

HB

2022

AMENDMENT

OFFERED IN THE

BY

TO: HB 292

1 Page 1, line 3, following "public;"

2 Insert "providing for the use of criminal justice information and records by the
3 Alcoholic Beverage Control Board;"

4 Page 1, following line 5:

5 Insert a new bill section to read:

6 " * Section 1. AS 04.06 is amended by adding a new section to read:

7 Sec. 04.06.095. Criminal justice information and records. (a) The board shall
8 require a person filing or executing an application for the issuance, renewal, or transfer of
9 a license under this title to be fingerprinted. The board shall submit the fingerprints to the
10 Department of Public Safety to obtain a report of criminal justice information under
11 AS 12.62 and a national criminal history record check. The Department of Public Safety is
12 authorized to submit the fingerprints to the Federal Bureau of Investigation for a national
13 criminal history record check. The board shall use the information obtained under this
14 section in its determination of the suitability for licensure of the person filing or executing
15 the application.

16 (b) In this section, "criminal justice information" has the meaning given in
17 AS 12.62.900."

1 Renumber the following bill sections accordingly.

2 Page 16, following line 20:

3 Insert new bill sections to read:

4 " * Sec. 9. TRANSITION: PENDING APPLICATIONS UNDER AS 04. Notwithstanding
5 AS 04.06.095, enacted by sec. 1 of this Act, the Alcoholic Beverage Control Board may process an
6 application for a license under AS 04 without a national criminal history record check from the
7 Federal Bureau of Investigation if that application was pending with the board on the effective date
8 of sec. 1 of this Act.

9 * Sec. 10. Sections 1 and 9 of this Act take effect immediately under AS 01.10.070(c)."

10 Renumber the following bill section accordingly.

11 Page 16, line 21:

12 Delete "This"

13 Insert "Except as provided in sec. 10 of this Act, this"

Summary of Public Safety Testimony on HB 292 by Ken Bischoff, Director, Division of Administrative Services (465-5488)

HB 292 Does not: change who has access to criminal justice information, state or national. Requestors of this information will still require a basis authorized in law to receive this information.

HB 292 does the following:

1. Section 2 contains the language necessary to adopt the National Crime Prevention and Privacy Compact. The National Crime Prevention and Privacy Compact allows states to get national criminal history records by exchanging state records directly with other states, instead of relying on the FBI to keep duplicate records of all state criminal records. Because not all states manage to send duplicates of all their records to the FBI, exchanging records directly between states will provide more complete and timely access to criminal justice information for the purposes of licensing and employment. The Department of Public Safety will be better able to respond to employers and licensing agencies that are attempting to comply with Alaska Statutes and federal laws. Examples include:

- ✓ Alaska Bar Association (AS 08.08)
- ✓ Alaska Securities Act (AS 45.55)
- ✓ Assisted Living Homes (AS 47.33)
- ✓ Certification of Teachers (AS 14.20)
- ✓ Child Care, Child Placement and Maternity Homes (AS 07.35)
- ✓ Collection agencies (AS 08.24)
- ✓ Concealed handgun permits (AS 18.65.700)
- ✓ HUD Housing Opportunity Program (PL 104-120)
- ✓ Licensing of School Bus Drivers (AS 28.17)
- ✓ National Child Protection Act (PL 18.20)
- ✓ Regulation of Hospitals (AS 18.20)
- ✓ Security Guard Licensing (AS 18.65.410)
- ✓ Any agency that employs or licenses persons to be in authority over children or vulnerable adults (AS 12.62.160)

The Department performs approximately 20,000 of these types of checks each year.

2. Section 1 makes two house-keeping changes to AS 12.62 to provide more appropriately, all relevant information contained in a criminal history record to authorized employers and regulatory agencies. This would include arrest information without court dispositions and information beyond the ten year "unconditional discharge date" that is difficult to compute.

This change is needed to mitigate research and costs associated with filtering specific information to be able to respond to Alaska's 20,000 requests as well as national requests which will be received as a result of adoption of the compact.

3. Section 3 updates the definition of serious offense referenced by AS 12.62 regarding release of criminal justice information.

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

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March 16, 2000

The Honorable Pete Kott
Chair, House Judiciary Committee
State Capitol, Room 118
Juneau, AK 99801-1182

Dear Representative Kott:

This is to request a hearing of House Bill 292, An Act adopting the National Crime Prevention and Privacy Compact.

The National Crime Prevention and Privacy Compact simplifies procedures and establishes a framework for inter-state sharing of criminal history records. The records are intended for use in noncriminal justice matters, such as employee background checks, as allowed by law.

The National Criminal History Access and Child Protection Act, which adopts the Compact, was enacted in 1998. Four states have adopted the Compact (Montana, Nevada, Georgia, Florida) and approximately twelve other states are introducing legislation to adopt the compact this year. Adoption by a majority of states is expected within the next few years.

The Compact would not change or expand the decisions Alaskans have already made about employers and licensing agents who should have access to criminal history information. Nor would adoption of the Compact change any of the procedures, such as submission of fingerprints and payment of a fee through the State repository, for obtaining information. Rather, adoption of the Compact would allow persons who may obtain criminal justice information under present law to obtain more complete, timely and accurate information.

Sincerely,



Ronald L. Otte
Commissioner