

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10268 HOUSE JUDICIARY



ADOPTED AUGUST 1972

CITY of WRANGELL, ALASKA

INCORPORATED JUNE 15, 1903

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February 12, 2001

The Honorable Lisa Murkowski
Chair, Labor and Commerce Committee
State Capital
Juneau, Alaska 99801-1182

Dear Representative Murkowski:

As Mayor of Wrangell I am expressing my full support for the passage of HB 119.

The passage of this bill will strengthen both the Divestiture effort and the State's Presentation with regard to the KEC-KPU lawsuit.

Additionally, the technical changes addressed in this bill are necessary for Divestiture to become a reality.

Sincerely,

Fern Neimeyer
Mayor, City of Wrangell

Alaska State Legislature

Representative Peggy Wilson
Putting Alaska's Families First

Date: February 15, 2001

To: Representative Norman Rokeberg
Chairman House Judiciary Committee

From: Representative Peggy Wilson *PW*

Re: HB 119 "An Act exempting joint action agencies from regulation by the state or municipalities; relating to the relationship between a joint action agency and the public utilities that form the joint action agency; relating to powers and immunities of a joint action agency; requiring filing of the joint action agency agreement; relating to the financial affairs of a joint action agency; declaring certain joint action agencies to be political subdivision for certain purposes; relating to liability and indemnification of officers, employees, and agents of joint action agencies; and defining 'agency agreement' as used with reference to joint action agencies."

This is a formal request to schedule HB 119 for a hearing in front of House Judiciary.

I thank you for taking the time to work with us on HB 119. As you know last year's legislation authorizing the formation of the Joint Action Agency and Sale of the Four Dam Pool projects imposed a deadline for the completion of this complex transaction of December 31, 2001. Your assistance in facilitating the completion of this sale in a timely manner is greatly appreciated.

If you have any questions please don't hesitate to contact me.

HB

120

ALASKA STATE HOUSE OF REPRESENTATIVES

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REPRESENTATIVE JOHN COGHILL

HB 120 National Crime Prevention and Privacy Act SPONSOR STATEMENT

HB 120 is introduced to have Alaska be one of the signers of a compact between states and the federal government that facilitates the exchange of criminal history records information for non-criminal purposes.

Exchange of criminal information is not new but this compact establishes links between compact states that is more complete and clearly defined.

In recent years, the legislature has enacted statutes requiring a criminal background check for the protection of children in occupations such as schoolteachers, daycare workers, and school bus drivers. Background checks are also required for assisted living facilities in an effort to protect vulnerable adults. Title 12 Chapter 62 Criminal Justice Information System Security and Privacy is the primary statute governing state law regarding the release of criminal history record information,

This change is needed because the information provided at the national level currently lacks a significant amount of information at the state level. In his testimony last year about national criminal checks, Ken Bischoff, Director, Division of Administrative Services, Department of Public Safety in an example said that 40 percent of Oregon's criminal records are not indexed at the national level. Adopting the compact would give Alaska access to that forty percent now unavailable.

The Federal Bureau of Investigation estimates that one in five criminals has a record in more than one state. Alaska could have access to more than 55 million criminal records nationally by linking the criminal history repositories of the fifty states to the national repository.

The safeguard to abuse of this system is that in order to conduct a criminal background for the purposes of employment and/or licensing, the employer or licensor would have to obtain permission from the applicant by means of getting fingerprints.

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REPRESENTATIVE JOHN COGHILL

HB 120 SECTIONAL ANALYSIS

Section 1 adopts the National Crime Prevention and Privacy Compact. The Compact provides the legal framework necessary for states to exchange criminal history records directly with one another for noncriminal justice licensing and employment purposes. Today, states rely on duplicate records maintained by the FBI for such checks. However, whether by policy or oversight, states typically do not submit copies of all their records to the FBI. Therefore, states can get more complete, accurate records from one another under the Compact than they can get from the FBI.

These are the major provisions of the Compact:

- It binds the FBI and ratifying states to use the Interstate Identification Index (III) to exchange criminal records for authorized noncriminal justice purposes according to established system policies. (III is the automated index/pointer system currently used by the FBI and states to exchange criminal records for criminal justice purposes.)
- Record recipients will be the same as those currently authorized to obtain records from the FBI. To be authorized, one must be permitted to obtain national criminal records for a noncriminal justice purpose under a federal or state statute approved by the U.S. Attorney General.
- Background checks will continue to be based on fingerprints to ensure positive identification; this prevents anyone from using III to get another person's criminal record "anonymously" for a noncriminal justice purpose – *the record subject must agree to the record check beforehand by providing fingerprints.*
- The receiving state's criminal justice information statutes govern how the national record may be used and disseminated. If Alaska adopts the Compact, its state repository will be required to screen and disseminate records received through III according to Alaska's own criminal justice information laws (Alaska Statute 12.62).
- The Compact establishes a council of state and federal officials to set operating policies for noncriminal justice uses of the III system.

Since Congress enacted it in 1998, eight states have adopted the Compact: Montana, Georgia, Nevada, Florida, Colorado, Iowa, Connecticut, and South Carolina.

Appendix 1 provides a detailed sectional analysis of the Compact.

Section 2 amends the state's criminal justice dissemination laws. This section simplifies standards for determining the contents of criminal history records. The changes enhance repository efficiency and compliance and ensure that authorized record users receive all potentially relevant information.

AS 12.62.160(b)(8) and (b)(9) currently authorize release of "current offender" and "past conviction" information to any person who submits a subject's fingerprints to the repository. The bill combines these into a single paragraph. By rewording the paragraph to authorize release of criminal justice information "except nonconviction information" the newly worded paragraph allows release of criminal identification information so that a rap sheet can contain a mugshot.

The reworded paragraph also removes language hiding convictions unless the report is within ten years of unconditional discharge. Alaska's repository is unable to comply with this standard because few criminal history records contain enough data to calculate the unconditional discharge date. Even if records were enhanced to include such data in the future, the repository would be unable to compute the date retroactively for half a million or more existing convictions. Nor would Alaska's repository be able to apply such a filter to convictions from other states under the Compact. Furthermore, recent changes in law have made this limitation moot in many cases. The sex offender registration act, for example, allows release of conviction information for 15 years beyond the unconditional discharge date for one-time offenders, and for the lifetime of repeat offenders. Even Alaska's state employment application requires applicants to divulge information about convictions beyond this time limit.

AS 12.62.160(b)(10) is renumbered as (b)(9) and amended to provide more information to "interested persons" – those who are responsible for screening applicants to supervise children or vulnerable adults.¹

The current law limits such "interested person" reports to convictions only. This section allows the report to include nonconviction information, such as a finding of "not guilty by reason of insanity". It would also allow release of records requiring additional research to determine conviction or nonconviction status. Alaska's computerized criminal records contain nearly 100,000 charges over two years old without dispositions. The record requester is in the best position to determine which records merit further research and, if appropriate, to get more information from the record subject who is applying for a position or license. By contrast, if the report is limited to convictions only, the repository must omit a charge that may have resulted in a conviction that is simply missing from repository records. Alternatively, the repository must conduct time-consuming research on each charge that is missing a disposition, regardless of relevancy to the record requester.

¹ Under AS 12.62.900: "Interested person" means a person as defined in AS 01.10.060 that employs, appoints, or permits a person to serve with or without compensation in a position in which the employed, appointed, or permitted person has or would have supervisory or disciplinary power over a minor or dependent adult; "Dependent adult" means an adult with a physical or mental disability who requires assistance or supervision with the activities of daily living.

This section expands the "interested person" report to include information about all criminal offenses, not just those listed in a statutory definition of "serious offenses." That definition omits such potentially relevant misdemeanors as: *Endangering the Welfare of a Minor*, *Endangering a Vulnerable Adult*, *Failure to Report a Crime Against a Child*, *Harassment*, and *Recruiting a Gang Member*. Appendix 2 provides a list of other misdemeanors excluded from the definition of "serious offense".

The lead-in sentence in AS 12.62.160(b) is simplified by removing redundant wording. It is unnecessary to limit dissemination authority to criminal justice agencies because AS 12.62.160(c)(1) states that criminal justice information may be released only by the agency that maintains it.

Unnecessary language (such as "to the extent necessary") is removed throughout AS 12.62.160 because each paragraph already specifies the circumstances under which information may be released, and to whom.

The phrase "criminal justice information" is deleted from each paragraph's lead-in because it is included in the lead-in for the entire subsection.

Section 3 repeals the definition of "unconditional discharge". Changes in Section 2 eliminate use of the term in this chapter.

Section 4 makes the Act effective September 1, 2001. The delayed effective date allows time for the Department of Public Safety to modify software and procedures to use III for authorized noncriminal justice purposes. The department will also need to amend regulations governing criminal record dissemination. Both tasks will be accomplished with existing resources.

HB 120 SECTIONAL ANALYSIS - APPENDIX 1

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. (Title II of Pub. L. 105-251)

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. Sections 211-217 refer to background material included in the U.S. Senate bill. Following Section 217 there are sectional analyses of the Articles of the Compact to be adopted into state law in HB 120.

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 (E 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.

HB 120 Sectional Analysis - Appendix 2
Examples of Misdemeanors Excluded from Definition of "Serious Offense" (AS 12.62.900)

Offenses most potentially relevant are shown in boldface type.)

"Nonserious" Offenses	OffenseDescription	Misdemeanor Severity (A, B or "None")	
AS02.20.060	Violate Airplane Regis, Flight Plans	M	N
AS02.30.030	Reckless Operation of Aircraft	M	N
AS02.30.030(a)	Reckless Operation of Aircraft - unsafe	M	N
AS02.30.030(b)	Reckless Op Aircraft - intox crew/psngr	M	N
AS02.30.030(c)	Reckless Op Aircraft - wrong altitude	M	N
AS02.30.030(d)	Reckless Op Aircraft - ice on wings	M	N
AS02.35.130	Not Carry Air License, Emerg Equip	M	N
AS02.40.010	Air Carrier Financial Responsibility	M	A
AS02.40.020	Air Carrier - Certif of Compliance	M	B
AS04.11.010(a)(wet)	Sell Alcohol w/o License - wet area	M	A
AS04.11.010(b)(wet)	No Alcohol License - orders, wet area	M	A
AS04.11.060	Sell Alcohol w/o License - nonresident	M	A
AS04.11.499(sm)	Import Alcohol -Dry Area - small amt	M	A
AS04.11.630	Alcohol License Violation	M	A
AS04.11.630(a)	Alcohol Premises Not Avail for Inspect	M	A
AS04.11.630(b)	Fail to Display Alcohol Permit	M	A
AS04.16.010	Alcohol-Prohibited Hours of Sale	M	A
AS04.16.010(a)	Sell Alcohol After Hours	M	A
AS04.16.010(b)	Allow Alcohol Consumption After Hours	M	A
AS04.16.010(c)	Allow Entry Alcohol Premises After Hours	M	A
AS04.16.015	Alcohol-Pricing/Marketing	M	A
AS04.16.015(a)(1)	Licensee Offer Free Alcohol	M	A
AS04.16.015(a)(2)	Licensee Deliver >2 Drinks At Once	M	A
AS04.16.015(a)(3)	Licensee Offer Underprice Alcohol- Week	M	A
AS04.16.015(a)(4)	Licensee Sell Unltd Alcohol- Fixed Price	M	A
AS04.16.015(a)(5)	Licensee Offer Underprice Alcohol - Day	M	A
AS04.16.015(a)(6)	Drinking Contests Prohibited	M	A
AS04.16.015(b)	Advertise Prohibited Alcohol Sales	M	A
AS04.16.020	Prohibited Solicitation of Alcohol	M	A
AS04.16.020(a)	Solicit Purchase of Alcohol	M	A
AS04.16.020(b)	Allow to Solicit Alcohol on Lic Premises	M	A
AS04.16.030	Prohibited Acts re Drunk Persons	M	A
AS04.16.030(a)(1)	Sell/Give Alcohol To Drunk Person	M	A
AS04.16.030(a)(2)	Allow Sale of Alcohol To Drunk Person	M	A
AS04.16.030(a)(3)	Allow Drunk Person to Remain on Premises	M	A
AS04.16.030(a)(4)	Allow Drunk Person to Sell/Serve Alcohol	M	A
AS04.16.030(b)	Transport Alcohol To Drunk Person	M	A
AS04.16.040	Drunk Person On Licensed Premises	M	A
AS04.16.045	Restrictions on Licensed Premises	M	A
AS04.16.049	Allow Minor on Alcohol Premises	M	A
AS04.16.049(a)	Persons Under 21 On Alcohol Premises	M	A
AS04.16.049(c)	Persons 16-19 Work in Alcohol Premises	M	A
AS04.16.049(d)	Persons 19-21 Work in Alcohol Premises	M	A
AS04.16.051(a)	Furnish Alcohol To Minor	M	A
AS04.16.052	Licensee-Furnish Alcohol to Minor	M	A
AS04.16.052(1)	Licensee Sell Alcohol To Minor	M	A
AS04.16.052(2)	Licensee Allow Minor on Alcohol Premises	M	A
AS04.16.052(3)	Licensee Allow Minor Drink on Premises	M	A
AS04.16.052(4)	Licensee Allow Minor to Serve Alcohol	M	A

HB 120 Sectional Analysis - Appendix 2
Examples of Misdemeanors Excluded from Definition of "Serious Offense" (AS 12.62.900)

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AS04.16.055	Rent Room to Give Alcohol to Minor	M	A
AS04.16.060	Alcohol - Underage Purchase/Delivery	M	A
AS04.16.060(a)	Minor Purchase or Solicit Alcohol	M	A
AS04.16.060(b)	Minor Misrep Age to Purchase Alcohol	M	A
AS04.16.060(c)	Order Alcohol for Minor	M	A
AS04.16.060(d)	Minor on Lic Alcohol Premises- False ID	M	A
AS04.16.060(e)	Minor Misrep Parental Consent to Drink	M	A
AS04.16.070	Sell Alc before Polls Close, Elec Day	M	A
AS04.16.080	Sell/Consume Alcohol at School Events	M	A
AS04.16.090	Alcohol Bottle Clubs Prohibited	M	A
AS04.16.100	Restriction- Size of Alcohol Containers	M	A
AS04.16.110	Prohibited Sale of Certain Alcohol	M	A
AS04.16.110(a)	Sale of Powdered Alcohol Prohibited	M	A
AS04.16.110(b)	Sale of >76% Alcohol Prohibited	M	A
AS04.16.120	Alcohol- Bring or Take on Lic Premises	M	A
AS04.16.120(a)	Remove Alcohol from Lic Premises	M	A
AS04.16.120(b)	Bring Alcohol onto Lic Premises	M	A
AS04.16.125	Trans Alcohol by Carrier to Dry Area	M	A
AS04.16.130	Alcohol Stored Off Licensed Premises	M	A
AS04.16.140	Sell/Consume Alcohol in Warehouse	M	A
AS04.16.150	Licensee Respons for Alcohol Violations	M	A
AS04.16.170	Alcohol-Prohibited Sales	M	A
AS04.16.170(a)	Resale of Alcohol by Nonlicensee	M	A
AS04.16.170(b)	Alcohol Sale-Transporter to Nonlicensee	M	A
AS04.16.172	Alcohol Sale- Violate Lic Restrictions	M	A
AS04.16.175	Furnish Alcohol to Gambling Enterprise	M	A
AS04.16.200(a)	Manuf/Sell Alcohol w/o License	M	A
AS04.16.200(e)(1)	Send Bring Alcohol to dry area - sm amt	M	A
AS04.21.040	Alcohol Sale on Federal Reservation	M	A
AS04.21.050	Alcohol Licensee To Require Proof of Age	M	A
AS05.25.030(a)	Boat Accident - Fail to Render Aid	M	N
AS05.25.060(1)	Reckless Boating - Endanger Life/Prop	M	N
AS05.30.010	Operate Unregistered Snow Vehicle	M	N
AS05.30.040	Display Snow Vehicle Regis Decal	M	N
AS05.30.080	Snow Vehicle Equip Required	M	N
AS05.30.100	Snow Veh Operator To Report Accidents	M	N
AS08.01.104	Prof Licensing-Fail to Obey Citation	M	B
AS08.13.190	Unlicensed Barber/Hairdresser	M	B
AS08.18.011	Unregistered Contractor/Subcontractor	M	B
AS08.18.011(a)	Unregistered Contractor	M	B
AS08.18.011(b)	Unregistered Subcontractor	M	B
AS08.18.025	Residential Contractor Requirements	M	B
AS08.18.119	Contractor Fail to Obey Citation	M	B
AS08.36.100	Practice Dentistry w/o License	M	B
AS08.54.720(a)(1)	Guide-Fail to Report Violation	M	A
AS08.54.720(a)(10)	Guide or Advertise w/o Master License	M	A
AS08.54.720(a)(11)	Outfit or Ad Big Game Hunt w/o License	M	A
AS08.54.720(a)(12)	Transport Big Game Hunt w/o License	M	A
AS08.54.720(a)(13)	Advertise as Transporter w/o License	M	A
AS08.54.720(a)(14)	Asst. Contracts to Outfit or Guide Hunt	M	A

