

ALASKA LEGISLATURE

HOUSE AND SENATE FINANCE COMMITTEE FILES, 1993-1994

1065

1994

This civil immunity provision is generally based on AS 13.50.014(a) and 016(a), providing immunity from liability for failure of hospital or law enforcement personnel to search for information relating to anatomical gifts. It is also based on similar immunity provisions relating to reporting or not reporting cases of abuse of the elderly (AS 47.24.010(f) and (g)) and reporting abuse of children. AS 47.17.050. This provision is, however, also specifically intended to reverse the decision in *Zerbe v. State*, 578 P.2d 597 (Alaska 1978), and to make clear that there is no cause of action for errors made in recordkeeping.

A legal remedy for damages is provided, however, if criminal justice information is released or used in knowing violation of this chapter. The civil remedy and defense set out in this section is based on current AS 12.62.060. This section does not create a separate criminal offense because current AS 11.56.860 already makes misuse of confidential information by a "public servant" a class A misdemeanor. The definition of "public servant" is broad, and includes contractors and consultants to government agencies. Although current law does not provide a criminal penalty for misuse by other persons, such as members of the public and the press, the civil damage remedies are likely to be an adequate deterrent.

AS 12.62.900

The definitions are generally consistent with, although more detailed than, those found in the federal regulations (28 CFR Part 20, § 20.3). They are also consistent with recommendations made by the SEARCH Group.

The definition section contains many important provisions that specify the applicability of this legislation. For example, the word "information" is defined to mean, unless the context clearly indicates otherwise, data compiled within a "criminal justice information system". That latter term, in turn, is defined to mean an "automatic data processing" system (i.e., a computer) linked to another computer in another department, branch of government, or in another jurisdiction, in such a way that access to the information in the system can occur directly, without action by the agency maintaining the information. This concept of a direct connection between agency computers is contained in current 6 AAC 60.900(1), and reflects the desire to limit interference with internal agency files that cannot be electronically accessed by another agency.

Because of these definitions, this chapter does not apply to the paper records in the possession of criminal justice agencies (which continue to be covered by the general public records statutes) nor to records contained in computers commonly referred to as "stand-alone" computers that are used solely within one department or agency (in this bill a multi-jurisdictional task force is considered a single "agency"). It was not the intent of this bill to regulate the paper files, notebooks, binders, microfilm or other internal records maintained by dozens of state, municipal or judicial branch agencies, if that information is not susceptible to being directly

accessed from outside of that agency by way of a computer system. This definition is also not intended to regulate the exchange of photographs or original documents, whether by facsimile transmission or otherwise.

The criminal justice process produces many different types of information, and therefore a large number of definitions are required.

The broad definition of "criminal justice information" includes all types of data generally collected by criminal justice and public safety agencies, with the exception of court records, drivers license records and records relating to juveniles within the juvenile justice system. It includes criminal history record information, nonconviction information, correctional treatment information, as well as data about wanted or missing persons and stolen property. These various types of information are defined in terms of "identifiable persons". This limitation means that statistical information that does not identify a person is not "criminal justice information".

This legislation leaves to the supreme court the task of regulating court record systems. This legislation also recognizes that the confidentiality and dissemination of drivers license records are already covered by AS 28.15.181.

Each type of information has different uses, and each may be subject to differing rules, depending on the sensitivity of the information and the need for its easy accessibility by the public, the press, and other agencies.

The most sensitive is correctional treatment information. This includes data from confidential sources such as prison medical and psychological files, and presentence reports. Another type of information subject to limited dissemination is "nonconviction" information, which includes data about old arrests or other old charges without dispositions. Oftentimes criminal history records show arrests or charges, but no dispositions of those charges. If the arrest is recent (less than a year old) or prosecution is ongoing, this data is treated, consistently with federal regulations, as "current offender information", which has greater accessibility to the public. However, once a year has passed with no indication that prosecution is ongoing, an arrest record without a disposition is treated as "nonconviction information". Under this bill, information in these categories is not available to the general public or the press, and is only provided for official agency activities.

The definition of "criminal history record information" is functionally equivalent to the one found in the federal regulations and in general use in the laws in other states. Within that broad term there are three categories: (A) past conviction information; (B) current offender information; and (C) criminal identification information.

"Past conviction information" relates only to old convictions where the sentence has already been served and the person has been unconditionally discharged. Such information can include not only the fact of conviction but any specific data related to that conviction, such as dates of proceedings. Convictions that have been set aside under AS 12.55.085 following a suspended imposition of sentence, or that have been vacated or reversed, are included. Under this bill, "past conviction data" less than 10 years old is available to the public when accompanied by adequate identification of both the subject of the records and the person who is requesting the information.

"Current offender information" includes all data of public interest about current or recent cases, or those in which the offender is still under the custody or supervision of the state. Included are conditions of bail or probation and the location of incarceration or community supervision.

"Criminal justice activity" is defined as broadly inclusive of all official activities of criminal justice agencies, including the traditional law enforcement activities of police agencies and activities involved in the processing of criminal cases from arrest through correctional supervision. Also included is criminal justice employment activities. Criminal defense is not an included activity; however, the Public Defender Agency and the Office of Public Advocate will continue to have access to discoverable information under Alaska Rules of Criminal Procedure 16, as well as proposed AS 12.62.170(b)(5).

Section 2 of the bill.

Section 2 of the bill amends AS 44.99.310(f) to exempt criminal justice information from the provisions in that statute governing challenges to accuracy and completeness of "personal information". The provisions of this bill address such issues more comprehensively and directly.

Section 3: Repealer.

All of current AS 12.62, much of it over 20 years old, is repealed, as are AS 18.65.060 and AS 44.41.040, which relate to subjects covered comprehensively in the bill.

Section 4: Transition.

This transition section permits agencies to adopt regulations under this Act at any time, but the regulations do not become effective until the Act takes effect. This allows agencies to avoid delays in adopting regulations. This section has an immediate effective date.

Section 5: Applicability.

Based on preliminary comments from a number of criminal justice agencies, an applicability section at the end of the bill will apply the fingerprinting and reporting requirements of AS 12.62.120 – 150 only to persons arrested for felony offenses. It was felt that it would be burdensome to state and municipal agencies to immediately begin meeting the fingerprinting and reporting requirements for the many thousands of misdemeanor cases proceeding through the courts every year in Alaska. In order to hold down the initial costs of this legislation, and to enable justice agencies to streamline procedures, these sections will not apply to misdemeanor offenses until July 1, 1996.

Sections 6 and 7: Effective dates.



ALASKA'S



**CRIMINAL HISTORY
RECORDS
SUPPORTED BY
FINGERPRINTS**

Annual Survey of Completeness

December 1993



RECORDS AND IDENTIFICATION SECTION
DIVISION OF ADMINISTRATIVE SERVICES
DEPARTMENT OF PUBLIC SAFETY

EXECUTIVE SUMMARY

The State of Alaska spends more than \$300 million annually on criminal justice operations. The business of criminal justice provides nearly 4,500 jobs throughout the state. These employees make more than 40,000 arrest decisions, 40,000 release from custody decisions, 13,500 sentencing decisions, and 14,500 employment decisions dealing with sensitive child supervisory positions such as foster care parents, teachers, and school bus drivers, as well as security sensitive positions involving criminal justice employment.

The accuracy, efficiency, and defensibility of these decisions hinge significantly on the authenticity and accurateness of the criminal history information used in making the decisions. The only feasible way to authenticate criminal history entries is to substantiate them with fingerprints taken at the time of arrest or first court appearance. Criminal history records supported by fingerprints are accurate, factual and unambiguous. Such records allow decision makers to act with confidence and protect the state from substantiated challenges of the criminal records used to make such decisions.

Fingerprints are the only cost effective methodology of authenticating criminal records. The costs of corroboration by other means are not feasible and would require court testimony from multiple individuals and numerous, geographically dispersed record searches to accomplish the same purpose served by fingerprinting.

Alaska is doing a poor job of fingerprinting accused criminals. State Correctional facilities fingerprint less than 40% of people accused of committing crimes. Contract jails fingerprint 50% of the accused criminals brought to them for arrest processing. The smaller, miscellaneous booking locations in the state fingerprint accused criminals only 30% of the time. Juveniles, despite clear provisions in the law allowing such fingerprinting, are very rarely fingerprinted in Alaska.

Several audits, reviews and site visits from respected state level criminal justice agencies and nationally recognized criminal justice consulting organizations have repeatedly identified Alaska's low percentage of fingerprint supported criminal history entries as an impediment to accurate record keeping and a significant contributor toward possible civil liability. In short, the State of Alaska is ineffective in securing the necessary fingerprints to insure the integrity of its criminal records and may well suffer punitive damages from decisions based upon such records.

The State can meet the need for fingerprint supported criminal history records by advancing the following initiatives:

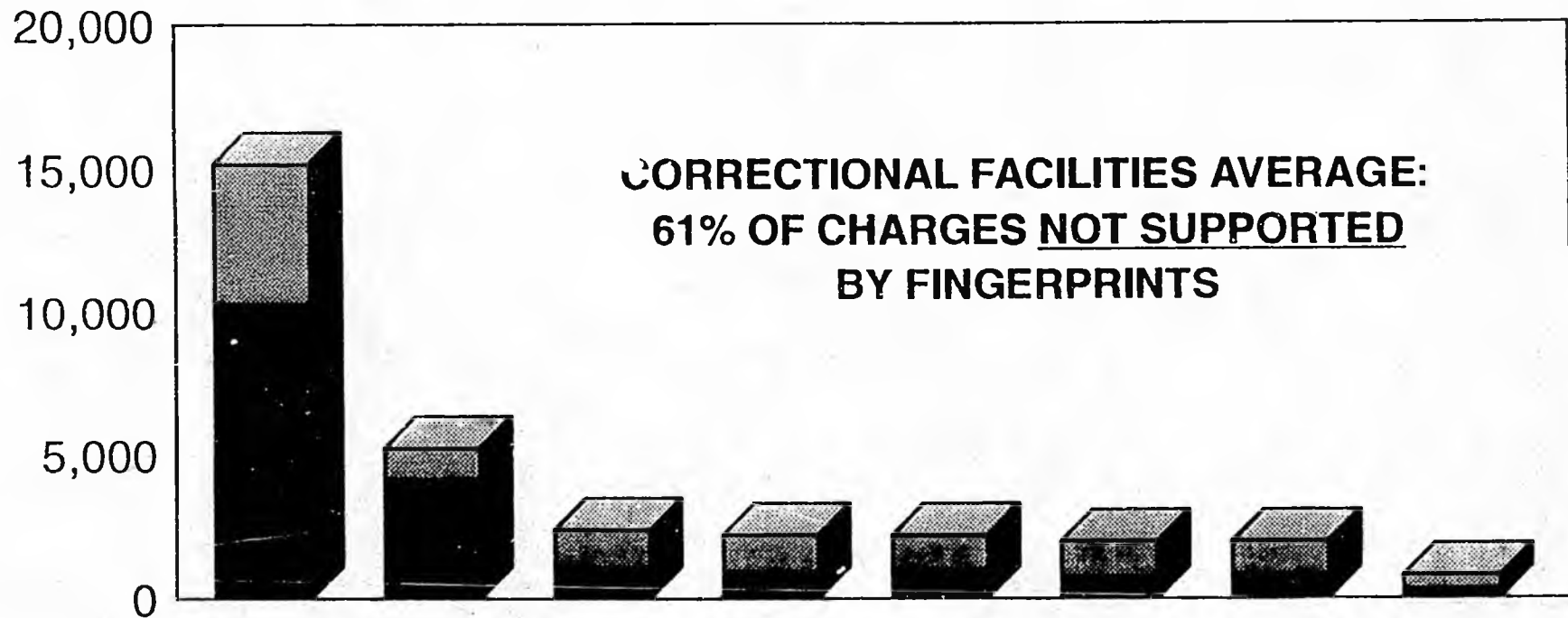
- ▶ Passing proposed legislation (AS 12.62) mandating the fingerprinting of all accused criminals
- ▶ Funding capital requests providing for Live-Scan Automated Booking Workstations and a replacement Automated Fingerprint Identification System - both labor saving and quality improving projects
- ▶ Renewing the commitment of all parties involved in the fingerprinting of accused criminals to insure that each defendant is properly fingerprinted

The following graphs and narrative explain the current situation in Alaska. The information is based upon charges recorded in the Alaska Public Safety Information Network (APSIN) during calendar 1992.



FINGERPRINTING IN STATE CORRECTIONAL FACILITIES

Figure 1



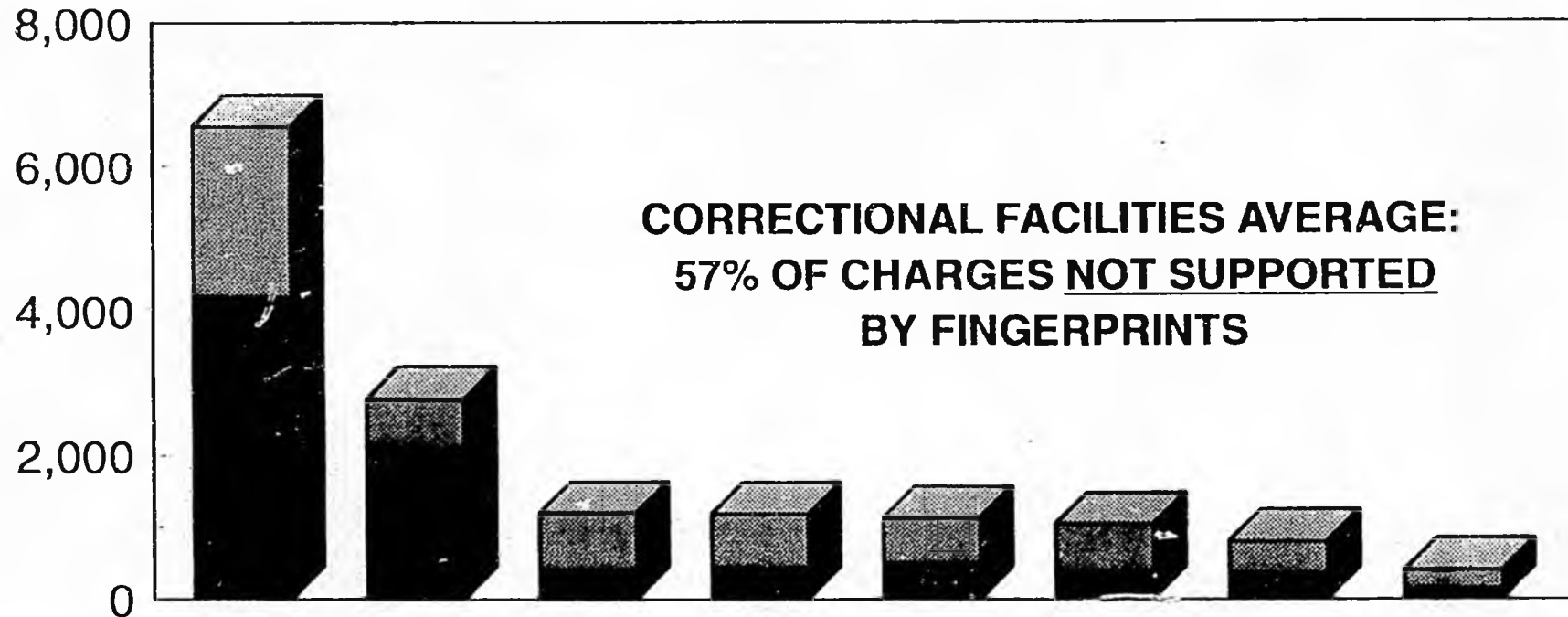
	6th Ave & CIPT	Fairbanks	Mal-Su Pre-Trial	Lemon Creek	Wildwood	Ketchikan	Yukon-Kuskokwim	Anvil Mountain
Without Prints ■	10,254	4,150	1,105	904	1,031	756	858	329
With Positive ID ▣	4,916	1,093	1,301	1,324	1,183	1,240	1,134	460
Total	15,170	5,243	2,406	2,228	2,214	1,996	1,992	809

Based upon calendar 1992 misdemeanor and felony charges, with and without dispositions, recorded in APSIN



