

Information in State statutes and regulations relevant to the National Background Check Program: Alaska

This document describes what was included as of July 2011 in Alaska statutes and regulations relevant to the Centers for Medicare & Medicaid Services' National Background Check Program. Alaska has six relevant statutes and regulations, all of which were used in gathering information for this document, and which are listed below in the State Statutes and Regulations section.

Key Feature	Description
Specific facility and provider types	The State covers seven of the long term care (LTC) facility and provider types named in the Patient Protection and Affordable Care Act of 2010 (Affordable Care Act), namely: skilled nursing facilities, nursing facilities, home health agencies, hospice care providers, LTC hospitals, personal care service providers (if paid by the State or by an agency receiving State funds), and residential care providers. Alaska has neither adult day care facilities nor intermediate care facilities for the mentally retarded.
Registry checks	Statutes and regulations indicate that the State conducts a State-based search of abuse and neglect registries and other State's registries.
Fingerprinting	All individuals who will have an association with one of the seven listed facility or provider types are required to have a fingerprint-based background check.
Rap back	The State has a rap back process in place.
Provisional employment	The State allows for provisional employment.
Definition of direct patient access employee	Alaska does not define direct patient access employee in its statutes and regulations. The State does, however, address the issue of which employees require background checks, including facility or provider administrators and operators; anyone who needs a license or certification from or is paid by the Department of Health and Social Services; and individuals who have daily or recurring contact with or access to the personal or financial records of service recipients.
Provision of criminal background check results to employee	Not addressed.
Expiration of criminal history background check results	The statutes and regulations indicate that criminal background checks do expire.

Key Feature	Description
<p>Inclusion of disqualifying crimes specified in section 6201 of the Affordable Care Act:</p> <ol style="list-style-type: none"> 1. Medicare/Medicaid program-related crimes (42 U.S.C § 1320a-7(a)(1)) 2. Convictions related to patient abuse/neglect (42 U.S.C § 1320a-7(a)(2)) 3. Felony convictions related to health care fraud (42 U.S.C § 1320a-7(a)(3)) 4. Certain felony convictions related to controlled substances (42 U.S.C § 1320a-7(a)(4)) 	<ol style="list-style-type: none"> 1. State statutes and regulations bar LTC employment for convictions of these federally mandated disqualifying crimes. 2. Alaska recognizes that convictions for crimes such as assault may be related to patient abuse. 3. State statutes and regulations may bar LTC employment for convictions of some of these federally mandated disqualifying crimes, but do not cover all possible such crimes. 4. State statutes and regulations may bar LTC employment for convictions of some of these federally mandated disqualifying crimes, but do not cover all possible such crimes.
<p>State-identified convictions</p>	<p>See Appendix A – Alaska Barrier Crimes. (This document is from Alaska.)</p>
<p>Opportunity to contest accuracy of background check findings</p>	<p>The State provides a way to contest the findings.</p>
<p>Ability to remove hiring prohibition based on rehabilitation factors</p>	<p>The State allows for a request for variance.</p>
<p>Rehabilitation/mitigation process for negative fitness determinations</p>	<p>The State’s process takes into account the following: elapsed time since the disqualifying conviction took place, extenuating circumstances, rehabilitation, and relevance of the conviction to the job in question.</p>
<p>Independence of appeal or review process</p>	<p>Alaska provides for a review by a variance committee comprised of at least three Department of Health and Social Services (DHSS) employees, with the ultimate decision made by the Commissioner of Health and Social Services.</p>

State Statutes and Regulations

Citation	Description
Alaska Statutes (AS) §§ 47.05-300 – 47.05.390	This deals with background checks for owners and employees of DHSS licensees.
AS § 47.05.017	This is a special provision requiring criminal background checks for individuals either paid by the State, or paid by a contractor or grantee of the State, to provide homemaker services, chore services, personal care services, home health care services, or similar services in or around a client's private residence or to provide respite care in either the client's residence or the caregiver's residence or facility.
AS § 47.05.017.310	This provides the authority for refusal of facility license for not following background check requirements.
AS §§ 12-62.5 – 12-62.900	This includes criminal justice information and records checks.
7 Alaska Administrative Code (AAC), Title 7, §§ 10.900 – 10.990	These are background check program regulations.
7 AAC, Title 7, § 75.215	This notes that assisted living homes are subject to the background check requirements.