HB 120 Sectional Analysis - Appendix 2
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AS08.54.720(a)(15)(1st)	Waste or Hunt Same Day in Air - 1st off	M	A
AS08.54.720(a)(2)	Guide-Hinder Lawful Hunting	M	A
AS08.54.720(a)(3)	Asst. Guides Hunt w/o Supervision	M	A
AS08.54.720(a)(4)	Guide - Hunt on Private Land	M	A
AS08.54.720(a)(5)	Guide - Hunt Outside Approved Area	M	A
AS08.54.720(a)(6)	Guide - w/o License in Possession	M	A
AS08.54.720(a)(7)	Guide - Not Physically Present for Hunt	M	A
AS08.54.720(a)(8)	Guide - Commit, Aid, or Allow Violation	M	A
AS08.54.720(a)(9)	Guide or Advertise w/o License	M	A
AS08.64.360	Practice Medicine w/o License	M	A
AS08.66.010	Mtr Vehic Dlr - Knowingly Fail to Regstr	M	A
AS08.66.015	Mtr Vehic Dlr - Knowingly Viol Sales Req	M	A
AS08.66.030	Mtr Vehic Dlr - Knowingly Viol Appl Req	M	A
AS08.66.050	Mtr Vehic Dlr - Knowingly Fail Renewal	M	A
AS08.66.060	Mtr Vehic Dlr - Knowingly Fail to Bond	M	A
AS08.88.401	Real Estate Violations	M	A
AS09.50.010	Misd Contempt of Court	M	N
AS09.50.010(1)	Misd Contempt-disorderly behavior in ct	M	N
AS09.50.010(10)	Misd Contempt-subpoena,refuse testify	M	N
AS09.50.010(11)	Misd Contempt-misconduct by juror	M	N
AS09.50.010(12)	Misd Contempt-disobey higher court	M	N
AS09.50.010(13)	Misd Contempt-custodian fail to rpt viol	M	N
AS09.50.010(2)	Misd Contempt-breach peace during trial	M	N
AS09.50.010(3)	Misd Contempt-misbehav by ct personnel	M	N
AS09.50.010(4)	Misd Contempt-deceive or abuse process	M	N
AS09.50.010(5)	Misd Contempt-disobey lawful court order	M	N
AS09.50.010(6)	Misd Contempt-pretend to act under auth	M	N
AS09.50.010(7)	Misd Contempt-take pers/prop frm custody	M	N
AS09.50.010(8)	Misd Contempt-detain party, witness	M	N
AS09.50.010(9)	Misd Contempt-unlawful interference	M	N
AS11.41.230	Assault 4	M	A
AS11.41.230(a)(1)	Assault 4- recklessly injure	M	A
AS11.41.230(a)(2)	Assault 4- negligently injure w/ weapon	M	A
AS11.41.230(a)(3)	Assault 4-cause fear of imminent injury	M	A
AS11.41.250	Reckless Endangerment	M	A
AS11.41.270	Stalking 2- fear for self or family	M	A
AS11.41.330	Custodial Interference 2 - in state	M	A
AS11.46.140	Theft 3	M	A
AS11.46.140(a)(1)	Theft 3- value \$50-\$499	M	A
AS11.46.140(a)(2)	Theft 3- access device	M	A
AS11.46.140(a)(3)	Theft 3- value <\$50, prior convictions	M	A
AS11.46.150	Theft 4- value <\$50	M	B
AS11.46.220(c)(2)	Conceal Merch- \$50-\$499 or priors	M	A
AS11.46.220(c)(2)(A)	Conceal Merch- value \$50-\$499	M	A
AS11.46.220(c)(2)(B)	Conceal Merch- <\$50, prior convictions	M	A
AS11.46.220(c)(3)	Conceal Merch - <\$50	M	B
AS11.46.260(b)(2)	Removal Of ID Marks -value \$50-\$499	M	A
AS11.46.260(b)(3)	Removal Of ID Marks -value<\$50	M	B
AS11.46.270(b)(2)	Unlawful Possession - value \$50-\$499	M	A
AS11.46.270(b)(3)	Unlawful Possession- value <\$50	M	B

HB 120 Sec''onal Analysis - Appendix 2
 Examples of Misdemeanors Excluded from Definition of "Serious Offense" (AS 12.62.900)

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AS11.46.280(d)(3)	Issuing Bad Check- value \$50-\$499	M	A
AS11.46.280(d)(4)	Issuing Bad Check- value <\$50	M	B
AS11.46.285(b)(3)	Fraud Use Access Device- \$50 - \$499	M	A
AS11.46.285(b)(3)	Fraud Use Credit Card -value <\$50	M	B
AS11.46.285(b)(4)	Fraud Use Access Device- <\$50	M	B
AS11.46.290	Obtain Access Device or ID by Fraud	M	A
AS11.46.290(a)(1)	Access Device/ ID Fraud - buy or sell	M	A
AS11.46.290(a)(2)	Access Device/ ID Fraud- intend defraud	M	A
AS11.46.290(a)(3)	Access Device/ ID Fraud - lie on applic	M	A
AS11.46.315	Possess Burglary Tools	M	A
AS11.46.315(a)(1)	Poss Burglary Tools- intend burglary	M	A
AS11.46.315(a)(2)	Poss Burglary Tools- intend pickpocket	M	A
AS11.46.315(a)(3)	Poss Burglary Tools- intend theft serv	M	A
AS11.46.320	Criminal Trespass 1	M	A
AS11.46.320(a)(1)	Crim Trespass 1- on land, intend crime	M	A
AS11.46.320(a)(2)	Crim Trespass 1- in a dwelling	M	A
AS11.46.330	Criminal Trespass 2	M	B
AS11.46.330(a)(1)	Crim Trespass 2- upon premises	M	B
AS11.46.330(a)(2)	Crim Trespass 2- vehicle	M	B
AS11.46.365	Vehicle Theft 2	M	A
AS11.46.365(a)(1)	Vehicle Theft 2-take propelled vehicle	M	A
AS11.46.365(a)(2)	Vehicle Theft 2-fail to return vehicle	M	A
AS11.46.430	Criminally Negligent Burning	M	A
AS11.46.450	Fail to Control or Report Dangerous Fire	M	A
AS11.46.450(a)(1)	Fail to Control/Report Fire- legal duty	M	A
AS11.46.450(a)(2)	Fail to Control/Report Fire-started fire	M	A
AS11.46.460	Disregard Hwy Obstruction	M	B
AS11.46.460(a)(1)	Disregard Hwy Obstruction-drive around	M	B
AS11.46.460(a)(2)	Disregard Hwy Obstruction-open up	M	B
AS11.46.484(a)	Criminal Mischief 3	M	A
AS11.46.484(a)(1)	Crim Mischief 3-prop dam \$50-\$499	M	A
AS11.46.484(a)(4)	Crim Mischief 3-tamper fire protec dev	M	A
AS11.46.484(a)(5)	Crim Mischief 3-unauth computer access	M	A
AS11.46.484(a)(6)	Crim Mischief 3-descramble signal	M	A
AS11.46.484(a)(7)	Crim Mischief 3-tamper traff contr dev	M	A
AS11.46.486	Criminal Mischief 4	M	B
AS11.46.486(a)(1)	Crim Mischief 4- tamper w/ property	M	B
AS11.46.486(a)(2)	Crim Mischief 4- prop damage <\$50	M	B
AS11.46.486(a)(3)	Crim Mischief 4-ride in stolen veh	M	B
AS11.46.510	Forgery 3	M	A
AS11.46.510(a)(1)	Forgery 3- make false written instrument	M	A
AS11.46.510(a)(2)	Forgery 3-possess false written instrmnt	M	A
AS11.46.510(a)(3)	Forgery 3- utter forged instrument	M	A
AS11.46.530(b)(2)	Criminal Simulation- value \$50-\$499	M	A
AS11.46.530(b)(3)	Criminal Simulation- value <\$50	M	B
AS11.46.540	Obtain Signature By Deception	M	A
AS11.46.560	Offer False Instrmnt For Recording 2	M	A
AS11.46.560(a)(1)	Offering False Instrmnt For Recording 2	M	A
AS11.46.560(a)(2)	Offering False Instrmnt For Recording 2	M	A
AS11.46.570	Criminal Impersonation 2	M	A

HB 120 Sectional Analysis - Appendix 2
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AS11.46.570(a)(1)	Crim Impers 2 - commit act w false ID	M	A
AS11.46.570(a)(2)	Crim Impers 2 - pretend to rep pers/org	M	A
AS11.46.620(d)(2)	Misapply Property- value <\$500	M	A
AS11.46.710(c)	Deceptive Business Practices	M	A
AS11.46.720	Misrep Use Of Vehicle-reset odometer	M	A
AS11.46.730(c)	Defraud Creditors- value <\$500+	M	A
AS11.51.100(d)(3)	Endngr Wirr Minr 1- lv w abuser, injury	M	A
AS11.51.120	Criminal Nonsupport	M	A
AS11.51.122	Aid Nonpayment of Child Support	M	A
AS11.51.122(a)(2)(A)	Aid Nonpayment Child Supp-withhold info	M	A
AS11.51.122(a)(2)(B)	Aid Nonpayment Child Supp-decep transac	M	A
AS11.51.140	Unlawful Marrying	M	A
AS11.51.140(a)(1)	Unlawful Marrying-one already married	M	A
AS11.51.140(a)(2)	Unlawful Marrying- >1 simultaneously	M	A
AS11.51.140(a)(3)	Unlawful Marrying- to one marrying anoth	M	A
AS11.51.210	Endanger Vulnerable Adult 2	M	A
AS11.51.210(a)(1)	Endang Vuln Adult 2- by legal caretkr	M	A
AS11.51.210(a)(2)	Endang Vuln Adult 2- licensed facility	M	A
AS11.56.120	Receive Unlawful Gratuity	M	A
AS11.56.120(a)(1)	Receive Unlawf Gratuity-solicit benefit	M	A
AS11.56.120(a)(2)	Receive Unlawf Gratuity-accept \$50+	M	A
AS11.56.210	Unsworn Falsification	M	A
AS11.56.210(a)(1)	Unsworn Falsific- apply for benefit	M	A
AS11.56.210(a)(2)	Unsworn Falsific- form states punishable	M	A
AS11.56.330	Escape 4	M	A
AS11.56.330(a)(1)	Escape 4-off deten for misdemeanor	M	A
AS11.56.330(a)(2)	Escape 4-remove from police restraint	M	A
AS11.56.330(a)(3)	Escape 4- on electrnic monitor for misd	M	A
AS11.56.340	Unlawful Evasion	M	A
AS11.56.340(a)(1)	Unlwfl Evasion - temp lv,fail to return	M	A
AS11.56.340(a)(2)	Unlwfl Evasion -furlough, fail to return	M	A
AS11.56.380	Promoting Contraband 2	M	A
AS11.56.380(a)(1)	Promote Contraband 2-take into jail/pris	M	A
AS11.56.380(a)(2)	Promote Contraband 2- poss in jail/pris	M	A
AS11.56.545	Tamper Witness 2-absent official proc	M	A
AS11.56.620	Simulate Legal Process	M	A
AS11.56.620(a)(1)	Simulate Legal Process-req for payment	M	A
AS11.56.620(a)(2)	Simulate Legal Process-summons, subp	M	A
AS11.56.700	Resist/Interfere with Arrest	M	A
AS11.56.700(a)(1)	Resist/Interfere Arrest-by force	M	A
AS11.56.700(a)(2)	Resist/Interfere Arrest- by crim misch	M	A
AS11.56.700(a)(3)	Resist/Interfere Arrest- risk of injury	M	A
AS11.56.710	Harm Police Dog 2- injure,torment	M	A
AS11.56.750	Unlawful Contact 1	M	A
AS11.56.755(b)(1)	Unlawful Contact 2-in felony/A misd case	M	B
AS11.56.757(b)(1)	Violate Condition of Release for Felony	M	A
AS11.56.757(b)(2)	Violate Condition of Release for Misd	M	B
AS11.56.760	Violate Order to Submit to DNA Testing	M	A
AS11.56.765	Fail to Report Violent Crime Agnst Child	M	A
AS11.56.780	Hindering Prosecution 2 - of misdemeanor	M	B

HB 120 Sectional Analysis - Appendix 2
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AS11.56.780(a)(1)	Hinder Prosecution 2- var acts re misd	M	B
AS11.56.780(a)(2)	Hinder Prosecution 2-help profit	M	B
AS11.56.790	Compounding	M	A
AS11.56.790(a)(1)	Compounding-bribe to conceal crime	M	A
AS11.56.790(a)(2)	Compounding-accept bribe to conceal	M	A
AS11.56.800	False Info/Report	M	A
AS11.56.800(a)(1)	False Info/Report-false info to pc ofcr	M	A
AS11.56.800(a)(1)(A)	False Info/Report-implic othr in offense	M	A
AS11.56.800(a)(1)(B)	False Info/Report-at arrest/cit/incarc	M	A
AS11.56.800(a)(1)(B)(i)	False Info/Rpt- ID at arrst/invst/incarc	M	A
AS11.56.800(a)(1)(B)(ii)	False Info/Rpt- ID when cited, srvd wrnt	M	A
AS11.56.800(a)(2)	False Info/Report - of crime occurring	M	A
AS11.56.800(a)(3)	False Info/Report - fire alarm, emergncy	M	A
AS11.56.800(a)(4)	False Info/Report - re dam/reservoir	M	A
AS11.56.805	False Accusation-legislative ethics	M	A
AS11.56.820	Tampering w/ Public Records 2	M	A
AS11.56.820(a)(1)	Tamper Publ Recrds 2- false entry,alter	M	A
AS11.56.820(a)(2)	Tamper Publ Recrds 2-destroy/remove	M	A
AS11.56.820(a)(3)	Tamper Publ Recrds 2-certif false claim	M	A
AS11.56.830	Impersonate Public Servant	M	B
AS11.56.840	Failure to Register as Sex Offender 2	M	A
AS11.56.840(a)(1)	Fail to Reg as Sex Ofndr 2-fail to reg	M	A
AS11.56.840(a)(2)	Fail to Reg as Sex Ofndr 2-no addrss chg	M	A
AS11.56.840(a)(3)	Fail to Reg as Sex Ofndr 2-no renewal	M	A
AS11.56.840(a)(4)	Fail to Reg as Sex Ofndr 2-incompl info	M	A
AS11.56.850	Official Misconduct	M	A
AS11.56.850(a)(1)	Official Misconduct-unauth act	M	A
AS11.56.850(a)(2)	Official Misconduct-refrain from duty	M	A
AS11.56.860	Misuse Of Confidential Information	M	A
AS11.61.110	Disorderly Conduct	M	B
AS11.61.110(a)(1)	Disord Conduct-loud noise disturb neighb	M	B
AS11.61.110(a)(2)	Disord Conduct-loud noise, publ/priv	M	B
AS11.61.110(a)(3)	Disord Conduct-refuse to disperse	M	B
AS11.61.110(a)(4)	Disord Conduct-refuse leave premises	M	B
AS11.61.110(a)(5)	Disord Conduct-challenge to fight	M	B
AS11.61.110(a)(6)	Disord Conduct- create hazard condition	M	B
AS11.61.120	Harassment	M	B
AS11.61.120(a)(1)	Harassment-likely to provoke violence	M	B
AS11.61.120(a)(2)	Harassment-tie up phone line	M	B
AS11.61.120(a)(3)	Harassment-repeated phone calls	M	B
AS11.61.120(a)(4)	Harassment-anon, obscene, threat call	M	B
AS11.61.120(a)(5)	Harassment-offensive phys contact	M	B
AS11.61.123(f)(2)	Indecent View/Photo w/o Consent-of adult	M	A
AS11.61.130	Misconduct With Corpse	M	A
AS11.61.130(a)(1)	Misconduct With Corpse-mutilate/remove	M	A
AS11.61.130(a)(2)	Misconduct With Corpse-sex penetration	M	A
AS11.61.130(a)(3)	Misconduct With Corpse-hold for debt	M	A
AS11.61.140	Cruelty To Animals	M	A
AS11.61.140(a)(1)	Cruelty To Animals-inflict severe pain	M	A
AS11.61.140(a)(2)	Cruelty To Animals- fail to care	M	A

