

HB 103

SENATE FINANCE COMMITTEE REPORT

DATE: 4/8/91

FURTHER:

DATE TURNED INTO OFFICE: 5-1-91

The Finance Committee considered CS FOR HOUSE BILL NO. 103 (FINANCE)
"An Act relating to fingerprinting of minors."

and recommended:

<input type="checkbox"/>	replace with _____ CS	<input checked="" type="checkbox"/>	same title
<input checked="" type="checkbox"/>	or adopt _____ <u>5</u> CS <u>CS HB 103 (Jud)</u>	<input type="checkbox"/>	new title
<input type="checkbox"/>	attached amendment(s)	<input type="checkbox"/>	technical title change (HB only)
<input type="checkbox"/>	_____ letter of intent adopted		

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

appropriation-no fiscal note

APPROVES PREVIOUS:

Dept/Date:

fiscal note(s) DPS 10.0 2/9/91

zero fiscal note(s) Dolan 2/15/91

SIGNING DO PASS:

Al Adams
Tom Hagan
Dick Stucky

OTHER RECOMMENDATIONS:

Jalunian - No Rec
Kiel Uff (NO RE)

Pat Kuntz

J. K. ... No. Rec

Co-Chairs: Signatures and Recommendations

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

Department Affi: _____
 BRU: DPS State
 Component: AK Criminal Records & ID

(S) Publish Date: 2/20/91

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						
TOTAL OPERATING	10.0	10.0	10.0	10.0	10.0	10.0

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						
TOTAL	10.0	10.0	10.0	10.0	10.0	10.0

POSITIONS:

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

Estimate of current year impact _____

ANALYSIS: (Attach a separate page if necessary)

(See attached).

Changes in CS CS HR 103 (JUD) reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate.

4-11/91 DBS
 date Comte Aide (initial)

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)		

FISCAL NOTE

No. 2

Bill Version: CSHB 103(FIN)

(S) Publish Date: 2/20/91

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Department of Law
 Title: "An Act relating to fingerprinting." BRU: Prosecution/Legal Services
 Sponsor: Representative Donley Component: Prosecution/Criminal Justice Litigation
 Requestor: House Judiciary Legal Services/Operations
 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						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

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						

Changes in CSHB 103 (Jud) have no fiscal impact. This fiscal note is appropriate.

Estimate of current year impact: _____

April 5, 1991 OB/Sail
date Comte Aide (initial)

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).

SENATE CS FOR CS FOR HOUSE BILL NO. 103 (JUDICIARY)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 4/8/91
Referred: Finance

Sponsor(s): REPRESENTATIVES DONLEY, Ulmer, Larson, Parnell, Barnes, Sharp, Martin, Leman, Zawacki,
B.Davis, R.Phillips, M.A.Miller

SENATOR Fischer

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to fingerprinting of minors."

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

3 * Section 1. AS 47.10.097 is repealed and reenacted to read:

4 Sec. 47.10.097. FINGERPRINTING OF MINORS. (a) A peace officer may fingerprint
5 a minor under the same circumstances as an adult may be fingerprinted.

6 (b) Fingerprint records taken under this section are not subject to AS 47.10.090.

7-LS0055J
Gaguine
5/1/91

SENATE CS FOR CS FOR HOUSE BILL NO. 103 ()

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES DONLEY, Ulmer, Larson, Parnell, Barnes, Sharp, Martin, Leman, Zawacki,
P.Davis, R.Phillips, M.A. Miller, Hanley, Bruckman, Fischer

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to fingerprinting of minors."

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

3 * Section 1. AS 44.41.025(c) is amended to read:

4 (c) The department may enter into the Alaska automated fingerprint identification system
5 the fingerprints of a minor whose fingerprints are taken under AS 47.10.097. The commissioner
6 of public safety shall assure that fingerprints entered into the Alaska automated fingerprint
7 system under AS 47.10.097 are not cross-referenced by the automated system with a record
8 showing that the minor has been arrested or adjudicated a delinquent.