Key

§ - Section

§§ - Sections

Appendix A – Alaska Barrier Crimes

BARRIER CRIMES MATRIX FOR THE BARRIER CRIMES LISTED IN 7 AAC 10.905

January 5, 2007

The crimes listed in this document bar an individual from being associated in any manner described in 7 AAC 10.900(b) with any entity or individual service provider that is subject to the requirements of 7 AAC 10.900 – 7 AAC 10.990.

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BARRIER CRIME [See notes at end of table for conditions that increase some barrier times]	A Barrier Within the Following Time Periods					See 7 AAC 10.905 at:
	PERMANENT	10 Years	5 Year s	3 Year s	1 Year	
ATTEMPT, SOLICITATION, AND CONSPIRACY						
AS 11.31.100 (attempt to commit a crime)						
Unclassified felony if the crime attempted is murder in the first degree	X					(b)(1)
Class A felony if the crime attempted is an unclassified felony other than murder in the first degree	X					(b)(1)
Class B felony if the crime attempted is a class A felony	Same barrier as the class A felony attempted					
Class C felony if the crime attempted is a class B felony	Same barrier as the class B felony attempted					
Class A misdemeanor if the crime attempted is a class C felony and is a barrier crime	Same barrier as the class C felony attempted					
Class B misdemeanor if the crime attempted is a class A or class B misdemeanor and is a barrier crime	Same barrier as the misdemeanor attempted					
AS 11.31.110 (solicitation to commit a crime)						
Unclassified felony if the crime solicited is murder in the first degree	X					(b)(1)
Class A felony if the crime solicited is an unclassified felony other than murder in the first degree	X					(b)(1)
Class B felony if the crime solicited is a class A felony	Same barrier as the class A felony solicited					
Class C felony if the crime solicited is a class B felony	Same barrier as the class B felony solicited					
Class A misdemeanor if the crime solicited is a class C felony and is a barrier crime	Same barrier as the class C felony solicited					
Class B misdemeanor if the crime solicited is a class A or class B misdemeanor and is a barrier crime	Same barrier as the misdemeanor solicited					
AS 11.31.120 (conspiracy to commit a crime)						
Unclassified felony if the object of the conspiracy is murder in the first degree	X					(b)(1)
Class A felony if the object of the conspiracy is a crime punishable as an unclassified felony other than murder in the first degree	X					(b)(1)
Class B felony if the object of the conspiracy is a crime punishable as a class A felony	Same barrier as the class A felony involved in the conspiracy					
Class C felony if the object of the conspiracy is a crime punishable as a class B felony	Same barrier as the class B felony involved in the conspiracy					
OFFENSES AGAINST THE PERSON						
AS 11.41.100 (murder in the first degree) <i>Unclassified Felony</i>	X					(b)(1)
AS 11.41.110 (murder in the second degree) <i>Unclassified Felony</i>	X					(b)(1)
AS 11.41.120 (manslaughter) <i>Class A Felony</i>	X					(b)(1)
AS 11.41.130 (criminally negligent homicide) <i>Class B Felony</i>	X					(b)(1)
AS 11.41.200 (assault in the first degree) <i>Class A Felony</i>	X					(b)(1)
AS 11.41.210 (assault in the second degree) <i>Class B Felony</i>	X					(b)(1)
AS 11.41.220 (assault in the third degree) <i>Class C Felony</i>	X					(b)(4)
AS 11.41.230 (assault in the fourth degree) <i>Class A Misdemeanor</i>	X		X			(d)(1)(A)
AS 11.41.250 (reckless endangerment) <i>Class A Misdemeanor</i>			X			(d)(1)(B)
AS 11.41.260 (stalking in the first degree) <i>Class C Felony</i>		X				(c)(1)
OFFENSES AGAINST THE PERSON						
AS 11.41.270 (stalking in the second degree) <i>Class A Misdemeanor</i>			X			(d)(1)(C)