HB 120 Sectional Analysis - Appendix 2
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AS11.61.145(a)(3)	Fighting animals-attend fight-priors	M	B
AS11.61.150	Obstruct Highways	M	B
AS11.61.150(a)(1)	Obstruct Highways-drop substance	M	B
AS11.61.150(a)(2)	Obstruct Highways-render impassable	M	B
AS11.61.165	Recruiting Gang Member 2	M	A
AS11.61.210	Misconduct w/ Weapons 4	M	A
AS11.61.210(a)(1)	Misc/Weapons 4- possess while intox	M	A
AS11.61.210(a)(2)	Misc/Weapons 4- fire gun by highway	M	A
AS11.61.210(a)(3)	Misc/Weapons 4- firing recklessly	M	A
AS11.61.210(a)(4)	Misc/Weapons 4-have/sell metal knuckles	M	A
AS11.61.210(a)(5)	Misc/Weapons 4-sell swtchbld, grav knife	M	A
AS11.61.210(a)(6)	Misc/Weapons 4-sale to minor	M	A
AS11.61.210(a)(7)	Misc/Weapons 4-adult possess at school	M	A
AS11.61.210(a)(8)	Misc/Weapons 4-student possess at school	M	A
AS11.61.220	Misconduct w/ Weapons 5	M	B
AS11.61.220(a)(1)	Misc/Weapons 5 - carry concealed weapon	M	B
AS11.61.220(a)(2)	Misc/Weapons 5 - loaded firearm in bar	M	B
AS11.61.220(a)(3)	Misc/Weapons 5 - <16 poss w/o parent OK	M	B
AS11.61.220(a)(4)	Misc/Weapons 5 - poss at daycare center	M	B
AS11.61.220(a)(5)	Misc/Weapons 5-poss swtchbld, grav knife	M	B
AS11.61.240(b)(4)	Possess Explosives-intend class C felony	M	A
AS11.61.240(b)(5)	Possess Explosives-intend misdemeanor	M	B
AS11.66.200	Gambling - repeat offense	M	B
AS11.66.220	Promote Gambling 2	M	A
AS11.66.240	Possess Gambling Records 2	M	A
AS11.66.260	Possession Of Gambling Device	M	A
AS11.66.300	Adult Entertainment - allow minor in	M	A
AS11.71.050	Misconduct- Controlled Substance 5	M	A
AS11.71.050(a)(1)	MICS 5-deliver/poss w/intent >1/2 oz VIA	M	A
AS11.71.050(a)(2)	MICS 5-deliver <1/2 oz. VIA for profit	M	A
AS11.71.050(a)(3)(A)	MICS 5-possess <25 tablets IIIA,IVA	M	A
AS11.71.050(a)(3)(B)	MICS 5-possess <3 grams IIIA,IVA	M	A
AS11.71.050(a)(3)(C)	MICS 5-possess <50 tablets VA	M	A
AS11.71.050(a)(3)(D)	MICS 5-possess <6 grams VA	M	A
AS11.71.050(a)(3)(E)	MICS 5-possess >1/2 pound VIA	M	A
AS11.71.050(a)(4)	MICS 5-fail to keep required record	M	A
AS11.71.060	Misconduct- Controlled Substance 6	M	B
AS11.71.060(a)(1)	MICS 6-display, poss <1/2 pound VIA	M	B
AS11.71.060(a)(2)	MICS 6-refuse entry for auth inspection	M	B
AS11.76.110	Interference w/ Constitutional Rights	M	A
AS11.76.110(a)(1)	Interfere Const Right-deprive of right	M	A
AS11.76.110(a)(2)	Interfere Const Right-retaliate for use	M	A
AS11.76.110(a)(3)	Interfere Const Right-under color of law	M	A
AS11.76.120	Open/Publish Sealed Letter	M	A
AS11.76.130	Interfere w/ Rights of Disabled Person	M	B
AS11.76.130(a)(1)	Interfere Rights Disabled- hwy/walkway	M	B
AS11.76.130(a)(2)	Interfere Rights Disabled-service animal	M	B
AS11.76.140	Avoid Ignition Interlock Device	M	B
AS11.76.140(a)(1)	Avoid Ignition Interlock-probationer	M	B
AS11.76.140(a)(2)	Avoid Interlock-rent/lend to probationer	M	B

HB 120 Sectional Analysis - Appendix 2
Examples of Misdemeanors Excluded from Definition of "Serious Offense" (AS 12.62.900)

Offenses most potentially relevant are shown in boldface type.)

AS12.25.150	Officer Violate Rights of Arrestee	M	B
AS12.25.230	Fail to Obey Citation/Appear in Court	M	N
AS12.25.230(a)	Fail to Obey Citation/Appear in Court	M	N
AS12.30.060(2)	Fail to Appear- on bail for misdemeanor	M	A
AS12.30.060(3)	Fail to Appear as Material Witness	M	A
AS12.35.060	Malicious Procurement of Search Warrant	M	N
AS12.60.210	Officer Failure to Quell Riot	M	N
AS12.70.100	Noncompliance w/ Rights for Extradition	M	A
AS14.25.210	Teacher Retirement -False Stmt	M	N
AS15.07.180	Accept Fee fo: Voter Registration	M	A
AS15.13.040	State Election Campaign Offense	M	A
AS15.13.070	State Election Campaign Offense	M	A
AS15.13.072	State Election Campaign Offense	M	A
AS15.13.090	State Election Campaign Offense	M	A
AS15.13.100	State Election Campaign Offense	M	A
AS15.13.112	State Election Campaign Offense	M	A
AS15.13.155	State Election Campaign Offense	M	A
AS15.56.012	Campaign Misconduct 1	M	A
AS15.56.014	Campaign Misconduct 2	M	B
AS15.56.025	Telephone Campaign Misconduct	M	A
AS15.56.035	Unlawful Interference w/ Voting 2	M	A
AS15.56.050	Voter Misconduct 2	M	A
AS15.56.080	Election Official Misconduct 2	M	A
AS15.56.090	Improper Subscription to Petition	M	B
AS16.05.165	Violate Fish/Game Law	M	N
AS16.05.210	Receive Bounty to Kill Predator	M	N
AS16.05.330	Fish/Game License/Permit/Tag Violation	M	N
AS16.05.330(a)(1)	Sport Fish w/o Lic In Possession	M	N
AS16.05.330(a)(2)	Hunt/Trap/Deal Fur w/o Lic in Possession	M	N
AS16.05.330(a)(3)	Farm Fish/Fur/Game w/o License	M	N
AS16.05.330(a)(4)	Engage in Taxidermy w/o License	M	N
AS16.05.330(d)	License Revoked in Another State	M	N
AS16.05.340	Fish/Game License/Permit/Tag Fee	M	N
AS16.05.340(a)(17)(A)	Hunt Waterfowl w/o Tag in Possession	M	N
AS16.05.340(a)(20)	Nonresident Alien Big Game Tag	M	N
AS16.05.340(a)(23)	Resident Anadromous King Salmon Tag	M	N
AS16.05.340(a)(24)	Nonresident Anadromous King Salmon Tag	M	N
AS16.05.370	Fish/Game Licensee Report Required	M	N
AS16.05.407	Nonresident Hunting w/o Resident/Guide	M	N
AS16.05.407(a)	Nonresident Hunting w/o Resident/Guide	M	N
AS16.05.407(b)	Affidavit of Accompaniment Required	M	N
AS16.05.408	Nonresident Alien Hunting w/o Guide	M	N
AS16.05.420	License, Tag, Permit Violations	M	N
AS16.05.475	Comm Fish Vessel Not Regis - negligent	M	N
AS16.05.480	Comm Fish License Req- negligent	M	N
AS16.05.510	Unlicensed Comm Fish Vessel	M	N
AS16.05.632	ID Shellfish Pots/Buoys Req	M	N
AS16.05.665	Comm Fish - Falsify License Application	M	N
AS16.05.675	Comm Fish - No Landing Permit	M	N
AS16.05.680	Comm Fish - Unlawful Practices	M	N

HB 120 Sectional Analysis - Appendix 2
Examples of Misdemeanors Excluded from Definition of "Serious Offense" (AS 12.62.900)

Offenses most potentially relevant are shown in boldface type.)

AS16.05.685	Comm Fish - Crab Processing Vessel Req	M	N
AS16.05.690	Comm Fish - Record Purchase	M	N
AS16.05.723	Commercial Fishing Violation	M	N
AS16.05.782	Take Brn Bear Near Solid Waste Disp Fac	M	A
AS16.05.789	Hunt w/ Firearm Near Haul Road	M	A
AS16.05.790	Obstruct Lawful Hunt/Fish/Trap	M	N
AS16.05.831	Waste of Salmon	M	N
AS16.05.835	Max Length of Salmon, Crab Vessels	M	N
AS16.05.840	Fishway Req if Stream Obstructed	M	N
AS16.05.850	Hatchery Req if Fishway Obstructed	M	N
AS16.05.860	Violate Fishway/Hatchery Requirements	M	N
AS16.05.880	Construction Affecting Fish w/o Approval	M	A
AS16.05.895	Damage Fish Spawning Bed	M	N
AS16.05.900	Violate Fish/Game Protection Law	M	A
AS16.05.905	Comm Fishing by Aliens	M	N
AS16.05.920	Fish & Game - Prohibited Conduct	M	A
AS16.05.920(a)	Taking/Trafficking Fish/Game/Plants	M	A
AS16.05.920(b)	Destroy Dept of Fish/Game Equip	M	A
AS16.05.921	Import/Possess Venomous Reptiles	M	A
AS16.10.010	Interfere w/ Salmon Spawning Grounds	M	N
AS16.10.055	Interfere/ Damage Fishing Gear	M	N
AS16.10.070	Fish Traps Prohibited	M	N
AS16.10.100	Fish Traps on State Land Prohibited	M	N
AS16.10.120	Purse Seine - use of drum or reel	M	N
AS16.10.125	Termination Device Req-Shellfish pots	M	N
AS16.10.165	Waste of Pollock-roestripping prohibited	M	A
AS16.10.173	Waste of Herring-roestripping prohibited	M	A
AS16.10.175	Take Herring from State w/o Processing	M	N
AS16.10.200	Unlawful Taking-Migratory Fish/Shellfish	M	N
AS16.10.210	Unlawful Sale-Migratory Fish/Shellfish	M	N
AS16.10.240	Improper Interstate Crab Shipment	M	N
AS16.10.265(a)	Purchase Fish From Nonpermit Holder-gen	M	N
AS16.10.265(b)(1)	Purchase Fish Nonpermit Holder-1st off	M	B
AS16.10.265(b)(2)	Purchase Fish Nonpermit Holder-2nd off	M	A
AS16.10.265(b)(3)	Purchase Fish Nonpermit Holder-3+ off	M	A
AS16.10.267	Possess Fish w/o permit or ID	M	B
AS16.10.270	Fish -Weighing Commercial Purchase	M	N
AS16.10.290	Bond Req for Fish Buyer/Processor	M	N
AS16.10.780	Assist High Seas Interception of Salmon	M	A
AS16.20.195	Permit Required for Endangered Species	M	N
AS16.30.010	Wanton Waste of Big Game and Wild Fowl	M	A
AS16.30.010(a)	Wanton Waste of Big Game and Wild Fowl	M	A
AS16.30.010(b)	Fail to Salvage Hindquarters	M	A
AS16.30.012	Possession of Antlers or Horns w/o Meat	M	A
AS16.40.100	Operate Hatchery/Aquatic Farm w/o Permit	M	B
AS16.43.140	Commercial Fishing Permit Required	M	N
AS16.43.970(a)	Commercial Fishing -Misdemeanor	M	B
AS16.43.970(g)(1)	Commercial Fish Permit Violation-1st	M	B
AS16.43.970(g)(2)	Commercial Fish Permit Violation-2r.d	M	A
AS16.43.970(g)(3)	Commercial Fish Permit Violation - 3rd+	M	A

HB 120 Sectional Analysis - Appendix 2

Examples of Misdemeanors Excluded from Definition of "Serious Offense" (AS 12.62.900)

Offenses most potentially relevant are shown in boldface type.)

AS17.20.290	Food&Drugs-Prohibited Acts	M	A
AS17.20.290(a)(1)	Food&Drugs-Sell Adulterated, Misbranded	M	A
AS17.20.290(a)(10)	Food&Drugs-Forge Mark or Label	M	A
AS17.20.290(a)(11)	Drugs-Misrepresent Effectiveness	M	A
AS17.20.290(a)(12)	Food-Sell Frozen Fish as Fresh	M	A
AS17.20.290(a)(13)	Drugs-Improper Labeling by Pharmacist	M	A
AS17.20.290(a)(2)	Food&Drugs-Adulterate, Misbrand	M	A
AS17.20.290(a)(3)	Food&Drugs-Deliv Adulterated, Misbranded	M	A
AS17.20.290(a)(4)	Food&Drugs-Sale in Viol of Statute	M	A
AS17.20.290(a)(5)	Food&Drugs-False Advertisement	M	A
AS17.20.290(a)(6)	Food&Drugs-Refuse Inspection	M	A
AS17.20.290(a)(7)	Food&Drugs-False Guaranty	M	A
AS17.20.290(a)(8)	Food&Drugs-Dispose of Detained Article	M	A
AS17.20.290(a)(9)	Food&Drugs-Alter/Remove Label	M	A
AS18.35.060	Unlawful Disposal Of Wastes/Garbage	M	N
AS18.40.050	Damage State-Owned Shelter Cabin	M	A
AS18.50.900	Vital Statistics Violations	M	N
AS18.50.900(a)(1)	Alter Birth Certif to Deceive	M	N
AS18.50.900(a)(2)	Use Altered Birth Certif to Deceive	M	N
AS18.50.900(a)(3)	Use Birth Certif Issued on False Record	M	N
AS18.50.900(a)(4)	Furnish Birth Certif for Misuse by Other	M	N
AS18.50.900(b)(1)	Birth Certif - Make False Stmt	M	N
AS18.50.900(b)(2)	Vital Stat Record - Make False Stmt	M	N
AS18.50.900(c)(2)	Vital Stats - Refuse or Give False Info	M	N
AS18.50.900(c)(3)	Violate or Refuse Duty re Vital Stats	M	N
AS18.60.095(e)	OSHA Violations Resulting in Death	M	N
AS18.60.160	Fail to Report Mysterious Disappearance	M	N
AS18.65.310	State ID Card Fraud/Misuse	M	N
AS18.65.310(c)	Fraudulent Applic for State ID Card	M	N
AS18.65.310(d)	Possess or Use Fraudulent State ID Card	M	N
AS18.65.310(e)	Lend State ID Card to Another	M	N
AS18.65.480	Security Guard License Violation	M	B
AS18.65.750(b)	Fail to Inform Officer of Concealed Gun	M	A
AS18.65.750(c)	Fail to Secure Concealed Gun per Officer	M	A
AS18.65.755	Poss Concealed Handgun Where Prohibited	M	B
AS18.65.755(a)(1)	Poss Conceal Gun- in home w/o permission	M	B
AS18.65.755(a)(2)	Poss Conceal Gun - state/fed law prohib	M	B
AS18.65.760(a)	Concealed Handgun Permit Misuse	M	A
AS18.65.760(a)(1)	Concealed Handgun Perm- Alter	M	A
AS18.65.760(a)(2)	Concealed Handgun Perm-Let Other Use	M	A
AS18.65.760(a)(3)	Concealed Handgun Perm- Susp/Revoked	M	A
AS18.70.075	Refuse to Obey Order of Fire Official	M	A
AS18.70.100	Fire Protection/Investigation Violation	M	B
AS18.72.040	Fireworks Sales/License Violation	M	B
AS19.10.300	CMV Financial Responsibility	M	B
AS19.10.310	CMV Safety Inspections	M	B
AS19.10.340	CMV Certificate of Inspection	M	B
AS19.25.130	Unlawful Outdoor Advertising	M	N
AS21.36.360(b)(sm)	Fraudulent Insurance Act- <\$500	M	A
AS21.36.360(i)	Insurance- not auth in this state	M	A

HB 120 Sectional Analysis - Appendix 2
Examples of Misdemeanors Excluded from Definition of "Serious Offense" (AS 12.62.900)

Offenses most potentially relevant are shown in boldface type.)