9 * Sec. 2. AS 47.10.097(a) is amended to read:

10 (a) Except as provided in (b) of this section, a minor in the custody of the department
11 or of a law enforcement agency may not be fingerprinted for reference to or entry into the Alaska
12 automated fingerprint system without a court order upon good cause shown. Good cause exists
13 if the minor is in custody for a criminal offense or if identification of the minor is necessary
14 for the safety of the minor or of another person.

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

2 (b) A law enforcement officer may fingerprint a minor who is 14 [16] years of age or
3 older for reference to or entry into the Alaska automated fingerprint system without a court order
4 when the minor is arrested [CONVICTED OF, OR ADJUDICATED A DELINQUENT] for a
5 criminal [, AN] offense [THAT IS A FELONY].

POSITION PAPER

CSHB NO. 103

For an act entitled: "An Act relating to fingerprinting of minors."

This bill would allow the fingerprinting of all youth fourteen years of age or older upon arrest for a criminal offense. It would continue the present practice requiring prior court approval before fingerprinting of arrested youth under the age of fourteen. It would also preclude the entry of a minor's delinquent record into the automated fingerprint system.

Analysis

Law enforcement agencies desire access to and use of fingerprint records of arrested youth for investigative purposes. These agencies believe that additional crimes will be solved by matching the fingerprints of arrested youth with those taken at crime scenes.

Present law allows fingerprinting of minors sixteen years of age if convicted of or adjudicated a delinquent for a felony offense, and the fingerprinting of any minor with a prior court order for good cause shown.

CSHB 103 would allow the fingerprinting of all youth fourteen years of age or older upon arrest for a criminal offense. It would also continue the practice requiring prior court approval for the fingerprinting of all youth under fourteen years of age. This bill delineates the standard for good cause which is used by the court in determining approval for fingerprinting. Good cause would exist if the minor is in custody for a criminal offense, or if the identification of the minor is necessary for protection of the minor or another person.

Department Position

The Department supports CSHB 103, with the assumption that the taking of fingerprints will be conducted by law enforcement personnel. The involvement of Department personnel in the taking, tracking, or compiling of fingerprints would require a fiscal note to cover processing costs.

POSITION PAPER/Department of Health & Social Services

CSHB 103
Page 2

Recommended: Michael L. Price
Michael L. Price, Director
Division of Family and Youth
Services

Date: April 2, 1991

Approved: Theodore A. Mala
Theodore A. Mala MD, MPH
Commissioner
Department of Health and
Social Services

Date: 2 April 91

BILL NO: HB 103

DATE: February 7, 1991

TITLE: An Act Relating to the
Fingerprinting of Minors

CONTACT: Gayle A. Horetski
Deputy Commissioner

POSTION PAPER / 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

REPRESENTATIVE DAVE DONLEY

ALASKA STATE LEGISLATURE
DISTRICT ELEVEN
SEAT A

3111 "C" STREET, SUITE 450
ANCHORAGE, ALASKA 99503
(907) 561-7629 (FAX) 562-4376


ALASKA LANDINGS • BENTZEN • BIRCHWOOD • CHESTER CREEK • HEATHER MEADOWS • LINCOLN PARK • MIDTOWN • NORTHSTAR
NORTHWOOD • ROMIG • ROOSEVELT PARK • SPENARD • THOMPSON • TURNAGAIN • WYNDEMERE • WOODLAND PARK



CHAIRMAN
JUDICIARY COMMITTEE
VICE CHAIRMAN
REGULATION REVIEW COMMITTEE
MEMBER
RULES COMMITTEE
LABOR AND COMMERCE COMMITTEE

MEMORANDUM

TO: Senator Pat Pourchot, Co-Chair
Senator Jay Kerttula, Co-Chair
Senate Judiciary Committee

FROM: Representative Dave Donley 

RE: SCSCSHB 103 (Jud) - Fingerprinting Minors

DATE: April 10, 1991

APR 11 1991

I would greatly appreciate if SCSCSHB 103 (Jud) could be scheduled for a hearing at the earliest possible opportunity. The bill broadens current law to expand the circumstances under which a minor can be fingerprinted.