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	PERMANENT	10 Years	5 Years	3 Years	1 Year	
AS 11.41.300 (kidnapping)						
<i>Unclassified Felony</i>	X					(b)(1)
<i>Class A Felony</i> (victim released without serious injury . . .)	X					(b)(1)
AS 11.41.320 (custodial interference in the first degree) <i>Class C Felony</i> ("crime involving domestic violence")	X					(b)(2)
AS 11.41.330 (custodial interference in the second degree) <i>Class A Misdemeanor</i>			X			(d)(1)(D)
AS 11.41.410 (sexual assault in the first degree) <i>Unclassified Felony</i> ("sex offense")	X					(b)(1)
AS 11.41.420 (sexual assault in the second degree) <i>Class B Felony</i> ("sex offense")	X					(b)(1)
AS 11.41.425 (sexual assault in the third degree) <i>Class C Felony</i> ("sex offense")	X					(b)(11)
AS 11.41.427 (sexual assault in the fourth degree) <i>Class A Misdemeanor</i> ("sex offense")	X					(b)(11)
AS 11.41.434 (sexual abuse of a minor in the first degree) <i>Unclassified Felony</i> ("sex offense")	X					(b)(1)
AS 11.41.436 (sexual abuse of a minor in the second degree) <i>Class B Felony</i> ("sex offense")	X					(b)(1)
AS 11.41.438 (sexual abuse of a minor in the third degree) <i>Class C Felony</i> ("sex offense")	X					(b)(11)
AS 11.41.440 (sexual abuse of a minor in the fourth degree) <i>Class A Misdemeanor</i> ("sex offense")	X					(b)(11)
AS 11.41.450 (incest) <i>Class C Felony</i> ("sex offense")			X			(d)(1)(C)
AS 11.41.452 (online enticement of a minor)						
Class B Felony if the defendant was required to register as a sex offender or child kidnapper ("sex offense")	X					(b)(1)
Class C Felony if not required to register as a sex offender or child kidnapper	X					(b)(1)
AS 11.41.455 (unlawful exploitation of a minor) <i>Class B Felony</i> ("sex offense")	X					(b)(2)
AS 11.41.458 (indecent exposure in the first degree) <i>Class C Felony</i> ("sex offense")			X			(d)(1)(D)
AS 11.41.460 (indecent exposure in the second degree) ("sex offense")	X					(b)(1)
<i>Class A misdemeanor</i> if before a person under 16 years of age;	X					(b)(1)
<i>Class B misdemeanor</i> if before a person 16 years of age or older	X					(b)(11)
AS 11.41.500 (robbery in the first degree) <i>Class A Felony</i>	X					(b)(11)
AS 11.41.510 (robbery in the second degree) <i>Class B Felony</i>	X					(b)(1)
AS 11.41.520 (extortion) <i>Class B Felony</i>	X					(b)(1)
AS 11.41.530 (coercion) <i>Class C Felony</i>	X					(b)(11)
AS 11.41.260 (stalking in the first degree) <i>Class C Felony</i>	X					(b)(11)
AS 11.41.270 (stalking in the second degree) <i>Class A Misdemeanor</i>	X					(b)(11)
AS 11.41.300 (kidnapping)						
<i>Unclassified Felony</i>	X					(b)(1) and (b)(3)
<i>Class A Felony</i> (victim released without serious injury . . .)	X					(b)(3)
AS 11.41.320 (custodial interference in the first degree) <i>Class C Felony</i> ("crime involving domestic violence")	X					(b)(1)
OFFENSES AGAINST THE PERSON						
AS 11.41.330 (custodial interference in the second degree) <i>Class A Misdemeanor</i>	X					(b)(11)
AS 11.41.410 (sexual assault in the first degree) <i>Unclassified Felony</i> ("sex offense")						(b)(11)
AS 11.41.420 (sexual assault in the second degree) <i>Class B Felony</i> ("sex offense")	X					(b)(1)

