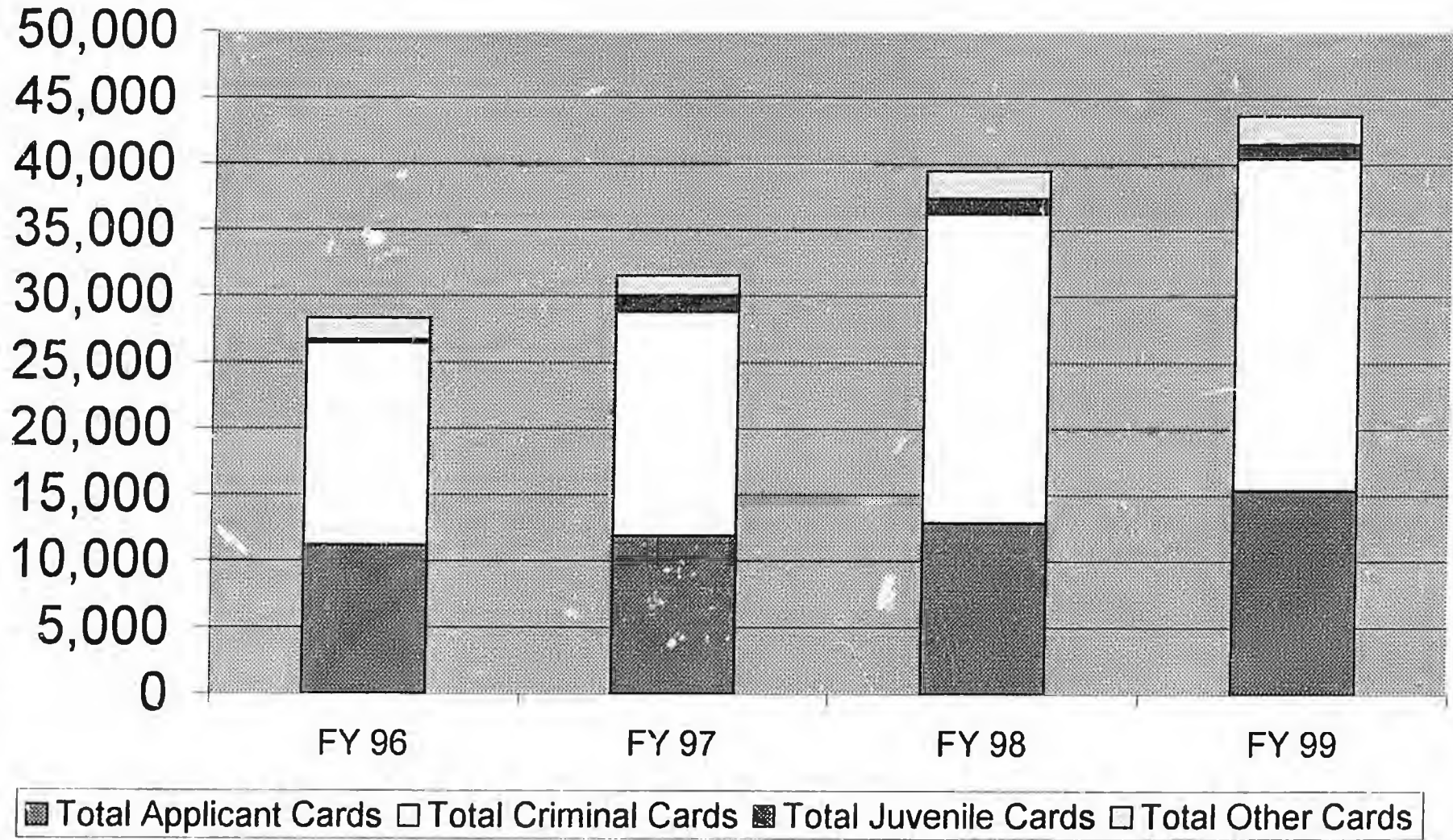


ALASKA LEGISLATURE COMMITTEE FILES 1999-2000 86/2

10012 HOUSE STATE AFFAIRS

Fingerprint Cards Received



**AFIS 1999 Tenprint Hit Summary
Searches of Unknown Persons**

	Total Tenprint Hits	Alaska Hits	Other State (WIN) Hits	% Out Of State Hits
January	60	20	40	67%
February	43	15	28	65%
March	97	27	70	72%
April	71	18	53	75%
May	65	17	48	74%
June	92	18	74	80%
July	60	10	50	83%
August	61	8	53	87%
September	94	23	71	76%
October	91	17	74	81%
November	74	20	54	73%
December	63	16	47	75%
	871	209	662	76%



Bureau of Justice Statistics

National Crime Prevention and Privacy Compact: Resource Materials

NCHIP

**U.S. Department of Justice
Office of Justice Programs**
810 Seventh Street, N.W.
Washington, D.C. 20531

Janet Reno
Attorney General

Raymond C. Fisher
Associate Attorney General

Laurie Robinson
Assistant Attorney General

Noël Brennan
Deputy Assistant Attorney General

Jan M. Chaiken, Ph.D.
Director, Bureau of Justice Statistics

Office of Justice Programs
World Wide Web Homepage:
<http://www.ojp.usdoj.gov>

Bureau of Justice Statistics
World Wide Web Homepage:
<http://www.ojp.usdoj.gov/bjs/>

For information contact:
BJS Clearinghouse
1-800-732-3277



National Crime Prevention and Privacy Compact: Resource Materials

January 1998, NCJ 171671

**U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Statistics**

Jan M. Chaiken, Ph.D.
Director

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Introduction

This report consists of several informational resources relating to the proposed National Crime Prevention and Privacy Compact (Compact). Adoption of the Compact by the U.S. Congress and the States will facilitate the full implementation of the Interstate Identification Index (III) as a decentralized system for the exchange of criminal history records for noncriminal justice purposes among States and the Federal government.

Included in this report are the following materials:

- An overview of the III system, including information setting forth its benefits;
- A list of the minimum standards for State participation in the III;
- A summary of the major provisions of the Compact;
- A summary of the importance of the Compact's ratification to further implementation of the III system;
- A copy of the Compact, along with a section-by-section analysis; and
- Correspondence from the U.S. Department of Justice relating to the introduction of the Compact in the Congress.

The purpose of the Compact is to authorize and require participating State criminal history repositories and the Federal Bureau of Investigation (FBI) to make all unsealed criminal history records available in response to authorized noncriminal justice requests, for such purposes as background checks on those seeking employment with children or the elderly. The requests will be fingerprint-supported, and the dissemination and use of the records will be governed by the receiving State's laws.

When ratified, the Compact will eliminate the duplicate maintenance of criminal history records by the States and the FBI. The Compact was introduced first in Congress, which has adopted it. State legislatures may now ratify the Compact in essentially identical form. No ratifying State may thereafter unilaterally amend the Compact. The Compact supersedes any conflicting State laws in States where it is adopted. This will result in a uniform dissemination policy *among* States, while still ensuring that each State may apply its own laws *within* the State.

The governor-appointed Membership Group of SEARCH, The National Consortium for Justice Information and Statistics, has formally endorsed the Compact. In addition, the Advisory Policy Board to the Criminal Justice Information Services Division of the FBI and the National Sheriffs' Association have endorsed the Compact.

The Compact was included in Senate Bill 2022, which was passed by Congress and signed into law by the president in October 1998.¹

¹ Title II of Pub. L. 105-251.

Section I: The System

Role and Benefits of the Interstate Identification Index System

A National System

The Interstate Identification Index (III), is an "index-pointer" criminal history record system that ties the computerized files of the FBI and the State-level centralized files maintained by each State into a national system. This system will serve as the vehicle for the National Instant Criminal Background Check System (NICS) that will be used for point-of-sale screening of firearm purchasers.

The FBI maintains the III system's automated index, which can be accessed by Federal, State and local criminal justice agencies throughout the country to conduct name searches to determine whether a particular individual has a criminal record anywhere in the country and, if so, to be pointed to the Federal or State file(s) from which the record(s) may be obtained on-line. The FBI also maintains the National Fingerprint File (NFF) which contains fingerprints of all the individuals in the index. The NFF provides a means of positive identification of subjects in the index and can be searched to identify individuals who give false names to police or employers in an attempt to hide their criminal pasts.

State Role

States can participate in the III system in two phases:

- In the first phase, the State's centralized criminal history record repository agrees to make its III-indexed records available in response to requests from Federal or out-of-State criminal justice agencies for criminal justice purposes. During this phase, the FBI continues to maintain duplicate records of offenders from this State in order to meet the needs of Federal and out-of-State noncriminal justice agencies that need the records for employment screening and other authorized noncriminal justice purposes.
- In the second phase of participation, a State agrees to make its III-indexed records available on an interstate and Federal-State basis for both criminal justice and noncriminal justice purposes.

The Compact is privacy-neutral in that it respects the *intrastate* dissemination laws for each State. At the same time, it permits ratifying states with sufficient *interstate* record-dissemination authority to become full participants in the III system.

Decentralization

As particular States become full III participants in the course of the ongoing phased implementation of the system, the FBI ceases to maintain duplicate criminal records for persons arrested and prosecuted in those States. Eventually, when all of the States have become full III participants, the FBI's centralized files of State offender records will be discontinued and all users of criminal history records — for criminal justice purposes as well as authorized noncriminal justice purposes — will obtain those records directly from the States' central computerized files (or from the FBI if the offender has a Federal record).

Benefits

Elimination of Duplication

Duplicate maintenance of criminal history records by the States and the FBI, and attendant costs, will be eliminated.

- The States will be relieved of the burden and cost of submitting arrest fingerprints and charge/disposition data to the FBI for all arrests for felonies and serious misdemeanors. Instead, they will submit only fingerprints and textual identification data for each person's first arrest, to update the III automated index and the NFF.
- The FBI will be relieved of the burden and cost of maintaining records on State offenders and receiving and processing fingerprint cards for all State arrests. Instead, it will maintain the III automated index, the NFF and full criminal records of Federal offenders.

Increased Record Quality

There will be an increase in the completeness of records made available on an interstate basis for both criminal justice and noncriminal justice purposes, including the screening of firearms purchasers and child care providers through the NICS. This is because records maintained in the State repositories are more up-to-date than the FBI's files. Also, many of the States maintain records of some misdemeanor offenses that have not been submitted to the FBI. These records will become available through the III system for NICS purposes and other authorized uses.

Increased System Security

There will be an increase in system security through the use of written agreements with all user agencies covering authorized access, transaction logging and record validation by record providers.

Faster Response Times

Some noncriminal justice users will enjoy faster response times because they will be receiving electronic responses rather than mailed record responses from the FBI and because of increased efficiency at the State level resulting from increased automation and system improvements preceding III participation.

Cost Savings

In most States (those that already have efficient automated systems), full participation in the III system will result in no significant new burdens and probably will result in overall cost savings. Evaluations of the NFF Pilot Project, which is implementing the decentralization phase of III on a State-by-State basis, have confirmed that start-up costs are reasonable and that the FBI and the four participating States have experienced cost savings. In the States, savings have also been realized at the local level because fingerprint cards for the FBI no longer need to be prepared for second and subsequent offenses.

Uniform Dissemination Standard

Ratification of the Compact will establish a uniform nationwide standard governing the interstate dissemination of criminal history records for noncriminal justice purposes.

- This will ensure that Federal agencies will continue to receive the State records they need to screen persons for employment in sensitive positions and for other authorized purposes and that authorized State agencies will continue to receive the out-of-State records they need to screen State employees and licensees.
- Each State will determine what criminal history record information is disseminated within its borders for noncriminal justice purposes. States will continue to apply their own dissemination laws to in-State use of their own records and they will screen out-of-State records received through III pursuant to their own laws.

Minimum Standards for State Participation in the Interstate Identification Index

A State must meet the following minimum standards to participate in the III:²

Fingerprint Identification Matters

Standard No. 1 - The State has a central repository for criminal history record information with fingerprint identification capability; that is, the ability to match fingerprint impressions. Although full technical fingerprint search capability is desirable, it is not a requirement.

Standard 2 - The State's central repository serves as the sole conduit for the transmission of arrest, judicial and correctional fingerprint cards for criterion offenses within the State to the FBI (single-source submission). Submission of related final disposition reports and expungements to the Identification Division via the central repository is desirable. Single-source submission of information to the FBI should not be unduly delayed by the State agency.

Standard 3 - The central repository maintains the subject's fingerprint impressions or a copy thereof as the basic source document of each Index record and to support each arrest event in the criminal history record.

Standard 4 - The central repository agrees to continue submitting all criterion arrest, court and correctional fingerprint cards and, when possible, the related final disposition reports to the FBI until such time as a study is completed regarding the NFF and approval is given to submitting only the first arrest fingerprint card (single-print submission).

Record Content and III Maintenance

Standard No. 5 - Each record maintained by the State contains all known arrest, disposition and custody-supervision data for that State.

Standard No. 6 - The State agrees to remove or expunge the State Identification Number (SID) from a III record when corresponding record data no longer exist at the State level.

Standard No. 7 - The State agrees to conduct a regularly scheduled audit to identify discrepancies and synchronize III records pointing to the State's database.