FINGERPRINTING IN STATE CORRECTIONAL FACILITIES

Figure 2



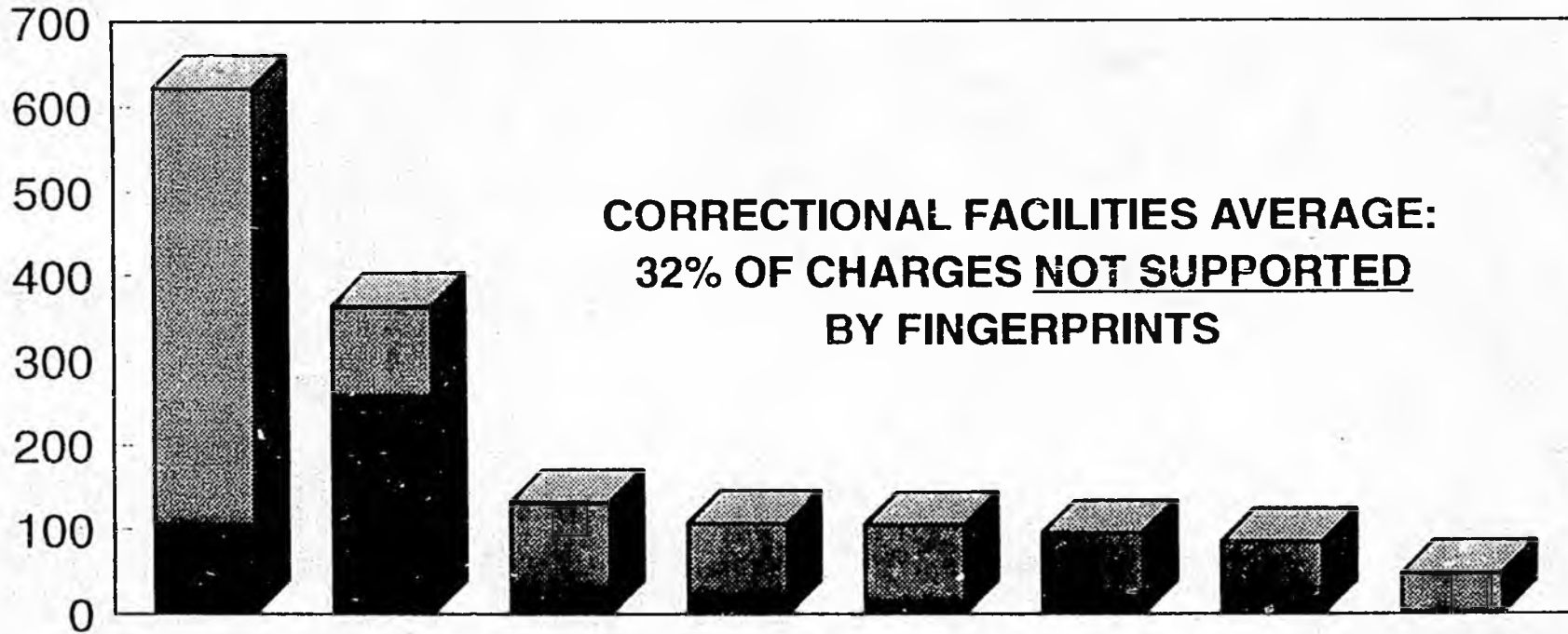
	Sixth Avenue	Fairbanks	Mat-Su Pre-Trial	Ketchikan	Lemon Creek	Wildwood	Yukon-Kuskokwim	Anvil Mountain
Without Prints	4,199	2,116	417	449	512	394	356	160
With Positive ID	2,359	670	780	737	612	645	444	245
Total	6,558	2,786	1,197	1,186	1,124	1,039	800	405

Based upon calendar 1992 misdemeanor charges, with guilty dispositions, recorded in APSIN



FINGERPRINTING IN STATE CORRECTIONAL FACILITIES

Figure 3



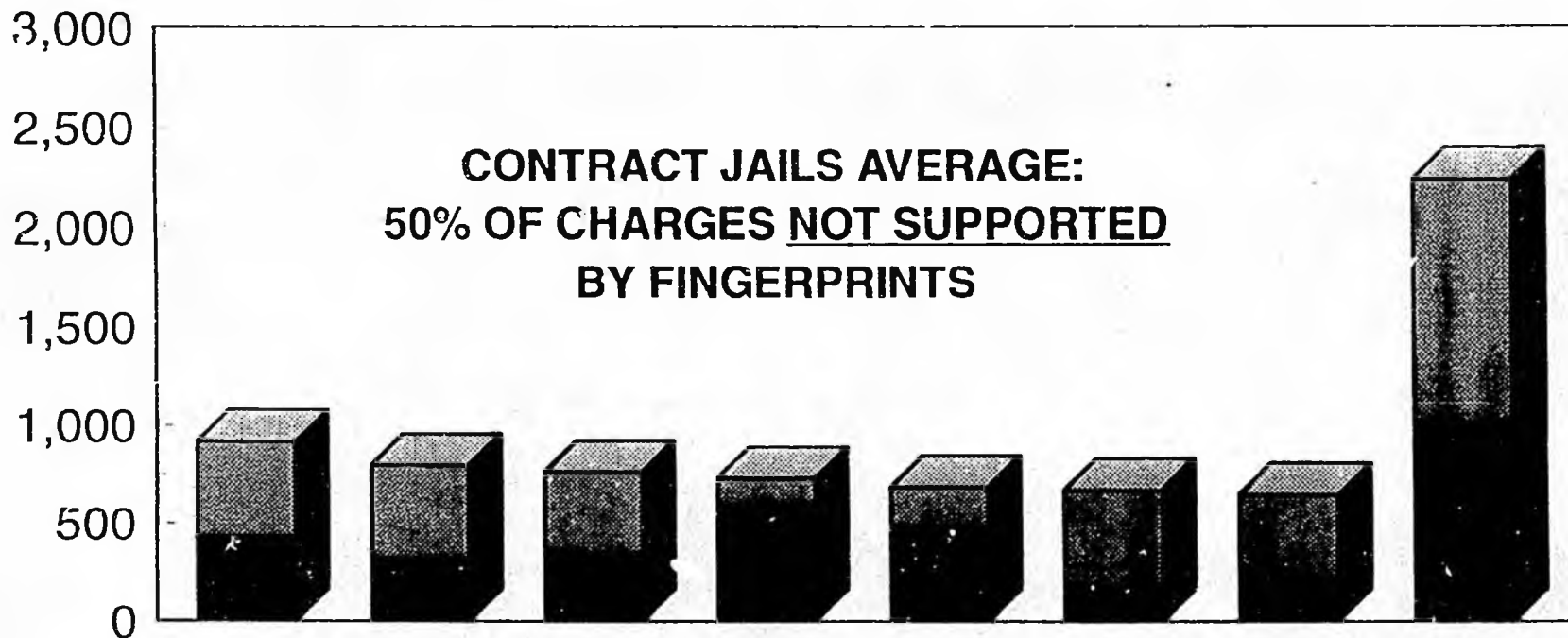
	Cook Inlet Pre-Trial	Fairbanks	Mat-Su Pre-Trial	Ketchikan	Lemon Creek	Wildwood	Yukon-Kuskokwim	Anvil Mountain
Without Prints	105	259	33	23	16	27	29	2
With Positive ID	517	105	99	84	89	68	56	46
Total	622	364	132	107	105	95	85	48

Based upon calendar 1992 felony charges, with guilty dispositions, recorded in APSIN



FINGERPRINTING IN CONTRACT JAILS

Figure 4

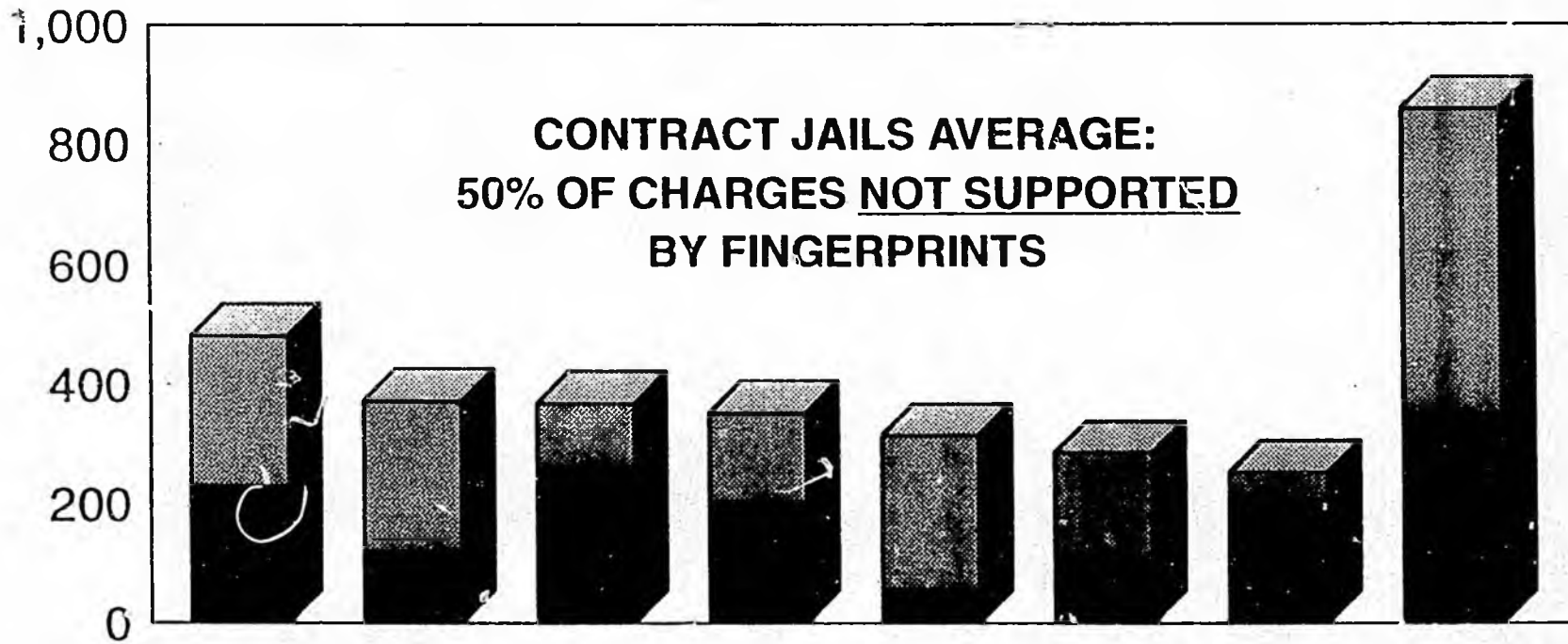


	Kodiak PD	North Slope B.	Craig PD	Kotzebue PD	Homer PD	Seward PD	Sitka PD	All Others
Without Prints	432	322	345	596	483	192	223	1,017
With Positive ID	485	475	416	133	201	475	424	1,218
Total	917	797	761	729	684	667	647	2,235



FINGERPRINTING IN CONTRACT JAILS

Figure 5

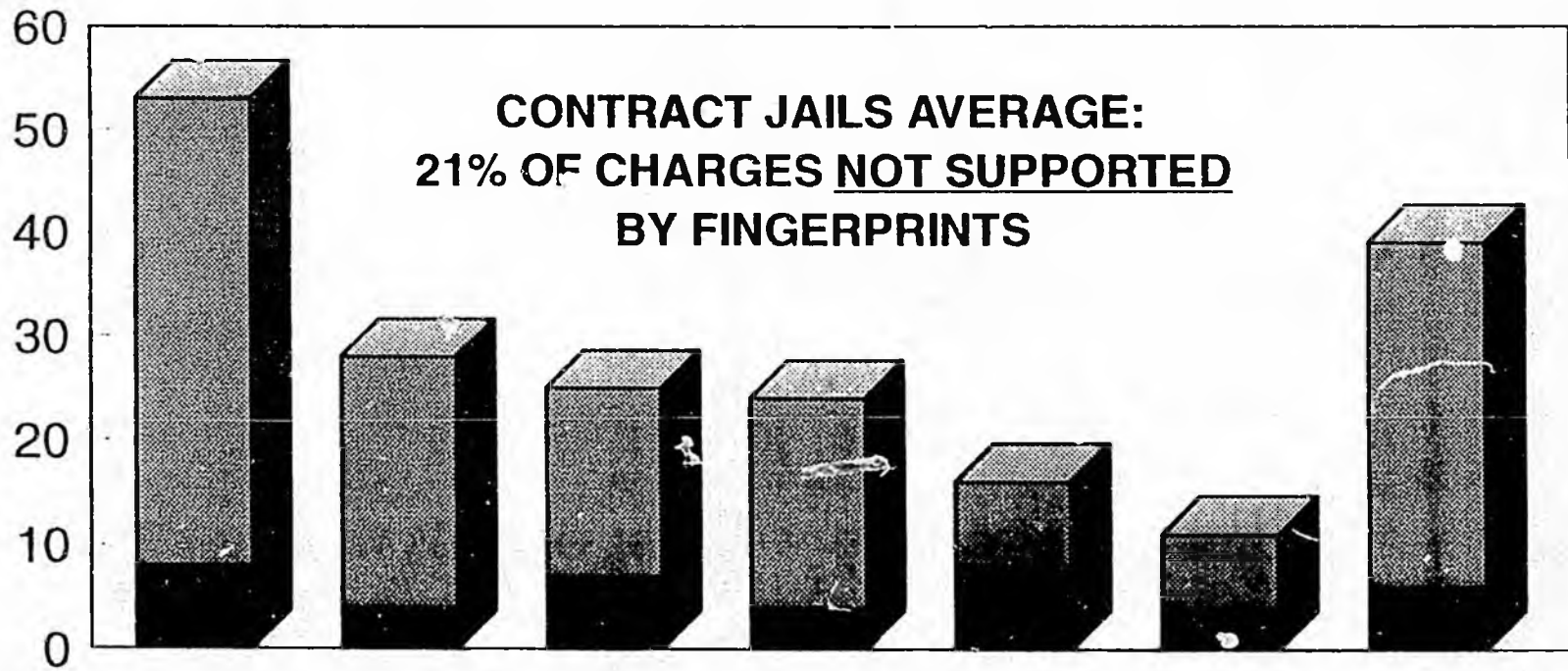


	Kodiak	Sitka PD	Homer PD	Dillingham PD	Seward PD	North Slope B.	Kotzebue PD	All Others
Without Prints	228	121	260	203	56	104	208	353
With Positive ID	253	252	109	150	259	181	44	505
Total	481	373	369	353	315	285	252	858



FINGERPRINTING IN CONTRACT JAILS

Figure 6



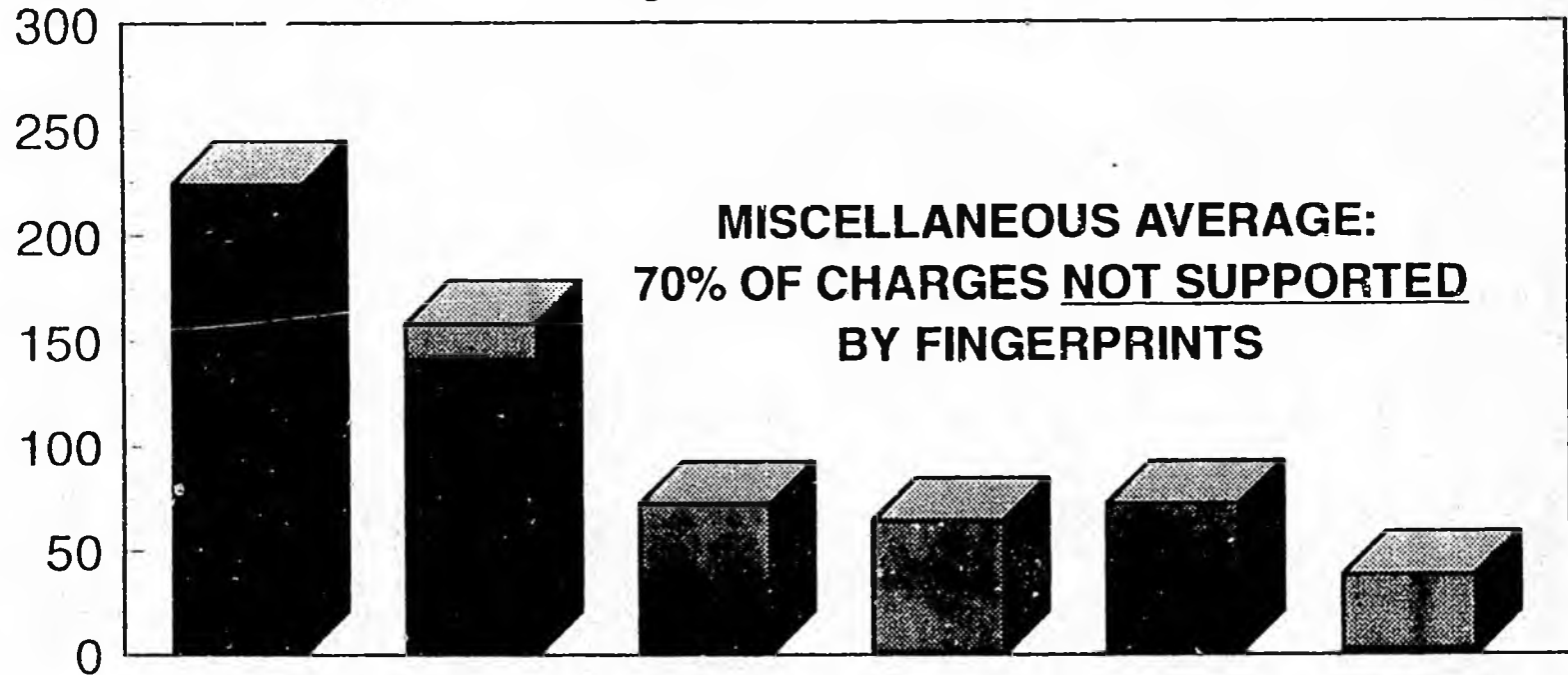
	North Slope B.	Sitka PD	Kotzebue PD	Kodiak PD	Valdez PD	Petersburg PD	All Others
Without Prints	8	4	7	4	8	4	6
With Positive ID	45	24	18	20	8	7	33
Total	53	28	25	24	16	11	39