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	PERMANENT	10 Years	5 Year s	3 Year s	1 Year	
AS 11.41.425 (sexual assault in the third degree) <i>Class C Felony</i> (“sex offense”)	X					(b)(11)
AS 11.41.427 (sexual assault in the fourth degree) <i>Class A Misdemeanor</i> (“sex offense”)	X					(b)(11)
AS 11.41.434 (sexual abuse of a minor in the first degree) <i>Unclassified Felony</i> (“sex offense”)	X					(b)(1)
AS 11.41.436 (sexual abuse of a minor in the second degree) <i>Class B Felony</i> (“sex offense”)	X					(b)(1)
AS 11.41.438 (sexual abuse of a minor in the third degree) <i>Class C Felony</i> (“sex offense”)	X					(b)(11)
AS 11.41.440 (sexual abuse of a minor in the fourth degree) <i>Class A Misdemeanor</i> (“sex offense”)	X					(b)(11)
AS 11.41.450 (incest) <i>Class C Felony</i> (“sex offense”)			X			(d)(1)(C)
AS 11.41.452 (online enticement of a minor)						
Class B Felony if the defendant was required to register as a sex offender or child kidnapper (“sex offense”)	X					(b)(1)
Class C Felony if not required to register as a sex offender or child kidnapper	X					(b)(1)
AS 11.41.455 (unlawful exploitation of a minor) <i>Class B Felony</i> (“sex offense”)	X					(b)(2)
AS 11.41.458 (indecent exposure in the first degree) <i>Class C Felony</i> (“sex offense”)			X			(d)(1)(D)
AS 11.41.460 (indecent exposure in the second degree) (“sex offense”)	X					(b)(1)
<i>Class A misdemeanor</i> if before a person under 16 years of age;	X					(b)(1)
<i>Class B misdemeanor</i> if before a person 16 years of age or older	X					(b)(11)
AS 11.41.500 (robbery in the first degree) <i>Class A Felony</i>	X					(b)(11)
AS 11.41.510 (robbery in the second degree) <i>Class B Felony</i>	X					(b)(1)
AS 11.41.520 (extortion) <i>Class B Felony</i>	X					(b)(1)
AS 11.41.530 (coercion) <i>Class C Felony</i>	X					(b)(11)
AS 11.46.120 (theft in the first degree) <i>Class B Felony</i>		X				(c)(2)(A)
AS 11.46.130 (theft in the second degree) <i>Class C Felony</i>			X			(d)(2)
AS 11.46.140 (theft in the third degree) <i>Class A Misdemeanor</i>				X		(e)(1)(A)
AS 11.46.220 (concealment of merchandise) if a Class C Felony			X			(d)(2)
AS 11.46.260 (removal of identification marks) if a Class C Felony			X			(d)(2)
AS 11.46.270 (unlawful possession) if a Class C Felony			X			(d)(2)
AS 11.46.280 (issuing a bad check)						
If Class B Felony		X				(c)(2)(B)
If Class C Felony			X			(d)(2)
AS 11.46.285 (fraudulent use of an access device)						
If Class B Felony		X				(c)(2)(C)
OFFENSES AGAINST PROPERTY						
If Class C Felony			X			(d)(2)
AS 11.46.290 (obtaining an access device or identification document by fraudulent means) <i>Class C Felony</i>			X			(d)(2)
AS 11.46.300 (burglary in the first degree) <i>Class B Felony</i>		X				(c)(2)(D)
AS 11.46.310 (burglary in the second degree) <i>Class C Felony</i>			X			(d)(2)
AS 11.46.320 (criminal trespass in the first degree) <i>Class A Misdemeanor</i> [if domestic violence crime]				X		(e)(1)(B)