Standard No. 8 - Record completeness, accuracy and timeliness are considered by the State to be of primary importance and are maintained at the highest level possible.

Record Response

Standard No. 9 - The State agrees to respond immediately to III record requests via the National Law Enforcement Telecommunications System with the record or an acknowledgment and notice when the record will be provided.

Standard No. 10 - Record responses will have any alphabetic and/or numeric codes translated to literals (words or easily understood abbreviations) in order that the record responses can be readily understood.

Standard No. 11 - The State agrees not to include in its III response any out-of-State criminal history record information maintained in its files.

Accountability

Standard 12 - A single agency within each State agrees to be responsible for ensuring that the standards of participation are met.

Standard 13 - The State agrees to maintain records and provide dissemination in accordance with the civil and constitutional rights of individuals reflected in the records.

Standard 14 - The State agency executes a written agreement with the FBI to comply with the standards of participation.

² Source: U.S. Department of Justice, Federal Bureau of Investigation, *Interstate Identification Index Program - Operational and Technical Manual*, pp. Intro-8 - Intro-9 (August 1, 1994).

Section II: The Compact

Major Provisions of the National Crime Prevention and Privacy Compact

Major provisions of the proposed National Crime Prevention and Privacy Compact include the following:

- The Compact will bind the FBI and ratifying States to participate in the noncriminal justice access program of III in accordance with the Compact and established system policies.
- Authorized users will be the same as those currently authorized to obtain records from the FBI's files.
- Participating State repositories will be authorized and required to make all unsealed criminal history records available in response to authorized noncriminal justice requests.
- All noncriminal justice access to the system will be through the FBI and the State repositories and will be based upon fingerprint identification of record subjects to ensure positive identification.
- Release and use of information obtained through the system for noncriminal justice purposes will be governed by the laws of the receiving States, and the receiving repositories will be required to screen record responses and delete any information that cannot be released legally within the State.
- The Compact will establish a compact council, composed of Federal and State officials and other members representing user interests, to establish operating policies for noncriminal justice uses of the III system.

Ratification of the Compact has not yet been made a condition of State participation in III. It is expected that all participating States will ratify the Compact since, in most States, the Compact will provide record dissemination authority now lacking under State laws.

The Importance of the National Crime Prevention and Privacy Compact

Ratification of the interstate Compact by the Congress and by the States is critical to further implementation of the decentralization phase of the III system for three main reasons:

Assured Record Availability

First, as the FBI's files of State criminal history records are decentralized, the FBI loses its ability to ensure that records will be available to the many agencies, including large Federal agencies, that are authorized by Federal law to obtain criminal history records for specified purposes. Such agencies will become dependent on records supplied by the State repositories, and there needs to be some means of assuring that these records will remain available for all authorized III users and purposes.

An interstate compact is the most effective means of providing such long-term assurances. Once in effect, a compact cannot unilaterally be amended in any material respect by any party. Such a party can only renounce the compact completely and renunciation of a compact that has been ratified by the States in reliance on mutual obligations solemnly undertaken by all of them would be an extremely serious undertaking for any State. For these reasons, a compact is preferable to uniform State laws or independent State legislative action as a means to bind the States to long-term III participation.

Uniform Interstate Dissemination Policy

Second, compacts supersede conflicting State laws; thus, ratification of the Compact by the States will have the effect of amending some of their record dissemination laws. The Compact amends the dissemination laws to the extent necessary to overcome existing restrictions that keep most State repositories from being able to participate in the III system as providers of records for noncriminal justice purposes. Further, after ratifying the Compact, no

State will be able to reinstitute any such restrictions by legislation because any such statute would be in conflict with the Compact and thus void.

Only one or two more States can participate in the NFF under existing legal authority. The others will need to amend their record dissemination laws and, for the reasons mentioned above, a compact is the best way to accomplish such amendments in a consistent and lasting manner.

Strong State Role

Finally, the States need assurances that they will have a policy voice sufficient to protect their interests as the III system evolves in the future. The FBI will maintain the III automated index and the NFF and will, therefore, be in a strong position to influence future developments affecting the system. However, since the records available through the system will be predominantly State-maintained records, the States need to be able to ensure that uses of those records will be consistent with their concerns in areas such as individual privacy, system security and data quality.

The Compact provides these assurances by establishing a policymaking council with authority to oversee the use of the III system for noncriminal justice purposes. A majority of the members of the council must be State officials selected by the participating States. Since the council will have authority to establish policy affecting some aspects of FBI operations, the Compact must be ratified by the U.S. Congress.

National Crime Prevention and Privacy Compact and Section-by-Section Analysis

Senate Bill 2022, which includes the Compact, was passed by Congress and signed into law by the president in October 1998.³ The section-by-section analysis of the Compact is a statement of Sen. Mike DeWine (R-OH), which was read into the October 16, 1998, edition of the *Congressional Record*.⁴

TITLE II—NATIONAL CRIMINAL HISTORY ACCESS AND CHILD PROTECTION ACT

Section 201. Short Title.

This title may be cited as the "National Criminal History Access and Child Protection Act".

Subtitle A—Exchange of Criminal History Records for Noncriminal Justice Purposes

Section 211. Short Title.

This subtitle may be cited as the "National Crime Prevention and Privacy Compact Act of 1998".

Section 212. Findings.

Congress finds that—

- (1) both the Federal Bureau of Investigation and State criminal history record repositories maintain fingerprint-based criminal history records;
- (2) these criminal history records are shared and exchanged for criminal justice purposes through a Federal-State program known as the Interstate Identification Index System;
- (3) although these records are also exchanged for legally authorized, noncriminal justice uses, such as governmental licensing and employment background checks, the purposes for and procedures by which they are exchanged vary widely from State to State;
- (4) an interstate and Federal-State compact is necessary to facilitate authorized interstate criminal history record exchanges for noncriminal justice

³ Title II of Pub. L. 105-251.

⁴ *Cong. Rec.* S12671-S12673 (daily ed. October 16, 1998) (statement of Sen. DeWine).

purposes on a uniform basis, while permitting each State to effectuate its own dissemination policy within its own borders; and

(5) such a compact will allow Federal and State records to be provided expeditiously to governmental and nongovernmental agencies that use such records in accordance with pertinent Federal and State law, while simultaneously enhancing the accuracy of the records and safeguarding the information contained therein from unauthorized disclosure or use.

Section 213. Definitions.

In this subtitle:

(1) ATTORNEY GENERAL.—The term "Attorney General" means the Attorney General of the United States.

(2) COMPACT.—The term "Compact" means the National Crime Prevention and Privacy Compact set forth in section 217.

(3) COUNCIL.—The term "Council" means the Compact Council established under Article VI of the Compact.

(4) FBI.—The term "FBI" means the Federal Bureau of Investigation.

(5) PARTY STATE.—The term "Party State" means a State that has ratified the Compact.

(6) STATE.—The term "State" means any State, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

Section 214. Enactment and Consent of the United States.

The National Crime Prevention and Privacy Compact, as set forth in section 217, is enacted into law and entered into by the Federal Government. The consent of Congress is given to States to enter into the Compact.

Section 215. Effect on Other Laws.

(a) PRIVACY ACT OF 1974.—Nothing in the Compact shall affect the obligations and responsibilities of the FBI under section 552a of title

5, United States Code (commonly known as the "Privacy Act of 1974").

(b) **ACCESS TO CERTAIN RECORDS NOT AFFECTED.**—Nothing in the Compact shall interfere in any manner with—

(1) access, direct or otherwise, to records pursuant to—

(A) section 9101 of title 5, United States Code;

(B) the National Child Protection Act;

(C) the Brady Handgun Violence Prevention Act (Public Law 103-159; 107 Stat. 1536);

(D) the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 2074) or any amendment made by that Act;

(E) the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); or

(F) the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); or

(2) any direct access to Federal criminal history records authorized by law.

(c) **AUTHORITY OF FBI UNDER DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION ACT, 1973.**—Nothing in the Compact shall be construed to affect the authority of the FBI under the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973 (Public Law 92-544 (86 Stat. 1115)).

(d) **FEDERAL ADVISORY COMMITTEE ACT.**—The Council shall not be considered to be a Federal advisory committee for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).

(e) **MEMBERS OF COUNCIL NOT FEDERAL OFFICERS OR EMPLOYEES.**—Members of the Council (other than a member from the FBI or any at-large member who may be a Federal official or employee) shall not, by virtue of such membership, be deemed—

(1) to be, for any purpose other than to effect the Compact, officers or employees of the United States (as defined in sections 2104 and 2105 of title 5, United States Code); or

(2) to become entitled by reason of Council membership to any compensation or benefit payable or made available by the Federal Government to its officers or employees.

Section 216. Enforcement and Implementation.

All departments, agencies, officers, and employees of the United States shall enforce the Compact and cooperate with one another and with all Party States in enforcing the Compact and effectuating its purposes. For the Federal Government, the Attorney General shall make such rules, prescribe such instructions, and take such other actions as may be necessary to carry out the Compact and this subtitle.

Section 217. National Crime Prevention and Privacy Compact.

The Contracting Parties agree to the following:

OVERVIEW

(a) **IN GENERAL.**—This Compact organizes an electronic information sharing system among the Federal Government and the States to exchange criminal history records for noncriminal justice purposes authorized by Federal or State law, such as background checks for governmental licensing and employment.

(b) **OBLIGATIONS OF PARTIES.**—Under this Compact, the FBI and the Party States agree to maintain detailed databases of their respective criminal history records, including arrests and dispositions, and to make them available to the Federal Government and to Party States for authorized purposes. The FBI shall also manage the Federal data facilities that provide a significant part of the infrastructure for the system.

ARTICLE I—DEFINITIONS

In this Compact:

(1) **ATTORNEY GENERAL.**—The term "Attorney General" means the Attorney General of the United States.

(2) **COMPACT OFFICER.**—The term “Compact Officer” means—

(A) with respect to the Federal Government, an official so designated by the Director of the FBI; and

(B) with respect to a Party State, the chief administrator of the State’s criminal history record repository or a designee of the chief administrator who is a regular full-time employee of the repository.

(3) **COUNCIL.**—The term “Council” means the Compact Council established under Article VI.

(4) **CRIMINAL HISTORY RECORDS.**—The term “criminal history records”—

(A) means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, or other formal criminal charges, and any disposition arising therefrom, including acquittal, sentencing, correctional supervision, or release; and

(B) does not include identification information such as fingerprint records if such information does not indicate involvement of the individual with the criminal justice system.

(5) **CRIMINAL HISTORY RECORD REPOSITORY.**—The term “criminal history record repository” means the State agency designated by the Governor or other appropriate executive official or the legislature of a State to perform centralized recordkeeping functions for criminal history records and services in the State.

(6) **CRIMINAL JUSTICE.**—The term “criminal justice” includes activities relating to the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice includes criminal identification activities and the collection, storage, and dissemination of criminal history records.

(7) **CRIMINAL JUSTICE AGENCY.**—The term “criminal justice agency”—

(A) means—

(i) courts; and

(ii) a governmental agency or any subunit thereof that—

(I) performs the administration of criminal justice pursuant to a statute or Executive order; and

(II) allocates a substantial part of its annual budget to the administration of criminal justice; and

(B) includes Federal and State inspectors general offices.

(8) **CRIMINAL JUSTICE SERVICES.**—The term “criminal justice services” means services provided by the FBI to criminal justice agencies in response to a request for information about a particular individual or as an update to information previously provided for criminal justice purposes.

(9) **CRITERION OFFENSE.**—The term “criterion offense” means any felony or misdemeanor offense not included on the list of nonserious offenses published periodically by the FBI.

(10) **DIRECT ACCESS.**—The term “direct access” means access to the National Identification Index by computer terminal or other automated means not requiring the assistance of or intervention by any other party or agency.

(11) **EXECUTIVE ORDER.**—The term “Executive order” means an order of the President of the United States or the chief executive officer of a State that has the force of law and that is promulgated in accordance with applicable law.

(12) **FBI.**—The term “FBI” means the Federal Bureau of Investigation.

(13) **INTERSTATE IDENTIFICATION SYSTEM.**—The term “Interstate Identification Index System” or “III System”—

(A) means the cooperative Federal-State system for the exchange of criminal history records; and

(B) includes the National Identification Index, the National Fingerprint File and, to the extent of their participation in such system, the criminal history record repositories of the States and the FBI.

(14) NATIONAL FINGERPRINT FILE.—The term "National Fingerprint File" means a database of fingerprints, or other uniquely personal identifying information, relating to an arrested or charged individual maintained by the FBI to provide positive identification of record subjects indexed in the III System.

(15) NATIONAL IDENTIFICATION INDEX.—The term "National Identification Index" means an index maintained by the FBI consisting of names, identifying numbers, and other descriptive information relating to record subjects about whom there are criminal history records in the III System.

(16) NATIONAL INDICES.—The term "National indices" means the National Identification Index and the National Fingerprint File.

(17) NONPARTY STATE.—The term "Nonparty State" means a State that has not ratified this Compact.