AS21.36.360(j)	Insurance-Unlicensed/Unregistered	M	A
AS21.36.360(k)	Insurance-Procurir:g Applications	M	A
AS21.36.360(l)	Insurance-Refuse to Produce Records	M	A
AS21.36.360(m)	Insurance-Unauth Dividend	M	A
AS21.36.360(n)	Insurance-Fail to Report Premiums	M	A
AS21.36.360(o)	Insurance-False Statement on Application	M	B
AS21.36.360(p)(1)	Insurance-Violate Title or Regulation	M	B
AS23.05.280	Labor Law Violation	M	A
AS23.10.040	Fail to Pay Wages	M	N
AS23.10.140	Wage & Hour Act Violation	M	B
AS23.10.350(a)	Child Labor Laws- >6 days/wk or hazard	M	B
AS23.10.350(c)	Child Labor Laws- breaks required	M	B
AS23.10.350(f)(1st)	Child Labor Laws-adult shows 1st offense	M	A
AS23.10.370	Child Labor Laws	M	B
AS23.10.415	Underground Mining Labor Laws	M	N
AS23.20.485	Unemployment Benefits-False Stmt	M	B
AS23.20.490	Employment Benefits-Viols by Employer	M	A
AS23.20.500	Employment Security Regs Viol	M	N
AS23.30.075	Employer-Inadeq Workers Comp Coverage	M	N
AS23.30.245	Employer Deduct Workers Comp from Pay	M	N
AS23.30.250	False Workers Comp Claim	M	N
AS23.30.260	Prohibited Solicit/Fee for Workers Comp	M	A
AS24.25.080	Disobey Legislative Subpoena	M	N
AS24.55.290	Hinder Ombudsman Investigation	M	N
AS28.05.098	Child Safety Device-sell substandard	M	N
AS28.05.106	Custom Collector Vehicle Equip Required	M	N
AS28.10.451	Fail To Comply w/ Veh Title/Registr Req	M	N
AS28.10.461	Drive Vehic w/o Evidence of Registration	M	N
AS28.10.471	Drive w/ Regis Susp/Revoked/Expired	M	N
AS28.10.481	Improper Use of Regis/Title/Plates	M	N
AS28.10.491(a)(9)(ins)	False Stmt re Vehic Insurance, negligent	M	A
AS28.10.493	Illegal Transfer Of Veh	M	B
AS28.10.493(a)	Illegal Transfer Of Veh by Owner	M	B
AS28.10.493(b)	Illegal Transfer Of Veh by Dealer	M	B
AS28.15.011	Drive w/o Valid Operator's License	M	N
AS28.15.021	Drive w/o In-State License After 90 Days	M	N
AS28.15.046	School Bus Driver License Required	M	N
AS28.15.051(a)	Drive In Viol Of Instruction Permit	M	N
AS28.15.051(b)	Drive In Viol Of Restricted Permit	M	N
AS28.15.051(c)	Drive In Viol Of Temporary License	M	N
AS28.15.051(d)	Drive In Viol Of Motorcycle Permit	M	N
AS28.15.121(d)	Drive In Viol Of Restricted License	M	N
AS28.15.131	License Carried/ Exhibited On Demand	M	N
AS28.15.281(a)(1)	Unlawful Use of Lic: revoked/altered	M	N
AS28.15.281(a)(2)	Unlawful Use of Lic: use lic of another	M	N
AS28.15.281(a)(3)	Unlawful Use Of Lic: out-of-state driver	M	N
AS28.15.281(a)(4)	Unlawful Use Of Lic: lend to another	M	N
AS28.15.281(b)	Unlawful Use of Lic: lend to unlicensed	M	N
AS28.15.291(a)(1)	Drive w/ License Canc/Susp/Revoked/Lim	M	N
AS28.15.291(a)(2)	Drive in Violation of License Limitation	M	N

HB 120 Sectional Analysis - Appendix 2
Examples of Misdemeanors Excluded from Definition of "Serious Offense" (AS 12.62.900)

Offenses most potentially relevant are shown in boldface type.)

AS28.17.011	Dept Lic Required for CMV Instructor	M	N
AS28.17.051	Fail to Surrender CMV License	M	N
AS28.20.560(a)	Driver's Lic/Reg: Fail to Surrender	M	N
AS28.20.560(b)	Driver's Lic/Reg - False Affidavit	M	N
AS28.20.570	Forge Proof of Financial Responsibility	M	N
AS28.22.011	No Motor Vehicle Liability Insurance	M	N
AS28.22.051	False Insurance Information	M	A
AS28.33.030	CMV - DWI	M	A
AS28.33.031	CMV/Refuse To Submit Prelim Breath Test	M	B
AS28.33.120	Responsibilities of CMV Employers	M	N
AS28.33.130	CMV- Out of Service Orders	M	N
AS28.33.130(a)(1)	CMV-drive w/in 4 hours alc/contr subst	M	N
AS28.33.130(a)(2)	CMV-drive in possession alc/contr subst	M	N
AS28.33.130(a)(3)	CMV-drive after placed out of service	M	N
AS28.33.130(a)(4)	CMV-drive with invalid license	M	N
AS28.33.150	CMV- Drive w/o License	M	A
AS28.33.150(a)(1)	CMV-drive w/o CMV license	M	A
AS28.33.150(a)(2)	CMV-drive w/license cand/susp/revoked	M	A
AS28.33.150(a)(3)	CMV-drive in viol of limitation	M	A
AS28.33.150(a)(4)	CMV-drive if disqual by court or admin	M	A
AS28.33.150(a)(5)	CMV-drive in viol out-of-service order	M	A
AS28.35.015	Tamper With Or Damage Vehicle	M	N
AS28.35.024	Violate Requirements for Renting Vehicle	M	N
AS28.35.030(a)	DWI	M	A
AS28.35.030(a)(1)	DWI- alcohol or contr subst	M	A
AS28.35.030(a)(2)	DWI- BAC .10% or more	M	A
AS28.35.030(a)(3)	DWI- combined alcohol/contr subst	M	A
AS28.35.032(a)	Refuse To Submit To Chemical Test	M	A
AS28.35.040	Reckless Driving	M	N
AS28.35.050	Leave Scene of Accident	M	N
AS28.35.050(a)	Lv Scene of Accid - involve injury/death	M	N
AS28.35.050(b)	Lv Scene of Accid - vehic dmg	M	N
AS28.35.050(c)	Lv Scene of Accid - unattended vehic dmg	M	N
AS28.35.060(b)	Leave Accident w/o Providing Info	M	A
AS28.35.080	Immediate Notice of Accident Required	M	N
AS28.35.110(a)	Accident Report - Provide False Info	M	A
AS28.35.110(b)	Accident - Fail to Report	M	B
AS28.35.130	Destroy Evidence of Auto Accident	M	N
AS28.35.135(b)	Vehic Rcrd - No Notice of Chng Name/Addr	M	N
AS28.35.140	Obstruct/Block Traffic	M	N
AS28.35.145(a)	Fail to Stop for Schoolbus	M	B
AS28.35.145(b)	Fail to Yield for Schoolbus Passenger	M	B
AS28.35.155	Studded Tires, Chains Out of Season	M	N
AS28.35.175	RV Propane Gas Detector Required	M	N
AS28.35.180	Disobey Officer Directing Traffic	M	N
AS28.35.182(b)	Fail To Stop At Direction Of Officer 2	M	A
AS36.10.100	State Employment Preference Violation	M	N
AS36.30.315	Procurement Code-fraud by state ofc	M	A
AS39.25.900	Violate State Personnel Act	M	N
AS39.35.670	PERS-False Statement	M	N

HB 120 Sectional Analysis - Appendix 2
Examples of Misdemeanors Excluded from Definition of "Serious Offense" (AS 12.62.900)

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AS39.50.060	Public Officer - Fail Financial Stmt Req	M	N
AS39.52.340	Ethics Investigation Confidentiality	M	A
AS39.90.010	Obstruct Access to Public Information	M	N
AS41.15.060	Burning permit req in state forest	M	N
AS41.15.070	Throw burning material in state forest	M	N
AS41.15.080	Burning w/o notice, proper equip	M	N
AS41.15.090	Burning w/o clearing area	M	N
AS41.15.100	Set fire w/o landowner consent	M	N
AS41.15.110	Allow spread of fire/leave unattended	M	N
AS41.15.120	State forest:Fail to assist firefighter	M	N
AS41.17.131	Criminally Negligent Logging	M	A
AS41.21.950	Violation of State Parks Stats/Regs	M	N
AS41.35.200	Historic/Archeological Resources	M	A
AS42.20.050	Alter Telegraph	M	A
AS42.20.060	Send/Deliver False/Forged Telegraph	M	A
AS42.20.070	Misuse of Telegraph	M	A
AS42.20.080	Delay/Refuse to Send/Deliver Telegraph	M	A
AS42.20.085	Refuse/Falsify Official Telegraph	M	A
AS42.20.090	Open Telegraph Addressed to Another	M	A
AS42.20.100	Refuse to Disclose Private Telegraph	M	A
AS42.20.120	Refuse to Yield Phone Line in Emergency	M	B
AS42.20.130	Pretext of Emergency for Phone Line	M	B
AS42.20.300	Unauth Publication/Use of Communications	M	A
AS42.20.310	Eavesdropping	M	A
AS42.20.325	Wiretap - Fail to Report	M	A
AS42.30.080	Explosives on Passenger Vessel/Vehicle	M	N
AS43.05.290(c)	Willfully Fail to Pay Tax	M	A
AS43.05.290(f)	Willfully Disclose False Tax Document	M	A
AS44.09.015	Use State Seal w/o Permission	M	N
AS44.25.040	Fail to Obtain Required Bond	M	A
AS45.50.562	Combination Restraint of Trade Unlawful	M	N
AS45.50.564	Monopolies Unlawful	M	N
AS45.63.030	Telephone Solic-Refund Required	M	A
AS45.63.040	Telephone Solic-Prohib Representations	M	A
AS45.63.050	Telephone Solic-No Waiver of Rights	M	A
AS45.68.010	Charitable Solicitation Regis Required	M	A
AS46.03.100	Waste Disposal Permit Violation	M	A
AS46.03.260	Release Radioactive Materials	M	A
AS46.03.302	Haz Waste Storage/Treatment/Disposal	M	A
AS46.03.305	Hazardous Waste Manifests/Records	M	A
AS46.03.308	Transport Haz Waste w/o Manifest	M	A
AS46.03.380-405	Underground Storage Tanks	M	A
AS46.03.710	Pollution of Land/Air/Water	M	A
AS46.03.715	Sale/Use of Prohibited Paint	M	A
AS46.03.720	Sewage/Water Treatment Construction	M	A
AS46.03.730	Pesticide Pollution	M	A
AS46.03.740	Oil Pollution	M	A
AS46.03.743	Negl Operation of Tank Vessel	M	A
AS46.03.745	Hazardous Substance Release	M	A
AS46.03.750	Ballast Water Discharge	M	A

HB 120 Sectional Analysis - Appendix 2
Examples of Misdemeanors Excluded from Definition of "Serious Offense" (AS 12.62.900)

Offenses most potentiall / relevant are shown in boldface type.)

AS46.03.755	Fail to Report Haz Substance Discharge	M	A
AS46.03.790(a)(1)	Violate Environmental Statutes/Regs	M	A
AS46.03.790(a)(2)	DEC-Provide False Info/Fail Provide Info	M	A
AS46.03.790(a)(3)	False Haz Waste Applic. Report	M	A
AS46.03.790(a)(4)	False Air Quality Applic. Report	M	A
AS46.03.790(a)(5)	Tamper w/ Monitoring Device	M	A
AS46.03.790(d)(2)	Oil Discharge <10,000 Barrels	M	A
AS46.03.800	Create/Maintain Water Nuisance	M	A
AS46.03.810	Air or Land Nuisance	M	A
AS45.03.830	Haz Waste - Fail to Prove Fin. Resp.	M	A
AS46.09.010	Fail to Report Haz Substance Discharge	M	A
AS46.09.020	Haz Substance Cleanup/Containment	M	A
AS46.14.010-990	Air Quality Violation	M	A
AS46.15.180	Prohibited Water Appropriation	M	A
AS46.17.150	Water Dam Violation	M	A
AS46.30.120	Illegal Water Supply/Wastewater System	M	A
AS47.10.092	Disclosure of Confidential Juvenile Info	M	N
AS47.10.093	Disclosure of Agency Juvenile Records	M	B
AS47.17.020	Persons Req To Report Child Abuse	M	B
AS47.17.023	Film Processors Report Child Pornography	M	B
AS47.17.027	School Offic. Disclose Confid. Info	M	B
AS47.17.040	Disclose Confid. Child Abuse Record	M	B
AS47.25.290	Violate Public Assistance Laws	M	A
AS47.25.985	Misuse of Food Stamps	M	N
AS47.30.972	Mental Health Care - fraud	M	A

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SSHB 120
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Dept. of Public Safety
Title: National Crime Prevention & Privacy Compact BRU: Statewide Support
Component: Criminal Records & ID
Sponsor: Representative Coghill
Requester: House Judiciary Component Number: 1190

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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 ()						
------------------------	--	--	--	--	--	--

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 (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)
DPS will amend regulations governing criminal record dissemination. This will be done with existing resources.

Prepared by: Kenneth Bischoff Phone 465-4336
Division: Administrative Services Date/Time 4/3/01 12:00 AM
Approved by: Commissioner Glenn G. Godfrey Date 4/3/01
Agency: Department of Public Safety

For distribution information, call the Governor's Legislative Office

HB

121

ALASKA STATE LEGISLATURE

Chair:
LABOR AND COMMERCE

Member:
MILITARY AND VETERANS AFFAIRS
COMMUNITY AND REGIONAL AFFAIRS
LEGISLATIVE COUNCIL
JOINT ARMED SERVICES




REPRESENTATIVE LISA MURKOWSKI
Government Hill • Elmendorf • East Anchorage

Session:
ALASKA STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE: (907) 465-3783
FAX: (907) 465-2293
Representative_Lisa_Murkowski@legis.state.ak.us

Interim:
716 WEST 4TH AVENUE
ANCHORAGE, AK 99501-2133
PHONE: (907) 269-0174
FAX: (907) 269-0177

Memorandum

MAR 23 2001

Date: March 23, 2001
To: Representative Norman Rokeberg
Chairman, House Judiciary Committee
From: Representative Lisa Murkowski 
Subject: Scheduling HB 121

House Bill 121 "Charitable Gift Annuities" defines and clarifies a charitable gift annuity, states that gift annuities are not insurance, provides minimum unrestricted cash requirements, and sets out specific requirements for the issuance of gift annuities. The Act protects both donors and charities by providing that notice be given to donors and provides that organizations notify the Division of Insurance when entering into their first qualified charitable gift annuity.