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	PERMANENT	10 Years	5 Year s	3 Year s	1 Year	
AS 11.46.360 (vehicle theft in the first degree) <i>Class C Felony</i>			X			(d)(2)
AS 11.46.400 (arson in the first degree) <i>Class A Felony</i>	X					(b)(6)
AS 11.46.410 (arson in the second degree) <i>Class B Felony</i>	X					(b)(6)
AS 11.46.430 (criminally negligent burning) <i>Class A Misdemeanor [if domestic violence crime]</i>				X		(e)(1)(C)
AS 11.46.475 (criminal mischief in the first degree) <i>Class A Felony</i>		X				(c)(2)(E)
AS 11.46.480 (criminal mischief in the second degree) <i>Class B Felony</i>		X				(c)(2)(F)
AS 11.46.482 (criminal mischief in the third degree) <i>Class C Felony</i>			X			(d)(2)
AS 11.46.484 (criminal mischief in the fourth degree) <i>Class A Misdemeanor [if domestic violence crime]</i>				X		(e)(1)(D)
AS 11.46.486 (criminal mischief in the fifth degree) <i>Class B Misdemeanor [if domestic violence crime]</i>					X	(f)(1)
AS 11.46.500 (forgery in the first degree) <i>Class B Felony</i>		X				(c)(2)(G)
AS 11.46.505 (forgery in the second degree) <i>Class C Felony</i>			X			(d)(2)
AS 11.46.510 (forgery in the third degree) <i>Class A Misdemeanor</i>				X		(e)(1)(E)
AS 11.46.520 (criminal possession of a forgery device) <i>Class C Felony</i>			X			(d)(2)
AS 11.46.530 (criminal simulation) If a Class C Felony			X			(d)(2)
AS 11.46.550 (offering a false instrument for recording in the first degree) <i>Class C Felony</i>			X			(d)(2)
AS 11.46.565 (criminal impersonation in the first degree) <i>Class B Felony</i>		X				(c)(2)(H)
AS 11.46.600 (scheme to defraud) <i>Class B Felony</i>		X				(c)(2)(I)
AS 11.46.620 (misapplication of property) If a Class C Felony			X			(d)(2)
AS 11.46.630 (falsifying business records) <i>Class C Felony</i>			X			(d)(2)
AS 11.46.660 (commercial bribe receiving) <i>Class C Felony</i>			X			(d)(2)
AS 11.46.670 (commercial bribery) <i>Class C Felony</i>			X			(d)(2)
AS 11.46.710 (deceptive business practices)						
Class C Felony			X			(d)(2)
Class A misdemeanor				X		(e)(1)(F)
AS 11.46.730 (defrauding creditors)						
If Class B Felony		X				(c)(2)(J)
If Class C Felony			X			(d)(2)
AS 11.46.740 (criminal use of computer) <i>Class C Felony</i>			X			(d)(2)
OFFENSES AGAINST THE FAMILY AND VULNERABLE ADULTS						
AS 11.51.100 (endangering the welfare of a child in the first degree)						
If Class B Felony (if child dies)	X					(b)(7)(A)
If Class C Felony (if the child suffers sexual contact, sexual penetration, or serious physical injury)	X					(b)(7)(A)
If Class A misdemeanor (if the child suffers physical injury)	X					(b)(7)(A)
AS 11.51.110 (endangering the welfare of a child in the second degree) <i>Violation</i>			X			(d)(3)(A)
AS 11.51.120 (criminal nonsupport)						