Based upon calendar 1992 felony charges, with guilty dispositions, recorded in APSIN



FINGERPRINTING IN MISCELLANEOUS LOCATIONS

Figure 7



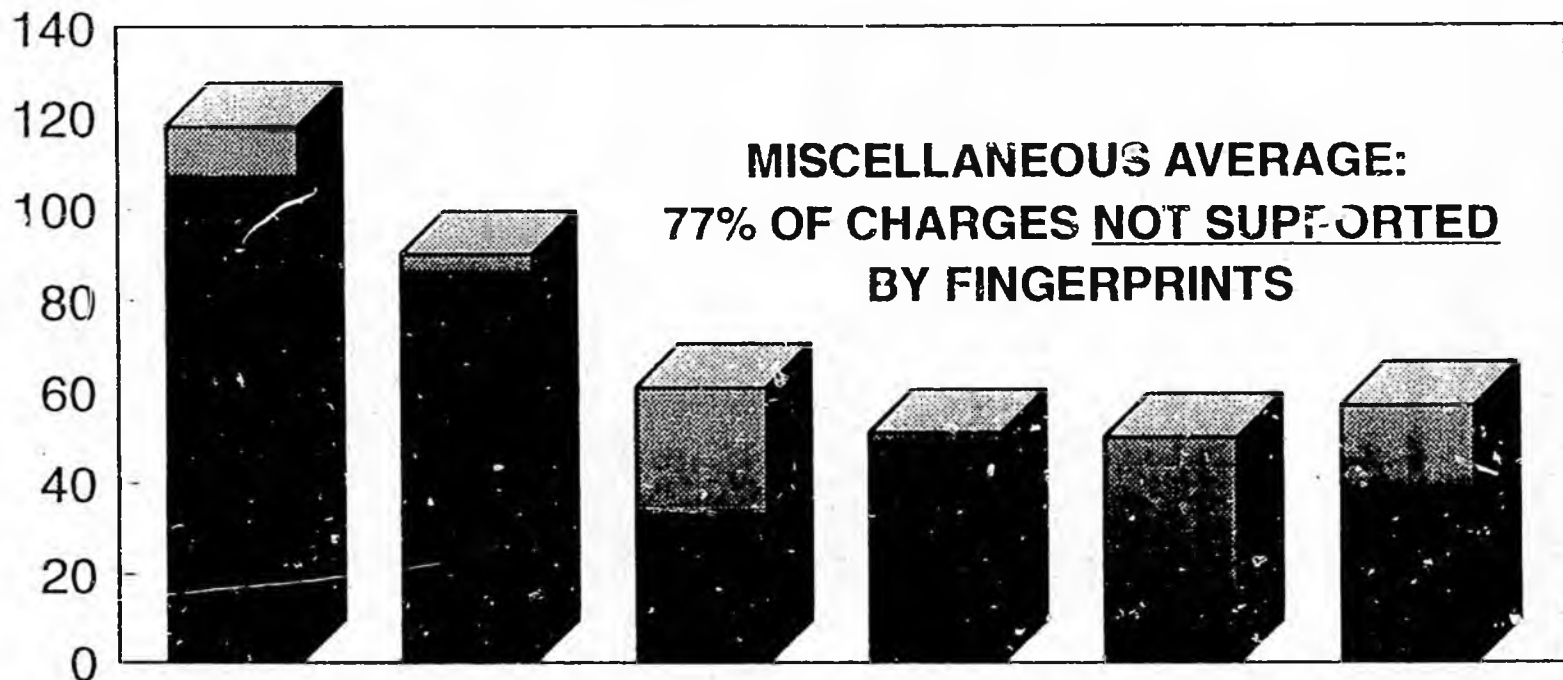
	Tok AST	Glenallen AST	Hoonah PD	Sand Pt. PD	Kake PD	All Others
Without Prints	222	141	35	2	37	3
With Positive ID	2	17	37	62	35	35
Total	224	158	72	64	72	38

Based upon calendar 1992 misdemeanor and felony charges, with and without dispositions, recorded in APSIN



FINGERPRINTING IN MISCELLANEOUS LOCATIONS

Figure 8



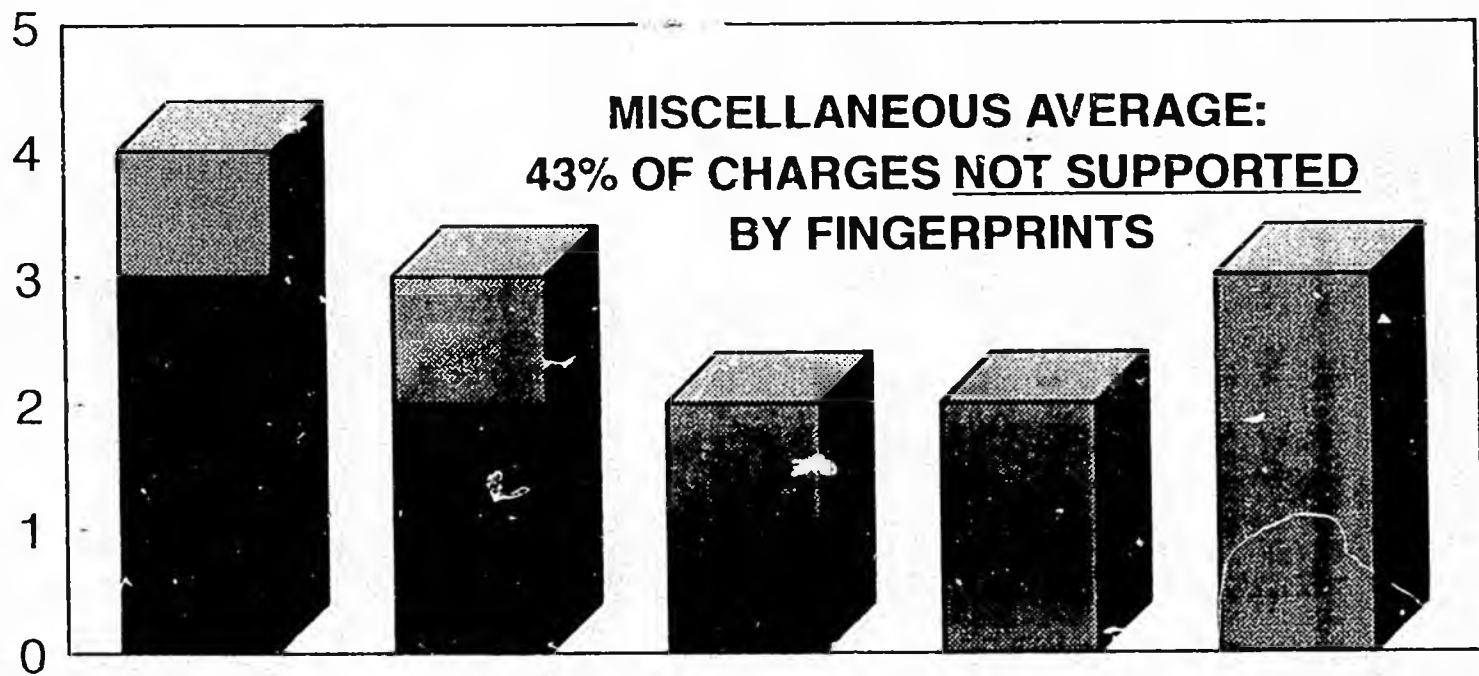
	Glenallen AST	St. Paul PD	Hoonah PD	Tok AST	Sand Point PD	All Others
Without Prints	107	86	33	49	16	39
With Positive ID	11	4	28	2	34	18
Total	118	90	61	51	50	57

Based upon calendar 1992 misdemeanor charges, with guilty dispositions, recorded in APSIN



FINGERPRINTING IN MISCELLANEOUS LOCATIONS

Figure 9



	Tok AST	Glenallen AST	St. Paul PD	Metlakatla	All Others
Without Prints	3	2	1	0	0
With Positive ID	1	1	1	2	3
Total	4	3	2	2	3

Based upon calendar 1992 felony charges, with guilty dispositions, recorded in APSIN

ALASKA'S CRIMINAL HISTORY RECORDS SUPPORTED BY FINGERPRINTS

A Survey of Completeness

To date, there has been no fingerprint related statistical data regularly published by the Records and Identification (R&I) Section of the Division of Administrative Services, Department of Public Safety (DPS). This is the first of what is to be an annual survey documenting the percentage of Alaska's criminal history records that are supported by fingerprints. Ideally, each arrest event should be accompanied by the taking of the subjects fingerprints. The percentage of arrests supported by fingerprints is a prime indicator of the quality of the criminal history database. The more complete the data, in terms of a one-to-one match between arrest events and fingerprints, the greater the quality.

BACKGROUND

Improving the quality of criminal history record information is a core responsibility of the Record's and Identification (R&I) Section. In general, improvements in the quality of state and national level criminal history records has been a long standing goal of the criminal justice community. In 1991, the Federal Bureau of Investigation (FBI) published a set of standards¹ outlining criteria that must be met in order to maintain an accurate and complete database. Of these data integrity standards, two bear directly on our survey:

- ▶ *Every state shall maintain fingerprint impressions or copies thereof as the basic source document for each arrest (including incidents based upon a summons issued in lieu of an arrest warrant) recorded in the criminal history record system.²*
- ▶ *Every state shall ensure that fingerprint impressions of persons arrested for serious and/or significant offenses are included in the national criminal history records system.³*

¹Federal Bureau of Investigation / Bureau of Justice Statistics, "Recommended Voluntary Standards for Improving the Quality of Criminal History Record Information" 50 Fed. Reg. 5849 (February 13, 1991).

²ibid

³ibid

A study⁴ conducted by SEARCH, a nationally recognized criminal justice consulting organization, reviewed Alaska's present level of compliance with these two standards. The study conducted by SEARCH involved two data samples. One sample used 283 arrests from 1992 and the other used 298 arrests from 1991. Their findings were:

The record reviews undertaken to assess the accuracy and completeness of Alaska CCH (computerized criminal history) records showed that fingerprints are not on file for 60 percent of the sample cases. Obviously, Alaska is a long way from complying with this standard, which is perhaps the most important of the ten standards. Fingerprints are critical for establishing positive identification of record subjects, for searching criminal history record files and for authenticating criminal history records for use in judicial proceedings.

Every case event in the criminal history database should be supported by fingerprints. Top priority should be assigned to furthering compliance with this standard, including enactment of the proposed mandatory fingerprinting law applicable to all case events to be maintained by the Alaska criminal record repository and provision of live-scan... equipment to high volume booking sites.

WHY THIS SURVEY WAS DONE

There have been several recent events which have caused the Records and Identification Section to examine the quality of the state's criminal records database. Among the most prominent of these events are:

- ▶ Publication of the aforementioned criminal history records Baseline Assessment
- ▶ Alaska's participation in the FBI's national Interstate Identification Index (III) program
- ▶ Work done in connection with the ordering of accused felons, appearing in court as the result of a summons, to be fingerprinted
- ▶ Preparatory work done in connection with a project to synchronize data discrepancies in AAFIS and APSIN databases
- ▶ Broader cooperation among criminal justice policy makers through the Criminal Justice Work Group and its Policy and Technical Sub-committees
- ▶ Obvious discrepancies in "facts" and "figures" regarding fingerprinting frequency cited in presentations and discussions within the criminal justice community.

⁴SEARCH, The National Consortium for Justice Information and Statistics, "Alaska Criminal History Record Processing - Baseline Assessment" March 31, 1993

The results of this survey are intended to be a basis for communication among organizations that contribute to the accuracy and completeness of criminal history records. While, we suppose, it's almost impossible to avoid inferences about a given location's performance in the area of fingerprinting, our intent is to present the data as it appears to Public Safety in order to encourage discussions about how we can improve the quality of our records. While many organizations contribute to the accuracy of criminal history records, the Records and Identification Section retains oversight responsibility for the accuracy and integrity of the state's criminal records databases.

Note that there can be several explanations for why fingerprints are not on file:

- ▶ Fingerprints were not taken
- ▶ Fingerprints were taken but not forwarded to R&I
- ▶ Fingerprints were taken, forwarded to R&I, but never recorded in the criminal history database

The preponderance of evidence suggests that the most likely of explanations is that fingerprints were not taken.

HOW THE SURVEY WAS DONE

Each criminal history record in APSIN carries an indication of whether or not fingerprints are on file for the charge being displayed. This indicator is of a yes/no nature; "Y" indicates we do have positive identification, i.e., fingerprints were taken in connection with this charge and are part of the central repository's files, and "N" indicates we do not have positive identification, i.e., fingerprints were not taken in connection with this charge.

For this survey, we examined all APSIN criminal history records entered in the calendar year 1992. For 1992, approximately 40,000 charge segments were entered into APSIN. Charges are entered individually in APSIN and a single arrest can generate multiple charge entries. That is why the number of charges is significantly higher than the number of arrests reported in the state's Uniform Crime Reporting totals, the number of case openings reported by the Department of Law, and the number of cases handed by the Alaska Court System.

This difference, explained by the fact that multiple charges are frequently filed for each physical arrest made, may be thought subtle by the lay reader but will be seen as significant by the criminal justice practitioner. Alaska's criminal history records system treats each of these charges as separate entities providing, of course, that the data entry is correctly performed. The data charts in our survey refer to "charges recorded in APSIN" and, as explained above, should not be confused with individual arrests.

Two sets of base numbers were used in this survey. The first is composed of all charges recorded in APSIN regardless of the seriousness of the crime or the disposition of the charge. The other set is composed of only felony crimes for which the defendant was found guilty. These two sets of base numbers were used because while interested in the total charge universe we recognize that, in times of limited resources, criminal justice organizations frequently concentrate their efforts primarily on the more serious, i.e., felony crimes. You'll see a marked improvement in fingerprinting when looking at the felony charge data although, at best, even here Alaska's performance is significantly lacking in completeness.

The survey addresses three categories of data:

- ▶ State Correctional Facilities - adult correctional facilities operated by the Department of Corrections
- ▶ Contract Jails - primarily adult correctional facilities operated by local authorities under contract with the State of Alaska
- ▶ Miscellaneous Locations - primarily adult correctional facilities operated by local authorities with no affiliation with the State of Alaska (also included in this category are two locations operated by the Department of Public Safety which are responsible for the processing of arrested persons in certain situations)

We did not examine Youth Correctional Facilities because, as stated in the Executive Summary, juveniles, despite clear provisions in the law, are very rarely fingerprinted in Alaska and, because of specific provisions in the law, juvenile criminal records are not intermixed with adult criminal histories.

STATE CORRECTIONAL FACILITIES

There are nine primary facilities operated by the Department of Corrections in the State of Alaska. These facilities, as part of the booking process, fingerprint and photograph all arrested persons brought to the facility by federal, state and local law enforcement officials. The nine institutions are:

- ▶ Sixth Avenue Correctional Center⁵
- ▶ Cook Inlet Pre-Trial
- ▶ Mat-Su Pre-Trial
- ▶ Fairbanks Correctional Center

⁵The Sixth Avenue facility nominally handles all Anchorage misdemeanor bookings and female felon bookings. For purposes of this survey, we've classified all Sixth Avenue bookings as misdemeanors (and all Cook Inlet Pre-Trial bookings as felonies). The current survey did not use sex of the offender as one of the reporting criteria and, therefore, could not separate the female felons from the male felons for reporting purposes. Future surveys will capture specifics regarding the offender's sex.