(18) NONCRIMINAL JUSTICE PURPOSES.—The term "noncriminal justice purposes" means uses of criminal history records for purposes authorized by Federal or State law other than purposes relating to criminal justice activities, including employment suitability, licensing determinations, immigration and naturalization matters, and national security clearances.

(19) PARTY STATE.—The term "Party State" means a State that has ratified this Compact.

(20) POSITIVE IDENTIFICATION.—The term "positive identification" means a determination, based upon a comparison of fingerprints or other equally reliable biometric identification techniques, that the subject of a record search is the same person as the subject of a criminal history record or records indexed in the III System. Identifications based solely upon a comparison of subjects' names or other nonunique identification characteristics or numbers, or combinations thereof, shall not constitute positive identification.

(21) SEALED RECORD INFORMATION.—The term "sealed record information" means—

(A) with respect to adults, that portion of a record that is—

(i) not available for criminal justice uses;

(ii) not supported by fingerprints or other accepted means of positive identification; or

(iii) subject to restrictions on dissemination for noncriminal justice purposes pursuant to a court order related to a particular subject or pursuant to a Federal or State statute that requires action on a sealing petition filed by a particular record subject; and

(B) with respect to juveniles, whatever each State determines is a sealed record under its own law and procedure.

(22) STATE.—The term "State" means any State, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

ARTICLE II—PURPOSES

The purposes of this Compact are to—

(1) provide a legal framework for the establishment of a cooperative Federal-State system for the interstate and Federal-State exchange of criminal history records for noncriminal justice uses;

(2) require the FBI to permit use of the National Identification Index and the National Fingerprint File by each Party State, and to provide, in a timely fashion, Federal and State criminal history records to requesting States, in accordance with the terms of this Compact and with rules, procedures, and standards established by the Council under Article VI;

(3) require Party States to provide information and records for the National Identification Index and the National Fingerprint File and to provide criminal history records, in a timely fashion, to criminal history record repositories of other States and the Federal Government for noncriminal justice purposes, in accordance with the terms of this Compact and with rules, procedures, and standards established by the Council under Article VI;

(4) provide for the establishment of a Council to monitor III System operations and to prescribe system rules and procedures for the effective and proper operation of the III System for noncriminal justice purposes; and

(5) require the FBI and each Party State to adhere to III System standards concerning record dissemination and use, response times, system security, data quality, and other duly established standards, including those that enhance the accuracy and privacy of such records.

ARTICLE III—RESPONSIBILITIES OF COMPACT PARTIES

(a) **FBI RESPONSIBILITIES.**—The Director of the FBI shall—

(1) appoint an FBI Compact officer who shall—

(A) administer this Compact within the Department of Justice and among Federal agencies and other agencies and organizations that submit search requests to the FBI pursuant to Article V(c);

(B) ensure that Compact provisions and rules, procedures, and standards prescribed by the Council under Article VI are complied with by the Department of Justice and the Federal agencies and other agencies and organizations referred to in Article III(1)(A); and

(C) regulate the use of records received by means of the III System from Party States when such records are supplied by the FBI directly to other Federal agencies;

(2) provide to Federal agencies and to State criminal history record repositories, criminal history records maintained in its database for the noncriminal justice purposes described in Article IV, including—

(A) information from Nonparty States; and

(B) information from Party States that is available from the FBI through the III System, but is not available from the Party State through the III System;

(3) provide a telecommunications network and maintain centralized facilities for the exchange of criminal history records for both criminal justice purposes and the noncriminal justice purposes described in Article IV, and ensure that the exchange of such records for criminal justice purposes has priority over exchange for noncriminal justice purposes; and

(4) modify or enter into user agreements with Nonparty State criminal history record repositories to require them to establish record request procedures conforming to those prescribed in Article V.

(b) **STATE RESPONSIBILITIES.**—Each Party State shall—

(1) appoint a Compact officer who shall—

(A) administer this Compact within that State;

(B) ensure that Compact provisions and rules, procedures, and standards established by the Council under Article VI are complied with in the State; and

(C) regulate the in-State use of records received by means of the III System from the FBI or from other Party States;

(2) establish and maintain a criminal history record repository, which shall provide—

(A) information and records for the National Identification Index and the National Fingerprint File; and

(B) the State's III System-indexed criminal history records for noncriminal justice purposes described in Article IV;

(3) participate in the National Fingerprint File; and

(4) provide and maintain telecommunications links and related equipment necessary to support the services set forth in this Compact.

(c) **COMPLIANCE WITH III SYSTEM STANDARDS.**—In carrying out their responsibilities under this Compact, the FBI and each Party State shall comply with III System rules, procedures, and standards duly established by the Council concerning record dissemination and use, response times, data quality, system security, accuracy, privacy protection, and other aspects of III System operation.

(d) **MAINTENANCE OF RECORD SERVICES.**—

(1) Use of the III System for noncriminal justice purposes authorized in this Compact shall be managed so as not to diminish the level of services provided in support of criminal justice purposes.

(2) Administration of Compact provisions shall not reduce the level of service available to authorized noncriminal justice users on the effective date of this Compact.

ARTICLE IV—AUTHORIZED RECORD DISCLOSURES

(a) **STATE CRIMINAL HISTORY RECORD REPOSITORIES.**—To the extent authorized by section 552a of title 5, United States Code (commonly known as the "Privacy Act of 1974"), the FBI shall provide on request criminal history records (excluding sealed records) to State criminal history record repositories for noncriminal justice purposes allowed by Federal statute, Federal Executive order, or a State statute that has been approved by the Attorney General and that authorizes national indices checks.

(b) **CRIMINAL JUSTICE AGENCIES AND OTHER GOVERNMENTAL OR NONGOVERNMENTAL AGENCIES.**—The FBI, to the extent authorized by section 552a of title 5, United States Code (commonly known as the "Privacy Act of 1974"), and State criminal history record repositories shall provide criminal history records (excluding sealed records) to criminal justice agencies and other governmental or nongovernmental agencies for noncriminal justice purposes allowed by Federal statute, Federal Executive order, or a State statute that has been approved by the Attorney General, that authorizes national indices checks.

(c) **PROCEDURES.**—Any record obtained under this Compact may be used only for the official purposes for which the record was requested. Each Compact officer shall establish procedures, consistent with this Compact, and with rules, procedures, and standards established by the Council under Article VI, which procedures shall protect the accuracy and privacy of the records, and shall—

(1) ensure that records obtained under this Compact are used only by authorized officials for authorized purposes;

(2) require that subsequent record checks are requested to obtain current information whenever a new need arises; and

(3) ensure that record entries that may not legally be used for a particular noncriminal justice purpose are deleted from the response and, if no information authorized for release remains, an appropriate "no record" response is communicated to the requesting official.

ARTICLE V—RECORD REQUEST PROCEDURES

(a) **POSITIVE IDENTIFICATION.**—Subject fingerprints or other approved forms of positive identification shall be submitted with all requests for criminal history record checks for noncriminal justice purposes.

(b) **SUBMISSION OF STATE REQUESTS.**—Each request for a criminal history record check utilizing the national indices made under any approved State statute shall be submitted through that State's criminal history record repository. A State criminal history record repository shall process an interstate request for noncriminal justice purposes through the national indices only if such request is transmitted through another State criminal history record repository or the FBI.

(c) **SUBMISSION OF FEDERAL REQUESTS.**—Each request for criminal history record checks utilizing the national indices made under Federal authority shall be submitted through the FBI or, if the State criminal history record repository consents to process fingerprint submissions, through the criminal history record repository in the State in which such request originated. Direct access to the National Identification Index by entities other than the FBI and State criminal history records repositories shall not be permitted for noncriminal justice purposes.

(d) **FEES.**—A State criminal history record repository or the FBI—

(1) may charge a fee, in accordance with applicable law, for handling a request involving fingerprint processing for noncriminal justice purposes; and

(2) may not charge a fee for providing criminal history records in response to an electronic request for a record that does not involve a request to process fingerprints.

(e) **ADDITIONAL SEARCH.**—

(1) If a State criminal history record repository cannot positively identify the subject of a record request made for noncriminal justice purposes, the request, together with fingerprints or other approved identifying information, shall be forwarded to the FBI for a search of the national indices.

(2) If, with respect to a request forwarded by a State criminal history record repository under paragraph (1), the FBI positively identifies the subject as having a III System-indexed record or records—

(A) the FBI shall so advise the State criminal history record repository; and

(B) the State criminal history record repository shall be entitled to obtain the additional criminal history record information from the FBI or other State criminal history record repositories.

ARTICLE VI—ESTABLISHMENT OF A COMPACT COUNCIL

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established a council to be known as the "Compact Council", which shall have the authority to promulgate rules and procedures governing the use of the III System for noncriminal justice purposes, not to conflict with FBI administration of the III System for criminal justice purposes.

(2) **ORGANIZATION.**—The Council shall—

(A) continue in existence as long as this Compact remains in effect;

(B) be located, for administrative purposes, within the FBI; and

(C) be organized and hold its first meeting as soon as practicable after the effective date of this Compact.

(b) **MEMBERSHIP.**—The Council shall be composed of 15 members, each of whom shall be appointed by the Attorney General, as follows:

(1) Nine members, each of whom shall serve a 2-year term, who shall be selected from among the Compact officers of Party States based on the recommendation of the Compact officers of all Party States, except

that, in the absence of the requisite number of Compact officers available to serve, the chief administrators of the criminal history record repositories of Nonparty States shall be eligible to serve on an interim basis.

(2) Two at-large members, nominated by the Director of the FBI, each of whom shall serve a 3-year term, of whom—

(A) 1 shall be a representative of the criminal justice agencies of the Federal Government and may not be an employee of the FBI; and

(B) 1 shall be a representative of the noncriminal justice agencies of the Federal Government.

(3) Two at-large members, nominated by the Chairman of the Council, once the Chairman is elected pursuant to Article VI(c), each of whom shall serve a 3-year term, of whom—

(A) 1 shall be a representative of State or local criminal justice agencies; and

(B) 1 shall be a representative of State or local noncriminal justice agencies.

(4) One member, who shall serve a 3-year term, and who shall simultaneously be a member of the FBI's advisory policy board on criminal justice information services, nominated by the membership of that policy board.

(5) One member, nominated by the Director of the FBI, who shall serve a 3-year term, and who shall be an employee of the FBI.

(c) **CHAIRMAN AND VICE CHAIRMAN.**—

(1) **IN GENERAL.**—From its membership, the Council shall elect a Chairman and a Vice Chairman of the Council, respectively. Both the Chairman and Vice Chairman of the Council—

(A) shall be a Compact officer, unless there is no Compact officer on the Council who is willing to serve, in which case the Chairman may be an at-large member; and

(B) shall serve a 2-year term and may be reelected to only 1 additional 2-year term.

(2) DUTIES OF VICE CHAIRMAN.—The Vice Chairman of the Council shall serve as the Chairman of the Council in the absence of the Chairman.

(d) MEETINGS.—

(1) IN GENERAL.—The Council shall meet at least once a year at the call of the Chairman. Each meeting of the Council shall be open to the public. The Council shall provide prior public notice in the Federal Register of each meeting of the Council, including the matters to be addressed at such meeting.

(2) QUORUM.—A majority of the Council or any committee of the Council shall constitute a quorum of the Council or of such committee, respectively, for the conduct of business. A lesser number may meet to hold hearings, take testimony, or conduct any business not requiring a vote.

(e) RULES, PROCEDURES, AND STANDARDS.—The Council shall make available for public inspection and copying at the Council office within the FBI, and shall publish in the Federal Register, any rules, procedures, or standards established by the Council.

(f) ASSISTANCE FROM FBI.—The Council may request from the FBI such reports, studies, statistics, or other information or materials as the Council determines to be necessary to enable the Council to perform its duties under this Compact. The FBI, to the extent authorized by law, may provide such assistance or information upon such a request.

(g) COMMITTEES.—The Chairman may establish committees as necessary to carry out this Compact and may prescribe their membership, responsibilities, and duration.

ARTICLE VII—RATIFICATION OF COMPACT

This Compact shall take effect upon being entered into by 2 or more States as between those States and the Federal Government. Upon subsequent entering into this Compact by additional States, it shall become effective among those States and the Federal Government and each Party State that has previously ratified it. When ratified, this Compact shall have the full force and effect of law within the ratifying jurisdictions. The form of ratification shall be in accordance with the laws of the executing State.

ARTICLE VIII—MISCELLANEOUS PROVISIONS

(a) RELATION OF COMPACT TO CERTAIN FBI ACTIVITIES.—Administration of this Compact shall not interfere with the management and control of the Director of the FBI over the FBI's collection and dissemination of criminal history records and the advisory function of the FBI's advisory policy board chartered under the Federal Advisory Committee Act (5 U.S.C. App.) for all purposes other than noncriminal justice.

(b) NO AUTHORITY FOR NONAPPROPRIATED EXPENDITURES.—Nothing in this Compact shall require the FBI to obligate or expend funds beyond those appropriated to the FBI.