In addition, I respectfully request that the Senate Finance Committee consider adopting a committee substitute for the bill that returns it to the form that passed the House of Representatives. I believe that CSHB 103 (Fin) appropriately balances the needs of the law enforcement community to take the fingerprints of minors against the concerns raised by those who believe that minors should only have their fingerprints taken in a limited number of circumstances.

The following chart describes the two significant differences between CSHB 103 (Fin) and SCSCSHB 103 (Jud):

	CSHB 103	SCSCSHB 103
Court order needed to fingerprint minors under 14?	YES	NO
Express prohibition on cross-referencing fingerprints and records showing minor has been arrested or adjudicated a delinquent?	YES	NO



Senator Pat Pourchot
Senator Jay Kerttula

April 10, 1991
Page 2

On the floor of the House, several members expressed concern about the provision of CSHB 103 (Fin) that expressly prohibits cross-referencing fingerprints with a record showing that a minor has been arrested or adjudicated a delinquent. However, this provision is merely a statement of how the state fingerprint computer works. It is not possible to cross-reference the prints of either adults or minors in the fingerprint computer. In limiting cross-referencing the bill treats minors and adults exactly the same. In order to eliminate any possible confusion about this provision, the Department of Law has recommended that the phrase "by the automated system" be added after "cross-referenced" on page 1, line 7 of CSHB 103 (Fin). I would support this amendment.

In addition to the impossibility of cross-referencing the fingerprints of anyone, there is a significant practical barrier to cross-referencing a minor's fingerprints with a record showing that a minor has been adjudicated a delinquent: adjudication records are confidential by law and law enforcement officials have no way of finding out when, or whether, a minor is found to be a delinquent.

The Departments of Public Safety and Law both testified during the Senate Judiciary hearing that they could support either version of HB 103. They testified that either version will make a significant improvement over current law. However, I am concerned that those who wish to protect the rights of juveniles will not be able to support SCSCSHB 103 (Jud), and that the result of this version passing the Senate will be to require a conference committee on the bill. Since the needs of law enforcement can be satisfied by adoption of CSHB 103 (Fin), I am asking you to consider passing this version of the bill out of the Finance Committee.

Backup materials on the legislation are attached to this memorandum.

Thank you very much for any assistance you can provide in scheduling this bill for a hearing, and for considering my request that CSHB 103 (Fin) be passed out of the Finance Committee.

DD:lc

REPRESENTATIVE DAVE DONLEY

ALASKA STATE LEGISLATURE

DISTRICT ELEVEN • SPENARD

NORTHWOOD • SPENARD • THOMPSON • TURNAGAIN • UPPER MIDTOWN • WINDEMERE

P.O. BOX V, JUNEAU 99811

(907) 465-3892



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.

ANCHORAGE OFFICE

3111 "C" STREET, SUITE 450 • ANCHORAGE, ALASKA 99503 • (907) 561-7629



STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION

WALTER J. HICKEL, GOVERNOR

REPLY TO:

- CRIMINAL DIVISION CENTRAL OFFICE
P.O. BOX KC
JUNEAU, ALASKA 99811-0310
PHONE: (907) 465-3428
- OFFICE OF SPECIAL PROSECUTIONS
AND APPEALS
1031 WEST 4TH AVENUE, SUITE 318
ANCHORAGE, ALASKA 99501-5993
PHONE: (907) 279-7424

March 6, 1991

The Honorable Dave Donley, Chairman
House Judiciary Committee
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Re: HB 103 (Fingerprinting Minors)

Dear Representative Donley:

By this letter, we wish to indicate our support for CSHB 103 (Fin), which will assist the state in its law enforcement efforts. This bill, as amended, allows the fingerprinting of juveniles age 14 and older who are arrested for criminal offenses.

A concern has been raised whether the language added by the Finance Committee will dilute the effectiveness of this bill. We do not believe so. The language added is as follows: "The commissioner of public safety shall assure that fingerprints entered into the Alaska automated fingerprint system under AS 47.10.097 are not cross-referenced with a record showing that the minor has been arrested or adjudicated a delinquent." The purpose of this provision is to ensure that the computer system only produces a name, and not a criminal history, when it identifies submitted fingerprints.