- ▶ Lemon Creek Correctional Center
- ▶ Wildwood Correctional Center
- ▶ Ketchikan Correctional Center
- ▶ Yukon-Kuskokwim Correctional Center
- ▶ Anvil Mountain Correctional Center

The general fingerprinting policy of these institutions, as stated in the Department of Corrections Policies and Procedures manual (811.09) is:

All prisoners 18 years of age or older, except non-criminal remands under Title 47, who are admitted to a Department Institution on criminal charges will have fingerprints taken on standard Federal Bureau of Investigation (FBI) Fingerprint Cards.

Each of these correctional facilities can serve a variety of federal, state and municipal law enforcement agencies. Appendix 1 lists law enforcement agencies and the corresponding state correctional facility that serves as the agency's primary booking location.

Figure 1 displays statistics for all criminal charges, regardless of disposition, booked in state correctional facilities, for calendar year 1992. Overall, fingerprints are not taken in connection with 61% of the criminal charges filed.

Figure 2 displays statistics for misdemeanor charges, carrying guilty dispositions, booked in state correctional facilities, for calendar year 1992. Overall, fingerprints are not taken in connection with 57% of the misdemeanor charges filed wherein the defendant was subsequently found guilty.

Figure 3 displays statistics for felony charges, carrying guilty dispositions, booked in state correctional facilities, for calendar year 1992. Overall, fingerprints are not taken in connection with 32% of the felony charges filed wherein the defendant was subsequently found guilty.

CONTRACT JAILS

There are 17 municipal correctional facilities that house state prisoners, under contract with DPS, in Alaska (16 of which had arrest data in APSIN in 1992). Each of these contract jails serve a variety of state and municipal law enforcement agencies. Appendix 2 lists each contract jail and the law enforcement agencies which use these jails as their primary booking location.

The general fingerprinting policy of these institutions, as stated in the DPS Contract Jail Program Administrative Manual (Edition 92-1, Section F. Minimum Admissions Procedures) is:

All prisoners being admitted on criminal charges must be fingerprinted.

All facilities will contribute fingerprint data to the AAFIS system and will ensure that the data is submitted to assure an APSIN record of the arrest and any subsequent conviction / acquittal.

Must comply with AS 47.10.097⁶

Figure 4 displays statistics for all criminal charges, regardless of disposition, booked in contract jails, for calendar year 1992. Overall, fingerprints are not taken in connection with 50% of the criminal charges filed.

Figure 5 displays statistics for misdemeanor charges, carrying guilty dispositions, booked in contract jails, for calendar year 1992. Overall, fingerprints are not taken in connection with 50% of the misdemeanor charges filed wherein the defendant was subsequently found guilty.

Figure 6 displays statistics for felony charges, carrying guilty dispositions, booked in contract jails, for calendar year 1992. Overall, fingerprints are not taken in connection with 21% of the felony charges filed wherein the defendant was subsequently found guilty.

MISCELLANEOUS LOCATIONS

These locations are small, municipal jails without a contract for housing state prisoners. Statistically, they represent a very small number of the total bookings for the year.

The Tok and Glenallen AST locations are included as part of these statistics. These two posts are somewhat unique in their operations regarding fingerprinting. When defendants are transported to a state correctional facility because of the seriousness of their offense or because of danger to the community or risk of flight, the Troopers rely on the correctional facility to do the fingerprinting. In cases where the defendant is released by the local magistrate, the Troopers are responsible for fingerprinting the defendant prior to release.

Appendix 3 lists all organizations addressed in the Miscellaneous category.

Figure 7 displays statistics for all criminal charges, regardless of disposition, booked in miscellaneous locations, for calendar year 1992. Overall, fingerprints are not taken in connection with 70% of the criminal charges filed.

⁶Sec. 47.10.097 Fingerprinting of minors. (a) A peace officer may fingerprint a minor under the same circumstances as an adult may be fingerprinted.

Figure 8 displays statistics for misdemeanor charges, carrying guilty dispositions, booked in miscellaneous locations, for calendar year 1992. Overall, fingerprints are not taken in connection with 77% of the misdemeanor charges filed wherein the defendant was subsequently found guilty.

Figure 9 displays statistics for felony charges, carrying guilty dispositions, booked in miscellaneous locations, for calendar year 1992. Overall, fingerprints are not taken in connection with 43% of the felony charges filed wherein the defendant was subsequently found guilty.

FOR ADDITIONAL INFORMATION

Questions and comments concerning the information contained in this survey can be directed to the Manager - Special Projects, on (907) 269-5092. Questions and comments concerning the processing of fingerprint cards and the Alaska Automated Fingerprint Identification System (AAFIS) can be directed to the Identification Bureau Chief, on 907 269-5581. Questions and comments concerning the Alaska Public Safety Information Network (APSIN) can be directed to the APSIN Programming Supervisor, on 907 269-5703. The mailing address for all of these positions is 5700 E. Tudor Road, Anchorage, Alaska 99507. All state-level criminal history record databases in Alaska operate under the supervision of the Department of Public Safety, Director of the Division of Administrative Services located at PO Box 111200, Juneau, Alaska 99811-1200. The Director can be reached on 907 465-4336.

APPENDIX 1

Law Enforcement (Arrest Reporting) Agency

Anchorage Airport Safety

Alaska Commercial Vehicle Enforcement

Anchorage Police Department

Anchorage AST Enforcement

Anchorage AST Investigations

Anchorage FWP Enforcement

AST CIB Anchorage HQs

AST Major Crimes Unit

AST White Collar Crimes Unit

Anchorage Corrections

District Court - Anchorage

Girdwood AST Enforcement

VPSO - False Pass

VPSO - King cove

Superior Court - Anchorage

Anchorage Major Offenders Office

University of Alaska - Anchorage

FAA Security Division

Southcentral Regional Office

Cantwell AST Enforcement

Delta AST Enforcement

District Court - Fairbanks

Fairbanks FWP Enforcement

Fairbanks Police Department

Fairbanks Fire Department

Fairbanks AST Enforcement

Fairbanks AST Investigations

Fairbanks AST - Judicial Services

Fairbanks Airport Police

Fort Yukon Police

Probation / Parole - Fairbanks

Ft. Yukon AST Enforcement

Galena AST Enforcement

Magistrate's Court - Fort Yukon

Magistrate's Court - Galena

Magistrate's Court - Healy

Magistrate's Court Nenana

State Correctional Facility

Cook Inlet Pre-Trial
&
Sixth Avenue Corrections

Fairbanks
Correctional Center

APPENDIX 1 (cont.)

Nenana Police Department
Nenana AST Enforcement
North Pole Police Department
Superior Court - Fairbanks
University of Alaska - Fairbanks

Fairbanks
Correctional Center (cont.)

Aniak AST Enforcement
Bethel Police Department
Bethel AST Enforcement
Bethel AST Headquarters
Bethel AST - Judicial Services
Bethel VPSO
Bethel Corrections / Probations
District Court - Bethel
Magistrate's Court - Aniak
Goodnews Bay - VPSO
Toksook Bay - VPSO
Tuntululiak - VPSO
Akiachak - VPSO
Kwethluk - VPSO
Napaskiak - VPSO
Sleetmute - VPSO
Aniak - VPSO
Chevak - VPSO
Pilot Station - VPSO
Hooper Bay - VPSO
Scammon Bay - VPSO
Emmonak - VPSO
Mt. Village - VPSO
Sheldon's Point - VPSO
Kotlik - VPSO
Superior Court - Bethel
Yukon-Kuskokwim Corrections

Yukon Kuskokwim
Correctional Center

District Court - Nome
Department of Corrections - Nome
Magistrate's Court - Selawik
Nome FWP Enforcement
Nome Police Department
Nome AST Enforcement

Anvil Mt.
Correctional Center

APPENDIX 1 (cont.)

Unalakleet - VPSO
Gambell - VPSO
Savoonga - VPSO
Selawik - VPSO
Superior Court - Nome
Unalakleet Police Department

Anvil Mt.
Correctional Center
(cont.)

District Court - Ketchikan
Department of Corrections - Ketchikan
Ketchikan Police Department
Ketchikan AST Enforcement
Superior Court - Ketchikan
Southeast Regional Office

Ketchikan
Correctional Center

Cooper Landing AST
Probations / Parole - Kenai
District Court - Kenai
Department of Corrections - Kenai
Kenai Police Department
Superior Court - Kenai
Soldotna FWP Enforcement
Soldotna Police Department
Soldotna AST Enforcement
Soldotna AST Investigations
Soldotna AST - Judicial Services

Wildwood
Correctional Center

District Court - Juneau
Juneau FWP Enforcement
Juneau Police Department
Juneau AST Enforcement
Juneau VPSO
Magistrate's Court - Emmonak
Superior Court - Juneau
Department of Corrections - Juneau

Lemon Creek
Correctional Center

Department of Corrections - Palmer
District Court - Palmer
Magistrate's Court - Palmer
Palmer FWP Enforcement
Palmer Police Department
Mat-Su Regional Office
Palmer AST Enforcement

Mat-Su Pre-Trial

APPENDIX 1 (cont.)

Palmer AST Investigations
Palmer AST Traffic
Superior Court - Palmer
Talkeetna AST Enforcement

Mat-Su Pre-Trial (cont.)

APPENDIX 2

Law Enforcement (Arrest Reporting) Agency

Contract Jail

Point Barrow Police Department
Borough
District Court - Barrow
Northslope Borough Dept. of Public Safety
Superior Court - Barrow

North Slope

Bristol Bay Police Department
Bristol Bay VPSO
King Salmon AST Enforcement
Magistrate's Court - Naknek

Bristol Bay

Anchor Point AST Enforcement
District Court - Homer
Homer Police Department
Homer AST Enforcement

Homer

Cordova Police Department
Cordova AST Enforcement
District Court - Cordova
Superior Court - Cordova

Cordova

Craig Police Department
Craig AST Enforcement
Klawock Police Department
Klawok AST Enforcement
Magistrate's Court - Craig

Craig

Dillingham Police Department
Dillingham AST Enforcement
Magistrate's Court - Dillingham

Dillingham

District Court - Kotzebue
Kotzebue Police Department
Kotzebue AST Enforcement
Magistrate's Court - Noorvik
Noorvik - VPSO
Superior Court - Kotzebue

Kotzebue

APPENDIX 2 (cont.)

District Court - Petersburg Petersburg Police Department Petersburg AST Enforcement Superior Court - Petersburg	Petersburg
District Court - Sitka Sitka Police Department AST Sitka Superior Court - Sitka	Sitka
District Court - Seward Seward FWP Enforcement Seward AST Enforcement Seward Police Department	Seward
District Court - Valdez Superior Court - Valdez Valdez Police Department	Valdez
District Court - Wrangell Superior Court - Wrangell Wrangell Police Department	Wrangell
Haines Police Department Haines AST Enforcement Magistrate's Court - Haines	Haines
District Court - Kodiak Kodiak Police Department Kodiak AST Enforcement Kodiak - VPSO Larsen Bay - VPSO Superior Court - Kodiak	Kodiak
Magistrate's Court - Unalaska Unalaska Police Department Unalaska AST Enforcement	Unalaska
Seldovia Police Department	Seldovia

APPENDIX 3

Miscellaneous Fingerprinting Locations

Nondalton - VPSO
Magistrate's Court - Whittier
Whittier Police Department
Magistrate's Court - Tanana
Tanana Police Department
Magistrate's Court - Sand Point
Sand Point Police Department
Sand Point AST Enforcement
Magistrate's Court - St. Mary's
Magistrate's Court - St. Paul
St. Mary's AST Enforcement
St. Paul Police Department
Metlakatla Police Department
King Cove Police Department
Kake Police Department
Magistrate's Court - Kake
Hoonah Police Department
Hoonah AST Enforcement
Magistrate's Court - Hoonah

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 4, 1994

FURTHER REFERRALS:

Finance

Date of Committee Action: 2-23-94

The JUDICIARY Committee considered:

HB 442

HOUSE BILL NO. 442

CRIMINAL JUSTICE INFORMATION

"An Act relating to criminal justice information; providing procedural requirements for obtaining certain criminal justice information; and providing for an effective date."

RECOMMENDATIONS:

be replaced with _____

CS HB 442 (JWO)

the same title

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)

fiscal impact _____

zero fiscal note _____

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) Corrections 2-4-94
Public Safety 2-4-94
 zero fiscal note(s) Dep. of Law 2-4-94

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Maunette James</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>Brian Horter</i>	✓				
<i>Jim Donnell</i>	✓				

Brian Horter
CHAIRMAN'S SIGNATURE

HB

442

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/18/94

FURTHER:

DATE TURNED INTO OFFICE: 4-28-94

Finance Committee considered CS FOR HOUSE BILL NO. 442(FIN)

"An Act relating to criminal justice information; providing procedural requirements for obtaining certain criminal justice information; and providing for an effective date."

and recommends:

replace with 5 CS CSHB 442 (FINANCE)
 or adopt previous _____ CS _____
 attaches amendment(s)

same title
 new title
 technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal
✓ DOC	4/21/94		150.0
✓ DRS	4/22/94	0	

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DOlaw	1/7/94	0	
DI4455	2/2/94	0	

Appropriation No Fiscal Note

DO PASS:

1. _____
 Co-Chair: Signature/Recommendation

OTHER RECOMMENDATIONS:

_____ *Alton Kim No Recommendation*
 _____ *Y... No*

2. _____
 Co-Chair: Signature/Recommendation

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO: SCSHB442(FIN)

Revision Date: April 21, 1994 Dept. Affected: Public Safety
 Title: An Act relating to criminal justice information: providing procedural requirements for BRU: STATEWIDE SUPPORT
 Sponsor: Rules/Gov Component: AK Criminal Records and Identification
 Requestor: (S) Finance COMPONENT SERIAL NO. 1190

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

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

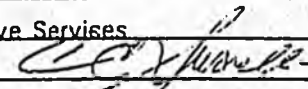
1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTLA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

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 (FY 93) impact: \$ 0

ANALYSIS: (Attach a separate page if necessary.)
See Attached

Prepared By: Ken Bischoff Phone: 465-4336
 Division: Administrative Services Date: 04/22/94
 Approved by Commissioner:  Date: 04/22/94
 Agency: Richard L. Burton, Dept. of Public Safety

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This bill establishes a statutory framework for 1) a number of continuing programs currently operating within the state's criminal justice community and 2) certain new provisions regarding criminal history information. In both cases, operational requirements are established, through regulation, by the Criminal Justice Advisory Board. The Board consists of representatives of law enforcement, Courts and other criminal justice agencies. The Board will work in concert with existing policy making bodies such as the Criminal Justice Working Group. The adoption and timing of the Board's regulations depends upon the ability of several state agencies, and the Court System to implement the required changes.

It is difficult to predict the requirements that may be imposed through future regulations. In many cases, these regulations will relate to expenditures that agencies would incur regardless of this legislation. Costs associated with increases in system capacities, maintenance and replacement of existing computer systems, and workload increases stemming from general societal trends cannot be directly associated with this bill. This bill formalizes many existing procedures currently in place within the state's criminal justice community. Accordingly, the Department of Public Safety submits a zero fiscal note. Our additional comments are:

The Alaska Legislature has passed a number of criminal, employment and licensing laws that require or permit the use of criminal history information for investigations, sentencing and release decisions, employment and licensing screening.

Alaska law provides for presumptive sentencing which assumes that repeat offenders receive progressively more severe sentencing as a deterrent to repeating criminal behavior.

Alaska law provides for the screening of day care workers, foster parents, school teachers, school bus drivers and various other occupations which require the use of criminal history information to ensure that inappropriate persons are not employed or not licensed who come in contact with children and protected adults, or should otherwise not be allowed to work in certain areas for public safety reasons.

Legislation continues to be proposed and enacted which requires the use of criminal history information to implement these proposals. Examples include federal legislation involving gun control (Brady-National Instant Check System) and protection of children (National Child Protection Act). Other federal initiatives are pending involving children (Jacob Wetterling Crimes Against Children Registration Act) and a requirement for states to screen, license and train security officers (Private Security Officers Quality Assurance Act). The Alaska Legislature is considering concealed Weapons permit, handgun and other legislation (HB 351, HB 480, HB 3, SB 321).

The legislature has indicated that where criminal history information is required, that it be complete, and to the extent possible, reflect the result of a national search of a person's criminal history. Alaska's state criminal records contain approximately 330,000 convictions on about 135,000 subjects of which 16,000 are felons. Nationally, it is estimated that there are more than 50 million criminal record entries. Whereas two thirds of arrests involve repeat offenders and 20 - 30 percent of offenders have a criminal record in more than one state, it is critical that Alaska maintain criminal records systems that are complete and conform to standards required for the exchange of criminal record information nationally.