(c) RELATING TO PUBLIC LAW 92-544.—Nothing in this Compact shall diminish or lessen the obligations, responsibilities, and authorities of any State, whether a Party State or a Nonparty State, or of any criminal history record repository or other subdivision or component thereof, under the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973 (Public Law 92-544) or regulations and guidelines promulgated thereunder, including the rules and procedures promulgated by the Council under Article VI(a), regarding the use and dissemination of criminal history records and information.

ARTICLE IX—RENUNCIATION

(a) IN GENERAL.—This Compact shall bind each Party State until renounced by the Party State.

(b) EFFECT.—Any renunciation of this Compact by a Party State shall—

(1) be effected in the same manner by which the Party State ratified this Compact; and

(2) become effective 180 days after written notice of renunciation is provided by the Party State to each other Party State and to the Federal Government.

ARTICLE X—SEVERABILITY

The provisions of this Compact shall be severable, and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the

constitution of any participating State, or to the Constitution of the United States, or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If a portion of this Compact is held contrary to the constitution of any Party State, all other portions of this Compact shall remain in full force and effect as to the remaining Party States and in full force and effect as to the Party State affected, as to all other provisions.

ARTICLE XI—ADJUDICATION OF DISPUTES

(a) **IN GENERAL.**—The Council shall—

(1) have initial authority to make determinations with respect to any dispute regarding—

(A) interpretation of this Compact;

(B) any rule or standard established by the Council pursuant to Article V; and

(C) any dispute or controversy between any parties to this Compact; and

(2) hold a hearing concerning any dispute described in paragraph (1) at a regularly scheduled meeting of the Council and only render a decision based upon a majority vote of the members of the Council. Such decision shall be published pursuant to the requirements of Article VI(e).

(b) **DUTIES OF FBI.**—The FBI shall exercise immediate and necessary action to preserve the integrity of the III System, maintain system policy and standards, protect the accuracy and privacy of records, and to prevent abuses, until the Council holds a hearing on such matters.

(c) **RIGHT OF APPEAL.**—The FBI or a Party State may appeal any decision of the Council to the Attorney General, and thereafter may file suit in the appropriate district court of the United States, which shall have original jurisdiction of all cases or controversies arising under this Compact. Any suit arising under this Compact and initiated in a State court shall be removed to the appropriate district court of the United States in the manner provided by section 1446 of title 28, United States Code, or other statutory authority.

NATIONAL CRIME PREVENTION AND PRIVACY COMPACT OF THE NATIONAL CRIMINAL HISTORY ACCESS AND CHILD PROTECTION ACT SECTION-BY-SECTION ANALYSIS

Section 211.—This section provides the short title of the Act.

Section 212.—This section sets forth the congressional findings upon which the Act is predicated. The section reflects congressional determinations that both the FBI and the states maintain fingerprint-based criminal history records and exchange them for criminal justice purposes and also, to the extent authorized by federal law and the laws of the various states, use the information contained in these records for certain noncriminal justice purposes. Although this system has operated for years on a reciprocal, voluntary basis, the exchange of records for noncriminal justice purposes has been hampered by the fact that the laws and policies of the states governing the noncriminal justice use of criminal history records and the procedures by which they are exchanged vary widely. A compact will establish a uniform standard for the interstate and federal-state exchange of criminal history records for noncriminal justice purposes, while permitting each state to continue to enforce its own record dissemination laws within its own borders. A compact will also facilitate the interstate and federal-state exchange of information by clarifying the obligations and responsibilities of the respective parties, streamlining the processing of background search applications and eliminating record maintenance duplication at the federal and state levels. Finally, the compact will provide a mechanism for establishing and enforcing uniform standards governing record accuracy and protecting the confidentiality and privacy interests of record subjects.

Section 213.—This section sets out definitions of key terms used in this subtitle. Definitions of key terms used in the compact are set out in Article I of the compact.

Section 214.—This section formally enacts the compact into federal law, makes the United States a party, and consents to entry into the Compact by the States.

Section 215.—This section outlines the effect of the Compact's enactment on certain other laws. First, subsection (a) provides that the Compact is deemed to have no effect on the FBI's obligations and responsibilities under the Privacy Act. The Privacy Act became effective in 1975, and can generally be characterized as a federal code of fair information practices regarding individuals. The Privacy Act regulates the collection, maintenance, use, and dissemination of personal information by the federal government. This Section makes clear that the Compact will neither expand nor diminish the obligations imposed on the FBI by the Privacy Act. All requirements relating to collection, disclosure and administrative matters remain in effect, including standards relating to notice, accuracy and security measures.

Second, enactment of the Compact will neither expand nor diminish the responsibility of the FBI and the state criminal history record repositories to permit access, direct or otherwise, to criminal history records under the authority of certain other federal laws (enumerated in subsection (b)(1)). These laws include the following:

The Security Clearance Information Act (Section 9101 of Title 5, United States Code) requires state and local criminal justice agencies to release criminal history record information to certain federal agencies for national security background checks.

The Brady Handgun Violence Prevention Act prescribes a waiting period before the purchase of a handgun may be consummated in order for a criminal history records check on the purchaser to be completed, and also establishes a national instant background check system to facilitate criminal history checks of firearms purchasers. Under this system, licensed firearms dealers are authorized access to the national instant background check system for purposes of complying with the background check requirement.

The National Child Protection Act of 1993 (42 U.S.C. § 5119a) authorizes states with appropriate state statutes to access and review state and federal criminal history records through the national criminal history background check system for the purpose of determining whether care providers for children, the elderly and the disabled have criminal histories bearing upon their fitness to assume such responsibilities.

The Violent Crime Control and Law Enforcement Act of 1994 authorizes federal and state civil courts to have access to FBI databases containing criminal history records, missing person records and court protection orders for use in connection with stalking and domestic violence cases.

The United States Housing Act of 1937, as amended by the Housing Opportunity Program Extension Act of 1996, authorizes public housing authorities to obtain federal and state criminal conviction records relating to public housing applicants or tenants for purposes of applicant screening, lease enforcement and eviction.

The Native American Housing Assistance and Self-Determination Act authorizes Indian tribes or tribally designated housing entities to obtain federal and state conviction records relating to applicants for or tenants of federally assisted housing for purposes of applicant screening, lease enforcement and eviction. Nothing in the Compact would alter any rights of access provided under these laws.

Subsection (b)(2) provides that the compact shall not affect any direct access to federal criminal history records authorized by law. Under existing legal authority, the FBI has provided direct terminal access to certain federal agencies, including the Office of Management and Budget and the Immigration and Naturalization Service, to facilitate the processing of large numbers of background search requests by these agencies for such purposes as federal employment, immigration and naturalization matters, and the issuance of security clearances. This access will not be affected by the compact.

Subsection (c) provides that the Compact's enactment will not affect the FBI's authority to use its criminal history records for noncriminal justice purposes under Public Law 92-544—the State, Justice, Commerce Appropriations Act of 1973. This law restored the Bureau's authority to exchange its identification records with the states and certain other organizations or entities, such as federally chartered or insured banking institutions, for employment and licensing purposes, after a federal district court had declared the FBI's practice of doing so to be without foundation. (See *Menard v. Mitchell*, 328 F. Supp. 718 (D.D.C. 1971)).

Subsection (d) provides that the Council created by the Compact to facilitate its administration is deemed not to be a federal advisory committee as defined under the Federal Advisory Committee Act. This provision is necessary since nonfederal employees will sit on the Compact Council together with federal personnel and the Council may from time to time be called upon to provide the Director of the FBI or the Attorney General with collective advice on the administration of the Compact. Without this stipulation, such features might cause the Council to be considered an advisory committee within the meaning of the Federal Advisory Committee Act. Even though the Council will not be considered an advisory committee for purposes of the Act, it will hold public meetings.

Similarly, to avoid any question on the subject, Subsection (e) provides that members of the Compact Council will not be deemed to be federal employees or officers by virtue of their Council membership for any purpose other than to effect the Compact. Thus, state officials and other nonfederal personnel who are appointed to the Council will be considered federal officials only to the extent of their roles as Council members. They will not be entitled to compensation or benefits accruing to federal employees or officers, but they could receive reimbursement from federal funds for travel and subsistence expenses incurred in attending council meetings.

Section 216.—This Section admonishes all federal personnel to enforce the Compact and to cooperate in its implementation. It also directs the U.S. Attorney General to take such action as may be necessary to implement the Compact within the federal government, including the promulgation of regulations.

Section 217.—This is the core of the subtitle and sets forth the text of the Compact:

Overview. This briefly describes what the Compact is and how it is meant to work. Under the Compact, the FBI and the states agree to maintain their respective databases of criminal history records and to make them available to Compact parties for authorized purposes by means of an electronic information sharing system established cooperatively by the federal government and the states.

Article I—Definitions. This article sets out definitions for key terms used in the Compact. Most of the definitions are substantially identical to definitions commonly used in federal and state laws and regulations relating to criminal history records and need no explanation. However, the following definitions merit comment:

(20) Positive Identification. This term refers, in brief, to association of a person with his or her criminal history record through a comparison of fingerprints or other equally reliable biometric identification techniques. Such techniques eliminate or substantially reduce the risks of associating a person with someone else's record or failing to find a record of a person who uses a false name. At present, the method of establishing positive identification in use in criminal justice agencies throughout the United States is based upon comparison of fingerprint patterns, which are essentially unique and unchanging and thus provide a highly reliable basis for identification. It is anticipated that this method of positive identification will remain in use for many years to come, particularly since federal and state agencies are investing substantial amounts of money to acquire automated fingerprint identification equipment and related devices which facilitate the capturing and transmission of fingerprint images and provide searching and matching methods that are efficient and highly accurate. However, there are other biometric identification techniques, including retinal scanning, voice-print analysis and DNA typing, which might be adapted for criminal record identification purposes. The wording of the definition contemplates that at some future time the Compact Council might authorize the use of one or more of these techniques for establishing positive identification, if it determines that the reliability of such technique(s) is at least equal to the reliability of fingerprint comparison.

(21) Sealed Record Information. Article IV, paragraph (b), permits the FBI and state criminal history record repositories to delete sealed record information when responding to an interstate record request pursuant to the Compact. Thus, the definition of "sealed" becomes important, particularly since state sealing laws vary considerably, ranging from laws that are quite restrictive in their application to others that are very broad. The definition set out here is intended to be a narrow one in keeping with a basic tenet of the Compact—that state repositories shall

release as much information as possible for interstate exchange purposes, with issues concerning the use of particular information for particular purposes to be decided under the laws of the receiving states. Consistent with the definition, an adult record, or a portion of it, may be considered sealed only if its release for noncriminal justice purposes has been prohibited by a court order or by action of a designated official or board, such as a State Attorney General or a Criminal Record Privacy Board, acting pursuant to a federal or state law. Further, to qualify under the definition, a court order, whether issued in response to a petition or on the court's own motion, must apply only to a particular record subject or subjects referred to by name in the order. So-called "blanket" court orders applicable to multiple unnamed record subjects who fall into particular classifications or circumstances, such as first-time non-serious drug offenders, do not fit the definition. Similarly, sealing orders issued by designated officials or boards acting pursuant to statutory authority meet the definition only if such orders are issued in response to petitions filed by individual record subjects who are referred to by name in the orders. So-called "automatic" sealing laws, which restrict the noncriminal justice use of the records of certain defined classes of individuals, such as first-time offenders who successfully complete probation terms, do not satisfy the definition, because they do not require the filing of individual petitions and the issuance of individualized sealing orders.

Concerning juvenile records, each state is free to adopt whatever definition of sealing it prefers.

Article II—Purposes. Five purposes are listed: creation of a legal framework for establishment of the Compact; delineation of the FBI's obligations under the Compact; delineation of the obligations of party states; creation of a Compact Council to monitor system operations and promulgate necessary rules and procedures; and, establishment of an obligation by the parties to adhere to the Compact and its related rules and standards.

Article III—Responsibilities of Compact Parties. This article details FBI and state responsibilities under the Compact and provides for the appointment of Compact Officers by the FBI and by party states. Compact officers shall have primary responsibility for ensuring the proper administration of the Compact within their jurisdictions.

The FBI is required to provide criminal history records maintained in its automated database for noncriminal justice purposes described in Article IV of the Compact. These responses will include federal criminal history records and, to the extent that the FBI has such data in its files, information from non-Compact States and information from Compact States relating to records which such states cannot provide through the III System. The FBI is also responsible for providing and maintaining the centralized system and equipment necessary for the Compact's success and ensuring that requests made for criminal justice purposes will have priority over requests made for noncriminal justice purposes.

State responsibilities are similar. Each Party State must grant other states access to its III system-indexed criminal history records for authorized noncriminal justice purposes and must submit to the FBI fingerprint records and subject identification information that are necessary to maintain the national indices. Each state must comply with duly established system rules, procedures, and standards. Finally, each state is responsible for providing and maintaining the telecommunications links and equipment necessary to support system operations within that state.

Administration of Compact provisions will not be permitted to reduce the level of service available to authorized criminal justice and noncriminal justice users on the effective date of the Compact.