Attached you will find a copy of House Bill 121, sponsor statement, sectional analysis, and supporting documentation. Please schedule HB 121 at your earliest convenience.

ALASKA STATE LEGISLATURE

Chair:

LABOR AND COMMERCE

Member:

MILITARY AND VETERANS AFFAIRS
COMMUNITY AND REGIONAL AFFAIRS
LEGISLATIVE COUNCIL
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Interim:

716 WEST 4TH AVENUE
ANCHORAGE, AK 99501-2133
PHONE: (907) 269-0174
FAX: (907) 269-0177

Sponsor Statement House Bill 121

“An Act relating to the issuance of qualified charitable gift annuities.”

Charitable gift annuities can be an important way for charities to raise funds. If a donor wishes to make a charitable gift but also wants to reserve income for the future, gift annuities provide a legal contract between charity and donor (so in exchange for a donor making a gift, the charity provides an annuity to the donor).

Based on model legislation developed by the National Association of Insurance Commissioners, House Bill 121 defines and clarifies a charitable gift annuity, states that gift annuities are not insurance, provides minimum unrestricted cash requirements, and sets out specific requirements for the issuance of gift annuities. The Act protects both donors and charities by providing that notice be given to donors and provides that organizations notify the Division of Insurance when entering into their first qualified charitable gift annuity.

The model legislation has been successfully passed in over 30 states and has been approved by the American Council of Gift Annuities and the National Council of Planned Giving. I urge your considered and favorable support.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 121
 () Publish Date: _____

Revision Date/Time(Note if Correction) 03/09/2001 2:30p.m. Dept. Affected: DCED
 Title: An Act relating to the issuance of qualified BRU: Insurance Operations
charitable gift annuities. Component: Insurance
 Sponsor: Representative Murkowski
 Requester: House Labor & Commerce Component Number: 354

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
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 ()						
-------------------------------	--	--	--	--	--	--

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 (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This bill has no fiscal impact on this component.

Prepared by: Robert A. Lohr
 Division: Insurance
 Approved by: Commissioner Deborah B. Sedwick
 Agency: Department of Community & Economic Development

Phone 907-269-7900
 Date/Time 03/09/2001 2:30p.m.
 Date 3/9/2001

For distribution information, call the Governor's Legislative Office

CC: FOUNDATION BOARD

Providence Health System

320 Providence Drive
P.O. Box 196604
Anchorage, Alaska
99519-6604

Tel 907.562.2211



September 25, 2000

Honorable Brian S. Porter
Speaker of the House
Alaska State legislature
3430 Fordham Drive
Anchorage, AK 99508

Dear Speaker of the House;

On behalf of Providence Alaska Foundation, I am submitting this letter in support of the Charitable Gift Annuities Exemption Model Act. Providence supports this legislative bill for the benefit of Alaskan charities and their donors. The Model Act which defines charitable gift annuities has been successfully passed in over than 30 states. The Exemption Act has also been approved by the National Association of Insurance Commissioners (NAIC) and has the approval of the American Council of Gift Annuities.

This legislative bill simply defines charitable gift annuities and states that gift annuities are not insurance and that the issuance of a charitable gift annuity does not constitute engaging in the business of insurance in this state. The Model Act requires notice to donors and would require charities that issues gift annuities to notify the commissioner when it enters into the organization's first qualified charitable gift annuity. It would thereby benefit the state in tracking such data. Passing the Model Act protects both charities and donors alike.

The Model Act serves to define charitable gift annuities, provides minimum unrestricted cash requirements and sets out specific requirements for the issuance of charitable gift annuities. Providence feels privileged in promoting such legislation in protecting charitable gift annuities in our state.

Sincerely,

Douglas Bruce
Chief Executive
Providence Health System in Alaska



Alaska Pacific University

President
Douglas M. North

November 13, 2000

Honorable Brian S. Porter
Speaker of the House
Alaska State Legislature
3430 Fordham Drive
Anchorage, AK 99508

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James Palmer
Edward Paup
Leah Peterson
Barbara Dadd Shaffer
William Sheffield
Donald Wilson
Phoebe Wood

Dear Speaker of the House;

On behalf of Alaska Pacific University, I am submitting this letter in support of the Charitable Gift Annuities Exemption Model Act. The University supports this legislative bill for the benefit of Alaskan charities and their donors. The Model Act defines charitable gift annuities and has successfully passed in over 30 states. The Exemption Act has also been approved by the National Association of Insurance Commissioners (NAIC) and has the approval of the American Council of Gift Annuities.

This simple legislative bill simply defines charitable gift annuities and states that gift annuities are not insurance and that the issuance of a charitable gift annuity does not constitute engaging in the business of insurance in this state. The Model Act requires notice be given to donors and would require charities that issues gift annuities to notify the commissioner when it enters into the organization's first qualified charitable gift annuity. It would thereby benefit the state in tracking such data. Passing the Model Act protects both charities and donors alike.

The Model Act serves to define charitable gift annuities, provides minimum unrestricted cash requirements and sets out specific requirements for the issuance of charitable gift annuities. Alaska Pacific University feels privileged in promoting such legislation and would appreciate your help in protecting charitable gift annuities in our state. Thank you for your support.

Sincerely,

Douglas M. North, President
Alaska Pacific University

THE
FOLLOWING
DOCUMENT(S)
ARE
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ORIGINAL
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The Salvation Army
Alaska Divisional Headquarters

Mailing Address: P.O. Box 101459
 143 E. Ninth Avenue · Anchorage, Alaska 99510-1459
 (907) 276-2515 · FAX (907) 276-1424

Founded in 1865
 By William Booth
 John Gowans
 General
 David Edwards
 Territorial Commander
 Terry W. Griffin
 Divisional Commander

November 27, 2000

Honorable Brian Porter
 Speaker of the House

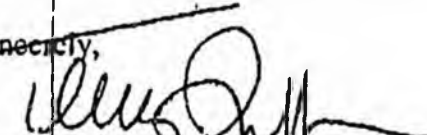
Dear Speaker of the House,

On behalf of The Salvation Army, I am submitting this letter in support of the Charitable Gift Annuities Exemption Model Act. The Salvation Army supports this legislative bill for the benefit of Alaskan charities and their donors. The Model Act, which defines charitable gift annuities, has been successfully passed in over 30 states. The Exemption Act has also been approved by the National Association of Insurance Commissioners (NAIC) and has the approval of the American Council of Gift Annuities.

This simple legislative bill defines charitable gift annuities and states that gift annuities are not insurance and that the issuance of a charitable gift annuity does not constitute engaging in the business of insurance in this state. The Model Act requires notice be given to donors and would require charities that issue gift annuities to notify the commissioner when it enters into the organization's first qualified charitable gift annuity. It would thereby benefit the state in tracking such data. Passing the Model Act protects both charities and donors alike.

The Model Act serves to define charitable gift annuities, provides minimum unrestricted cash requirements and sets out specific requirements for the issuance of charitable gift annuities. The Salvation Army feels privileged in promoting such legislation and would appreciate your help in protecting charitable gift annuities in our state. Thank you for your support.

Sincerely,



Terry W. Griffin, Lt. Colonel
 DIVISIONAL COMMANDER

cc: Douglas Bruce, Chief Executive
 Providence Health Care System, Alaska



Into a Second Century of Service



Check
the rate of
appreciation
on your
next gift.

Gift Annuities through Providence Health Systems

Families young and old benefit when you give to the Sisters of Providence. You receive guaranteed income from your gift and your gift helps us save lives, limbs, and livelihoods — all outcomes of the good work we do with your support. Payments you receive from a Providence Gift Annuity supplements your income for life, and allows you a charitable income tax deduction at the time the gift is made.

Example for a \$10,000 Gift Annuity

Age	Annuity Rate	Tax Deduction*
70	7.5%	4,080
75	8.2%	4,460
80	9.2%	4,884
85	10.5%	5,334
90	12.0%	5,807

*approximate deduction, actual may vary slightly

To learn what your benefits from a gift annuity might be, please return the form below. Or call Jon Calder at 907-261-4943.

Yes, I would like more information about Providence Gift Annuities.

NAME _____ AGE(S) _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

PHONE () _____ E-MAIL _____

Please contact Jon Calder, Annual & Planned Giving Director
(907) 261-4943 • fax 261-3048 • jcalder@provak.org
P.O. Box 196604 - Anchorage, AK 99519



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Charitable Gift Annuity

A Charitable Gift Annuity . . . A Wise Investment!

It allows you to make a charitable contribution to The National Heritage Foundation or to one of our many foundations, while providing a fixed and guaranteed lifetime income for you and/or a loved one. In addition, you will receive certain tax advantages which make your gift even more valuable.

You may specify that your gift be used for the greatest needs of The National Heritage Foundation at that time. Or, as a supporter of a particular work of one or more foundations at NHF, you may direct that your gift be used for future needs of one or more specific programs.

It is not necessary for you to have a foundation at The National Heritage Foundation in order to obtain the benefits of your own Charitable Gift Annuity, although many of the donor/advisors with their own foundation accounts find that the Gift Annuity is a valuable personal benefit.

There are some who've left a name so that tomorrow will see their light . . .
and some who will perish as though they never lived.

Continue



The Tangible Benefits are Numerous

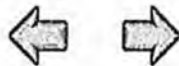
Among the many benefits you will receive are:

- ◇ Guaranteed income with your annual payment backed by all the assets of The National Heritage Foundation, plus your gift is set aside in a separate reserve account for your lifetime to back up the annuity payments to you and/or your loved one.
- ◇ An immediate charitable deduction of a portion of your gift.
- ◇ A tax savings on capital gains if your gift is funded with appreciated property such as stocks, bonds or mutual funds.
- ◇ Tax free income on a portion of your annual income payments for a number of years.
- ◇ Deferred income if you wish to begin receiving payments at a later date, such as at the start of retirement, which will earn higher interest.
- ◇ Your choice of income recipients with payments to the donor only, the donor and a surviving beneficiary, or a person other than the donor.

You Receive Long Term, Intangible Benefits as Well!

In addition to many real benefits, your Charitable Gift Annuity investment in the National Heritage Foundation or one of its foundations will result in significant intangible and long-term benefits.

The beneficiaries and supporters of The National Heritage Foundation become partners with us as we go forth to promote the Heritage of our Nation. You walk with us in our effort to undertake a piece of the grand task of restoring, maintaining and extending our precious heritage of people making life more meaningful for each other, and helping you live a life of love and good works.



How does the Charitable Gift Annuity Work?

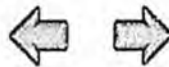
First, the donor of the gift and the secondary beneficiary, if any, must be at least 35 years old. The minimum single gift is \$5,000, and annual gifts may start with as little as \$2,000. The gifts may be in the form of cash or stocks, bonds or mutual funds. Many annuitants roll over a matured certificate of deposit into a charitable gift annuity, or they provide a gift of stock and avoid taxes on part of the capital gain.

As an example, Mr. and Mrs. Jones invested a matured certificate of deposit earning 5.5% annual interest into a gift annuity paying them 7.5%. About half of this income will not be taxable to them over their life expectancies.

They made a significant contribution to The National Heritage Foundation, or perhaps to their own foundation, while at the same time, earning a greater rate of return. In addition, they earned certain charitable deductions which a certificate of deposit does not offer. The earned interest rate of a charitable gift annuity is based on the annuitant's age at the time of the gift along with other considerations.

Examples at Various Ages:

Single Life		Two Lives	
Age on Gift Date	Annuity Rate	Ages on Gift Date	Annuity Rate
55	6.7%	55/55	6.5%
60	6.9%	60/60	6.6%
65	7.2%	65/65	6.8%
70	7.7%	75/75	7.1%
75	8.4%	75/75	7.5%
80	9.4%	80/80	8.2%
85	10.5%	85/85	9.2%
90	12.0%	90/90	10.8%



FAQ on Charitable Gift Annuities

Frequently Asked Questions:

Q: What is a Charitable Gift Annuity?

A: The charitable gift annuity is a simple contract between you and The National Heritage Foundation. In exchange for your irrevocable gift of cash, securities, or other assets, NHF agrees to pay one or two annuitants, which the donor names, a fixed sum each year for life. Payments are usually made in annual, semiannual, or quarterly installments. The payments are guaranteed by the general resources of NHF, and are backed by separate reserve accounts in which the original gift amounts are held, less any expenses and/or income payouts.

Q: How is the payout rate determined?

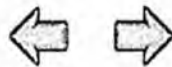
A: The payout rate is determined by the age(s) of the annuitant(s) at the time of the gift. The older the age(s) of the annuitant(s) the more income the NHF can agree to pay.

Q: Is the donor entitled to a current charitable income tax deduction?

A: The donor can claim an income tax deduction for the portion of the Gift Annuity that represents the charitable gift. The tax deduction is claimed in the year the gift is made, however, if income is insufficient to use the entire deduction in one year, the unused portion can be carried forward for an additional five years.

Q: Are there any other tax benefits?

A: In most cases, part of each payment is tax free, increasing each payment's after-tax value. The tax-free portion is greatest when the annuity is funded with cash. If you give appreciated property, some of the income you receive will be treated as a partial capital gain.



Example

Charitable Gift Annuities

EXAMPLE:

Mary Sharp is 82 years old and has been investing primarily in fixed income investments to supplement her pension and social security income. With interest rates dropping the last several years, investments that used to pay her 8% to 9% are now only paying her 6%.

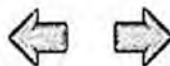
As a supporter of The National Heritage Foundation, Mary saw some information about income producing gift plans, but never associated the idea with her situation. When her last \$20,000 Certificate of Deposit came due and she was offered a reinvestment rate of 6%, Mary decided to give her Philanthropic Development Officer at NHF a call.

At Mary's age, The NHF was able to create a gift annuity that will pay her 9.8% annually on her \$20,000.

Mary received the following benefits for creating her NHF Charitable Gift Annuity:

Annuity Income:	\$1,960
Tax Free Portion:	1,190*
Taxable Portion:	770
Income Tax Deduction:	10,660
Tax Savings at 28% Bracket:	2,968 (This reduced the cost of her gift to \$17,032) (The effective after-tax yield is therefore 11.5%) (The effective pre-tax yield is 14.2% @ 28% bracket)
Estate Tax Savings:	up to 55% of the \$20,000 gift
Probate Savings:	up to 6% to 8% of the \$20,000 gift
Lifetime Support of the NHF:	Mary named her son to work for her own foundation

*After 8.5 years the entire annuity becomes ordinary income



The Benefits

The Charitable Gift Annuity:

BENEFITS INCLUDE:

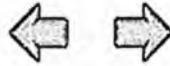
You will qualify for a federal income tax deduction.

The annuitants you name will receive fixed annual income for life, guaranteed by the general resources of the National Heritage Foundation.

If you fund the annuity with an appreciated asset, you will incur tax on only part of the gain. If you name yourself as an annuitant, this tax will be spread out over many years. Your estate may enjoy reduced probate and estate taxes.

You will provide generous support of the National Heritage Foundation to help us continue our efforts to extend our precious heritage.

You can pass on to your heirs, through your own foundation at NHF, a rich and rewarding philanthropic vocation which will provide them with the resources to achieve their own charitable objectives.



How we can help

How we can help:

The National Heritage Foundation can provide you with a personalized confidential illustration you can share with your financial advisor. NHF will draft the contract and prepare the 1099R form for you. For further information and a special illustration, please contact the NHF Charitable Gift Annuity Administrator at 1-800-822-6711 or write to the gift administrator at the address below.

You should consult your attorney and/or tax advisor about the applicability to your own situation of the legal and tax principles contained herein.

NHF Gift Annuity Administrator
P. O. Box 605
Colmar, PA 18915
1-800-822-6711
215-822-6601

email: advisor@pobox.com



There are some who've left a name so that tomorrow will see their light...
and some who will perish as though they never lived.



HB

124

*Adopted
4-15-02*

22-LS0087\R
Lauterbach
4/3/02

CS FOR HOUSE BILL NO. 124()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES HALCRO, Hayes, Dyson, Stevens

A BILL

FOR AN ACT ENTITLED

1 "An Act prohibiting employment by nursing facilities and assisted living homes of
2 persons with certain criminal backgrounds and persons who fail to provide certain
3 sworn statements about their criminal backgrounds."

