felt morally compelled to try to force warring couples back together; judges have generally used the power to order family counseling very conservatively.

House Health and Social  
Services Committee

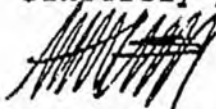
Page 2

February 19, 1991

An additional word on mutual violence: The petitioner is simply the party who got down to the courthouse first to file something. The question of who is the petitioner and who the respondent can be an arbitrary one. In some cases the language being proposed may prevent the court from ordering counseling for the real instigator of domestic violence.

The divorce rate in this country is a national tragedy. This is a societal problem, and there is rarely anything the courts or the lawyers can do to change that statistic. There are those, however, who continually push for additional legislation or court decisions which impel marriages which might otherwise be salvageable toward an inevitable divorce. For instance, attorneys who push for absolute no-contact orders (no phone, no letters, no counseling, no intermediaries) early in a separation are contributing to the divorce rate. All marriages have problems at some point or other, but we should not necessarily assume that the marriage is irreparable merely because one of the parties went down to the night magistrate and filed a paper to try to get the other party removed from the house. Commentators constantly bemoan the high divorce rate in this county; in HB 44 the legislature is being tempted to make it worse.

Sincerely yours,



KENNETH C. KIRK

KCK/baj

# Alaska State Legislature



## House of Representatives House Judiciary Committee

P. O. Box V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4990  
(907) 465-4712

### SPONSOR STATEMENT

House Bill 103 allows law enforcement authorities to place the fingerprints of minors who are arrested for committing a crime in the state fingerprint computer. The legislation will help prevent criminal behavior by giving police officers the tools necessary to solve crimes and by allowing the early apprehension of repeat juvenile offenders.

One of the single most important investigative tools available to law enforcement officers is the ability to match unidentified fingerprints taken from a crime scene with known fingerprints that are stored in the state fingerprint computer. This tool increases the ability of police to protect the public, and helps ensure that people who have committed criminal acts are identified, apprehended, and convicted. However, because the fingerprints of minors are rarely allowed to be placed in the state fingerprint computer, this tool is not available to solve crimes committed by juveniles. Since the majority of burglary arrests in Alaska are of juveniles between the ages of 14 and 18, the restriction on placing minors' fingerprints in the computer significantly hinders the ability of police to solve crimes.

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 that were committed when the arrestee was a juvenile. It is likely that these offenders could have been identified and arrested earlier, and before they committed criminal acts as adults, if authority existed to place the fingerprints of minors in the state fingerprint computer.

The legislation has been a priority of the Alaska Peace Officers' Association for many years, and is strongly supported by the Alaska Association of Chiefs of Police, the Department of Public Safety, and the Department of Law.

SPONSOR STATEMENT

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

1 felony or if identification of the minor is necessary for the safety  
2 of the minor or of other persons.

3 \* Sec. 4. AS 47.10.097(b) is amended to read:

4 (b) A law enforcement officer may fingerprint a minor who is 14  
5 [16] years of age or older for reference to or entry into the Alaska  
6 automated fingerprint system without a court order when the minor is  
7 arrested [CONVICTED OF, OR ADJUDICATED A DELINQUENT] for [,] an of-  
8 fense that is a felony.

9 \* Sec. 5. This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. HB 103

Revision Date: \_\_\_\_\_ Department Affected: Department of Law  
 Title: "An Act relating to BRU: Prosecution/Legal Services  
fingerprinting." Component: Prosecution/Criminal Justice Litigation  
 Sponsor: Representative Donley Legal Services/Operations  
 Requestor: House Judiciary COMPONENT SERIAL NO. 

		8	9
		9	3

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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						

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary.)

This bill involves fingerprinting of minors in custody, which is a concern of law enforcement agencies and the Division of Family and Youth Services. There will not be a fiscal impact for the Department of Law.

Prepared By: Richard I. Pegues, Director Phone: 465-3672  
 Division: Administrative Services Date: February 15, 1991  
 Approved by Commissioner: Charles E. Cole, Attorney General  
 Agency: Department of Law Date: February 15, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. HB 103

Revision Date: \_\_\_\_\_  
Title: An Act Relating to the  
Fingerprinting of Minors  
Sponsor: Rep. Donley  
Requestor: House Judiciary

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

COMPONENT SERIAL NO. 

1	1	9	0
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EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not Included)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	10.0	10.0	10.0	10.0	10.0	10.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>

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	10.0	10.0	10.0	10.0	10.0	10.0
FEDERAL FUNDS						
OTHER/PROG RCPT						
<b>TOTAL</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>

POSITIONS:

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

Estimate of current year impact \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary)

(See attached).

Prepared by: Ken Bischoff Phone: 465-4336  
Division: Administrative Services Date: 1/25/91

Approved by Commissioner: Richard L. Burton  
Agency: Department of Public Safety Date: 2/07/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

ANALYSIS:

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). The DPS 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.

This bill would have a positive impact on the ability of police to solve cases involving juvenile offenders. Over 40% of all persons arrested for burglary and theft are juveniles. Many other crimes remain unsolved, however, as fingerprint evidence frequently found at the scene is not matched to any suspect because juveniles are not fingerprinted. AAFIS records indicate that 22% of the crime scene prints identified by the system since 1985 have been from first-time adult arrests which matched latent prints taken from crimes committed when the offender was a juvenile. Of these cases 86% were for burglary and theft offenses. Had these persons been fingerprinted as juvenile offenders they could have been identified, solving 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 work load. 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 work load expected as a result of this bill is estimated as follows:

Estimated number of juvenile fingerprint cards	-	2700
Total time to complete 15 processing steps	-	504 hrs
Clk IV - Range 9A (4.0 months)		

HOUSE COMMITTEE REPORT

2/27

(7)

Date Referred: February 20, 1991

FURTHER REFERRALS:

Finance

Date of Committee Action: 2-25-91

The JUDICIARY Committee considered:

HB 103

HOUSE BILL NO. 103

FINGERPRINTING OF MINORS

"An Act relating to fingerprinting of minors."

- RECOMMENDATIONS: [ ] the same title  
 be replaced with \_\_\_\_\_ [ ] a new title
- [ ] have attached amendments(s)
- do pass
- [ ] do not pass
- [ ] no recommendations
- [ ] individual recommendations
- [ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[ ] fiscal impact \_\_\_\_\_

fiscal note(s) Public Safety 2-20-91

[ ] zero fiscal note \_\_\_\_\_

zero fiscal note(s) Law 2-20-91

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Signature	Check appropriate column:	Do Not	No Rec	Amend
		Pass		
<i>Dave Douley</i>				
<i>Mark Green</i>	<i>Mark Green</i>		<input checked="" type="checkbox"/>	
<i>Kevin Pat Parnell</i>				
<i>Mark Henley</i>				
<i>Terry Martin</i>				

*Dave Douley*  
Chairman's Signature