Article IV—Authorized Record Disclosures. This article requires the FBI, to the extent authorized by the Privacy Act, and the state criminal history record repositories to provide criminal history records to one another for use by governmental or nongovernmental agencies for noncriminal justice purposes that are authorized by federal statute, by federal executive order, or by a state statute that has been approved by the U.S. Attorney General. Compact parties will be required to provide criminal history records to other compact parties for noncriminal justice uses that are authorized by law in the requesting jurisdiction even though the law of the responding jurisdiction does not authorize such uses within its borders. Further, the responding party must provide all of the criminal history record information it holds on the individual who is the subject of the request (deleting only sealed record information) and the law of the requesting jurisdiction will determine how much of the

information will actually be released to the noncriminal justice agency on behalf of which the request was made. This approach provides a uniform dissemination standard for interstate exchanges, while permitting each compact party to enforce its own record dissemination laws within its borders.

To provide uniformity of interpretation, state laws authorizing noncriminal justice uses of criminal history records under this article must be reviewed by the U.S. Attorney General to ensure that the laws explicitly authorize searches of the national indices.

Records provided through the III System pursuant to the Compact may be used only by authorized officials for authorized purposes. Compact officers must establish procedures to ensure compliance with this limitation as well as procedures to ensure that criminal history record information provided for noncriminal justice purposes is current and accurate and is protected from unauthorized release. Further, procedures must be established to ensure that records received from other compact parties are screened to ensure that only legally authorized information is released. For example, if the law of the receiving jurisdiction provides that only conviction records may be released for a particular noncriminal justice purpose, all other entries, such as acquittal or dismissal notations or arrest notations with no accompanying disposition notation, must be deleted.

Article V—Record Request Procedures. This article provides that direct access to the National Identification Index and the National Fingerprint File for purposes of conducting criminal history record searches for noncriminal justice purposes shall be limited to the FBI and the state criminal history record repositories. A noncriminal justice agency authorized to obtain national searches pursuant to an approved state statute must submit the search application through the state repository in the state in which the agency is located. A state repository receiving a search application directly from a noncriminal justice agency in another state may process the application through its own criminal history record system, if it has legal authority to do so, but it may not conduct a search of the national indices on behalf of such an out-of-state agency nor may it obtain out-of-state or federal records for such an agency through the III System.

Noncriminal justice agencies authorized to obtain national record checks under federal law or federal executive order, including federal agencies, federally chartered or insured financial institutions and certain securities and commodities establishments, must submit search applications through the FBI or, if the repository consents to process the application, through the state repository in the state in which the agency is located.

All noncriminal justice search applications submitted to the FBI or to the state repositories must be accompanied by fingerprints or some other approved form of positive identification. If a state repository positively identifies the subject of such a search application as having a III System-indexed record maintained by another state repository or the FBI, the state repository shall be entitled to obtain such records from such other state repositories or the FBI. If a state repository cannot positively identify the subject of a noncriminal justice search application, the repository shall forward the application, together with fingerprints or other approved identifying information, to the FBI. If the FBI positively identifies the search application subject as having a III System-indexed record or records, it shall notify the state repository which submitted the application and that repository shall be entitled to obtain any III System-indexed record or records relating to the search subject maintained by any other state repository or the FBI.

The FBI and state repositories may charge fees for processing noncriminal justice search applications, but may not charge fees for providing criminal history records by electronic means in response to authorized III System record requests.

Article VI—Establishment of Compact Council. This article establishes a Compact Council to promulgate rules and procedures governing the use of the III System for noncriminal justice purposes. Such rules cannot conflict with the FBI's administration of the III System for criminal justice purposes. Issues concerning whether particular rules or procedures promulgated by the Council conflict with FBI authority under this article shall be adjudicated pursuant to Article XI.

The Council shall consist of 15 members from compact states and federal and local criminal justice and noncriminal justice agencies. All members shall be appointed by the U.S. Attorney General. Council members shall elect a Council Chairman and Vice Chairman, both of whom shall be compact officers unless there are no compact officers on the Council who are willing to serve, in which case at-large members may be elected to these offices.

The 15 Council members include nine members who must be state compact officers or state repository administrators, four at-large members representing federal, state and local criminal justice and noncriminal justice interests, one member from the FBI's advisory policy board on criminal justice information services and one member who is an FBI employee. Although, as noted, all members will be appointed by the U.S. Attorney General, they will be nominated by other persons, as specified in the Compact. If the Attorney General declines to appoint any person so nominated, the Attorney General shall request another nomination from the person or persons who nominated the rejected person. Similarly, if a Council membership vacancy occurs, for any reason, the Attorney General shall request a replacement nomination from the person or persons who made the original nomination.

Persons who are appointed to the Council who are not already federal officials or employees shall, by virtue of their appointment by the Attorney General, become federal officials to the extent of their duties and responsibilities as Council members. They shall, therefore, have authority to participate in the development and issuance of rules and procedures, and to participate in other actions within the scope of their duties as Council members, which may be binding upon federal officers and employees or otherwise affect federal interests.

The Council shall be located for administrative purposes within the FBI and shall have authority to request relevant assistance and information from the FBI. Although the Council will not be considered a Federal Advisory Committee (see Section 215(d)), it will hold public meetings and will publish its rules and procedures in the Federal Register and make them available for public inspection and copying at a Council office within the FBI.

Article VII—Ratification of Compact. This article states that the Compact will become effective immediately upon its execution by two or more states and the United States Government and will have the full force and effect of law within the ratifying jurisdictions. Each state will follow its own laws in effecting ratification.

Article VIII—Miscellaneous Provisions. This article makes clear that administration of the Compact shall not interfere with the authority of the FBI Director over the management and control of the FBI's collection and dissemination of criminal history records for any purpose other than noncriminal justice. Similarly, nothing in the Compact diminishes a state's obligations and authority under Public Law 92-544 regarding the dissemination or use of criminal history record information (see analysis of Section 214, above). The Compact does not require the FBI to obligate or expend funds beyond its appropriations.

Article IX—Renunciation. This article provides that a state wishing to end its obligations by renouncing the Compact shall do so in the same manner by which it ratified the Compact and shall provide six months' advance notice to other compact parties.

Article X—Severability. This article provides that the remaining provisions of the Compact shall not be affected if a particular provision is found to be in violation of the Federal Constitution or the constitution of a party state. Similarly, a finding in one state that a portion of the Compact is legally objectionable will have no effect on the viability of the Compact in other Party States.

Article XI—Adjudication of Disputes. This article vests initial authority in the Compact Council to interpret its own rules and standards and to resolve disputes among parties to the Compact. Decisions are to be rendered upon majority vote of Council members after a hearing on the issue. Any Compact party may appeal any such Council decision to the U.S. Attorney General and thereafter may file suit in the appropriate United States district court. Any suit concerning the compact filed in any state court shall be removed to the appropriate federal district court.

Section III: Correspondence



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 23, 1997

The Honorable Newt Gingrich
Speaker
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

Enclosed is a legislative proposal to provide congressional approval of the National Crime Prevention and Privacy Compact ("Compact"). This Compact will allow for decentralized and more efficient exchange of criminal history records for noncriminal-justice purposes among the states and the federal government.

Currently, arrest fingerprint cards are submitted to the FBI by Federal, State, and local agencies on a voluntary basis. Law enforcement agencies, primarily local police and sheriffs' offices, maintain a system of records specific to their state or locality and submit duplicate prints of arrested and charged persons to the FBI to receive information on an individual's prior nationwide criminal history. The FBI reports its findings and maintains the fingerprint card, along with the accompanying data, in its criminal-history files. The FBI has maintained a duplicate set of criminal-history records since 1924 and today has over 200 million fingerprint cards on file.

Use of fingerprint-based criminal-history record information for noncriminal-justice purposes is increasingly in demand. This bill would do nothing to expand or diminish the noncriminal-justice purposes for which criminal history records may be used; it is merely intended to facilitate their exchange in a more efficient and effective manner. Specifically, this Compact would establish both a legal framework for the cooperative exchange of criminal-history records for noncriminal-justice purposes, and a Compact Council to monitor system operations and promulgate necessary rules and procedures.

The primary goal of the Compact is to provide a decentralized national records system that will provide at least the same level of service as the existing centralized FBI record system at reduced cost. The Compact will use the same electronic criminal history record information sharing system for noncriminal-justice purposes that is currently employed for criminal justice purposes. The necessity for duplicate records at the Federal level will be eliminated, and states will no longer need to send the FBI duplicate sets of fingerprints for an individual's second or subsequent arrest.

Subsequent inquiries regarding an individual will automatically produce an index of the states in which that individual has a criminal record. Implementation of the Compact will permit a requesting state to access directly another state's records electronically so long as it is seeking the information based on fingerprint identification for a noncriminal-justice purpose authorized under its own laws and Federal law.

The savings associated with decentralization of criminal history records maintenance are significant. The savings arise from avoiding the costs of processing fingerprint cards and related data maintenance at both the Federal and State levels. In addition, the Compact is expected to provide a higher level of data quality. Currently, in some instances disposition information is not submitted to the FBI by the States. Without complete dispositions, the utility of record information included in the centralized record system is somewhat limited as many uses rely on the conviction data. Various studies by the FBI and others have shown that state records are often more complete than those of the FBI.

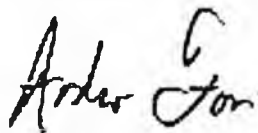
The Compact was prepared by the Criminal Justice Information Services (CJIS) Advisory Policy Board with FBI support. The CJIS Board is chartered under the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) to advise the Director of the FBI on policies addressing information systems. It has 29 members and is made up primarily of senior policy-level officials from federal, state and local criminal justice agencies. In addition, Attorneys General in both Democratic and Republican Administrations have approved the concept of the Compact.

The Compact Clause of the Constitution, Article I, Section 10, Clause 3, generally requires congressional consent for agreements or compacts among the states. While we do not believe that congressional approval is constitutionally mandated in this instance because the United States will be a party to the Compact, we believe that congressional approval, whether constitutionally mandated or not, will be an important factor in achieving the goals of the Compact.

The office of Management and Budget advises that submission of this proposed legislation is consistent with the Administration's program. An identical letter and enclosures have been forwarded to the President of the Senate.

We urge prompt congressional consideration of this important legislation.

Sincerely,

A handwritten signature in cursive script that reads "Andrew Fois". The signature is written in dark ink and is positioned above the typed name.

Andrew Fois
Assistant Attorney General

Enclosures



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 23, 1997

The Honorable Albert Gore, Jr.
President
United States Senate
Washington, D.C. 20510

Dear Mr. President:

Enclosed is a legislative proposal to provide congressional approval of the National Crime Prevention and Privacy Compact ("Compact"). This Compact will allow for decentralized and more efficient exchange of criminal history records for noncriminal-justice purposes among the states and the federal government.

Currently, arrest fingerprint cards are submitted to the FBI by Federal, State, and local agencies on a voluntary basis. Law enforcement agencies, primarily local police and sheriffs' offices, maintain a system of records specific to their state or locality and submit duplicate prints of arrested and charged persons to the FBI to receive information on an individual's prior nationwide criminal history. The FBI reports its findings and maintains the fingerprint card, along with the accompanying data, in its criminal-history files. The FBI has maintained a duplicate set of criminal-history records since 1924 and today has over 200 million fingerprint cards on file.

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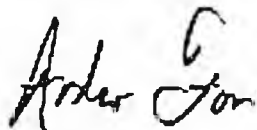
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We urge prompt congressional consideration of this important legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Andrew Fois".

Andrew Fois
Assistant Attorney General

Enclosures

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FISCAL NOTE

Bill Version: HB 292

(H) Publish Date: 1/21/00

**STATE OF ALASKA
1999 LEGISLATIVE SESSION**

Revision Date/ Title: National Crime Prevention and Privacy Compact Dept. Affected: Public Safety
 BRU: Statewide Support
 Component: Administrative Services
 Sponsor: Rules Committee
 Requester: Governor Component Serial No.: 525

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
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						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY00) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will not adversely impact the budget.

Prepared by: Royce Weller, Special Assistant Phone: 465-4322
 Division: Office of the Commissioner Date/Time: 12/1/99 8:56 AM
 Approved by Commissioner: Ronald L. Otte Date: 12-1-99
 Agency: Department of Public Safety

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HB

297

(7)

HOUSE COMMITTEE REPORT

Date Referred to Committee: February 18, 2000

FURTHER REFERRALS:

Date of Committee Action: 3/16/00

The STATE AFFAIRS Committee considered:

HB 297

HOUSE BILL NO. 297

CERTIFICATE OF NEED PROGRAM

"An Act relating to the certificate of need program; and providing for an effective date."

recommends it be replaced with the following committee substitute CSHB 297 (STA) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____

fiscal note(s) HSS

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Janette James</i>	✓			
<i>Hal Sullivan</i>			✓	
<i>Bob ...</i>			✓	
<i>Beel ...</i>	✓			
<i>M. ...</i>			✓	

CHAIR'S SIGNATURE *Janette James*

ALASKA STATE LEGISLATURE

REPRESENTATIVE
JEANNETTE JAMES
PO Box 56622
North Pole, Alaska 99705
(907) 488-1546
FAX (907) 488-4271



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-3743
FAX (907) 465-2381

House of Representatives
House District 34

Sponsor Statement

HB 297 Certificate of Need

3/15/00

In 1976 the federal government enacted a law requiring all states to have a Certificate of Need (CON) program. The process was intended to keep down health care costs by limiting construction of health care facilities and the acquisition of expensive medical equipment. The federal government determined that the law did not produce the desired results and it was repealed in 1982. Legislation repealing and amending CON laws are now being considered in many states.