Further, it should be understood that the administration of effective and efficient criminal justice information systems is extremely challenging. Coordination is required across branches of government and involves local, state, and national governments. Presently, there is no comprehensive set of laws that Alaska can rely on as a guide to ensure critical criminal history information is maintained. The passage of SCS HB 443 (fin) will significantly assist the Department of Public Safety and users who depend upon the availability of criminal history information which is essential to the proper application of certain laws of the State of Alaska.

1. This legislation establishes a statutory framework that should permit a better allocation of existing resources. To a significant degree, this legislation formalizes procedures that exist currently. To this extent, the bill should help improve the efficiency of criminal record processing. Efficiency improvements cannot reliably be quantified but would assist the department and contributing agencies in reducing criminal record backlogs;
2. Mandatory provisions have been minimized, sections generally do not take effect until regulations are adopted.
3. To the extent this legislation may increase public access, provision for the adoption of fees to provide services has been made. The Department currently charges fees for a number of services that will continue to be provided.
4. This bill will provide a framework to guide discussion on how to improve the collection of criminal history record information. That discussion will include all agencies represented by the Criminal Justice Working Group. Implementing the full scope of this legislation will require a series of discussions in order to reach implementation agreement. This will take time to negotiate.

DPS's primary goal is to provide the framework necessary to maintain an accurate, complete and timely criminal history file. DPS depends on all criminal justice agencies to contribute to the database. This bill provides such a framework.

DPS cannot autonomously implement this legislation across the board. DPS will use the

Criminal Justice Advisory Group in concert with existing policy making bodies such as the Criminal Justice Working Group and its subcommittees as a forum to confirm the need for specific data in the criminal history record and proceed only after concurrence is obtained.

Summary

This legislation is required to establish this State's statutory framework for timely, accurate, and complete criminal history record information. Such a statutory framework exists in virtually every other state. Criminal history records consist of timely, accurate, and complete files used to make decisions related to investigations, release, sentencing and employment. Defendants are not going to volunteer their previous criminal history. If accurate and complete criminal records are not available on line, criminal justice agencies have no choice but to make ongoing decisions without reliable criminal history record information. This will result in lighter sentencing, improper employment decisions, and less efficient police investigations.

The Criminal Justice Work Group has endorsed the need for this type of legislation and has submitted a written recommendation to the Governor's Office. The Criminal Justice Work Group consists of the following criminal justice agencies: Department of Public Safety, Department of Law, Department of Health and Social Services, Office of Public Advocacy, Public Defender, Department of Administration, Department of Corrections, Office of Management and Budget, Chief Justice and Administrative Director of the Alaska Court System, Chairs of the House and Senate Judiciary Committees, President of the Alaska Chiefs of Police Association, and the Chief of the Anchorage Police Department.

STATE OF ALASKA
1994 LEGISLATIVE SESSION

FISCAL NOTE

BILL NO.: CSHB 442(FIN)

Revision Date:	April 21, 1994	Dept. Affected:	Corrections
Title:	An Act relating to criminal justice information	BRU:	All
Sponsor:	House Rules	Component:	All
Requestor:	Senate Finance	Component Serial #:	694-1884

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXP.	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0	.	.	.	.	.
TRAVEL	0	.	.	.	.	.
CONTRACTUAL	150.0	.	.	.	.	.
SUPPLIES	0	.	.	.	.	.
EQUIPMENT	0	.	.	.	.	.
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	0
TOTAL OPERATING	150.0

CAPITAL EXP	0
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CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE

1002 Federal Receipts						
1003 GF Match						
1004 GF	150.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	150.0	.	.	.	.	.

New note to replace previous #5.

Estimate of any current year (FY94) cost \$ 0.0

POSITIONS

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

ANALYSIS: Please see the attached explanation.

Prepared by: Diane Schenker, Special Assistant
 Division: Office of the Commissioner
 Approved by: J. Frank Prewitt, Jr., Commissioner
 Agency: Department of Corrections

Phone: 465-4643/786-2147
 Date: 4/21/94
 Date: 4/21/94
 Page 1 of 5

Fiscal Note/DOC
CSHB 442(FIN)
Revised April 21, 1994
Page 2 of 5

The bill establishes a Criminal Justice Information Advisory Board, one member of which will be the Commissioner of Corrections (or designee.) The Board will advise the Commissioner of Public Safety regarding criminal justice information issues. The Commissioner of Public Safety will adopt regulations concerning the collection, reporting, and analysis of criminal justice information.

The bill requires that criminal justice information be accurate and complete, and sets up auditing requirements. The bill outlines a series of events which must be reported to Public Safety at the time, in the manner, and in the form specified by the department. DOC is incapable of providing much of this information due to shortcomings in the inmate tracking system (OBSCIS), lack of training and accountability procedures for data entry, and an already-strained data management unit. Resources in the department's institutional component are strained by responding to immediate crises caused by emergency overcrowding and cannot realistically be diverted to less urgent needs such as information system improvement.

Operating Expenses

During FY95 the department will need to assess its information system needs/resources in order to submit an appropriate budget request in FY96 to accomplish the requirements in the bill. The department does not have any available positions to assign to this work; management, research and data processing resources are extremely strained. The attached letter, from Wolfe and Associates to the Executive Director of the Alaska Judicial Council, explains the department's need for \$150,000 in contractual funds for this task.

YOLFE
&
ASSOCIATES, Inc.
Management Consultants

5325 Wyoming Boulevard, N.E.
Albuquerque, New Mexico 87109
(505) 821-9336 FAX 821-1741

March 11, 1994

RECEIVED

MAR 14 1994

AK Judicial Council

Mr. William Cotton
Executive Director
Alaska Judicial Council
1029 W. Third Street, Suite 201
Anchorage, Alaska 99501

Dear Mr. Cotton:

As you know, on March 1st, we met with the Criminal Justice Coordination Policy Group to present a status report on our progress in developing a plan for the integration of Alaska's criminal justice computer systems. While we are several weeks away from finishing a draft of our report, we have completed our research and field interviews.

As a result of these completed activities, we have identified several policy issues that need to be addressed, have developed several design alternatives for a centralized repository, and have identified several of the system priorities that need to be addressed. There is no question that the development of a complete, accurate, and timely computerized criminal history will be dependent on the timely submittal of fingerprint cards and the electronic transfer of arrest and disposition information.

The enactment of the APSIN legislation during the current session of the legislature will provide the statutory authority to require the submittal of the fingerprint information in a timely fashion and the ability to promulgate regulations concerning the submittal of "reportable events" information to the criminal history repository.

The submission, however, of "reportable events," which consist of key arrest and change/court disposition data, will be possible only if the existing criminal justice agency systems support the submittal requirements. Currently, two agencies have systems that will not support these requirements: the Department of Law, with

Mr. William Cotton
March 11, 1994
Page 2

its PROMIS system, and the Department of Corrections, with its OBSCIS system. Both of these systems need to be replaced as soon as feasible.

During our presentation of March 1st, we outlined a process we described as "business process re-engineering." This process should be employed for all system replacement projects. This process is graphically presented in the attachment to this letter. A design team of department personnel and systems analysts skilled in the re-engineering process will ensure that any new system, whether purchased as a package or developed in house or with contract personnel, will meet the agency's automation information needs.

In addition, this process should include input from the other criminal justice agencies, to ensure that data-sharing needs are properly addressed. A part of this process is to also identify the architectures that should be employed for the new systems. We believe these two systems can and should employ client/server technologies in addressing their information system needs.

We recognize that our written report will not be available until late April, which is near the end of the current legislative session, and that it may be too late, even at this date, to request funding for any priority projects for the 1994-1995 fiscal year. We do believe, however, that a year's delay in beginning the implementation of the plan will be extremely detrimental to improving these systems, as well as making the criminal history repository the complete and accurate data base it needs to be.

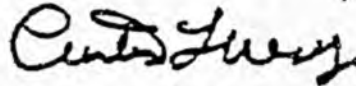
Because of this, we request your assistance in alerting the legislature to the need for some appropriation to the departments of Law and Corrections that will allow them to begin this re-engineering effort during the next fiscal year. We estimate the costs of this effort to be \$150,000 for the Department of Corrections and \$75,000 for the Department of Law. Once these re-engineering efforts are completed, each agency will have the information it needs to detail costs for replacing their systems, which can then be placed in their 1995-1996 fiscal-year budget requests.

Mr. William Cotton
March 11, 1994
Page 3

Your assistance in alerting the legislature to this need will be extremely beneficial to implementing the plan we will submit as part of our written report.

Very truly yours,

WOLFE & ASSOCIATES, INC.



Curtis L. Wolfe
President

CLW:dp
Attachment

FISCAL NOTE

No. 2
 Bill Version: HB 442
 (H) Publish Date: 2/4/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: January 7, 1994
 Title: "...relating to criminal justice information...
 obtaining certain criminal justice information..."
 Sponsor: Rules Committee/Request of the Governor
 Requestor: Governor's Office/OMB

Department Affected: Department of Law
 BRU: Prosecution
 Component: Criminal Justice Litigation
 COMPONENT SERIAL NO. 0089

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

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

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
 Please see the attached analysis.

Richard I. Peques

Prepared by: Richard I. Peques, Director
 Division: Administrative Services Division

Phone: 465-3672
 Date: January 7, 1994

Approved by Commissioner: Bruce M. Botelho, Acting Attorney General
 Agency: Department of Law

Date: January 7, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. _____

ANALYSIS CONTINUATION:

This bill would completely revise state law regarding the collection, safekeeping and dissemination of criminal justice information in the state's automated criminal justice data systems. The bill would also establish an oversight committee to be known as the Criminal Justice Information Advisory Board. Among other members, the bill would make the attorney general or the attorney general's designee a member of the advisory board. These new duties would entail two meetings per year. Consequently, the department does not anticipate a fiscal impact.

FISCAL NOTE

No. 1
 Bill Version: HB 442
 (H) Publish Date: 2/4/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

BIL:

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: Criminal Justice Information BRU: Family & Youth Services
 Component: Central Office, SCRO, NRO, SERO
 Sponsor: Rules Committee by request of Governor
 Requestor: _____ COMPONENT SERIAL NO. 0254,0255,0258,0259

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY95	FY96	FY97	FY98	FY99	FY00
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

POSITIONS	FY95	FY96	FY97	FY98	FY99	FY00
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

This bill pertains to criminal justice information sharing and procedural requirements affecting adult criminals and juveniles waived to adult status. This fiscal note is based on the assumption that mandatory fingerprinting pertains only to adults and those juveniles waived to adult status. Additionally, DFYS assumes the standards for fingerprinting contained in the bill will not apply to the juvenile justice system.

Prepared by: Deborah R. Wing, Director
 Division: Division of Family & Youth Services
 Approved by Commissioner: Margaret R. Lowe
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 02/02/94
 Date: 2-2-94

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April 25, 1994

Billy -

Our file for HB 442 contains a note from staff at the Dept. of Public Safety suggesting need for a Senate Finance Committee Substitute for CSHB 442 (Fin) that would mirror SB 276 and remove fingerprinting provisions. The note also advises that Dean Guaneli may be in Anchorage when the bill is scheduled in Senate Finance, but he would be available via teleconference to answer questions.

kathy
2618

4-20-94

Note -

From Lee Amherst -

A SC3 (Fin) should
be prepared for HB442.

It should mirror

SB 276. (No fingerprinting.
that is in another bill)

Dean Guaneli. may be in
Arch. when scheduled and
would be available via
teleconference to answer
questions.

FISCAL NOTE

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

BIL:

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: Criminal Justice Information BRU: Family & Youth Services
 Component: Central Office, SCRO, NRO, SERO
 Sponsor: Rules Committee by request of Governor
 Requestor: _____ COMPONENT SERIAL NO. 0254,0255,0258,0259

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

This bill pertains to criminal justice information sharing and procedural requirements affecting adult criminals and juveniles waived to adult status. This fiscal note is based on the assumption that mandatory fingerprinting pertains only to adults and those juveniles waived to adult status. Additionally, DFYS assumes the standards for fingerprinting contained in the bill will not apply to the juvenile justice system.

Prepared by: Deborah R. Wing, Director
 Division: Division of Family & Youth Services
 Approved by Commissioner: Margaret R. Lowe
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 02/02/94
 Date: 2-2-94

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FISCAL NOTE

No. 2
 Bill Version: HB 442
 (H) Publish Date: 2/4/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: January 7, 1994
 Title: "...relating to criminal justice information...
 obtaining certain criminal justice information..."
 Sponsor: Rules Committee/Request of the Governor
 Requestor: Governor's Office/OMB

Department Affected: Department of Law
 BRU: Prosecution
 Component: Criminal Justice Litigation
 COMPONENT SERIAL NO. 0089

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

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

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
 Please see the attached analysis.

Richard I. Peques

Prepared by: Richard I. Peques, Director
 Division: Administrative Services Division

Phone: 465-3672
 Date: January 7, 1994

Approved by Commissioner: Bruce M. Botelho, Acting Attorney General
 Agency: Department of Law

Date: January 7, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. _____

ANALYSIS CONTINUATION:

This bill would completely revise state law regarding the collection, safekeeping and dissemination of criminal justice information in the state's automated criminal justice data systems. The bill would also establish an oversight committee to be known as the Criminal Justice Information Advisory Board. Among other members, the bill would make the attorney general or the attorney general's designee a member of the advisory board. These new duties would entail two meetings per year. Consequently, the department does not anticipate a fiscal impact.

FISCAL NOTE

No. 5
 Bill Version: CSHB 442(FIN)
 (H) Publish Date: 3/15/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: 3/4/94 Dept. Affected: Corrections
 Title: Criminal Justice Information System BRU: All
 Sponsor: Rules Committee Component: Commissioner; Training; D&W
 Requestor: H. Finance Processing; Institutions
 COMPONENT SERIAL NO. 694.703.698.708-726

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	120.7*	124.3*	128.0*	131.9*	135.8*	139.9*
TRAVEL	21.2*	21.2*	21.2*	21.2*	21.2*	21.2*
CONTRACTUAL	40.0*	0 *	0 *	0 *	0 *	0 *
SUPPLIES	*	*	*	*	*	*
EQUIPMENT	*	*	*	*	*	*
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	*	*	*	*	*	*
TOTAL OPERATING	181.9*	145.5*	149.2*	153.1*	157.0*	161.1*

CAPITAL EXPENDITURES	*	*	*	*	*	*
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004-GF	181.9*	145.5*	149.2*	153.1*	157.0*	161.1*
1005 GF/Program Receipts	*	*	*	*	*	*
1006 GF/MHTIA						
Other						
TOT.!	181.9*	145.5*	149.2*	153.1*	157.0*	161.1*

Estimate of any current year (FY94) cost: \$ 0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

Please see the attached fiscal analysis. *The department is continuing to re-search fingerprinting records and requirements and cannot assess the impact of the bill without further information. Additional staff and fingerprinting costs will be added if significantly higher numbers of offenders must be fingerprinted by correctional personnel.

Prepared by: Diane Schenker, Soecial Assistant *[Signature]* Phone: 665-4643/786-2147
 Division: Office of the Commissioner Date: 3/4/94
 Approved by Commissioner: J. Frank Prewitt, Jr. *[Signature]* Date: 2/4/94
 Agency: Department of Corrections

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The bill establishes a Criminal Justice Information Advisory Board, one member of which will be the Commissioner of Corrections (or designee.) The Board will advise the Commissioner of Public Safety regarding criminal justice information issues. The Commissioner of Public Safety will adopt regulations concerning the collection, reporting, and analysis of criminal justice information. It is difficult to predict the fiscal impact of this bill since it is not currently known what requirements may be imposed through future regulations. The bill mandates fingerprinting in all criminal cases, "in the manner and on forms approved by the department" [of Public Safety.] The bill requires that criminal justice information be accurate and complete, and sets up auditing requirements. The bill also clarifies which criminal justice information can be released, to whom, and by whom, and authorizes agencies to collect fees, through regulations, for processing records requests.

Assumptions

1. It is assumed that the Board will meet at least twice per year, and that the Commissioner or designee will be required to travel to Juneau on two occasions. Travel and per diem is estimated at approximately \$600 per trip at current rates.
2. It is assumed that this department will not be required to perform any additional data management, research, data entry, booking procedures, or other information reporting services than are currently being performed, unless specifically informed of the new requirements during the budget process of the year preceding the effective date of the new requirement, in order to be able to request the necessary resources/ funds. It is further assumed that if, at the end of the legislative session, funds were not appropriated to perform the anticipated new requirements, that the Department of Public Safety will not require the new/additional tasks of the Department of Corrections. Therefore, no fiscal impact is estimated for the implementation of any new tasks beyond those explicitly required in the bill.
3. The department fingerprints misdemeanants and felons booked into institutions on criminal charges. Those booked on warrants pertaining to a previously printed charge are not re-fingerprinted. Those appearing in court on a summons, without having been booked into a correctional center may not be fingerprinted. The department is continuing to research the number of additional fingerprints which might be required and cannot estimate fiscal impact with the information currently available. It costs approximately \$10 per set of prints for personnel and supplies. It is assumed that the efforts currently made by the Department of Corrections to obtain more legible sets of fingerprints, when notified of an unsatisfactory identification, are considered "reasonable" and that no additional staff resources will be needed to comply with this requirement.