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

5 * **Section 1.** AS 18.20.302 is amended to read:

6 **Sec. 18.20.302. Criminal background check for employees.** (a) A nursing
7 facility may not employ an individual in a paid position that the department has
8 determined is covered by this section, according to its regulations, unless the
9 individual, before beginning employment,

10 (1) provides to the facility a sworn statement as to whether the
11 individual has been convicted of an offense described in (c)(1) [(c)] of this section and
12 a sworn statement that the individual has never been convicted of an offense
13 described in (c)(2) of this section;

14 (2) provides to the facility the results of a name-check criminal

1 background investigation that was completed by the Department of Public Safety no
2 more than 30 days before the individual is hired; and

3 (3) submits to the facility two full sets of the individual's fingerprints.

4 (b) Within 30 days after employing an individual in a paid position, a nursing
5 facility shall submit to the Department of Public Safety the fingerprints obtained under
6 (a)(3) of this section. The Department of Public Safety shall submit the fingerprints to
7 the Federal Bureau of Investigation for a national criminal history record check.
8 When the results are received, the department shall advise the facility of

9 (1) the date on which the fingerprint background check was completed;
10 and

11 (2) whether the check shows that the individual has committed an
12 offense described in (c)(1) [(c)] of this section.

13 (c) A nursing facility may not hire or retain an employee

14 (1) who has been convicted of a serious offense, as defined in
15 AS 12.62.900, or of an offense listed in the department's regulations as being an
16 offense covered by this paragraph; or

17 (2) for whom the facility does not have on file a sworn statement
18 by the employee that states that the employee has never been convicted of an
19 offense in which the victim was a resident of a nursing facility or assisted living
20 home at the time of the offense; in this paragraph, "assisted living home" means
21 an entity required to be licensed under AS 47.33 or an entity located outside the
22 state that would be required to be licensed under AS 47.33 if it were located
23 inside the state [SECTION].

24 * Sec. 2. AS 47.33.100 is amended to read:

25 Sec. 47.33.100. Criminal background check for employees. (a) An
26 assisted living home may not employ an individual in a paid position that the
27 applicable licensing agency has determined is covered by this section, according to its
28 regulations, unless the individual, before beginning employment,

29 (1) provides to the home a sworn statement as to whether the
30 individual has been convicted of an offense described in (c)(1) [(c)] of this section and
31 a sworn statement that the individual has never been convicted of an offense

1 described in (c)(2) of this section; [AND]

2 (2) provides to the home the results of a name-check criminal
3 background investigation that was completed by the Department of Public Safety no
4 more than 30 days before the individual is hired; and

5 (3) submits to the home two full sets of the individual's fingerprints.

6 (b) Within 30 days after employing an individual in a paid position, an
7 assisted living home shall submit to the Department of Public Safety the fingerprints
8 obtained under (a)(3) of this section. The Department of Public Safety shall submit
9 the fingerprints to the Federal Bureau of Investigation for a national criminal history
10 record check. When the results are received, the department shall advise the home of

11 (1) the date on which the fingerprint background check was completed;
12 and

13 (2) whether the check shows that the individual has committed an
14 offense described in (c)(1) [(c)] of this section.

15 (c) An assisted living home may not hire or retain an employee

16 (1) who has been convicted of a serious offense, as defined in
17 AS 12.62.900, or of an offense listed in the regulations of the applicable licensing
18 agency as being an offense covered by this paragraph; or

19 (2) for whom the facility does not have on file a sworn statement
20 by the employee that states that the employee has never been convicted of an
21 offense in which the victim was a resident of a nursing facility or assisted living
22 home at the time of the offense; in this paragraph,

23 (A) "assisted living home" means an entity required to be
24 licensed under this chapter or an entity located outside the state that
25 would be required to be licensed under this chapter if it were located
26 inside the state;

27 (B) "nursing facility" has the meaning given in
28 AS 18.20.390 [SECTION].

22-LS0087\B
Lauterbach
1/25/02

CS FOR HOUSE BILL NO. 124()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES HALCRO, Hayes, Dyson, Stevens

A BILL

FOR AN ACT ENTITLED

1 "An Act prohibiting employment by nursing facilities and assisted living homes of
2 persons with certain criminal backgrounds."

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

4 * Section 1. AS 18.20.302(c) is amended to read:

5 (c) A nursing facility may not hire or retain an employee who has been
6 convicted of

7 (1) a serious offense, as defined in AS 12.62.900;

8 (2) an offense in which the victim was a resident of a nursing
9 facility or assisted living home at the time of the offense; in this paragraph,
10 "assisted living home" means an entity required to be licensed under AS 47.33 or
11 an entity located outside the state that would be required to be licensed under
12 AS 47.33 if it were located inside the state; or

13 (3) an offense listed in the department's regulations as being an offense
14 covered by this section.

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* Sec. 2. AS 47.33.100(c) is amended to read:

(c) An assisted living home may not hire or retain an employee who has been convicted of

(1) a serious offense, as defined in AS 12.62.900;

(2) an offense in which the victim was a resident of a nursing facility or assisted living home at the time of the offense; in this paragraph,

(A) "assisted living home" means an entity required to be licensed under this chapter or an entity located outside the state that would be required to be licensed under this chapter if it were located in the state;

(B) "nursing facility" has the meaning given in AS 18.20.390; or

(3) an offense listed in the regulations of the applicable licensing agency as being an offense covered by this section.

HB 124 (JUD)

"An Act prohibiting employment by nursing facilities and assisted living homes of persons with certain criminal backgrounds."

Sectional Analysis

*Section 1 - AS 18.20.302

a(1) States that employees must provide a sworn statement in accordance with c(1) and c(2) of this section.

In addition to regulations adopted by the department, the bill adds the crime of *serious offense in c(1)*. Serious offense is defined in AS 12.62.900 which includes:

- A felony offense
- A crime involving Domestic Violence
- Sexual Assault
- Sexual Abuse of a Minor
- Incest
- Unlawful Exploitation of a Minor
- Indecent Exposure
- Contributing to the Delinquency of a Minor
- Distribution of Child Pornography
- Prostitution
- Assault with the Intent to Commit Rape

A sworn statement needed for c(2) requires that the offense is a crime in which the victim was a resident of an assisted-living home facility or a nursing facility at the time of the offense.

*Section 2 – AS 47.33.100 (c)

This section mirrors the barrier crimes set forth in Section 1 for inclusion in the portion of statute pertaining to *assisted living homes*.

ALASKA STATE LEGISLATURE

CHAIR
TRANSPORTATION

VICE-CHAIR
LABOR AND COMMERCE

MEMBER
COMMUNITY AND REGIONAL AFFAIRS

SPECIAL COMMITTEE
ECONOMIC DEVELOPMENT AND TOURISM



REPRESENTATIVE ANDREW HALCRO
District 12

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HB 124 (JUD)

Sponsor Statement

"An Act prohibiting employment by nursing facilities and assisted living homes of persons with certain criminal backgrounds."

The welfare of our senior citizens and vulnerable adults must be a principal concern for all Alaskans. As the state sees the continued utilization of the Pioneer's Homes and other elder care facilities as a safe haven for our elder population, we need to be proactive to insure the safety of our most revered residents.

Due to the disability or immobility of some residents, they are at risk of falling victim to crimes of physical abuse and exploitation. House Bill 124 aims to decrease this risk by limiting the access of those who have exhibited a serious criminal history or those who have historically proved themselves a risk to vulnerable residents.

HB 124 implements statutory restrictions on employment for those persons having been convicted of serious offenses as defined by law, as well as any wrongdoing in which the victim was a resident of a nursing facility at the time of the offense. HB 124 offers extended protections to residents of both nursing facilities and assisted living homes throughout the state.

Alaska's elderly are deserving of our respect, appreciation, and protection. We, as a society, must work to guarantee their safety and well being. Due to the immobility and frail nature of some residents, the state must act on their behalf to ensure this security. House Bill 124 makes critical strides in creating the safeguards to make this protection possible.

I encourage your positive support of House Bill 124.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CS HB 124 (HES)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title Nursing Home/Assisted Living BRU Central Administrative Services
Home Employees/Visitor Component Protection, Community Services
 Sponsor HALCRO, Hayes, Dyson, Stevens Administration
 Requester (H) JUD Component No. 2083

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	46.8	46.8	46.8	46.8	46.8	46.8
Travel						
Contractual	6.8	6.8	6.8	6.8	6.8	6.8
Supplies	2.1	0.0	0.0	0.0	0.0	0.0
Equipment	2.0	0.0	0.0	0.0	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	57.7	53.6	53.6	53.6	53.6	53.6

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

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	57.7	53.6	53.6	53.6	53.6	53.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	57.7	53.6	53.6	53.6	53.6	53.6

Estimate of any current year (FY2002) cost: _____

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time	1	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would require extensive research to determine whether an offense involved a victim who was a resident of a nursing home or an assisted living home. Criminal background reports do not give this information. It would be necessary to get a copy of the police report or some other document either in-state or out-of-state. Because of the complexity of the research and the interpretation needed by the worker reviewing the information, one part-time professional position Range 16 would be required to meet this requirement. At 30 hours a week this position would cost 46.8 in salary and benefits, 10.9 in support costs. Senior Services currently licenses 138 assisted living homes that require criminal background checks of their employees and administrators.

Prepared by: Dwight Becker, Program Coordinator
 Division: Senior Services
 Approved by: Jim Duncan, Commissioner
 Agency: Department of Administration

Phone 907-269-3674
 Date/Time 3/22/02 2:08 PM
 Date 3/22/2001

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CS HB 124 (HES)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
Title: BACKGROUND CHECKS FOR EMPLOYEES OF NURSING
HOMES & ASSISTED LIVING HOMES BRU: Institutions & Administration
Component: Mental Health/DD Admin
Sponsor: HALCRO
Requestor: HOUSE (JUD) Component Number: 310

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	25.5	25.5	25.5	25.5	25.5	25.5
Travel						
Contractual	6.8	6.8	6.8	6.8	6.8	6.8
Supplies	2.1	2.1	2.1	2.1	2.1	2.1
Equipment	2.0					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	36.4	34.4	34.4	34.4	34.4	34.4

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

CHANGE IN REVENUES (0)						
---------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health	36.4	34.4	34.4	34.4	34.4	34.4
Othe (Specify Type--do not abbrevia						
TOTAL	36.4	34.4	34.4	34.4	34.4	34.4

Estimate of any current year (FY2002) cost: _____

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time	1	1	1	1	1	
Temporary						1

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 18.20.302 and AS 47.33.100, sections dealing with criminal background checks for employees of nursing facility and assisted living homes. The bill stipulates that no one may be hired if previously convicted of an offense in which the victim was a resident of a nursing facility or assisted living home at the time of the offense. Since customary background checks do not include confidential information about the victims of crimes, this information could only be obtained through police reports, either in-state or out-of-state. The research process would be complex and labor intensive, requiring a part-time range 16 professional position. At 20 hours per week such a position would costs \$25.5 in salary and benefits, with approximately \$10.9 in support costs.

Prepared by: Sarah Brinkley, Admin. Manager Phone 465-3167
Division: Mental Health & DD Date/Time 03/22/2002
Approved by: Elmer A. Lindstrom, Deputy Commissioner Date 03/25/2002
Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

Current Statutes - DOA

Sec. 18.20.302. Criminal background check for employees.

(a) A nursing facility may not employ an individual in a paid position that the department has determined is covered by this section, according to its regulations, unless the individual, before beginning employment,

(1) provides to the facility a sworn statement as to whether the individual has been convicted of an offense described in (c) of this section;

(2) provides to the facility the results of a name-check criminal background investigation that was completed by the Department of Public Safety no more than 30 days before the individual is hired; and

(3) submits to the facility two full sets of the individual's fingerprints.

(b) Within 30 days after employing an individual in a paid position, a nursing facility shall submit to the Department of Public Safety the fingerprints obtained under (a)(3) of this section. The Department of Public Safety shall submit the fingerprints to the Federal Bureau of Investigation for a national criminal history record check. When the results are received, the department shall advise the facility of

(1) the date on which the fingerprint background check was completed; and

(2) whether the check shows that the individual has committed an offense described in (c) of this section.

(c) A nursing facility may not hire or retain an employee who has been convicted of an offense listed in the department's regulations as being an offense covered by this section.

Current Statutes - HESS

Sec. 47.33.100. Criminal background check for employees.

(a) An assisted living home may not employ an individual in a paid position that the applicable licensing agency has determined is covered by this section, according to its regulations, unless the individual, before beginning employment,

(1) provides to the home a sworn statement as to whether the individual has been convicted of an offense described in (c) of this section; and

(2) provides to the home the results of a name-check criminal background investigation that was completed by the Department of Public Safety no more than 30 days before the individual is hired; and

(3) submits to the home two full sets of the individual's fingerprints.

(b) Within 30 days after employing an individual in a paid position, an assisted living home shall submit to the Department of Public Safety the fingerprints obtained under (a)(3) of this section. The Department of Public Safety shall submit the fingerprints to the Federal Bureau of Investigation for a national criminal history record check. When the results are received, the department shall advise the home of

(1) the date on which the fingerprint background check was completed; and

(2) whether the check shows that the individual has committed an offense described in (c) of this section.

(c) An assisted living home may not hire or retain an employee who has been convicted of an offense listed in the regulations of the applicable licensing agency as being an offense covered by this section.

**ALASKA DEPARTMENT OF ADMINISTRATION
AND
ALASKA DEPARTMENT OF HEALTH & SOCIAL SERVICES**



BARRIER CRIMES

**BARRING EMPLOYMENT
IN AN ASSISTED LIVING HOME**

Under the Assisted Living Homes statutes (AS 47.33), AS 47.33.100 prohibits an assisted living home from hiring or retaining a person who has been convicted of one or more crimes listed in 7 AAC 75.215. This statute requires a person applying for a job at an assisted living home to provide (1) a sworn statement regarding whether they have been convicted of one or more of these crimes, (2) the results of a name-check criminal background investigation that was completed by the Department of Public Safety within 30 days before hiring, and (3) two full sets of fingerprints. The statute requires the assisted living home to submit the fingerprints to the Department of Public Safety within 30 days after employing a person for an FBI national criminal history record check.

To help assisted living homes comply with AS 47.33.100 and 7 AAC 75.215, the pertinent crimes are listed in this document under the categories of absolute barrier crimes, 10-year barrier crimes, 5-year barrier crimes, and 2-year barrier crimes.

If an assisted living home learns that a person applying for a job at the home has been convicted of a barrier crime, the statute and the regulation prohibit the home from hiring that person if it is an absolute barrier crime or if the appropriate amount of time has not passed on the other listed crimes. If an assisted living home learns that an employee of the home has been convicted of a crime listed in 7 AAC 75.215 before, on, or after September 28, 2001, the statute and the regulation prohibit the home from retaining that person if it is an absolute barrier crime or if the appropriate amount of time has not passed on the other listed crimes. (The only exception is a conviction of an offense committed before August 20, 1996 by an employee hired before August 20, 1996.)

AS 47.33.100 and 7 AAC 75.215 take precedence over this document. Failure to list a crime covered by AS 47.33.100 and 7 AAC 75.215 in this document does not in any way change the force and effect of AS 47.33.100 and 7 AAC 75.215.

ABSOLUTE BARRIER CRIMES

UNCLASSIFIED FELONIES (ABSOLUTE BARRIER)

AS 11.31.100 – Attempt [to commit a crime] (if the crime attempted is murder in the first degree)

AS 11.31.110 – Solicitation [to commit a crime] (if the crime solicited is murder in the first degree)

AS 11.31.120 – Conspiracy (if the object of the conspiracy is murder in the first degree)

AS 11.41.100 - Murder in the first degree

AS 11.41.110 - Murder in the second degree

AS 11.41.300 – Kidnapping (unless reduced to a Class A felony as described below)

AS 11.41.410 - Sexual assault in the first degree

AS 11.41.434 - Sexual abuse of a minor in the first degree

AS 11.71.010 - Misconduct involving a controlled substance in the first degree

ABSOLUTE BARRIER CRIMES (continued)

CLASS A FELONIES¹ (ABSOLUTE BARRIER)

AS 11.31.100 – Attempt [to commit a crime] (If the crime attempted is an unclassified felony other than murder in the first degree, or if the crime attempted is an unclassified crime described in state law other than AS 11 and is punishable by an indeterminate or life term.)