Alaska's certificate of need law was amended in 1983 to establish a threshold of one million dollars on intended capital expenditures before a CON is necessary. Originally, HB 297 raised that threshold to seven million dollars.

The question of what to do with Alaska's CON program is a very controversial one, though all parties agree the goal is to provide good health care at a reasonable price.

The current version of HB 297 is quite different from the original, because after a great deal of discussion we have found a solution to the immediate problem without raising the \$1,000,000 floor.

This version allows relocation of a health care facility to a new site in the same community without a C.O.N. as long as there is no increase in the services offered.

It disallows use of the vacated site for another health care facility without a C.O.N.

All parties still admit that Alaska's Certificate of Need process needs a thorough examination and possible changes, and I am committed to spending the next two years doing that.

CS FOR HOUSE BILL NO. 297(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 2/18/00

Referred: State Affairs

Sponsor(s): REPRESENTATIVES JAMES, Rokeberg, Kott

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the certificate of need program; and providing for an
2 effective date."

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

4 * Section 1. AS 18.07.031(a) is amended to read:

5 (a) A person may not make an expenditure of

6 (1) \$7,000,000 [\$1,000,000] or more for any of the following unless
7 authorized under the terms of a certificate of need issued by the department:

8 (A) [(1)] construction of a health care facility that is not a
9 nursing home;

10 (B) [(2)] alteration of the bed capacity of a health care facility
11 that is not a nursing home; or

12 (C) [(3)] addition of a category of health services provided by
13 a health care facility that is not a nursing home;

14 (2) \$1,000,000 or more for any of the following unless authorized

1 under the terms of a certificate of need issued by the department:

2 (A) construction of a health care facility that is a nursing
3 home;

4 (B) alteration of the bed capacity of a health care facility
5 that is a nursing home; or

6 (C) addition of a category of health services provided by a
7 health care facility that is a nursing home.

8 * Sec. 2. AS 18.07.031(c) is amended by adding a new subsection to read:

9 (c) In determining the expenditure threshold in (a) of this section, the
10 department may consider only the estimated costs associated with the excavation,
11 erection, building, alteration, reconstruction, improvement, extension, or modification
12 of the health care facility under this chapter, and the lease or purchase of equipment,
13 necessary furnishings, and ancillary requirements for the health care facility, but may
14 not consider the estimated costs of associated facilities such as the offices of health
15 care professionals maintaining a private practice that are incorporated into or are made
16 part of the health care facility.

17 * Sec. 3. AS 18.07.111 is amended by adding a new paragraph to read:

18 (10) "nursing home" has the meaning given in AS 08.70.180.

19 * Sec. 4. The uncodified law of the State of Alaska is amended by adding a new section
20 to read:

21 APPLICABILITY. AS 18.07.031(a), as amended by sec. 1 of this Act, applies to an
22 activity listed in AS 18.07.031 even if a certificate of need for the activity is pending on the
23 day before the effective date of this Act.

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

FISCAL NOTE

NO. 1

STATE OF ALASKA
2000 LEGISLATIVE SESSION

Bill Ver: CSHB 297 (HES)
(H) Publish Date: 2/18/00

Revision Date/Time (Note if correction):
Title: An Act relating to the certificate of need program
Sponsor: James
Requestor: House (HES)

Dept. Affected: Health and Social Services
BRU: Medical Assistance
Component: Medicaid Services
COMPONENT SERIAL NO. 2077
See also (SN#):

Expenditures/Revenues: (Thousands of Dollars)
Note: Amounts do not include inflation unless otherwise noted below.

OPERATING	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	***	***	***	***	***	***

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

CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	***	***	***	***	***	***

Estimate of any current year (FY2000) cost: \$0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The certificate of need program is a planning and cost saving program designed to ensure that the Alaskan health care system develops in an efficient and cost-effective way and to avoid unnecessary costs to the state and health care consumers by precluding construction of duplicative or unnecessary projects.

CS HB 297 will increase the financial threshold for requiring a certificate of need for acute care health facilities and medical equipment from \$1,000,000 to \$7,000,000.

The \$7,000,000 threshold will assure that major health care projects, e.g., replacement of a community hospital, will continue to be subject to the certificate of need requirement.

Prepared by: Elmer A. Lindstrom, Special Assistant
Division: Office of the Commissioner
Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: 465-1613
Date/Time: 2/10/00 1:18 PM
Date: 2/10/00

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ANALYSIS (cont.):

Smaller projects, e.g., many pieces of major medical equipment or construction of some outpatient facilities will no longer require a certificate of need.

Short Term Impacts

To the extent that the higher threshold results in the construction of health care facilities which create excess health care capacity in a community, the Medicaid program would likely incur additional costs which would not otherwise be incurred. The impact on the Medicaid budget will depend on the location, cost, and date new projects are brought online. The Department lacks sufficient detailed information about the universe of possible projects to provide a credible and concrete estimate of these potential costs.

Long Term Impacts

The longer-term fiscal impacts of increased health care competition in a community are extremely difficult to predict. Excess capacity, where it exists, may be absorbed by population increases over time. Increased competition may result in other cost efficiencies within the community health system. The results of increased competition will likely result in different outcomes in different communities over time. Again, the Department lacks sufficient community-specific information to determine the fiscal impact of these longer-term impacts on the Medicaid budget.

HB

299



REPRESENTATIVE SCOTT OGAN

Alaska State Legislature

House District 27 • Palmer • Greater Palmer • Sutton • Chickaloon • Sheep Mountain

*** For Immediate Release ***

01/19/2000

Legislation To Fix Pioneer Home Rates

House Bill 299, to prevent further agency increases in Pioneer Home rates except through legislation, was introduced by Representative Scott Ogan. "I have visited with many residents who were told what their costs would be, only to have them raised. Most of these folks have made the commitment on where to live out their days and really do not have other options. They deserve a rate they can trust."

Under Ogan's bill, only the Legislature could change the rates. "If there is a need to raise rates it should be brought before the Legislature. If the legislature is persuaded to increase a rate it should be applied to those admitted after the increase, not before."

Ogan is concerned with rate increases that weigh on the minds of those in the homes. "Our homes have changed from primarily residential to long term care and with that change should come a higher level of protection. I just don't want folks already seriously challenged to constantly worry about rate increases," said Ogan. "We set education funding levels in the Legislature for a reason and we should provide the same careful stewardship for our Pioneer Home rates."

###

2221 Egan Ave, Box 115
Fairbanks, Alaska 99701
February 26th, 2000

Rep. Janette James
Chrm. House State Affairs Committee Rm 102
Juneau, Alaska, 99801

Dear Rep. Janette James,

H-B-299, introduced by Rep. Scott Ogan, was discussed at the February 25th Resident Council meeting at the Fairbanks' Pioneers' Home - the Council authorized me to write this letter expressing gratitude to Rep. Ogan for addressing Senior concerns about rate increases. We urge you to schedule a hearing as soon as possible and we urge you to move H-B-299 out of committee.

Please distribute a copy of this letter and accompanying signature sheet to each member of the House State Affairs Committee.

Respectfully Yours,
Charles A. Swain

The undersigned residents of the Fairbanks
Pioneers' Home urge you to have a hearing for
H.B. 299 and we urge you to move it out of
committee as soon as possible.

Frances A. Swain
Claude E. Swain
Ray Rybo
Mathilde E. Link
Helen L. Douglass
Jeanne A. Silides
Leo Schestfest
June M. Stanfield
Ruth L. Olson
Nellie A. Lanstra
Francis P. Baker
M. J. Miller
C. Elizabeth Pekman
Rosa Lamson
Robert E. Davis
Robert W. Wilker
Dorcas J. Hoch
Marie M. Killian
Mildred Matthews, Ph.V.
Clara M. Anderson
Dorothy Marie Sage
Roberta Stout

Ella G. Mauer
R. C. Richards
Richardson Soepa
Robert H. Hart
G. O. Stenquist
Marie S. King
Lorraine P. Davis
L. R. Cunningham, D.D.S.
Lillian King
Catherine Fulton



REPRESENTATIVE SCOTT OGAN

Alaska State Legislature

House District 27 • Palmer • Greater Palmer • Sutton • Chickaloon • Sheep Mountain

MEMORANDUM

DATE: February 21, 2000

TO: Representative Jeanette James
Chairman, State Affairs Committee

FROM: Representative Scott Ogan

SUBJECT: Hearing Requests

Since we are both strong supporters of the "public process", I am once again requesting that HJR 49 and HB 299 be placed on the calendar in State Affairs.

Let's give the public process that we both honor an opportunity to work.

*Thanks,
Scott*



REPRESENTATIVE SCOTT OGAN

Alaska State Legislature

House District 27 • Palmer • Greater Palmer • Sutton • Chickaloon • Sheep Mountain

Memorandum

To: Representative James / Chair of State Affairs

From: Representative Scott Ogan

Date: January 29, 2000

Re: HB 299 / Pioneer Home Rates

It would be most appreciated if you could help me move this bill for Seniors out of your committee as soon as possible. HB -299 prevents agencies from raising Pioneer Home rates absent legislative consent. After many rate increases and violations of agreements our Pioneers have made it is time to end the stress on these folks.

The bill has been given 3 referrals so your expeditious treatment would be most beneficial to its passage.

Thank you.

(no subject)

Subject: (no subject)
Date: Mon, 21 Feb 2000 10:15:07 -0900
From: Linda Hay <Linda_Hay@legis.state.ak.us>
Organization: Alaska State Legislature
To: Barbara Cotting <Barbara_Cotting@legis.state.ak.us>

Here is the information for the letter I gave you on HB299.

Mrs. Claude E. Swaim
2221 Egan Avenue
Fairbanks, AK. 99701
907-479-6756

She left this message on our phone Friday afternoon.

Thanks and yes I did notice we were the only people in the US working today!

Linda Hay

February 18 - 2000

Dear Representative Scott Ogan:

Please inform me if I should send a copy of this letter to anyone — If so, to whom?

I would send it with a cover letter saying:

Today my husband and I read, with interest, Scott Ogan's press release on H. B. - 299.

For the past three years I have expressed concern over the rate increases at several hearings. Apparently others throughout the state have also. We are pleased that Representative Ogan is responding. We urge you to move the bill out of committee with a recommendation to pass.

I send a copy of a letter we sent to Mr. Kohn in April of '99. One of the issues we addressed was the cost increases and we asked him, "How would you like that?" We ask you the same thing.

Respectfully,

Mrs. Claude Sussner

2221 Eagan Ave Box 115
Fairbanks, Alaska 99701
April 17, 1999-

Dear Mr Kohn,

I write in response to your letter of March 19th, 1999 addressed to my husband, Claude Savin.

My husband, Claude, and I moved to the Fairbanks Pioneer Home in January of 1996. - At that time our rent was \$1595 - three years later it is \$2680 - that's a monthly increase of \$1085 (in July it will increase \$400 more) Furthermore, during that time my husband's level of care was reduced from Basic Assisted Living to Coordinated care so he is receiving less care. During this same period our Government monthly Civil Service and Social Security payments reflected a Cost of living allowance increase of \$84.72 How would you like that?

My husband is on a number of medications and we were very happy when for five months plus we received medications from the Pioneer Home Pharmacy at a substantial saving - now we receive a letter from you saying that benefit has been withdrawn. How would you like that? - - - - - It says to us that you are discouraging residents from any independency - If we were to ask a nurse to give us medications, we could save with the State

pharmacy program, but management ~~is~~ ^{is} ^{not} ⁱⁿ ^{the} ^{assisted} ^{living} ^{category} and charge us an additional \$1620.00 each month. That's ridiculous! How would you like that?

I am younger than my husband and I'm still involved in several community activities. Sometimes I am away during the lunch hour. One of our sons works approximately 1/2 mile from the Pioneer Home. If he comes to eat lunch with his father on the days I am absent, we pay for my reserved meal plus a guest meal for our son.

My husband and I take vacation trips each year, being gone sometimes for three or four weeks. We have no problem with full pay for our rooms but we think a discount is in order for the cost of meals not served. How would you like that?

On March 31st a big rambunctious Rasky dog that was leashed to a lamp post along an entrance sidewalk to the Pioneer Home jumped up on my husband, knocking him down and breaking his left femur. We don't blame management, but nevertheless, the accident was caused by a life threatening hazard on the Pioneer Home grounds. My husband is 96 years old and the bone

repair and cardiac arrest that followed the surgery have been very hard on him -- How would you like that?

I have attended Resident Council meetings at the Pioneer Home. There, I've heard residents say they have written to you but received no reply.

The last paragraph of the letter you sent my husband invites questions. An invitation for questions, I think, implies a reply. We will expect a direct answer from you letting us know how you would like:

1. To be cut off from the Pioneer Home Pharmacy, just because you could take your own medicines?
2. A Government raise of \$1085.00 for your monthly rent compared to a government cost of living monthly allowance increase of \$84.72?
3. To be charged for meals when you are absent from the Home for an extended time?
4. To have your life endangered by a big dog at the Pioneer Home? Our Dr. states that my husband's survival so far is a miracle. To date it's been a painful experience and his quality of life has probably been adversely affected for the balance of his life.