4. It is assumed that the department's current criminal justice information is not accurate, nor is it complete. It is further assumed that our procedures to protect information are inadequate, that our ability to screen, supervise, and discipline agency personnel in order to avoid security violations is inadequate, that our training resources for employees working with criminal justice information are grossly inadequate, and that we do not have adequate resources to keep records required for audit purposes in this bill. The department has an auditor position which can be assigned to set up a system for auditing. Additional resources will be necessary to bring the department into compliance with this requirement of the bill.

5. It is assumed that additional training will be necessary for all institutional and probation/parole staff, as well as for central records staff, concerning the new rules as to what information can be given to the public and to other criminal justice agencies. It is assumed that the majority of requests for information involving the Department of Corrections will not be likely to be subject to fee collection, since most involve brief questions and answers directed to institutions by phone, around the clock each day and night. Although a review will be done to determine if there are any requests which can be used to generate revenue, at this point no fees are anticipated.

6. The bill will require significant rewriting of regulations and policies governing department operating procedures. Revisions to address information dissemination will be a major need, as will revisions to clarify instructions during the booking process to improve accuracy and completeness of information. The department will contract for these one-time revisions, and anticipates a full-year contract to accomplish the changes.

Operating Expenses

1. Travel:

Two trips per year at \$600 = \$1200 for the Office of the Commissioner. In order to train institutional booking personnel in data entry procedures, to insure accuracy and completeness of criminal justice information, a trainer and the auditor will have to travel to each institution and field probation office at least once per year. Each visit will require a minimum of two days to reach all shift rotations. It is roughly estimated that two individuals traveling to 15 sites will cost \$20,000 in airfare and per diem. This travel is assigned to the Office of the Commissioner, where the Training Academy and auditor positions are located. Total travel expenses for the Office of the Commissioner would be \$21,200 in FY95 and each subsequent year. This does not include an inflation factor.

2. Personal Services:

A new position will be required to provide training on new policies and procedures to improve the accuracy and completeness of criminal justice information, and to help institute a plan to improve security of the system. This individual would travel to all institutions and field offices at least once per year to provide intensive training to data entry staff on all shifts in all locations across the state. This individual would be responsible for training on-site personnel to become trainers, and to coordinate statewide training on criminal justice information issues among all sites. The individual would need to be familiar with booking procedures as well as data entry and data management systems, and would have to be skilled in training, including training on-site trainers for follow-up. This will require an Analyst Programmer IV located in Anchorage area. Total position cost in FY95 would be \$63,842. (See attached Position Information Sheet.)

Training line staff in institutions requires overtime coverage for the positions assigned to attend training. To train eight staff per institution for two days requires 128 hours of overtime pay, at approximately \$37 per hour, at each of 12 institutions.

128 hours X \$37 per hour X 12 institutions = \$56,832 in personal services expenses in FY95.

TOTAL: \$63,842 + \$56,832 = \$120,674 personal services expense in FY95.

A 3% inflation factor has been used to calculate personal services increases in succeeding years.

3. Contractual:

Contract funds will be necessary to revise and update policies, procedures, and regulations, and to disseminate them in coordination with the field training referenced above. Much of the FY95 contract year will be spent developing clear instructions regarding information dissemination according to the new guidelines. A full-year contract to coordinate policy development related to criminal justice information is estimated at \$40,000, assigned to the Office of the Commissioner, where Policy and Procedure functions rest.

FISCAL NOTE

No. 6

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL

Bill Version: CSHB 442(FIN)

(H) Publish Date: 3/15/94

Revision Date: _____ Dept. Affected: Public Safety
 Title: AN Act relating to criminal justice BRU: Statewide Support
information: providing procedural requirements. Component: AK Criminal Records and Identification
 Sponsor: Rules
 Requestor: (H) JUD COMPONENT SERIAL NO. 1190

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

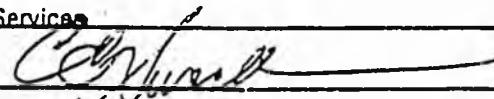
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)
See attached.

Prepared By: Ken Bischoff Phone: 465-4336
 Division: Administrative Services Date: 02/24/94
 Approved by Commissioner:  Date: 02/24/94
 Agency: Richard L. Burton, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL

No. 6
Bill Version: CSHB 442(FIN)
(H) Publish Date: 3/15/94

Revision Date: _____ Dept. Affected: Public Safety
Title: AN Act relating to criminal justice BRU: Statewide Support
information: providing procedural requirements Component: AK Criminal Records and Identification
Sponsor: Ryles
Requestor: (H) JUD COMPONENT SERIAL NO. 1190

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () <small>Revenue Code</small>	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

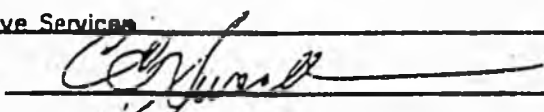
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)
See attached.

Prepared By: Ken Bischoff Phone: 465-4336
Division: Administrative Services Date: 02/24/94
Approved by Commissioner:  Date: 02/24/94
Agency: Richard J. Burton, Dept. of Public Safety

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This bill establishes a statutory framework for 1) a number of continuing programs currently operating within the state's criminal justice community and 2) certain new provisions regarding criminal history information. In both cases, operational requirements are established, through regulation, by the Criminal Justice Advisory Board. The Board consists of representatives of law enforcement, Courts and other criminal justice agencies. The Board will work in concert with existing policy making bodies such as the Criminal Justice Working Group. The adoption and timing of the Board's regulations depends upon the ability of several state agencies, and the Court System to implement the required changes.

It is difficult to predict the requirements that may be imposed through future regulations. In many cases, these regulations will relate to expenditures that agencies would incur regardless of this legislation. Costs associated with increases in system capacities, maintenance and replacement of existing computer systems, and workload increases stemming from general societal trends cannot be directly associated with this bill. This bill formalizes many existing procedures currently in place within the state's criminal justice community. Accordingly, the Department of Public Safety submits a zero fiscal note. Our additional comments are:

The Alaska Legislature has passed a number of criminal, employment and licensing laws that require or permit the use of criminal history information for investigations, sentencing and release decisions, employment and licensing screening.

Alaska law provides for presumptive sentencing which assumes that repeat offenders receive progressively more severe sentencing as a deterrent to repeating criminal behavior.

Alaska law provides for the screening of day care workers, foster parents, school teachers, school bus drivers and various other occupations which require the use of criminal history information to ensure that inappropriate persons are not employed or not licensed who come in contact with children and protected adults, or should otherwise not be allowed to work in certain areas for public safety reasons.

Legislation continues to be proposed and enacted which requires the use of criminal history information to implement these proposals. Examples include federal legislation involving gun control (Brady-National Instant Check System), and protection of children (National Child Protection Act). Other federal initiatives are pending involving children (Jacob Wetterling Crimes Against Children Registration Act) and a requirement for states to screen, license and train security officers (Private Security Officers Quality Assurance Act). The Alaska Legislature is considering concealed Weapons permit, handgun and other legislation (HB 351, HB 480, HB 3, SB 321).

The legislature has indicated that where criminal history information is required, that it be complete, and to the extent possible, reflect the result of a national search of a person's criminal history. Alaska's state criminal records contain approximately 330,000 convictions on about

135,000 subjects of which 16,000 are felons. Nationally, it is estimated that there are more than 50 million criminal record entries. Whereas two thirds of arrests involve repeat offenders and 20 - 30 percent of offenders have a criminal record in more than one state, it is critical that Alaska maintain criminal records systems that are complete and conform to standards required for the exchange of criminal record information nationally.

Further, it should be understood that the administration of effective and efficient criminal justice information systems is extremely challenging. Coordination is required across branches of government and involves local, state, and national governments. Presently, there is no comprehensive set of laws that Alaska can rely on as a guide to ensure critical criminal history information is maintained. The passage of HB 442 will significantly assist the Department of Public Safety and users who depend upon the availability of criminal history information which is essential to the proper application of certain laws of the State of Alaska.

At the present time, fingerprints support about 39% of Alaska's criminal history records. Additionally, of those fingerprints received, more than 20% are rejected by the Alaska Automated Fingerprint Identification System(AAFIS) due to their poor quality. Missing and rejected fingerprints prevent the automated searching of 180,000 Alaska records and 12 million Western Identification Network records and preclude reliable indexing and searching the FBI's Interstate Identification Index and National Crime Information Center which are used for conducting national criminal records searches. Fingerprints are the internationally accepted standard for authenticating entries to a person's criminal record. Fingerprints are required as the basis for registration of criminal records to state repositories and they are required to register, index and query criminal records with the national systems. Alaska needs to substantially improve.

1. This legislation establishes a statutory framework that should permit a better allocation of existing resources. To a significant degree, this legislation formalizes procedures that exist currently. To this extent, the bill should help improve the efficiency of criminal record processing. Efficiency improvements cannot reliably be quantified but would assist the department and contributing agencies in reducing criminal record backlogs;
2. Mandatory provisions have been minimized, sections generally do not take effect until regulations are adopted.
3. To the extent this legislation may increase public access, provision for the adoption of fees to provide services has been made. The Department currently charges fees for a number of services that will continue to be provided.
4. This bill will provide a framework to guide discussion on how to improve the collection of fingerprints and related criminal history record information. That discussion will include all

Department of Public Safety

Page 4 of 4

Fiscal Note CSHB 442(JUD) Continued:

agencies represented by the Criminal Justice Working Group. Implementing the full scope of this legislation will require a series of discussions in order to reach implementation agreement. This will take time to negotiate.

DPS's primary goal is to provide the framework necessary to maintain an accurate, complete and timely criminal history file. DPS depends on all criminal justice agencies to contribute to the database. This bill provides such a framework.

DPS cannot autonomously implement this legislation across the board. DPS will use the Criminal Justice Advisory Group in concert with existing policy making bodies such as the Criminal Justice Working Group and its subcommittees as a forum to confirm the need for specific data in the criminal history record and proceed only after concurrence is obtained.

Summary

This legislation is required to establish this State's statutory framework for timely, accurate, and complete criminal history record information. Such a statutory framework exists in virtually every other state. Criminal history records consist of timely, accurate, and complete files used to make decisions related to investigations, release, sentencing and employment. Defendants are not going to volunteer their previous criminal history. If accurate and complete criminal records are not available on line, criminal justice agencies have no choice but to make ongoing decisions without reliable criminal history record information. This will result in lighter sentencing, improper employment decisions, and less efficient police investigations.

The Criminal Justice Work Group has endorsed the need for this type of legislation and has submitted a written recommendation to the Governor's Office. The Criminal Justice Work Group consists of the following criminal justice agencies: Department of Public Safety, Department of Law, Department of Health and Social Services, Office of Public Advocacy, Public Defender, Department of Administration, Department of Corrections, Office of Management and Budget, Chief Justice and Administrative Director of the Alaska Court System, Chairs of the House and Senate Judiciary Committees, President of the Alaska Chiefs of Police Association, and the Chief of the Anchorage Police Department.

HB 421

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF MILITARY
AND VETERANS AFFAIRS

P.O. BOX 110900
JUNEAU, ALASKA 99811-0900
PHONE: (907) 465-4600
FAX: (907) 465-4605

APR 27 1994

April 27, 1994

Senator Steve Frank
Co-chair, Senate Finance Committee
Alaska State Legislature

Senator Drue Pearce
Co-chair, Senate Finance Committee
Alaska State Legislature

Dear Senators Frank and Pearce,

Re: HB 421, Temporary Housing During Disasters

Thank you for scheduling a hearing on HB 421 so quickly. As Representative Mulder's staff, Tim Sullivan, pointed out in your hearing of April 26, we expect passage of this bill to improve our ability to respond quickly to meeting the emergency housing needs of disaster victims.

Tim has relayed to me some of the concerns voiced during the hearing, and I wanted to let you know my response to those concerns.

The committee raised a concern over the temporary housing assistance provided by the state being subordinate to any similar assistance available from the federal government or from private insurance providers. Under our current plans and procedures, this is already the case.

In any federally declared disaster, we maximize the federal funds available for all purposes, including housing. Normally, the Federal Emergency Management Agency takes over the temporary housing program during federally declared disasters, and there is little, if any, involvement of state agencies or funds for temporary housing in federal disasters. Although I have not had the opportunity to review any specific language proposed in a committee substitute regarding this issue, I do not believe it would present any problems if added to the bill.

The requirement to subordinate temporary housing assistance to private insurance reimbursements is something that we conceptually support as well, since our procedures already incorporate this requirement. It does not make sense to pay someone for temporary housing needs if they are also being paid by their private insurance.

Since the issue of subordination of temporary housing grants to federal and private insurance benefits is already addressed in departmental procedures, there is no objection to incorporating it into statutory language as well. However, it would not be necessary to do so, if your committee chose not to make this amendment.

The final issue raised in committee concerns a limit on the amount of temporary housing funds, with a possible link to the previous section in Alaska Statutes regarding the individual and family grants limit of \$5,000 [AS 26.23.090 (b)(2)]. Apparently the committee wanted to limit the total amount for both these programs (combined) to \$5,000 for each disaster victim. I do not believe this would provide the public with the assistance they need and deserve if they become victims of a disaster.

The individual and family grant (IFG) program is intended to provide for immediate necessary items lost as a result of a disaster. Any insurance claims paid to disaster victims for their immediate needs is deducted from the amount paid under IFG grants. These grants normally pay the following types of immediate needs: food, clothing, medicine, etc. State law limits the amount of an IFG grant to no more than \$5,000; however, they are frequently less than that amount, as they are intended only to meet immediate needs.

The temporary housing program addressed in AS 26.23.100 provides for alternate housing when people (homeowners or renters) are displaced from their homes. Displacements as a result of disasters can be for long periods of time. The current temporary housing plan allows for state funding of temporary housing for a maximum of 18 months, with reviews every three months to verify continued eligibility. There is no dollar limit to the amount now spent on temporary housing; the only limit is the 18 month time frame. Without the ability to grant funds to disaster victims for temporary housing (which HB 421 would allow), the state must negotiate all lease agreements and make payments directly to landlord of the temporary housing. The intent of HB 421 was to simplify and streamline the method in which the state pays for temporary housing, and not to create additional restrictions on the program.

Placing a dollar restriction on temporary housing would create a financial hardship to displaced disaster victims when they can least afford it. Often, homeowners have their home completely destroyed, but are still required to make mortgage payments. Combining this limitation with the IFG grant amount would create

further hardship by requiring disaster victims to choose between meeting their needs for the immediate and necessary items funded by IFG grants, or meeting their needs for temporary housing.

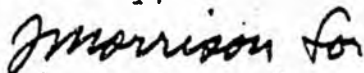
The purpose of the temporary housing program is to enable disaster victims to live close to their pre-disaster jobs, family, friends, schools, and community. This facilitates their recovery from the disaster by assuring some stability and normalcy until they can obtain permanent housing in their community. I do not believe it is consistent with the philosophy of providing necessary disaster relief to limit the amount to be paid for temporary housing. This action could have the effect of creating an enclave of homeless people who cannot afford to get back on their feet after a disaster.

The intent of both the IFG program and the temporary housing program is to provide rapid temporary emergency relief, and not to add to the trauma of a disaster by limiting the amount of relief such that basic emergency needs go unmet.

I believe that the limitation being proposed would result in serious deficiencies in the state's ability to fairly and compassionately meet the needs of disaster victims. I urge you to reject any such limitation in HB 421.

I hope this information is useful to you in your further consideration of HB 421.