AS 11.31.110 – Solicitation [to commit a crime] (If the crime solicited is an unclassified felony other than murder in the first degree, or if the crime solicited is an unclassified crime described in state law other than AS 11 and is punishable by an indeterminate or life term.)

AS 11.31.120 – Conspiracy (If the object of the conspiracy is a crime punishable as an unclassified felony other than murder in the first degree)

AS 11.41.120 - Manslaughter

AS 11.41.200 - Assault in the first degree

AS 11.41.300 – Kidnapping (if reduced from an unclassified felony)
(If the defendant voluntarily caused the release of the victim alive in a safe place before arrest, or within 24 hours after arrest, without having caused serious physical injury to the victim and without having engaged in certain other conduct)

AS 11.41.500 - Robbery in the first degree

AS 11.46.400 - Arson in the first degree

AS 11.56.300 - Escape in the first degree

AS 11.61.190. Misconduct involving weapons in the first degree

AS 11.61.240 - Criminal possession of explosives (If the crime intended is murder in any degree or kidnapping)

AS 11.66.110(a)(2) - Promoting prostitution in the first degree

AS 11.71.020 - Misconduct involving a controlled substance in the second degree

¹ Class A felonies characteristically involve conduct resulting in serious physical injury or a substantial risk of serious physical injury to a person.

ABSOLUTE BARRIER CRIMES (continued)

CLASS B FELONIES²
(ABSOLUTE BARRIER)

- AS 11.41.130. Criminally negligent homicide**
- AS 11.41.210. Assault in the second degree**
- AS 11.41.420. Sexual assault in the second degree**
- AS 11.41.436. Sexual abuse of a minor in the second degree**
- AS 11.41.455. Unlawful exploitation of a minor**
- AS 11.41.510. Robbery in the second degree**
- AS 11.41.520. Extortion**
- AS 11.46.410. Arson in the second degree**

CLASS C FELONIES³
(ABSOLUTE BARRIER)

[Some are listed under "Offenses Against the Family and Vulnerable Adults"
and "Other Absolute Barrier Crimes" in this document]

- AS 11.41.220. Assault in the third degree**
- AS 11.41.260. Stalking in the first degree**
- AS 11.41.320. Custodial interference in the first degree**
- AS 11.41.425. Sexual assault in the third degree**
- AS 11.41.438. Sexual abuse of a minor in the third degree**
- AS 11.41.450. Incest**
- AS 11.41.458. Indecent exposure in the first degree**
- AS 11.41.530. Coercion**

² Class B felonies characteristically involve conduct resulting in less severe violence against a person than class A felonies, aggravated offenses against property interests, or aggravated offenses against public administration or order.

³ Class C felonies characteristically involve conduct serious enough to deserve felony classification but not serious enough to be classified as A or B felonies.

ABSOLUTE BARRIER CRIMES (continued)

OFFENSES AGAINST FAMILY AND VULNERABLE ADULTS (ABSOLUTE BARRIER)

AS 11.51.100. Endangering the welfare of a child in the first degree (Classified as a class B felony, a class C felony, or a class A misdemeanor, depending on circumstances of the crime)

AS 11.51.200. Endangering the welfare of a vulnerable adult in the first degree (A class C felony)

AS 11.51.210. Endangering the welfare of a vulnerable adult in the second degree (A class A misdemeanor)

OTHER ABSOLUTE BARRIER CRIMES

AS 11.56.840. failure to register as a sex offender or kidnapper in the second degree (A Class A misdemeanor)

AS 11.61.123. Indecent viewing or photography (if the person viewed or shown in a picture was, at the time of the viewing or production of the picture, a minor; a Class C felony)

AS 11.61.127. Possession of child pornography (A Class C felony)

AS 11.61.125. Distribution of child pornography (A Class B felony)

AS 11.61.130. Misconduct involving a corpse (A Class A misdemeanor)

ABSOLUTE BARRIER CRIMES (continued)

SEX OFFENSES (ABSOLUTE BARRIER)

[NOTE: Some of the crimes described in this definition are already listed elsewhere as absolute barrier crimes.] Under AS 12.63.100(6), "sex offense" means

(A) a crime under AS 11.41.100(a)(3) [Murder in the First Degree], or a similar law of another jurisdiction, in which the person committed or attempted to commit a sexual offense, or a similar offense under the laws of the other jurisdiction; in this subparagraph, "sexual offense" has the meaning given in AS 11.41.100 (a)(3) [AS 11.41.100 (a)(3) states: "acting alone or with one or more persons, the person commits or attempts to commit a sexual offense against or kidnapping of a child under 16 years of age and, in the course of or in furtherance of the offense or in immediate flight from that offense, any person causes the death of the child; in this paragraph, "sexual offense" means an offense defined in AS 11.41.410 - 11.41.470];

(B) a crime under AS 11.41.110(a)(3) [Murder in the Second Degree], or a similar law of another jurisdiction, in which the person committed or attempted to commit one of the following crimes, or a similar law of another jurisdiction:

- (i) sexual assault in the first degree;
- (ii) sexual assault in the second degree;
- (iii) sexual abuse of a minor in the first degree; or
- (iv) sexual abuse of a minor in the second degree;

(C) a crime, or an attempt, solicitation, or conspiracy to commit a crime, under the following statutes or a similar law of another jurisdiction:

- (i) AS 11.41.410 - 11.41.438 [Sexual assault in the first degree, Sexual assault in the second degree, Sexual assault in the third degree, Sexual assault in the fourth degree, Sexual assault in the third degree, Sexual abuse of a minor in the first degree, Sexual abuse of a minor in the second degree, Sexual abuse of a minor in the third degree];
- (ii) AS 11.41.440 (a)(2) [Sexual abuse of a minor in the fourth degree, if "being 18 years of age or older, the offender engages in sexual contact with a person who is 16 or 17 years of age and at least three years younger than the offender, and the offender occupies a position of authority in relation to the victim"];
- (iii) AS 11.41.450 - 11.41.458 [Incest, Unlawful exploitation of a minor, Indecent exposure in the first degree];
- (iv) AS 11.41.460 [Indecent exposure in the second degree] if the indecent exposure is before a person under 16 years of age and the offender has a previous conviction for that offense;
- (v) AS 11.61.125 or 11.61.127 [Distribution of child pornography, Possession of child pornography];
- (vi) AS 11.66.110 or 11.66.130(a)(2) [Promoting prostitution in the first degree or Promoting prostitution in the third degree ((2) as other than a patron of a prostitute, induces or causes a person 16 years of age or older to engage in prostitution)] if the person who was induced or caused to engage in prostitution was 16 or 17 years of age at the time of the offense; or
- (vii) former AS 11.15.120, former 11.15.134, or assault with the intent to commit rape under former AS 11.15.160, former AS 11.40.110, or former 11.40.200."

10-YEAR BARRIER CRIMES

CLASS B FELONIES

(10-YEAR BARRIER)

- AS 23.30.255. Penalty for failure to pay compensation [to an employee or an employee's dependents] (if the amount involved is more than \$25,000)**
- AS 11.31.100 – Attempt to commit a crime (if the crime attempted is a class A felony)**
- AS 11.31.110 – Solicitation to commit a crime (if crime solicited is a class A felony)**
- AS 11.31.120 – Conspiracy (if the object of the conspiracy is a crime punishable as a class A felony)**
- AS 11.46.120. Theft in the first degree**
- AS 11.46.280. Issuing a bad check (if check is for \$25,000 or more)**
- AS 11.46.285. Fraudulent use of an access device (if the value is \$25,000 or more)**
- AS 11.46.300. Burglary in the first degree**
- AS 11.46.480. Criminal mischief in the first degree**
- AS 11.46.500. Forgery in the first degree**
- AS 11.46.565. Criminal impersonation in the first degree**
- AS 11.46.600. Scheme to defraud**
- AS 11.46.730. Defrauding creditors (if the loss is \$25,000 or more)**
- AS 11.56.100. Bribery**
- AS 11.56.110. Receiving a bribe**
- AS 11.56.200. Perjury**
- AS 11.56.310. Escape in the second degree**
- AS 11.56.510. Interference with official proceedings**
- AS 11.56.520. Receiving a bribe by a witness or juror**
- AS 11.61.195. Misconduct involving weapons in the second degree**
- AS 11.61.240. Criminal possession of explosives (if intended crime a class A felony)**

10-YEAR BARRIER CRIMES (continued)

CLASS B FELONIES (continued)

AS 11.66.110. Promoting prostitution in the first degree (unless classified as a Class A felony)

AS 11.71.030. Misconduct involving a controlled substance in the third degree

AS 11.73.030. Delivery of an imitation controlled substance to a minor

AS 21.36.360. Fraudulent or criminal insurance acts (some subsections are class B felonies and some are class C felonies, depending on circumstances)

5-YEAR BARRIER CRIMES

CLASS C FELONIES⁴ (5-YEAR BARRIER)

AS 11.31.100 – Attempt to commit a crime (if the crime attempted is a class B felony)

AS 11.31.110 – Solicitation to commit a crime (if crime solicited is a class B felony)

AS 11.31.120 – Conspiracy (if the object of the conspiracy is a crime punishable as a class B felony)

AS 11.46.130. Theft in the second degree

AS 11.46.220. Concealment of merchandise (if the merchandise is a firearm, or the value of the merchandise is \$500 or more, or the person has been previously convicted and sentenced on two or more separate occasions for same crime)

⁴ A felony under Alaska law defined outside AS 11 for which no penalty is specifically provided is a class C felony, but we'll have to check with Law to find out whether they should be absolute barrier crimes.

5-YEAR BARRIER CRIMES (continued)

CLASS C FELONIES (continued)

AS 11.46.260. Removal of identification marks (if the value of the property on which the serial number or identification mark appeared is \$500 or more)

AS 11.46.270. Unlawful possession (if the value of the property on which the serial number or identification mark appeared is \$500 or more)

AS 11.46.280. Issuing a bad check (if the face amount of the check is \$500 or more but less than \$25,000)

AS 11.46.285. Fraudulent use of an access device (if value is \$500 or more but less than \$25,000)

AS 11.46.310. Burglary in the second degree

AS 11.46.360. Vehicle theft in the first degree

AS 11.46.482. Criminal mischief in the second degree

AS 11.46.505. Forgery in the second degree

AS 11.46.520. Criminal possession of a forgery device

AS 11.46.520. Criminal possession of a forgery device (if value is \$500 or more)

AS 11.46.530. Criminal simulation (if value is \$500 or more)

AS 11.46.550. Offering a false instrument for recording in the first degree (if the value of the property misapplied is \$500 or more)

AS 11.46.620. Misapplication of property (if value is \$500 or more)

AS 11.46.630. Falsifying business records

AS 11.46.660. Commercial bribe receiving

AS 11.46.670. Commercial bribery

AS 11.46.710. Deceptive business practices (felony if the person uses the Internet or a computer network to commit the offense)

5-YEAR BARRIER CRIMES (continued)

CLASS C FELONIES (continued)

AS 11.46.730. Defrauding creditors (if the loss is \$500 or more but less than \$25,000)

AS 11.46.740. Criminal use of computer

AS 11.56.230. Perjury by inconsistent statements

AS 11.56.320. Escape in the third degree

AS 11.56.370. Permitting an escape

AS 11.56.375. Promoting contraband in the first degree

AS 11.56.540. Tampering with a witness in the first degree

AS 11.56.590. Jury tampering

AS 11.56.600. Misconduct by a juror

AS 11.56.610. Tampering with physical evidence

AS 11.56.705. Harming a police dog in the first degree

AS 11.56.770. Hindering prosecution in the first degree

AS 11.56.810. Terroristic threatening

AS 11.56.815. Tampering with public records in the first degree

AS 11.56.835. Failure to register as a sex offender or child kidnapper in the first degree

AS 11.61.100. Riot

AS 11.61.145. Promoting an exhibition of fighting animals (if the person (1) owns, possesses, keeps, or trains an animal with intent that it be engaged in an exhibition of fighting animals; or (2) instigates, promotes, or has a pecuniary interest in an exhibition of fighting animals)

5-YEAR BARRIER CRIMES (continued)

CLASS C FELONIES (continued)

AS 11.61.160. Recruiting a gang member in the first degree

AS 11.61.200. Misconduct involving weapons in the third degree

AS 11.61.240. Criminal possession of explosives (if intended crime is a class B felony)

AS 11.61.250. Unlawful furnishing of explosives

AS 11.66.120. Promoting prostitution in the second degree

AS 11.66.210. Promoting gambling in the first degree

AS 11.66.230. Possession of gambling records in the first degree

AS 11.71.040. Misconduct involving a controlled substance in the fourth degree

AS 11.71.040. Misconduct involving a controlled substance in the fourth degree (Except as provided in AS 11.73.030)

AS 11.73.010. Manufacture or delivery of an imitation controlled substance

AS 11.73.020. Possession of substance with intent to manufacture

AS 11.73.040. Advertisement to promote the delivery of an imitation controlled substance

AS 28.35.030(n). Operating a vehicle, aircraft or watercraft while intoxicated (If the person convicted of driving while intoxicated has been previously convicted two or more times within the previous five years)

2-YEAR BARRIER CRIMES

OTHER CRIMES INVOLVING DOMESTIC VIOLENCE⁵

(2-YEAR BARRIER)

AS 11.46.320. Criminal trespass in the first degree (A class A misdemeanor)

AS 11.46.330. Criminal trespass in the second degree (A class B misdemeanor)⁶

AS 11.46.430. Criminally negligent burning (A class A misdemeanor)

AS 11.46.484. Criminal mischief in the third degree (A class A misdemeanor)

AS 11.46.486. Criminal mischief in the fourth degree (A class B misdemeanor)

AS 11.56.740. Violating a protective order (A class A misdemeanor)

AS 11.61.120(a)(2)-(4). Harassment (A class B misdemeanor)

MISCELLANEOUS FELONIES

(2-YEAR BARRIER)

AS 47.30.815. Limitation of liability; bad faith application a felony.

(Wilful initiation of an involuntary civil commitment procedure without having good cause)

⁵ Some crimes of domestic violence are listed elsewhere in this document: crimes against the person, burglary, arson, and terroristic threatening.

⁶ A class B misdemeanor characteristically involves a minor risk of physical injury to a person, minor offenses against property interests, minor offenses against public administration or order, or minor offenses against public health and decency.

**ADDITIONAL INFORMATION AND DEFINITIONS OF TERMS
USED IN THIS DOCUMENT AND IN THE REGULATIONS**

For the purpose of determining if a person is convicted of a single offense or of multiple offenses, the provisions of AS 12.55.145(a)(1)(C) apply. That law states:

"Two or more convictions arising out of a single, continuous criminal episode during which there was no substantial change in the nature of the criminal objective are considered a single conviction unless the defendant was sentenced to consecutive sentences for the crimes; offenses committed while attempting to escape or avoid detection or apprehension after the commission of another offense are not part of the same criminal episode or objective."

The term "conviction" has the meaning given in 13 AAC 09.900, which refers to AS 12.63.100, which states:

"conviction" means that an adult, or a juvenile charged as an adult under AS 47.12 or a similar procedure in another jurisdiction, has entered a plea of guilty, guilty but mentally ill, or nolo contendere, or has been found guilty or guilty but mentally ill by a court or jury, of a sex offense or child kidnapping regardless of whether the judgment was set aside under AS 12.55.085 or a similar procedure in another jurisdiction or was the subject of a pardon or other executive clemency; "conviction" does not include a judgment that has been reversed or vacated by a court.