We have high praise for the staff and
for the care we receive at the *Franklin* Business
Home -

Our major complaints concern the directives
that come from *Jensen* -

Respectfully yours,
Mrs Claude E. Larson.

2-18-2000

Mr Kohn did reinstate
Claude in State Pharmacy
Program -

2221 Egan Ave Box 115
Fairbanks, Ak 99701
March 2, 2000

Rep. Janette James
Chair, House State of Affairs Committee Rm 112
Juneau, Alaska 99801

Dear Representative Janette James,

The Fairbanks Pioneers Home Family Council met
last night - I send a signature sheet of
those in attendance who strongly support HB-299
and want it to move out of committee.

Respectfully yours
Francis A. Swain

Post-It [®] Fax Note	7671	Date	3/2/00	# of pages	2
To	Rep. James	From	FAKS LIO		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	465-2381	Fax #			

We, the undersigned, urge you to schedule a hearing for H.B. 299 and we urge you to move it out of committee as soon as possible.

Dorothy Diste

Ruth E. Storbeck

Mary Wegmiller

Norma E. Richards

Mary Margaret Davis

Frieda M. Peters

John M. Peters & P.O.A. (Frieda Peters)

Shirley Watson

Chris Hayes

Jamara Hornbuckle

Michelle Thomas

Danette Scott

Condon Dow

Sharon McLeod, Everett

Virginia E. Davidson

FEB 24 2000

2-22-00

-Dear Rep. Egan,

We support your efforts in the proposed legislation to curtail yearly rate increases for the state Pension Home, House Bill 299.

The rate increases make it very difficult for families & residents of these homes.

Thank you for your concern & efforts in this matter.

Also, do hope the other Valley legislators will support this bill.

Sincerely,

Willard T. Tuberson, Director

Box 520365, Big Lake, MN 55657

40299

Letters to the Editor

Anchorage Daily News

Letters
Published
Wednesday
February 23,
2000

Tuesday
February 22, 2000

Monday
February 21, 2000

Sunday
February 20, 2000

Saturday
February 19, 2000

Friday
February 18, 2000

Thursday
February 17, 2000

Wednesday
February 16, 2000

Publication
Policy

How to submit a
letter

Home

Back break for pioneers
Halt intrusion on space
News stifles Civil War rebuttal
Cast a vote for our youth
Time for state to listen
Sue or stay out. district
Failure may pay off
We're paying for failure
Separate conduct. grade issues
Remedies must be lawful
Larson. Lincoln taught how
Letter gets failing grade

Back break for pioneers

[\[Top\]](#) | [\[Next\]](#)

I see where Rep. Scott Ogan has introduced a bill that would freeze what the residents pay now in the Pioneers' Homes. We all wish him the best of luck (approximately 700 of us).

I am not sure that the general public knows that there is a governor's advisory board consisting of citizens from all over the state - Fairbanks, Wasilla, Ketchikan, etc. Their duty is to advise the governor on issues pertaining to the six Pioneers' Homes. One thing that residents of all the homes dislike is that the board advised the governor to raise the cost of living in the homes \$200 on the first of July each year. This is being done - "taxation without representation."

When I moved into the Palmer Pioneers' Home in October 1986, I paid \$375 a month. I realize that was a real bargain, as my wife needed special care - which she received. I was paying \$750 a month for the two of us. No one told either one of us that the rates would be going up each month. I think that was a form of

entrapment. Now, living in the Palmer Pioneers' Home as a widower, I pay \$1,478.22 a month. Do I eagerly look forward to having this go up \$200 a month on July 1, 2000? None of us do.

I would hope that the legislators would see the light and go along with Rep. Scott Ogan. I know that Rep. Vic Kohring, Sen. Lyda Green and Sen. Rick Halford will back Rep. Ogan's bill. Hopefully they all will.

- Ed S. Lynch

Palmer Pioneers' Home

Halt intrusion on space

[\[Top\]](#) | [\[Next\]](#)

Far North Bicentennial Park is a very special place. Solitude and beauty. A home for wildlife. Forests that purify our waters. Open spaces that feed the soul.

A small group of individuals wants to privatize (de facto) this valuable public park land by expanding the Hilltop Ski Area. More lights. More noise. More snow fog. Less forest. Less wildlife. Less peace. With every cut of the knife into the park, Anchorage bleeds a little more. The Far North Bicentennial Park is dying a death by a thousand cuts.

The reason given for the "expansion" is to reduce long lift lines, a hyperbolic claim, while even if true, is solvable by a faster lift system. Boosters claim the expansion is needed for Anchorage youth. But there is a lesson here far more important than skiing and snowboarding. What does frivolous ski development really teach kids? That waiting five minutes is more important than protecting and preserving our park lands? What of the values we ought to teach to our kids - about sharing, living within our means and protecting the environment for future generations?

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB299

Revision Date/Time (Note if correction) _____ Dept. Affected Administration
 Title _____ BRU Alaska Longevity Programs
 "An Act relating to rates charged in a Pioneers' Home." _____ Component Pioneers' Homes
 Sponsor Rep. Scott Ogan
 Requester (H) STA _____ Component No. 1950

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
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						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()	(1,275.0)	(1,493.0)	(1,543.0)	(1,543.0)	(1,543.0)	(1,543.0)
-------------------------------	------------------	------------------	------------------	------------------	------------------	------------------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,275.0	1,493.0	1,543.0	1,543.0	1,543.0	1,543.0
1005 GF/Program Receipts	(1,275.0)	(1,493.0)	(1,543.0)	(1,543.0)	(1,543.0)	(1,543.0)
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 299 rolls back Pioneers' Home rate increases to July, 1998 (FY 1999). A comparison between the present FY 2000 rate and the rate proposed in HB 299 is as follows, resulting in a revenue loss to the state:

HB 299 Proposed Monthly Rates	Present Rates (FY 2000)
Coordinated Services: \$1,340	\$1,540
Basic Assisted Living: \$2,150	\$2,580
Enhanced AL: \$2,730	\$3,315
ADRD: \$2,815	\$3,430
Comprehensive: \$3,395	\$4,160

Prepared by: James Kohn, Director Phone 465-2159
 Division AK Longevity Programs Date/Time _____
 Approved by Commissioner - Robert Poe, Jr. *[Signature]* Date 3/8/00 *[Signature]*
 Agency Dept. of Administration

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Pioneers' Homes Rate History

Effective Date	Coordinated Services	Basic Assisted Living	Enhanced Assisted Living	Alzheimer's & Dementia Related Disorders	Comprehensive Services
July 1996	\$934	\$1,289	\$1,553	\$1,579	\$1,864
July 1997	\$1,140	\$1,720	\$2,140	\$2,200	\$2,630
July 1998	\$1,340	\$2,150	\$2,730	\$2,815	\$3,395
July 1999	\$1,540	\$2,580	\$3,315	\$3,430	\$4,160

Notes : July 1996 was the first rate increase in the Pioneers' Homes Advisory Boards seven year plan to move charging Pioneers' Homes resident the full cost of care.

A payment assistance program is available for residents who cannot afford to pay the monthly rates.

Pioneers' Homes Proposed Rate Increases

Effective Date	Coordinated Services	Basic Assisted Living	Enhanced Assisted Living	Alzheimer's & Dementia Related Disorders	Comprehensive Services
July 2000	\$1,735	\$3,005	\$3,905	\$4,040	\$4,920
July 2001	\$1,935	\$3,435	\$4,490	\$4,655	\$5,685
July 2002	\$2,135	\$3,865	\$5,080	\$5,270	\$6,450

HB

309

ALASKA STATE LEGISLATURE



Interim:

600 East Railroad Avenue
Wasilla, Alaska 99654
(907) 373-1842
Fax - (907) 373-4729

Session:

State Capitol Building, Room 421
Juneau, Alaska 99801-1182
(907) 465-2186
Fax - (907) 465-3818

REPRESENTATIVE VIC KOHRING
DISTRICT 26

SPONSOR STATEMENT HOUSE BILL 309

Simply put, HB 309 makes it illegal to force Alaskan workers to join a union or pay union dues as a condition of employment. Alaskan workers retain the undiminished right to join and support a labor union, only now it would be an individual's choice. Alaska's Constitution guarantees freedom of association and the principles of ordinary decency are violated whenever a man or woman is forced to join or pay dues to a private organization in order to earn a living.

Yet everyday may Alaskan's labor under the fact that they must pay union dues or they will be fired. This is unconscionable.

Samuel Gompers, the founding president of the American Federation of Labor, has even argued against forced unionism, noting that "no lasting gain has ever come from compulsion." This Right to Work legislation would not just protect the freedom of individual workers. All citizens would win in the improved economic climate a Right to Work law would foster in Alaska.

Studies have repeatedly shown the Right to Work gives states and territories a huge advantage in creating jobs and expanding their economies. In a public statement issued in December 1997 by Elizabeth Morris, president and chief economist of Insight Research Corporation, one of the country's dominant competitors in corporate relocation research, 90% of companies use forced collective bargaining as a first 'knockout' criteria and choose to locate only in right-to-work states when their overall operating requirements give them any latitude on this issue. Therefore, unless geography dictates otherwise, 9 out of 10 companies will automatically eliminate sites in jurisdictions without Right to Work when relocating.

According to the U.S. Department of Labor, between 1960 and 1993 Right to Work states created 2,681,800 new, high-paying manufacturing jobs, while during the same period forced-unionism states lost 1,359,800 jobs. Dr. Thomas J. Holmes completed a study for the Federal Reserve Bank of Minneapolis and found that where Right to Work states and forced-unionism states border each other, manufacturing employment is one-third higher on the Right to Work side of the border. In Fact, since 1991, Right to Work states have experience 25% more total economic growth than forced-unionism states and they are projected to continue to grow 9% more until the year 2001.

According to a study by Dr. James T. Bennett, Professor at the Nobel prize-winning Economics Department at George Mason University, once taxes and the cost of living are taken into account, a typical family in a Right to Work state has \$2,852 more in purchasing power than its counterpart in a non-Right to Work state. Dr. Bennett showed that much of the reason families are so much better off with a Right to Work law is because they pay nearly 25% less for food, housing, health care, transportation, utilities, property taxes and college tuition than families in jurisdictions that allow forced unionism.

Economic benefits of a Right to Work law are too strong to ignore, the conclusion is clear.

Although the case for Right to Work legislation in Alaska is compelling from any legitimate prospective union officials who want to keep coercing union dues from unwilling workers will say or do anything to keep the forced-union-dues money rolling into their coffers. However, by fighting against Right to Work, union officials are telling the legislature and Alaskan's the only way they can stay in business is by forcing all workers to pay dues.

Union's who truly represent Alaskan workers won't need to compel them to pay tribute--they will gladly join.

For these reasons, individual freedom and job creating advantages of a Right to Work legislation is supported by an overwhelming majority of American's.

No Alaskan should be required to join a labor union just to keep a job; furthermore, no Alaskan should be compelled to pay dues to an organization he or she does not believe in.

In the interest of the rights of the working men and women of Alaska, and sound public policy and fairness, I urge you to support HB 309.

Subject: NRTW: U.S. Supreme Court Overturns Ruling Which Blocks Employee Challenges to Union Political Spending

Date: Wed, 19 Jan 2000 13:36:03 -0500

From: info@nrtw.org

To: Randy_Lorenz@legis.state.ak.us

=====
National Right to Work Legal Defense Foundation
8001 Braddock Road | Springfield, VA 22160
<http://www.nrtw.org> | (800) 336-3600
=====

January 18, 2000

=====
U.S. SUPREME COURT OVERTURNS RULING WHICH BLOCKS
EMPLOYEE CHALLENGES TO UNION POLITICAL SPENDING
National Right to Work Foundation hails ruling as
important step forward for employee rights

.....
http://www.nrtw.org/b/nr_173.htm
.....

Washington, D.C. (January 18, 2000) - The U.S. Supreme Court today overturned a lower court decision that thwarted employee challenges to compulsory union dues requirements. The High Court's ruling is an important step forward for the National Right to Work Foundation's nationwide effort to help employees reclaim their forced union dues spent illegally for political activities.

After granting the petition for a writ of certiorari filed by Foundation attorneys, the High Court vacated and remanded Prescott v. City of El Dorado to the U.S. Court of Appeals for the Ninth Circuit. Citing a case called Friends of the Earth, the Supreme Court instructed the appellate court to reconsider its ruling that employees do not have standing when challenging provisions of a collective bargaining agreement that encourage employers to carry out the illegal demands of union officials to seize union dues for politics.

"This case attacks the notion that union officials should be allowed to bribe employers to do their dirty work by offering to reimburse all costs that arise out of violating employees' First Amendment rights," said Stefan Gleason, Vice President of the National Right to Work Legal Defense Foundation, a charitable organization that provides free legal aid to victims of compulsory unionism abuses.