Sincerely,



Ervin Paul Martin, Director
Division of Emergency Services

cc: Representative Eldon Mulder
Hugh L. Cox III, Commissioner
Dick Eliason, Governor's Legislative Liaison

[HB421L1]

STATE OF ALASKA
1994 LEGISLATIVE SESSION

FISCAL NOTE

BILL NO.: CSHB 442(FIN)

Revision Date: March 21, 1994
Title: An Act relating to criminal justice information
Sponsor: House Rules
Requestor: Senate Finance

Dept. Affected: Corrections
BRU: All
Component: All
Component Serial #: 694-1884

*New
Fiscal
Note*

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXP.	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0	*	*	*	*	*
TRAVEL	0	*	*	*	*	*
CONTRACTUAL	150.0	*	*	*	*	*
SUPPLIES	0	*	*	*	*	*
EQUIPMENT	0	*	*	*	*	*
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	0	*	*	*	*	*
TOTAL OPERATING	150.0	*	*	*	*	*

CAPITAL EXP	0	*	*	*	*	*
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CHANGES IN REVENUES						
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FUND SOURCE

1002 Federal Receipts						
1003 GF Match						
1004 GF	150.0	*	*	*	*	*
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	150.0	*	*	*	*	*

Estimate of any current year (FY94) cost \$ 0.0

POSITIONS

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

ANALYSIS: Please see the attached explanation.

Prepared by: Diane Schenker, Special Assistant
Division: Office of the Commissioner
Approved by: J. Frank Prewitt, Jr., Commissioner
Agency: Department of Corrections

Phone: 465-4643/786-2147
Date: 3/21/94
Date: 3/21/94
Page 1 of 6

The bill establishes a Criminal Justice Information Advisory Board, one member of which will be the Commissioner of Corrections (or designee.) The Board will advise the Commissioner of Public Safety regarding criminal justice information issues. The Commissioner of Public Safety will adopt regulations concerning the collection, reporting, and analysis of criminal justice information.

Criminal Justice Information Issues

The bill requires that criminal justice information be accurate and complete, and sets up auditing requirements. The bill outlines a series of events which must be reported to Public Safety at the time, in the manner, and in the form specified by the department. DOC is incapable of providing much of this information due to shortcomings in the inmate tracking system (OBSCIS), lack of training and accountability procedures for data entry, and an already-strained data management unit. Resources in the department's institutional component are strained by responding to immediate crises caused by emergency overcrowding and cannot realistically be diverted to less urgent needs such as information system improvement.

The bill also clarifies which criminal justice information can be released, to whom, and by whom, and authorizes agencies to collect fees, through regulations, for processing records requests. Changes in rules governing what information can be given out will require revision of our policies and training of all staff in all components who routinely respond to questions about offenders.

During FY95 the department will need to assess its information system needs/resources in order to submit an appropriate budget request in FY96 to accomplish the requirements in the bill. The department does not have any available positions to assign to this work; management, research and data processing resources are extremely strained. The attached letter, from Wolfe and Associates to the Executive Director of the Alaska Judicial Council, explains the department's need for \$150,000 in contractual funds for this task.

Fingerprinting Issues

The bill requires that fingerprints be taken for persons arrested for an offense, with or without a warrant, when booked into a correctional facility, or at arraignment, adjudication, or sentencing. A court will order that the offender be fingerprinted at a correctional facility unless the court is informed that other available options are more appropriate. Mandatory fingerprinting for misdemeanants will not go into effect until FY96. The department cannot determine with accuracy the number of additional cases which will require fingerprinting without further investigation.

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The provisions of the bill do not go into effect until at least FY96, except that agencies may develop regulations during FY95 which may go into effect in FY96.

The department is continuing to work with the Department of Public Safety to assess the actual number of cases which are not being satisfactorily fingerprinted now. Offenders taken directly to a magistrate, appearing in court on a summons, or sentenced to probation without a period of incarceration, as well as some warrant arrests and some probation violators are probably not being fingerprinted under current practice. The increase in workload to fingerprint these cases will require additional resources.

It costs roughly \$10 per set of prints (for 20 minutes of a correctional officer's time plus supplies.) The department plans to begin using an automated fingerprint machine at the busiest booking facility, Sixth Avenue Correctional Center, which may reduce personnel and supply expenses per set of prints. The time estimated to fingerprint an offender does not include the time required to perform a pat search and property inventory for a prisoner prior to admission into a correctional facility.

Any increase in resources needed to accomplish additional fingerprinting will be requested through the FY96 budget process.

YOLFE
&
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Management Consultants

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Albuquerque, New Mexico 87109
(505) 821-9336 FAX 821-1741

March 11, 1994

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MAR 14 1994

AK Judicial Council

Mr. William Cotton
Executive Director
Alaska Judicial Council
1029 W. Third Street, Suite 201
Anchorage, Alaska 99501

Dear Mr. Cotton:

As you know, on March 1st, we met with the Criminal Justice Coordination Policy Group to present a status report on our progress in developing a plan for the integration of Alaska's criminal justice computer systems. While we are several weeks away from finishing a draft of our report, we have completed our research and field interviews.

As a result of these completed activities, we have identified several policy issues that need to be addressed, have developed several design alternatives for a centralized repository, and have identified several of the system priorities that need to be addressed. There is no question that the development of a complete, accurate, and timely computerized criminal history will be dependent on the timely submittal of fingerprint cards and the electronic transfer of arrest and disposition information.

The enactment of the APSIN legislation during the current session of the legislature will provide the statutory authority to require the submittal of the fingerprint information in a timely fashion and the ability to promulgate regulations concerning the submittal of "reportable events" information to the criminal history repository.

The submission, however, of "reportable events," which consist of key arrest and change/court disposition data, will be possible only if the existing criminal justice agency systems support the submittal requirements. Currently, two agencies have systems that will not support these requirements: the Department of Law, with

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its PROMIS system, and the Department of Corrections, with its OBSCIS system. Both of these systems need to be replaced as soon as feasible.

During our presentation of March 1st, we outlined a process we described as "business process re-engineering." This process should be employed for all system replacement projects. This process is graphically presented in the attachment to this letter. A design team of department personnel and systems analysts skilled in the re-engineering process will ensure that any new system, whether purchased as a package or developed in house or with contract personnel, will meet the agency's automation information needs.

In addition, this process should include input from the other criminal justice agencies, to ensure that data-sharing needs are properly addressed. A part of this process is to also identify the architectures that should be employed for the new systems. We believe these two systems can and should employ client/server technologies in addressing their information system needs.

We recognize that our written report will not be available until late April, which is near the end of the current legislative session, and that it may be too late, even at this date, to request funding for any priority projects for the 1994-1995 fiscal year. We do believe, however, that a year's delay in beginning the implementation of the plan will be extremely detrimental to improving these systems, as well as making the criminal history repository the complete and accurate data base it needs to be.

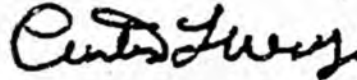
Because of this, we request your assistance in alerting the legislature to the need for some appropriation to the departments of Law and Corrections that will allow them to begin this re-engineering effort during the next fiscal year. We estimate the costs of this effort to be \$150,000 for the Department of Corrections and \$75,000 for the Department of Law. Once these re-engineering efforts are completed, each agency will have the information it needs to detail costs for replacing their systems, which can then be placed in their 1995-1996 fiscal-year budget requests.

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Your assistance in alerting the legislature to this need will be extremely beneficial to implementing the plan we will submit as part of our written report.

Very truly yours,

WOLFE & ASSOCIATES, INC.



Curtis L. Wolfe
President

CLW:dp
Attachment

Cross-Reference

8-GS2005\O

CS FOR SENATE BILL NO. 276(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 3/18/94

Referred: Rules

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to criminal justice information; providing procedural requirements
2 for obtaining certain criminal justice information; and providing for an effective
3 date."

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

5 * Section 1. AS 12.62 is amended by adding a new section to read:

6 Sec. 12.62.005. INTENT. It is the intent of the legislature that the department
7 administer the provisions of this chapter in a manner that protects victims of crime,
8 allows the proper administration of justice, and avoids vigilantism.

9 * Sec. 2. AS 12.62 is amended by adding new sections to read:

10 Sec. 12.62.100. CRIMINAL JUSTICE INFORMATION ADVISORY BOARD;
11 FUNCTIONS AND DUTIES. (a) The Criminal Justice Information Advisory Board
12 is established in the department. The board consists of the following members:

13 (1) a member of the general public appointed by and serving at the
14 pleasure of the governor;

1 (2) a municipal police chief appointed by and serving at the pleasure
2 of the governor; in making this appointment, the governor shall consult with the
3 Alaska Association of Chiefs of Police;

4 (3) the attorney general or the attorney general's designee;

5 (4) the chief justice of the supreme court or the chief justice's designee;

6 (5) the commissioner of administration or the commissioner's designee;

7 (6) the commissioner of corrections or the commissioner's designee;

8 (7) the commissioner of health and social services or the
9 commissioner's designee;

10 (8) the commissioner of public safety or the commissioner's designee,
11 who will serve as chair of the board; and

12 (9) the executive director of the Alaska Judicial Council or the
13 executive director's designee.

14 (b) Members of the board receive no compensation for services on the board,
15 but are entitled to per diem and travel expenses authorized for boards under
16 AS 39.20.180.

17 (c) The board shall meet at least once every six months.

18 (d) The board shall advise the department and other criminal justice agencies
19 on matters pertaining to the development and operation of the central repository
20 described in AS 12.62.110(1) and other criminal justice information systems, including
21 providing advice about regulations and procedures, and estimating the resources and
22 costs of those resources, needed to carry out the provisions of this chapter.

23 Sec. 12.62.110. DUTIES OF THE COMMISSIONER REGARDING
24 INFORMATION SYSTEMS. The commissioner shall

25 (1) develop and operate a criminal justice information system to serve
26 as the state's central repository of criminal history record information, and to collect,
27 store, and release criminal justice information as provided in this chapter;

28 (2) consult with the board established by AS 12.62.100 regarding
29 matters concerning the operation of the department's criminal justice information
30 systems;

31 (3) provide a uniform crime reporting system for the periodic

1 collection, analysis, and reporting of crimes, and compile and publish statistics and
2 other information on the nature and extent of crime in the state;

3 (4) cooperate with other agencies of the state, the criminal record
4 repositories of other states, the Interstate Identification Index, the National Law
5 Enforcement Telecommunications System, the National Crime Information Center, and
6 other appropriate agencies or systems, in the development and operation of an effective
7 interstate, national, and international system of criminal identification, records, and
8 statistics; and

9 (5) in accordance with AS 44.62 (Administrative Procedure Act), adopt
10 regulations necessary to implement the provisions of this chapter; in adopting the
11 regulations, the commissioner may consult with affected law enforcement agencies
12 regarding the fiscal implications of the regulations; regulations may not be adopted
13 under this section that affect procedures of the court system.

14 Sec. 12.62.120. REPORTING OF CRIMINAL JUSTICE INFORMATION.

15 (a) The commissioner, by regulation and after consultation with the board and affected
16 agencies, may designate which criminal justice agencies are responsible for reporting
17 the events described in (b) of this section. An agency designated under this subsection
18 shall report the events described in (b) of this section to the department, at the time,
19 in the manner, and in the form specified by the department.

20 (b) An agency designated under (a) of this section shall report the following
21 events to the department if they occur in connection with an arrestable offense:

22 (1) the issuance, receipt, withdrawal, quashing, or execution of a
23 judicial arrest warrant, a governor's warrant of arrest for extradition, or a parole arrest
24 warrant;

25 (2) an arrest, with or without a warrant, or an escape after arrest;

26 (3) the release of a person after arrest without charges being filed;

27 (4) the admittance to, release or escape from, or unlawful evasion of,
28 official detention in a correctional facility, either pretrial or post-trial;

29 (5) a decision by a prosecutor or a grand jury not to commence
30 criminal proceedings, to defer or indefinitely postpone prosecution, or to decline to
31 prosecute charges;

1 (6) the filing of a charging document, including an indictment, criminal
2 complaint, criminal information, or a petition or other document showing a violation
3 of bail, probation, or parole, or the amendment of a charging document;

4 (7) an acquittal, dismissal, conviction, or other disposition of charges
5 set out in a charging document described in (6) of this subsection;

6 (8) the imposition of a sentence or the granting of a suspended
7 imposition of sentence under AS 12.55.085;

8 (9) the commencement or expiration of parole or probation supervision;

9 (10) the commitment to or release from a facility, designated by the
10 Department of Health and Social Services, of a person who was previously accused
11 of a crime but who has been found to be incompetent to stand trial or found not
12 criminally responsible;

13 (11) the filing of an action in an appellate court or a federal court
14 relating to a conviction or sentence;

15 (12) a judgment of a court that reverses, remands, vacates, or reinstates
16 a criminal charge, conviction, or sentence;

17 (13) a pardon, reprieve, executive clemency, commutation of sentence,
18 or other change in the length or terms of a sentence by executive or judicial action;
19 and

20 (14) any other event required to be reported under regulations adopted
21 under this chapter.

22 Sec. 12.62.130. REPORTING OF UNIFORM CRIME INFORMATION. A
23 criminal justice agency shall submit to the department, at the time, in the manner, and
24 in the form specified by the department, data regarding crimes committed within that
25 agency's jurisdiction. The department shall compile, and provide to the governor and
26 the attorney general, an annual report concerning the number and nature of criminal
27 offenses committed, the disposition of the offenses, and any other data the
28 commissioner finds appropriate relating to the method, frequency, cause, and
29 prevention of crime.

30 Sec. 12.62.140. REPORTING OF INFORMATION REGARDING WANTED
31 PERSONS AND STOLEN PROPERTY. (a) A criminal justice agency shall report

1 to the department, at the time, in the manner, and in the form specified by the
2 department, data regarding

3 (1) a person the agency is trying to locate, whether that person is
4 wanted in connection with the commission of a crime, and the discovery, if any, of
5 that person;

6 (2) the theft, and recovery if any, of an identifiable motor vehicle; and

7 (3) the theft, and recovery if any, of identifiable property.

8 (b) A criminal justice agency, annually and at other times if requested by the
9 department, shall confirm whether information already reported under (a) of this
10 section continues to be valid, and shall cooperate with the department in periodic
11 audits to validate the information reported.

12 Sec. 12.02.150. COMPLETENESS, ACCURACY, AND SECURITY OF
13 CRIMINAL JUSTICE INFORMATION. (a) A criminal justice agency shall

14 (1) adopt reasonable procedures to ensure that criminal justice
15 information that the agency maintains is accurate and complete;

16 (2) notify a criminal justice agency known to have received information
17 of a material nature that is inaccurate or incomplete;

18 (3) provide adequate procedures and facilities to protect criminal justice
19 information from unauthorized access and from accidental or deliberate damage by
20 theft, sabotage, fire, flood, wind, or power failure;

21 (4) provide procedures for screening, supervising, and disciplining
22 agency personnel in order to minimize the risk of security violations;

23 (5) provide training for employees working with or having access to
24 criminal justice information;

25 (6) if maintaining criminal justice information within an automated
26 information system operated by a noncriminal justice agency, develop or approve
27 system operating procedures to comply with this chapter or regulations adopted under
28 this chapter, and monitor the implementation of those procedures to ensure that they
29 are effective; and

30 (7) maintain, for at least three years, and make available for audit
31 purposes,

1 (A) records showing the accuracy and completeness of
2 information maintained by the agency in a criminal justice information system;
3 and

4 (B) records required to be maintained under AS 12.62.160(c)(4).

5 (b) The department shall adopt reasonable procedures designed to ensure that
6 information about arrests and criminal charges that is stored in a criminal justice
7 information system can be linked with information about the disposition of those
8 arrests and charges.

9 (c) Every two years the department shall undertake an audit, and every four
10 years shall obtain an independent audit, of the department's criminal justice
11 information system that serves as the central repository and of a sample of other state
12 and local criminal justice information systems, to verify adherence to the requirements
13 of this chapter and other applicable laws. The department shall provide to the board
14 the final report of each audit.

15 Sec. 12.62.160. RELEASE AND USE OF CRIMINAL JUSTICE
16 INFORMATION; FEES. (a) Criminal justice information and the identity of
17 recipients of criminal justice information is confidential and exempt from disclosure
18 under AS 09 25. The existence or nonexistence of criminal justice information may
19 not be released to or confirmed to any person except as provided in this section and
20 AS 12.62.180(d).