The term "crime involving domestic violence" has the meaning given in AS 18.66.990, which states:

"crime involving domestic violence" means one or more of the following offenses or an offense under a law or ordinance of another jurisdiction having elements similar to these offenses, or an attempt to commit the offense, by a household member against another household member:

- (A) a crime against the person under AS 11.41;
- (B) burglary under AS 11.46.300 - 11.46.310;
- (C) criminal trespass under AS 11.46.320 - 11.46.330;
- (D) arson or criminally negligent burning under AS 11.46.400 - 11.46.430;
- (E) criminal mischief under AS 11.46.480 - 11.46.486;
- (F) terroristic threatening under AS 11.56.810 ;
- (G) violating a domestic violence order under AS 11.56.740 ; or
- (H) harassment under AS 11.61.120 (a)(2) - (4);"

The term "unconditional discharge" has the meaning given in AS 12.55.185, which states: "unconditional discharge" means that a defendant is released from all disability arising under a sentence, including probation and parole."

TESTIMONY OF RICA N. SWANSON

RE: HB-124

Hearing April 15, 2002

Dear Committee Members:

My name is Rica Swanson, I am 97 years young and a 94-year resident of the State of Alaska. I was raised in Douglas, Alaska from 1908 until I left for college. I returned to teach school around the state and was first teacher in Wasilla where I met my husband to be. I was a violinist and one of the founders of the Anchorage Symphony Orchestra. I was married to the same man for 67 years, the last five years spent in the Pioneer Homes, first in Sitka and the last 3-1/2 years in Anchorage. I can attest that my husband was a fine and gentle man.

I urge the passage of HB-124. There are some very critical needs that are not being met in the Anchorage Pioneer Home, speaking as former resident of the home in the residential section of the PH for five years until my husband untimely death. **My husband died under suspicious circumstances, covered with bruises. The investigation conducted by the OLTCO was never able to rule out abuse.**

I was witness to the lack of care and responsiveness in the Comprehensive Care Unit that started when the Pioneer Homes changed their licensing from Nursing to Assisted Living and this care continued to diminish until my husband's death. There is limited activities for anyone in the home but virtually non-existent in the comprehensive care unit, physical therapy became a token gesture, bathing of the residents on this floor was limited, call bells rang incessantly without being answered timely and if I personally did not go up and feed my husband lunch and dinner he would not have been fed. The staffing was low on weekdays, but almost non-existent on weekends. There are many problems with the Anchorage Pioneer Home, but probably none so grievous as **the home being allowed to hire individuals that have been convicted of felony crimes.**

After my husband's death, I was extremely frightened to stay at APH, so I left the Pioneer Home and moved in with my daughter. I am fortunate that I have someone who cares about my health and safety and I am fortunate that I still have my health.

I can attest that many times during last years' of his life, my husband, made comments like "Monima, lets get out of here, they hurt me - Let's go home".

My poor husband had to die in terror, unable to protect himself. **For the health, welfare and safety of ALL the residents of nursing and assisted living homes I urge you to pass HB 124.**

Thank you.

Rica Swanson
Former Anchorage Pioneer Home Resident
8821 Emerald St.
Anchorage, Alaska 99502
(907) 248-1720

April 15, 2002

**TESTIMONY of AILEEN HERRING
BARRIER CRIMES
HB124**

Committee Members:

My name is Aileen Herring. I want to thank the committee for the opportunity to testify on this critical piece of legislation. As Vice-President of the citizen advocacy group for the elderly, CARING, I ask for your support of HB124. I believe that HB124 will provide added protection to the vulnerable elderly adult living in a nursing and assisted living homes from predators working as caregivers. My late father, Frank Y. Swanson, was a resident of the Sitka and Anchorage Pioneer Homes for five years.

Currently there is no law to prohibit nursing and assisted living homes from employing individuals with criminal backgrounds. The 1999 Legislative audit listed four individuals employed by the Pioneer Homes that had been convicted of sexual assault. Logic would tell us that we would not want our children cared for by individuals with convictions of theft, rape, pedophilia or abuse, why don't we offer the same protection to the vulnerable elderly adult. HB124 should not place any additional financial burden on the State, and would help insure that the rights and safety of the residents would be protected. The risk to the vulnerable adults would be greatly reduced if known abusers and felons were not made the caretakers and retention of an employee after discovery of serious convictions is positively absurd.

I have a very personal interest in HB 124 being passed and implemented so that the frail and vulnerable residents in nursing and assisted living homes who often have no voice in their care are assured a safe environment in their declining years. My father died under suspicious circumstances at APH and the suspected caregiver is still employed as a caregiver. HB 124 is a valuable tool for nursing home and assisted living home administrators, it gives them permission to review the criminal convictions of new employees as well as current employees who may have been employed before background checks were mandatory and the ability to terminate these employee. This bill takes a huge step toward protecting residents of nursing homes and assisted living homes.

I want to thank Representative Halcro and Dyson for all their hard work, concern and compassion of the elder issues. One of the most important things a compassionate society does is value the elderly and protect their dignity. We are not living up to that obligation. The motto should be - **Any crime against the elderly in a nursing or assisted living home is unacceptable.**

I urge you to pass HB124.

Sincerely,

Aileen Herring, Vice-President
CARING
Daughter of Deceased APH Resident
8821 Emerald Dr.
Anchorage, Alaska 99502
(907) 248-1720

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

March 14, 2001

TESTIMONY
HB124

As a board member of the advocacy group, CARING and as President of the Anchorage Northside Pioneers Home Family Council and as a family member of a pioneer home resident that was beaten at the pioneer home and who died the following day I have a very personal interest in HB 124 being passed and implemented so that the frail and vulnerable residents in assisted living homes are assured a safe environment in their declining years.

If you have never had to place a loved one in the care of others, then it is impossible to relate to how it feels to lose a parent to abuse and neglect unless you have been through the experience. The loss of a parent or loved one in a long term care facility because of abuse and neglect is just not acceptable and the inability to change the system that created the injury and the inability to protect the other residents in these facility leads to frustration. The family member that placed the resident in the home carries a burden of guilt forever. My father was totally dependent on his caregivers. It is not acceptable to employ caregivers or continue to employ caregivers that have a history of abusive or criminal behavior that place the resident at risk. This is a preventable offense.

It is imperative that the residents of nursing facilities or assisted living facilities are protected and not put in jeopardy by having a care-giver that has been convicted of a crime against a resident of a nursing home or assisted living home or convicted of a felony. The elderly, frail and vulnerable resident of any nursing or assisted living home needs to be assured that they are offered the best care and protection that can possibly be provided.

LEGISLATIVE
Audit

The summary of State of Alaska Legislative Audit #02-4591-00 report conclusions dated October 8, 1999, states "we also found that the Pioneers' Home employs several sex offenders. Again, the risks to the residents, staff, and the State have not been assessed."

Under the findings and recommendations of this audit: "(2) The Commissioners of the Departments of Administration and Health and Social Service should adopt regulations to prohibit employment of certain criminals in assisted living homes."

It is our moral obligation to care for the elderly so that they live out there lives with dignity, comfort and safety. Let the State of Alaska set the bench-mark for the care of the elderly - I urge the passage of HB124.

Sincerely,
Aileen Herring
Aileen Herring, Secretary Treasurer
CARING
8821 Emerald Dr.
Anchorage, Alaska 99502
(907) 248-1720

Post-It® Fax Note	7671	Date	3-14-01	# of pages	3
To	<i>Kerrin Hard</i>	From	<i>Aileen Herring</i>		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	<i>907-465-2418</i>	Fax #			

ACMHSA

**Alaska Community Mental Health
Services Association
3050 Fifth Avenue
Ketchikan, Alaska 99901**

March 26, 2001

Representative Andrew Halcro
Capitol Room 414
Juneau, Alaska 99811

Re: CSHB 124

Dear Representative Halcro,

The Alaska Community Mental Health Services Association (ACMHSA) supports the HESS committee substitute of your legislation HB 124 regarding assisted living homes.

ACMHSA is a statewide association representing all of the non-profit mental health providers in the state. We support this legislation and commend your leadership with this important mental health issue.

Sincerely,



Ron Adler
President

Ron Adler, Chair
Brenda Knapp, Treasurer

Pete Braveman, Vice Chair
At-Large: Bill Hogan, Doug Veit

Diana Strzok, Secretary

Phone: (907) 225-4135

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Anchorage Daily News

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OPINION

Founded in 1946 by Norman C. Brown
Fuller A. Cowell, Publisher, 1993-1999 Katherine Fanning, Editor and Publisher, 1971-1983
Gerald E. Gilly, Publisher, 1984-1993 Lawrence Fanning, Editor and Publisher, 1967-1971

COMPASS: *Points of view from the community*

Bill protects the most vulnerable

By LISA CARESS-REU

A friend of mine moved her 95-year-old mother out of a local and very large assisted-living home last year after her father, who was dehydrated, covered with large bruises and unwilling to speak, was taken from the facility. He died shortly after arriving at the hospital.

Her mother spent the next few months in the home fearful and would put a chair against the door of her room to keep out the person the family believes is responsible for the father's condition at death. That person is a "caregiver" employed by the home. This employee has a history of domestic violence convictions. Unfortunately, an investigator was unable to prove what really happened to my friend's father.

Currently, the Alaska Legislature has before it a bill (HB124) that addresses nursing homes and assisted-living homes employing or retaining individuals with criminal convictions for offenses such as sexual assault and domestic violence that may make them a threat to vulnerable residents. This bill also addresses issues that would protect residents from being involuntarily evicted with less than 72 hours notice. This time frame would give residents' families time to find suitable alternate housing for frail or incapacitated loved ones should their condition require a move.

The bill contains language that would allow the state of Alaska to as-

Vulnerable adults and seniors who need help to eat, take a bath or go to the toilet deserve the safety of having caregivers who do not have convictions of violence.

sume the operation of homes that are determined to jeopardize the health or safety of residents. This would assure that residents do not become immediately "homeless" should a home be "shut down." The care of residents in such facilities should always be the first priority for people concerned with these issues.

For years the public and its legislators have demanded that child care be safe. Child care givers must meet all the requirements that HB124 proposes to put in place to protect adults who cannot help themselves. Vulnerable adults and seniors who need help to eat, take a bath or go to the toilet deserve the safety of having caregivers who do not have convictions of violence. Seniors should be able to wear their wedding rings or other jewelry that represent lifelong memories without concern about caregivers who have histo-

ries of theft.

Unfortunately, there are unscrupulous or dangerous individuals who apply for jobs to take care of our moms or dads or friends who are incapacitated through birth or accidents, or living in a nursing home or assisted living home due to the ravages of old age. These dangerous people may have worked in other homes in the Lower 48. We need to make sure that the smooth talker or polished thief cannot walk into a room and do harm just because a vulnerable adult cannot speak up. Waiting to prosecute someone who already has harmed a vulnerable adult or stolen precious belongings is too late. This bill provides a way to keep people with such backgrounds from becoming employed in these kinds of positions.

HB124 helps facility administrators by giving permission to review the criminal convictions of new employees as well as workers who may have been hired before background checks were mandatory. Reps. Andrew Halcro, Fred Dyson and Gary Stevens have taken a huge step toward protecting residents of nursing homes and assisted living homes by sponsoring this bill.

Please contact your legislator by telephone or with a public opinion message of support for this important legislation as soon as possible.

■ Lisa Carress-Beu is vice president of CARING (Center for Advocacy for Rights of the Elderly).

FROM : SOLID CONCRETE

PHONE NO. : 1+907+562+4873

Mar. 14 2001 04:05PM P2

Mar-14-01 15:54 ASD Facility Major Maint. 907 3485258

March 14, 2001

TESTIMONY

HR124

As a member of the advocacy group, CARING and as a family member of a pioneer home resident that was beaten at the pioneer home and died the following day, I have a very personal interest in the passage of HB 124 and implementation so that the frail and vulnerable residents requiring the care by others are protected in nursing facilities and assisted living homes.

On Tuesday, January 18, 2000, I received a call from the 2 North floor nurse that my father was running a temperature and that he had severe bruising on his right side. The nurse stated that she had checked my father on Sunday and that no bruising was visible at that time. The nurse asked that I meet my father at the emergency room for evaluation. I spent the day at the emergency room while the doctors ran tests. He was admitted later that day to the hospital. The bruising on his right side was extensive, from his shoulder area down past his waist, extending over into the middle of his chest and down his arm, this bruising was both external and internal. My father was totally dependent on caregivers to lift him from his bed to wheelchair, and whether by accident or intentionally mistreated, my father was extensively bruised over a large part of his body. On Wednesday, January 19, 2000, I received a call from the doctor that Dad had taken a turn for the worse and I'd better get to the hospital. My father died that afternoon.

Because of the trauma, the State Medical Examiner examined the body. His conclusions prompted me to hire an independent forensic pathologist for an independent autopsy and report. Please note the following three conclusions from the pathologist's report paying particular attention to Item 2:

Item 1: "Bilateral lower lobe bronchopneumonia with bilateral pleural effusions"

Item 2: "Extensive recent bruising, right chest and right upper arm due to blunt force trauma"

Item 3: "Old stroke with quadriplegia and aphasia"

Other items in the pathologist report details extensive bruising both external and internal.

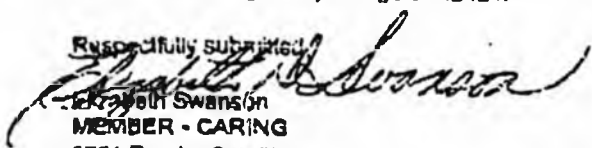
The summary of Legislative Audit #02-4581-00 report conclusions dated October 8, 1999, states, "we also found that the Pioneers' Home employs several sex offenders. Again, the risks to the residents, staff, and the State have not been assessed."

Under the findings and recommendations of the Legislative Audit: "(2) The commissioners of the Departments of Administration and Health and Social Service should adopt regulations to prohibit employment of certain criminals in assisted living homes."

If you have never had to place a loved one in the care of others, then it is impossible to relate to how it feels to lose a parent to abuse and neglect unless you have been through the experience. The loss of a parent or loved one in a long term care facility to abuse and neglect and the inability to change the system that created the injury and the inability to protect the other residents in the facility, the burden of guilt that one carries forever for placing your loved one in the care of others that are supposed to be trained professional. It is just not acceptable to employ caregivers that put residents at risk.

It is imperative that the residents of nursing facilities or assisted living facilities are protected and not put in jeopardy by having a care-giver that has been convicted of a crime against a resident of a nursing home or assisted living home or convicted of a felony. The elderly, frail and vulnerable resident of any nursing or assisted living home needs to be assured that they are offered the best care and protection that can possibly be provided. I urge the passage of HB124.

Respectfully submitted,


Elizabeth Swanson
MEMBER - CARING
3701 Eureka Sp 48B
Anchorage, Alaska 99503
(907) 562-1459

Subject: HB 124

Date: Thu, 15 Mar 2001 08:52:01 -0900

From: Judy or Rudy Ripley <jrip@gci.net>

To: Kevin_Hand@legis.state.ak.us

We urge passage of the Barrier Crime bill, HB 124. It is imperative that we protect the frail and the elderly from persons who have been convicted of the crimes specified.

Rudy & Judy Ripley

3304 Park Place

Juneau, AK

(P.O. Box 32201, Juneau 99803)

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Bill to remove felons from assisted-living jobs makes sense

Yesterday a friend asked an individual to sign a petition in support of HB124 to protect the vulnerable resident of an assisted living or nursing home. The response was, "Why should we be concerned?"

My friend asked this individual if there was ever a possibility of this person having a stroke, or being injured in an accident requiring the most personal and intimate long-term care from a caregiver. The response was, "Of course it's a possibility."

When asked, "Would you like your caregiver to be a convicted felon, rapist, or thief?" the response was "No."

Why then do we presently allow caregivers with criminal histories to care for these residents? It is imperative that the residents of long-term care facilities are protected from caregivers that have been convicted of crimes of violence or theft. The frail and vulnerable residents of nursing and assisted living homes and their families need to be assured that they are offered the best care and protection that can possibly be provided.

Reps. Andrew Halcro, Fred Dyson, Gary Stevens and Joe Hayes have taken a huge step toward protecting residents in long-term care. I urge you to contact your representative in Juneau and support HB124.

— Aileen Herring
Anchorage