Prescott is part of the National Right to Work Foundation's nationwide effort to help employees reclaim their compulsory union dues seized as a condition of employment and spent for union political activity to which the employees object. Foundation attorneys already prevailed on other important issues in the case, including a ruling that requires union officials to provide independently audited financial disclosure to employees before seizing any union fees from the paychecks.

=====
The National Right to Work Legal Defense Foundation is a nonprofit, charitable organization providing free

legal aid to employees whose human or civil rights have been violated by compulsory unionism abuses. The Foundation, which can be contacted toll-free at 1-800-336-3600, is assisting thousands of employees in over 500 cases nationwide. Its web address is: <http://www.nrtw.org/>

.....
(C) 1999, NRTWLDF

**Testimony of Stephen Goodrick
in support of H.B. 309/S.B. 230,
the Alaska Right to Work Act**

Mr. Chairman, members of the Committee, thank you for the opportunity to speak before you today.

My name is Stephen Goodrick and I am Vice President of the National Right to Work Committee -- an organization dedicated to the principle that every worker must have the right, but no worker should ever be compelled, to join or support a labor union.

With this in mind, the National Right to Work Committee enthusiastically endorses House Bill 309 and Senate Bill 230, the Alaska Right to Work Act and would like to commend Representative Kohring and Senator Green in taking the first step toward freeing Alaskan workers from the tyranny of compulsory unionism.

The bill is simple. It makes it illegal to force workers to join a union or pay union dues to get or keep a job. It does nothing to diminish the right of individual workers to join and participate in a labor union. What could be more basic or more fair?

Unfortunately, today in Alaska thousands of working men and women have no choice. The message to these independent-minded worker's is unmistakable: Join the union and pay union dues or don't work.

There is no natural right in a free society for any private association to compel representation or financial tribute. The true role of government in a free society is to protect the individual's ability to exercise his or her rights without harassment or interference.

Passing Right to Work would let Alaska's workers' say to the unions, "~~Win~~ ^{Persuade + convince} me over -- don't force me." That's the American way!

Unions operate the same in Right to Work states as they do now in a forced-unionism state like Alaska. Under a Right to Work Law the only thing that changes is that union

officials can no longer negotiate for a union security clause -- a contract that forces workers to pay union dues.

Despite misinformation from union officials, Right to Work has no effect on nominal wages.

According to *the Union Membership and Earnings Data Book*, published by the Bureau of National Affairs, the average weekly earnings of private sector union members in a Right to Work state is \$600, while union members earn \$594 in non-Right to Work states.

But Alaska's failure to pass a Right to Work Law has costs far above the injustice to individual workers: Every Alaskan pays the price in lost jobs, higher taxes and a lower standard of living.

Using the AFL-CIO's own numbers show Right to Work states have higher real income. The AFL-CIO's information comes from U.S. Department of Labor data, which does not adjust for cost of living, state-by-state. After adjusting for cost of living, the benefits of Right to Work are crystal-clear:

Average Hourly Earnings in Manufacturing

8% higher in Right to Work states

Average Weekly Earnings in Manufacturing

7.6% higher in Right to Work states

Average Per Capita Personal Income

\$1,100 higher in Right to Work states

Average Annual Pay

\$900 higher in Right to Work states

These numbers confirm the Right to Work advantage reported by Economist James Bennett of George Mason University. Indeed, the gap is even wider, Dr. Bennett

found, as a result of adjusting for state-by-state differences in taxation.

"A typical urban family in a Right to Work state has \$2,852 more after-tax purchasing power than the same family would have in a non-Right to Work state," according to Dr. Bennett in his report, "A Higher Standard of Living in Right to Work States."

Dr. Bennett showed that much of the reason families are so much better off in Right to Work states is because they pay nearly 25% less for food, housing, health care, transportation, utilities, property taxes and college tuition than families in forced-unionism states.

Since 1980, per-capita income has grown in Right to Work states by 11% more than non-Right to Work states.

Total economic growth in Right to Work states has out paced non-Right to Work states by 25% since 1991, and is projected to do the same until 2001 by 9% according to Financial World magazine.

The importance which businesses attribute to a states' policy encouraging cooperative and voluntary relations between labor and management has been clear for many years.

According to M. Elizabeth Morris, president and chief economist of Insight Research Corporation, one of the country's dominant competitors in corporate relocation research, "90% of companies use forced collective bargaining as a first 'kickout' criteria and choose to locate only in right-to-work states when their overall operating requirements give them any latitude on this issue."

Put simply, all other things being equal, 90% of companies will automatically eliminate non-Right to Work states when relocating.

The results of this thinking can be clearly seen. According to the U.S. Department of Labor, between 1960 and 1993, Right to Work states created nearly 2.7 million new, high-paying manufacturing jobs while during the same period forced-unionism states lost about 1.4 million jobs.

The evidence is clear: employee freedom and prosperity go hand in hand.

As I have shown, the case for Right to Work legislation in Alaska is compelling from any legitimate perspective -- moral, political, or economic -- but union officials who want to keep coercing union dues from unwilling workers will say or do anything to keep the forced-dues money rolling into their coffers.

By fighting against Right to Work, union officials are telling you the only way they can stay in business is by forcing their members to pay dues.

That's outrageous.

Right to Work supporters know that when workers see a union truly representing them they won't need to be compelled to pay tribute -- they will gladly join.

A good labor union has no need for a compulsory system to attract members and a bad union doesn't deserve them.

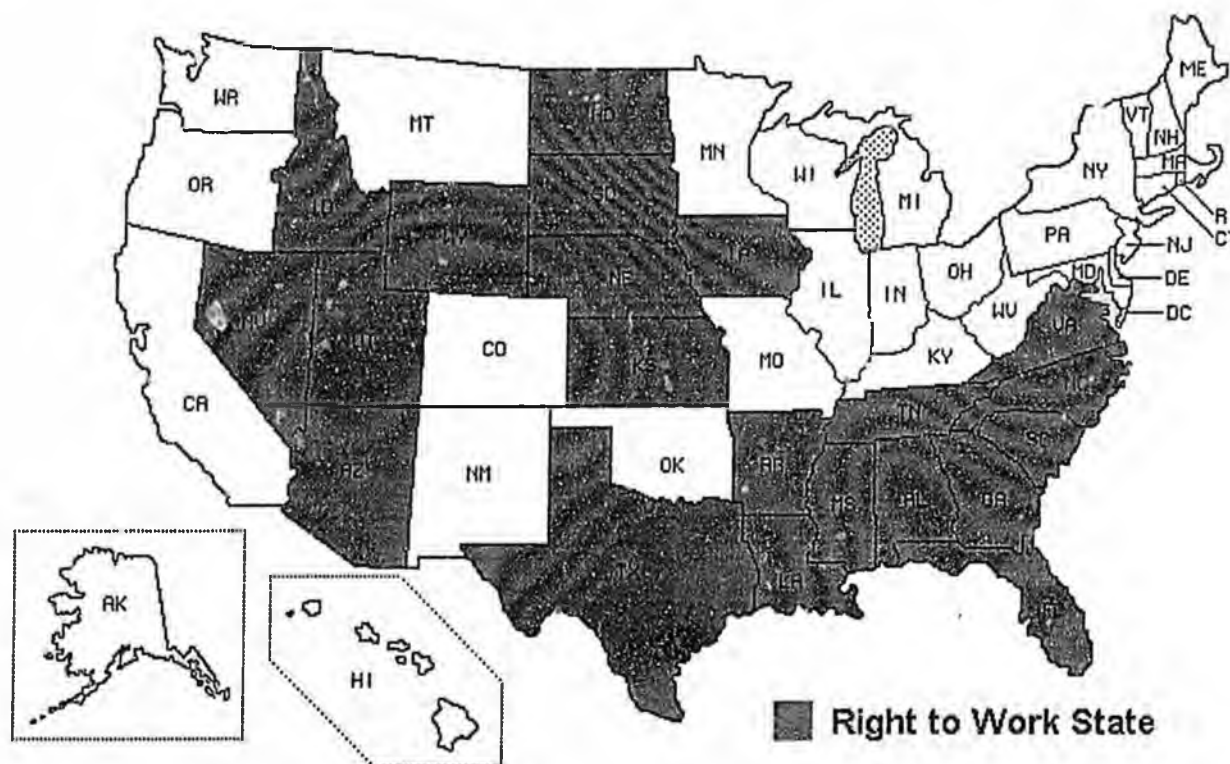
In the interest of the rights of the working men and women of California, of sound public policy, and of basic fairness, I urge you to support House Bill 309 and Senate Bill 230.



Right to Work States, 1999

A Right to Work law secures the right of employees to decide for themselves whether or not to join or financially support a union. However, employees who work in the railway or airline industries or on a federal enclave may not be protected by a Right to Work law.

Click on a Right to Work state below to read that state's Right to Work law.



[Alabama](#) | [Arizona](#) | [Arkansas](#) | [Florida](#) | [Georgia](#) | [Idaho](#) | [Iowa](#) | [Kansas](#)
[Louisiana](#) | [Mississippi](#) | [Nebraska](#) | [Nevada](#) | [North Carolina](#) | [North Dakota](#)
[South Carolina](#) | [South Dakota](#) | [Tennessee](#) | [Texas](#) | [Utah](#) | [Virginia](#) | [Wyoming](#)

NOTE: State laws are in a constant state of flux. Before relying on the text of any state Right to Work statute, you should check the most recent edition of your state laws.

If you do not live in a Right to Work state, [click here](#) to learn about your legal rights.

[Issue Briefing: Employees in Right to Work States](#) [Your Legal Rights: Private Sector Employees in Right to Work States](#)

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National Right to Work Committee

A COALITION OF EMPLOYEES AND EMPLOYERS
REED LARSON, *President*

757
Feb 15 2000
Rep. Jeannette James

February 10, 2000

The Hon. Jeanette A. James
Alaska House of Representatives
State Capitol
Juneau, AK 99801

RE: House Bill 309

POSITION: Support

Dear Representative James:

On behalf of the thousands of members and supporters of the National Right to Work Committee in Alaska, I urge you to support House Bill 309.

Simply put, H.B. 309 makes it illegal to force Alaska workers to join a union or pay union dues as a condition of employment.

Of course, every Alaskan worker would retain the undiminished right to join or support a labor union, only now it would be his or her decision to make.

The constitutional guarantee of freedom of association and the principles of ordinary decency are violated whenever a man or woman is forced to join or pay dues to a private organization in order to earn a living.

Yet every day thousands of Alaskans labor under the fact that they must pay union dues or they will be fired.

This is unconscionable.

Indeed, even Samuel Gompers, the founding President of the American Federation of Labor, argued against forced unionism noting that, "No lasting gain has ever come from compulsion."

But a Right to Work law wouldn't just protect the freedom of individual workers. All citizens would win in the improved economic climate a Right to Work law would foster in Alaska.

Studies have repeatedly shown that Right to Work states have a huge advantage in creating jobs and expanding their economies.

According to a recent public statement by M. Elizabeth Morris, president and chief economist of Insight Research

Corporation, one of the country's dominant competitors in corporate relocation research, "Ninety percent of companies use forced collective bargaining as a first 'kickout' criteria and choose to locate only in right-to-work states when their overall operating requirements give them any latitude on this issue."

Put simply, 90% of companies will automatically eliminate non-Right to Work states when relocating if they have any choice in the matter.

The results of this thinking can be clearly seen. According to the U.S. Department of Labor, between 1991-1996, Right to Work states created 283,500 new, high-paying manufacturing jobs while during the same period forced-unionism states lost 234,000 jobs.

As a matter of fact, since 1991 Right to Work states have experienced 25% more total economic growth than forced unionism states, and they are projected to continue to grow 9% more until the year 2001.

Right to Work would increase incomes as well. According to a study by James T. Bennett, professor at the Nobel Prize-winning Economics Department at George Mason University, "Once taxes and the cost of living are taken into account, a typical family in a Right to Work state has \$2,852 more in purchasing power than its counterpart in a non-Right to Work state."

Dr. Bennett showed that much of the reason families are so much better off in Right to Work states is because they pay nearly 25% less for food, housing, health care, transportation, utilities, property taxes and college tuition than families in forced-unionism states.

The conclusion is clear: The economic benefits of a Right to Work law are too strong to be ignored.

Although the case for Right to Work legislation in Alaska is compelling from any legitimate perspective -- moral, political or economic -- union officials who want to keep coercing union dues from unwilling workers will say or do anything to keep the forced-dues money rolling into their coffers.

However, by fighting against Right to Work, union officials are telling you the only way they can stay in business -- and they are a big business -- is by forcing their members to pay dues.

That's outrageous.

Right to Work supporters know that when workers see a union truly representing them they won't need to be compelled to pay tribute -- they will gladly join.

For these reasons, the individual freedom and job-creating

power of a Right to Work law are supported by an overwhelming majority of Alaska's citizens.

No American should be required to join a labor union just to keep a job, and no Alaskan should be compelled to pay dues to an organization they do not believe in.

In the interest of the rights of the working men and women of Alaska, of sound public policy and of basic fairness, I urge you to support House Bill 309 at every opportunity.

Sincerely,


Reed Larson

RL/psk