21 (b) Subject to the requirements of this section, and except as otherwise limited
22 or prohibited by other provision of law or court rule, criminal justice information may
23 be released by a criminal justice agency as follows:

24 (1) an assessment or summary of criminal justice information may be
25 provided to a person when, and only to the extent, necessary to avoid imminent danger
26 to life or extensive damage to property;

27 (2) criminal justice information may be provided to a person to the
28 extent required by applicable court rules or under an order of a court of this state,
29 another state, or the United States;

30 (3) criminal justice information may be provided to a person if the
31 information is commonly or traditionally provided by criminal justice agencies in order

1 to identify, locate, or apprehend fugitives or wanted persons or to recover stolen
2 property, or for public reporting of recent arrests, charges, and other criminal justice
3 activity;

4 (4) criminal justice information may be provided to a criminal justice
5 agency for a criminal justice activity;

6 (5) criminal justice information may be provided to a government
7 agency to the extent necessary for enforcement of or for a purpose specifically
8 authorized by state or federal law;

9 (6) criminal justice information may be provided to a person
10 specifically authorized by a state or federal law to receive such information;

11 (7) criminal justice information may be provided to a member of the
12 Alaska legislature for official legislative business upon the written request of the
13 legislator and the written approval of the presiding officer of the house of which that
14 legislator is a member;

15 (8) criminal justice information in aggregate form may be released to
16 a qualified person, as determined by the agency, for criminal justice research, subject
17 to written conditions that assure the security of the information and the privacy of
18 individuals to whom the information relates;

19 (9) current offender information may be provided to a person for any
20 purpose, except that information may not be released if the release of the information
21 would unreasonably compromise the privacy of a minor or vulnerable adult;

22 (10) past conviction information may be provided to a person for any
23 purpose if less than 10 years has elapsed from the date of unconditional discharge to
24 the date of the request;

25 (11) past conviction information relating to a serious offense may be
26 provided to an interested person if the information is requested for the purpose of
27 determining whether to grant a person supervisory or disciplinary power over a minor
28 or dependent adult; and

29 (12) criminal justice information may be provided to the person who
30 is the subject of the information.

31 (c) Unless otherwise provided for in regulations adopted by the commissioner,

1 if access to criminal justice information is permitted under (b) of this section

2 (1) the information may be released only by the agency maintaining
3 that information;

4 (2) the information may not be released under this section without first
5 determining that the information is the most current information available within that
6 criminal justice information system, unless the system is incapable of providing the
7 most current information available within the necessary time period;

8 (3) the information may not be released under this section until the
9 person requesting the information establishes the identity of the subject of the
10 information by fingerprint comparison or another reliable means of identification
11 approved by the department;

12 (4) the information may not be released under this section unless the
13 criminal justice agency releasing the information records, and maintains for at least
14 three years, the name of the person or agency that is to receive the information, the
15 date the information was released, the nature of the information, and the statutory
16 authority that permits the release; and

17 (5) information released under this section may be used only for the
18 purpose or activity for which the information was released.

19 (d) Notwithstanding AS 09.25, a criminal justice agency may charge fees,
20 established by regulation or municipal ordinance, for processing requests for records
21 under this chapter, unless the request is from a criminal justice agency or is required
22 for purposes of discovery in a criminal case. In addition to fees charged under
23 AS 44.41.025 for processing fingerprints through the Alaska automated fingerprint
24 system, the department may charge fees for other services in connection with the
25 processing of information requests, including fees for contacting other jurisdictions to
26 determine the disposition of an out-of-state arrest or to clarify the nature of an
27 out-of-state conviction. The department may also collect and account for fees charged
28 by the Federal Bureau of Investigation for processing fingerprints forwarded to the
29 bureau by the department. The annual estimated balance in the account maintained by
30 the commissioner of administration under AS 37.05.142 may be used by the legislature
31 to make appropriations to the department to carry out the purposes of this chapter.

1 Sec. 12.62.170. CORRECTION OF CRIMINAL JUSTICE INFORMATION.

2 (a) A criminal justice agency shall correct, modify, or add an explanatory notation to
3 criminal history records that the agency is responsible for maintaining if the revision
4 is necessary to achieve accuracy or completeness.

5 (b) A person may submit a written request to the head of the agency
6 responsible for maintaining criminal justice information asking the agency to correct,
7 modify, or add any information or explanatory notation to criminal justice information
8 about the person that the person believes is inaccurate or incomplete. The decision of
9 the head of the agency is the final administrative decision on the request.

10 (c) The person requesting revision of criminal justice information may appeal
11 an adverse decision of the agency to the court under applicable rules of procedure for
12 appealing the decision of an administrative agency. The appellant bears the burden on
13 appeal of showing that the agency decision was in error. An appeal filed under this
14 subsection may not collaterally attack a court judgment or a decision by prison,
15 probation, or parole authorities, or any other action that is or could have been subject
16 to appeal, post-conviction relief, or other administrative remedy.

17 Sec. 12.62.180. SEALING OF CRIMINAL JUSTICE INFORMATION. (a)
18 Under this section, a criminal justice agency may seal only the information that the
19 agency is responsible for maintaining.

20 (b) A person may submit a written request to the head of the agency
21 responsible for maintaining past conviction or current offender information, asking the
22 agency to seal such information about the person that, beyond a reasonable doubt,
23 resulted from mistaken identity or false accusation. The decision of the head of the
24 agency is the final administrative decision on the request.

25 (c) The person requesting that the information be sealed may appeal an adverse
26 decision of the agency to the court under applicable rules of procedure for appealing
27 the decision of an administrative agency. The appellant bears the burden on appeal
28 of showing that the agency decision was clearly mistaken. An appeal filed under this
29 subsection may not collaterally attack a court judgment or a decision by prison,
30 probation, or parole authorities, or any other action that is or could have been subject
31 to appeal, post-conviction relief, or other administrative remedy.

1 (d) A person about whom information is sealed under this section may deny
2 the existence of the information and of an arrest, charge, conviction, or sentence shown
3 in the information. Information that is sealed under this section may be provided to
4 another person or agency only

5 (1) for record management purposes, including auditing;

6 (2) for criminal justice employment purposes;

7 (3) for review by the subject of the record;

8 (4) for research and statistical purposes;

9 (5) when necessary to prevent imminent harm to a person; or

10 (6) for a use authorized by statute or court order.

11 Sec. 12.62.190. PURGING OF CRIMINAL JUSTICE INFORMATION. (a)

12 A criminal justice agency may purge only the criminal justice information that the
13 agency is responsible for maintaining. An agency may determine when and what
14 information will be purged, under (b) of this section.

15 (b) Criminal justice information may be purged if the agency determines that
16 the information is devoid of usefulness to a criminal justice agency due to the

17 (1) death of the subject of the information;

18 (2) age of the information;

19 (3) nature of the offense or of the information;

20 (4) volume of the agency's records or other record management
21 considerations.

22 Sec. 12.62.200. CIVIL ACTION AND DEFENSE. (a) Failure to comply with

23 a requirement of this chapter or a regulation adopted under this chapter is not a basis
24 for civil liability, but may be the basis for employee discipline or administrative action
25 to restrict a person's or agency's access to information. However, a person whose
26 criminal justice information has been released or used in knowing violation of this
27 chapter or a regulation adopted under this chapter may bring an action for damages in
28 the superior court.

29 (b) It is a defense to a civil or criminal action based on a violation of this
30 chapter, or regulations adopted under this chapter, if a person relied in good faith upon
31 the provisions of this chapter or of other laws or regulations governing maintenance,

1 release, or use of criminal justice information, or upon policies or procedures
2 established by a criminal justice agency.

3 Sec. 12.62.900. DEFINITIONS. In this chapter,

4 (1) "agency" means : criminal justice agency;

5 (2) "automatic data processing" has the meaning given in AS 44.21.170;

6 (3) "board" means the Criminal Justice Information Advisory Board;

7 (4) "commissioner" means the commissioner of public safety;

8 (5) "complete" means that a criminal history record contains
9 information about the disposition of criminal charges occurring in the state and entered
10 within 90 days after the disposition occurred;

11 (6) "correctional treatment information" means infcrrmation about an
12 identifiable person, excluding past conviction information or current offender
13 information, collected to monitor that person in a correctional facility or while under
14 correctional supervision, including the person's current or past institutional behavior,
15 medical or psychological condition, or rehabilitative progress;

16 (7) "criminal history record information" means information that
17 contains

18 (A) past conviction information;

19 (B) current offender information;

20 (C) criminal identification information;

21 (8) "criminal identification information" means fingerprints,
22 photographs, and other information or descriptions that identify a person as having
23 been the subject of a criminal arrest or prosecution;

24 (9) "criminal justice activity" means

25 (A) investigation, identification, apprehension, detention, pretrial
26 or post-trial release, prosecution, adjudication, or correctional supervision or
27 rehabilitation of a person accused or convicted of a crime;

28 (B) collection, storage, transmission, and release of criminal
29 justice information; or

30 (C) the employment of personnel engaged in activities described
31 in (A) or (B) of this paragraph;

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(10) "criminal justice agency" means

(A) a court with criminal jurisdiction or an employee of that court;

(B) a government entity or subdivision of a government entity that allocates a substantial portion of its budget to a criminal justice activity under a law, regulation, or ordinance; or

(C) an individual or organization obligated to undertake a criminal justice activity under a written agreement with an agency described in (A) or (B) of this paragraph; as used in this subparagraph, "organization" includes an interagency or interjurisdictional task force formed to further common criminal justice goals;

(11) "criminal justice information" means any of the following, other than a court record, a record of traffic offenses maintained for the purpose of regulating drivers' licenses, or a record of a juvenile subject to the jurisdiction of the juvenile court under AS 47.10:

(A) criminal history record information;

(B) nonconviction information;

(C) correctional treatment information;

(D) information relating to a person to be located, whether or not that person is wanted in connection with the commission of a crime;

(12) "criminal justice information system" means an automatic data processing system used to collect, store, display, or transmit criminal justice information, and that permits information within the system, without action by the agency maintaining the information, to be directly accessed by another principal department of the state, another branch of state government, an agency of another state or the federal government, or by a political subdivision of a state or the federal government;

(13) "current offender information" means information showing that an identifiable person

(A) is currently under arrest for or is charged with a crime and

(i) prosecution is under review or has been deferred by

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written or oral agreement;

(ii) a warrant exists for the person's arrest; or

(iii) less than a year has elapsed since the date of the arrest or filing of the charges, whichever is latest;

(B) is currently released on bail or on other conditions imposed by a court in a criminal case, either pretrial or post-trial, including the conditions of the release;

(C) is currently serving a criminal sentence or is under the custody of the commissioner of corrections for supervision purposes; "current offender information" under this subparagraph includes

(i) the terms and conditions of any sentence, probation, suspended imposition of sentence, discretionary or mandatory parole, furlough, executive clemency, or other release; and

(ii) the location of any place of incarceration, halfway house, restitution center, or other correctional placement to which the person is assigned; or

(D) has had a criminal conviction or sentence reversed, vacated, set aside, or has been the subject of executive clemency;

(14) "department" means the Department of Public Safety;

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

(16) "information" means, unless the context clearly indicates otherwise, data compiled within a criminal justice information system;

(17) "interested person" means a person as defined in AS 01.10.060 that employs, appoints, or permits a person to serve with or without compensation in a position in which the employed, appointed, or permitted person has or would have supervisory or disciplinary power over a minor or dependent adult;

(18) "nonconviction information" means information that an identifiable person was arrested or that criminal charges were filed or considered against the person and

(A) a prosecutor or grand jury has elected not to begin criminal

1 proceedings against the person and at least a year has elapsed since that
2 decision;

3 (B) criminal charges against the person have been dismissed or
4 the person has been acquitted and at least a year has elapsed since that action;
5 or

6 (C) there is no indication of the disposition of the criminal
7 charges or the arrest and at least a year has elapsed since the arrest, filing of
8 the charges, or referral of the matter for review by a prosecutor, whichever is
9 latest;

10 (19) "past conviction information" means information showing that an
11 identifiable person who has been unconditionally discharged has previously been
12 convicted of a crime; "past conviction information" includes

13 (A) the terms of any sentence, probation, suspended imposition
14 of sentence, or discretionary or mandatory parole; and

15 (B) information that a criminal conviction or sentence has been
16 reversed, vacated, set aside, or been the subject of executive clemency;

17 (20) "purge" means to delete or destroy information in a criminal
18 justice information system so that there can be no access to the information;

19 (21) "seal" means to retain information in a criminal justice information
20 system subject to special restrictions on access or dissemination;

21 (22) "serious offense" means a conviction for a felony offense or a
22 violation or attempted violation of any of the following laws, or of the laws of another
23 jurisdiction with substantially similar elements:

24 (A) AS 11.41.410 - 11.41.470;

25 (B) AS 11.51.130(a)(1), (3), or (5);

26 (C) AS 11.61.110(a)(7);

27 (D) AS 11.66.100 - 11.66.130; or

28 (E) former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 -
29 11.40.420, if committed before January 1, 1980;

30 (23) "unconditional discharge" has the meaning given in AS 12.55.185.

31 * Sec. 3. AS 44.99.310(f) is amended to read:

1 (f) This section does not apply to criminal intelligence or criminal investigative
2 records, criminal justice information under AS 12.62, state agency personnel or
3 retirement system records, records of applicants for employment with the state agency,
4 or information in documents recorded under AS 40.17.

5 * Sec. 4. AS 12.62.010, 12.62.015, 12.62.017, 12.62.020, 12.62.030, 12.62.035, 12.62.040,
6 12.62.050, 12.62.060, 12.62.070; AS 18.65.060; and AS 44.41.040 are repealed.

7 * Sec. 5. TRANSITION. (a) Notwithstanding sec. 8 of this Act, an agency of the state
8 that has regulation adoption authority or that is authorized by this Act to adopt regulations,
9 may proceed to adopt regulations necessary to implement provisions in this Act that affect that
10 agency. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
11 before July 1, 1995.

12 (b) Notwithstanding the repeal of AS 44.41.040 by sec. 4 of this Act, regulations
13 adopted under AS 44.41.040 and in effect on the effective date of sec. 4 of this Act remain
14 in effect until the effective date of regulations adopted under AS 12.62.160(d), added by sec.
15 2 of this Act.

16 * Sec. 6. APPLICABILITY. Notwithstanding sec. 8 of this Act, the mandatory reporting
17 requirements of AS 12.62.120 - 12.62.140, added by sec. 2 of this Act, and regulations
18 adopted under those statutes, are not applicable before July 1, 1996, to criminal activity that
19 does not constitute a felony offense.

20 * Sec. 7. Section 5 of this Act takes effect immediately under AS 01.10.070(c).

21 * Sec. 8. Sections 1 - 4 and 6 of this Act take effect July 1, 1995.

WALTER J. HICKEL
GOVERNOR



P. O. Box 110001
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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 4, 1994

*The Honorable Ramona L. Barnes
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182*

Dear Speaker Barnes:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to criminal justice information.

The need for new Alaska legislation on the subject of criminal justice information and computer information systems has been recognized for a number of years. If accurate and complete, these information systems provide a measure of protection for law enforcement officers on the front line of the battle against crime and provide needed information for all parts of the criminal justice system and the public. At the same time, provisions are needed for the security and privacy of the information contained in these systems. Under the bill, "criminal justice information" does not include records relating to juvenile offenders.

The federal Anti-Drug Abuse Act of 1988 required the United States Department of Justice to develop a system for more immediate and accurate identification of offenders, which resulted in voluntary national standards being developed. The Department of Justice recommended that all states (1) implement mandatory reporting of all criminal justice information, (2) monitor case dispositions and adopt unique case-tracking numbers to improve data accuracy, (3) ensure timely submission of fingerprint records, (4) provide standardized data entry, and (5) provide audits, training, and data security. This bill is a necessary step toward that goal, and it will provide a framework under which the state can comply with appropriate national standards for the collection and use of criminal justice information, to the extent they are practical as applied to Alaska.

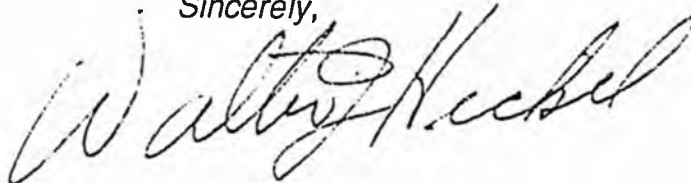
This bill also adopts a trend seen in some other states, to give the press and public greater access to criminal history records and to make those records more "open."

The Honorable Ramona Barnes
February 3, 1994
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For example, under this bill, anyone would be permitted to receive information about a person in the custody or under the supervision of the state, including the location of incarceration of inmates, and the conditions under which such inmates are released into the community on bail, probation, or parole. Currently, much of this information is available only to victims of crimes. AS 33.16.120(f). The public would also be permitted to receive information about past convictions if less than 10 years has elapsed from the date the offender was released from all state supervision. Current law gives past conviction records only to employers of persons who work with children, and only for specified crimes. AS 12.62.035. These provisions in this legislation would give the public a great deal of information about current or past criminal offenders that is either not available under current law, or is only available by expending great effort to search paper or microfilm records in the possession of the court system.

A detailed section-by-section description that describes the need for and the intent behind each provision in the bill is available from the Department of Public Safety.

Sincerely,

A handwritten signature in cursive script, reading "Walter J. Hickel". The signature is written in dark ink and is positioned above the printed name.

Walter J. Hickel
Governor