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	PERMANENT	10 Years	5 Year s	3 Year s	1 Year	
Class C Felony			X			(d)(3)(B)
Class A misdemeanor				X		(e)(2)
AS 11.51.121 (aiding the nonpayment of child support in the first degree) <i>Class C Felony</i>			X			(d)(3)(C)
AS 11.51.130 (contributing to the delinquency of a minor) <i>Class A Misdemeanor</i>			X			(d)(3)(D)
AS 11.51.200 (endangering the welfare of a vulnerable adult in the first degree) <i>Class C Felony</i>	X					(b)(7)(B)
AS 11.51.210 (endangering the welfare of a vulnerable adult in the second degree) <i>Class A Misdemeanor</i>	X					(b)(7)(C)
OFFENSES AGAINST PUBLIC ADMINISTRATION						
AS 11.56.740 (violating a protective order) <i>Class A Misdemeanor [if domestic violence crime]</i>				X		(e)(3)(A)
AS 11.56.745 (interfering with a report of a crime involving domestic violence) <i>Class A Misdemeanor</i>				X		(e)(3)(B)
AS 11.56.750 (unlawful contact in the first degree) <i>Class A Misdemeanor</i>					X	(f)(2)
AS 11.56.755 (unlawful contact in the second degree) <i>Class B Misdemeanor or Violation</i>					X	(f)(2)
AS 11.56.765 (failure to report a violent crime committed against a child) <i>Class A Misdemeanor</i>			X			(d)(4)(A)
AS 11.56.807 (terroristic threatening in the first degree) <i>Class B Felony [if domestic violence crime]</i>		X				(c)(3)
AS 11.56.810 (terroristic threatening in the second degree) <i>Class C Felony [if domestic violence crime]</i>			X			(d)(4)(B)
AS 11.56.815 (tampering with public records in the first degree) <i>Class C Felony</i>			X			(d)(4)(C)
AS 11.56.835 (failure to register as a sex offender or child kidnapper in the first degree) <i>Class C Felony</i>	X					(b)(8)(A)
AS 11.56.840 (failure to register as a sex offender or child kidnapper in the second degree) <i>Class A Misdemeanor</i>	X					(b)(8)(B)
AS 11.61.120 (harassment) <i>Class B Misdemeanor [if domestic violence crime]</i>					X	(f)(3)
AS 11.61.123 (indecent viewing or photography)						
Class C Felony	X					(b)(9)(A)
Class A misdemeanor	X					(b)(9)(A)
AS 11.61.125 (distribution of child pornography) ("sex offense")						
Class A Felony	X					(b)(9)(B)
Class B Felony	X					(b)(9)(B)
AS 11.61.127 (possession of child pornography) <i>Class C Felony ("sex offense")</i>	X					(b)(9)(B)
AS 11.61.128 (electronic distribution of indecent material to a minor)						
OFFENSES AGAINST PUBLIC ADMINISTRATION						
Class B Felony if the defendant was required to register as a sex offender or child kidnapper	X					(b)(3)
Class C Felony if not required to register as a sex offender or child kidnapper	X					(b)(3)
AS 11.61.130 (misconduct involving a corpse) <i>Class A Misdemeanor</i>			X			(d)(5)(A)
AS 11.61.140 (cruelty to animals) <i>Class A Misdemeanor</i>			X			(d)(5)(B)
AS 11.61.145 (promoting an exhibition of fighting animals, if Class C Felony)			X			(d)(5)(C)
AS 11.61.190 (misconduct involving weapons in the first degree) <i>Class A Felony</i>		X				(c)(4)(A)
AS 11.61.195 (misconduct involving weapons in the second degree) <i>Class B Felony</i>		X				(c)(4)(B)
AS 11.61.200 (misconduct involving weapons in the third degree) <i>Class C Felony</i>			X			(d)(5)(D)

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[See notes at end of table for conditions that increase some barrier times]	A Barrier Within the Following Time Periods					See 7 AAC 10.905 at:
	PERMANENT	10 Years	5 Years	3 Years	1 Year	
AS 11.61.240 (criminal possession of explosives)						
Class A Felony		X				(c)(4)(C)
Class B Felony		X				(c)(4)(C)
Class C Felony			X			(d)(5)(E)
Class A misdemeanor				X		(e)(4)
AS 11.61.250 (unlawful furnishing of explosives) <i>Class C Felony</i>			X			(d)(5)(F)
OFFENSES AGAINST PUBLIC HEALTH AND DECENCY						
AS 11.66.110 (promoting prostitution in the first degree)						
Class A Felony - If the person who was induced or caused to engage in prostitution was under 16 years of age	X					(b)(10)(A)
Class B Felony						
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 (“sex offense”)	X					(b)(10)(A)
If the person who was induced or caused to engage in prostitution was 18 years of age or older at the time of the offense		X				(c)(5)
AS 11.66.120 (promoting prostitution in the second degree) Class C Felony						
If the person who was induced or caused to engage in prostitution was under 16 years of age	X					(b)(10)(B)
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 (“sex offense”)	X					(b)(10)(B)
If the person who was induced or caused to engage in prostitution was 18 years of age or older at the time of the offense			X			(d)(6)
AS 11.66.130 (promoting prostitution in the third degree) Class A Misdemeanor						
OFFENSES AGAINST PUBLIC HEALTH AND DECENCY						
If the person who was induced or caused to engage in prostitution was under 16 years of age	X					(b)(10)(C)
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 (“sex offense”)	X					(b)(10)(C)
CONTROLLED SUBSTANCES						
AS 11.71.010 (misconduct involving a controlled substance in the first degree) <i>Unclassified Felony</i>		X				(c)(6)
AS 11.71.020 (misconduct involving a controlled substance in the second degree) <i>Class A Felony</i>		X				(c)(6)