The intent of the legislature could be made even clearer by amending the sentence at page 1, line 7, to read:

The commissioner of public safety shall assure that fingerprints entered into the Alaska automated fingerprint system under AS 47.10.097 are not cross-referenced by the automated system with a record showing that the minor has been arrested or adjudicated a delinquent.

This would make it abundantly clear that, although the fingerprint system is not allowed to identify and produce the juvenile's criminal history, law enforcement officials can and are expected to

The Honorable Dave Donley

March 6, 1991

Page 2

use this information in the course of their investigative and enforcement work.

Thank you for the opportunity to comment on this matter.

Very truly yours,

CHARLES E. COLE
ATTORNEY GENERAL

By:

Margot O. Knuth

Margot O. Knuth

Assistant Attorney General

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

P.O. BOX N
JUNEAU, ALASKA 99811-1200
PHONE: 465-4322

March 7, 1991

The Honorable Dave Donley
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

RE: CSHB 103(FIN), An Act Relating
to Fingerprinting of Minors

Dear Representative Donley:

At the request of Ms. Laurie Otto, Counsel to the House Judiciary Committee, we are writing to clarify some issues that were apparently discussed during the Legislature's consideration of CSHB 103(FIN) yesterday.

As we have testified at the legislative hearings on this bill, fingerprint impressions are entered, stored, retrieved, and compared in the Alaska Automated Fingerprint Identification System (AAFIS). Once a person's identity is confirmed through AAFIS, a criminal history records check for that person is conducted on the Alaska Public Safety Information System (APSIN). There is no electronic "cross-reference" between the two computerized data bases. APSIN operates on the state's "mainframe" computer, while AAFIS is a separate system located at State Trooper Headquarters in Anchorage.

As you know, AS 47.10.090 provides that all information and records pertaining to criminal cases against a minor are confidential, and subject to inspection only with court permission. Violation of this confidentiality provision is a misdemeanor crime punishable by up to one year in jail.

The Department of Health and Social Services handles delinquency cases against minors, unless the case is transferred by court order to "adult" court. The Department of Public Safety has no access to the files of the court or the Department of Health and Social Services regarding delinquency cases. As the Department of Public Safety has no access to this information, it is not possible for records regarding a juvenile's criminal behavior to be contained in APSIN, or cross-referenced with records in AAFIS.

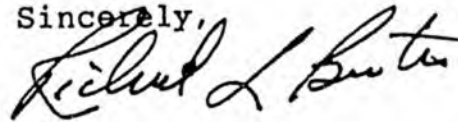
The Honorable Dave Donley

-2-

March 7, 1991

In our opinion, CSHB 103(FIN) would be an invaluable tool, allowing law enforcement officials to solve crimes and apprehend juveniles who repeatedly commit criminal offenses. The Department of Public Safety strongly supports CSHB 103(FIN).

Sincerely,

A handwritten signature in cursive script that reads "Richard L. Burton". The signature is written in dark ink and is positioned above the printed name.

Richard L. Burton
Commissioner

JUVENILE ARRESTS*

	1987	%	1988	%	1989	%
MAJOR FELONIES**						
Total Arrests	990		1100		2090	
Juveniles	96	9.7%	97	9%		
BURGLARY						
Total Arrests	1041		960		1004	
Juveniles	475	46.0%	509	49%	527	52.5%
LARCENY						
Total Arrests	4934		4398		4487	
Juveniles	1754	36.0%	1624	37%	1761	39.2%
MOTOR VEHICLE THEFT						
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.

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,

I am writing this letter to express the support of the Alaska Association of Chiefs of Police for House Bill 106. Existing law only allows for imposition of five years of probation. We support extending this to ten years as proposed in your bill.

Probation can be an excellent tool in protecting the public. We submit, however, that judges under current law are too limited and should be given the ability to require persons convicted of serious crimes to be monitored and supervised for longer periods of time when necessary.

If we can be any assistance in the passage of your bill, please contact me.

Sincerely,

A handwritten signature in cursive script, reading "Duane S. Udland".

Duane S. Udland
President