BARRIER CRIMES MATRIX FOR THE BARRIER CRIMES LISTED IN 7 AAC 10.905

January 5, 2007

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BARRIER CRIME [See notes at end of table for conditions that increase some barrier times]	A Barrier Within the Following Time Periods					See 7 AAC 10.905 at:
	PERMANENT	10 Years	5 Year s	3 Year s	1 Year	
AS 11.71.030 (misconduct involving a controlled substance in the third degree) <i>Class B Felony</i>		X				(c)(6)
AS 11.71.040(a)(1), (a)(2), (a)(5), (a)(6), (a)(7), (a)(8), or (a)(10) (misconduct involving a controlled substance in the fourth degree) <i>Class C Felony</i>			X			(d)(7)
IMITATION CONTROLLED SUBSTANCES						
AS 11.73.010 (manufacture or delivery of an imitation controlled substance) <i>Class C Felony</i>			X			(d)(8)
AS 11.73.020 (possession of substance with intent to manufacture) <i>Class C Felony</i>			X			(d)(8)
AS 11.73.030 (delivery of an imitation controlled substance to a minor) <i>Class B Felony</i>		X				(c)(7)
AS 11.73.040 (advertisement to promote the delivery of an imitation controlled substance) <i>Class C Felony</i>			X			(d)(8)
OTHER CRIMES						
AS 21.36.360 (fraudulent or criminal insurance acts)						
Class B Felony		X				(c)(8)
Class C Felony			X			(d)(10)
OTHER CRIMES						
AS 28.35.030 (operating a vehicle, aircraft or watercraft while intoxicated)						
(n) – A Class C Felony (if the person convicted has been previously convicted two or more times since January 1, 1996, and within 10 years preceding the date of the present offense)		X				(c)(9)
AS 28.35.032 (refusal to submit to chemical test)						
(p) – A Class C Felony (if the person is convicted under this section and either has been previously convicted two or more times since January 1, 1996, and within the 10 years preceding the date of the present offense, or punishment under AS 28.35.030(n) or 28.35.032(b) was previously imposed within the last 10 years)		X				(c)(10)
AS 47.30.815 (limitation of liability; bad faith application a felony [willful initiation of an involuntary civil commitment procedure without good cause] <i>Felony</i>			X			(d)(11)

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BARRIER CRIME <i>[See notes at end of table for conditions that increase some barrier times]</i>	A Barrier Within the Following Time Periods					See 7 AAC 10.905 at:
	PERMANENT	10 Years	5 Year s	3 Year s	1 Year	

IMPORTANT NOTES

(1) Under AS 12.62.900(23) "serious offense" means a conviction for a violation or for an attempt, solicitation, or conspiracy to commit a violation of any of the following laws, or of the laws of another jurisdiction with substantially similar elements: (A) a felony offense; (B) a crime involving domestic violence; (C) AS 11.41.410 - 11.41.470; (D) AS 11.51.130 or 11.51.200 - 11.56.210; (E) AS 11.61.110(a)(7) or 11.61.125; (F) AS 11.66.100 - 11.66.130; (G) former AS 11.15.120, former 11.15.134, or assault with the intent to commit rape under former AS 11.15.160; or (H) former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 - 11.40.420, if committed before January 1, 1980.

(2) 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); (B) a crime under AS 11.41.110(a)(3), 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; (ii) AS 11.41.440(a)(2); (iii) AS 11.41.450 - 11.41.458; (iv) AS 11.41.460 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; (vi) AS 11.66.110 or 11.66.130(a)(2) 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.