

BARRIER CRIMES MATRIX FOR THE BARRIER CRIMES LISTED IN 7 AAC 10.905
Effective January 1, 2020

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.

DISCLAIMER: This matrix has been developed based on the statutes and regulations that the Background Check Program uses to evaluate applications. It is a reliable tool for determining barrier time frames. However, should there be any discrepancy between this list and applicable regulations, the statutes and regulations always control.

BARRIER CRIME [See notes at end of table for conditions and definitions]	A Barrier Within the Following Time Periods				
	PERMANENT	10 Years	5 Years	3 Years	See 7 AAC 10.905 at:
ATTEMPT, SOLICITATION, AND CONSPIRACY					
Barrier determination is based on the class of crime attempted/solicited/conspired					
For all convictions of attempt, solicitation, or conspiracy, check the crime attempted/solicited/conspired and base the barrier on that crime. There is no reduction on the length of the barrier simply because the crime was charged or amended to attempt, conspiracy to commit, or solicitation to commit.					
AS 11.31.100 (attempt to commit a crime) Barrier is based on the class of crime attempted	If listed under 7 AAC 10.905 (b)	Under 905(c)	Under 905(d)	Under 905(e)	
AS 11.31.110 (solicitation to commit a crime) Barrier is based on the class of crime solicited	If listed under 7 AAC 10.905 (b)	Under 905(c)	Under 905(d)	Under 905(e)	
AS 11.31.120 (conspiracy to commit a crime) Barrier is based on the class of crime the conspiracy was intended to promote or facilitate	If listed under 7 AAC 10.905 (b)	Under 905(c)	Under 905(d)	Under 905(e)	
OFFENSES AGAINST THE PERSON					
AS 11.41 . . . an unclassified, a class A or a class B felony	X				(b)(1)
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 11.41.150 (murder of an unborn child) <i>Unclassified Felony</i>	X				(b)(1)
AS 11.41.160 (manslaughter of an unborn child) <i>Class A Felony</i>	X				(b)(1)
AS 11.41.170 (Criminally negligent homicide of an unborn child) <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		(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)
AS 11.41.270 (stalking in the second degree) <i>Class A Misdemeanor</i>			X		(d)(1)(C)
AS 11.41.280 (assault of an unborn child in the first degree) <i>Class A Felony</i>	X				(b)(1)
AS 11.41.282 (assault of an unborn child in the second degree) <i>Class B Felony</i>	X				(b)(1)
AS 11.41.300 (kidnapping) <i>Unclassified Felony</i> or <i>Class A Felony</i>	X				(b)(1)
AS 11.41.320 (custodial interference in the first degree) <i>Class C Felony</i>	X				(b)(3)
AS 11.41.330 (custodial interference in the second degree) <i>Class A Misdemeanor</i>			X		(d)(1)(D)
AS 11.41.360 (Human trafficking in the first degree) <i>Class A Felony</i>	X				(b)(1)
AS 11.41.365 (Human trafficking in the second degree) <i>Class B Felony</i>	X				(b)(1)
AS 11.41.410 (sexual assault in the first degree) <i>Unclassified Felony</i>	X				(b)(1)
AS 11.41.420 (sexual assault in the second degree) <i>Class B Felony</i>	X				(b)(1)
AS 11.41.425 (sexual assault in the third degree) <i>Class C Felony</i> (“sex offense” see AS 12.63.100(7)(C)(i))	X				(b)(11)
AS 11.41.427 (sexual assault in the fourth degree) <i>Class A Misdemeanor</i> (“sex offense” see AS 12.63.100(7)(C)(i))	X				(b)(11)

BARRIER CRIME [See notes at end of table for conditions and definitions]	A Barrier Within the Following Time Periods				
	PERMANENT	10 Years	5 Years	3 Years	See 7 AAC 10.905 at:
AS 11.41.434 (sexual abuse of a minor in the first degree) <i>Unclassified Felony</i>	X				(b)(1)
AS 11.41.436 (sexual abuse of a minor in the second degree) <i>Class B Felony</i>	X				(b)(1)
AS 11.41.438 (sexual abuse of a minor in the third degree) <i>Class C Felony</i> (“sex offense” see AS 12.63.100(7)(C)(i))	X				(b)(11)
AS 11.41.440(a)(2) (sexual abuse of a minor in the fourth degree) <i>Class A Misdemeanor</i> (“sex offense” see AS 12.63.100(7)(C)(ii)) (adults only; for minors, see Note 3)	X				(b)(11)
AS 11.41.450 (incest) <i>Class C Felony</i> (“sex offense” see AS 12.63.100(7)(C)(iii))	X				(b)(11)
AS 11.41.452 (online enticement of a minor) (also “sex offense” see AS 12.63.100(7)(C)(iii))					
<i>Class A Felony</i> if the defendant was required to register as a sex offender or child kidnapper	X				(b)(1)/(b)(3)
<i>Class B Felony</i> 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 A Felony</i>	X				(b)(1)
AS 11.41.458 (indecent exposure in the first degree) <i>Class C Felony</i> (“sex offense” see AS 12.63.100(7)(c)(iii))	X				(b)(11)
AS 11.41.460 (indecent exposure in the second degree) <i>Class A Misdemeanor</i> or <i>B Misdemeanor</i>	X				(b)(5)
AS 11.41.500 (robbery in the first degree) <i>Class A Felony</i>	X				(b)(1)
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		(d)(1)(E)
OFFENSES AGAINST PROPERTY					
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 <i>Class C Felony</i>			X		(d)(2)
AS 11.46.260 (removal of identification marks) if a <i>Class C Felony</i>			X		(d)(2)
AS 11.46.270 (unlawful possession) if a <i>Class C Felony</i>			X		(d)(2)
AS 11.46.280 (issuing a bad check)					
If <i>Class B Felony</i> (if the face amount of the check is \$25,000 or more)		X			(c)(2)(B)
If <i>Class C Felony</i> (if the face amount of the check is \$750 or more but less than \$25,000)			X		(d)(2)
AS 11.46.285 (fraudulent use of an access device or identification document)					
If <i>Class B Felony</i> (if the value of the property or services obtained is \$25,000 or more)		X			(c)(2)(C)
If <i>Class C Felony</i> (if the value of the property or services obtained is \$75 or more but less than \$25,000)			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 only if DV (criminal trespass in the first degree) <i>Class A Misdemeanor</i>			X		(d)(9)
AS 11.46.330 only if DV (criminal trespass in the second degree) <i>Class B Misdemeanor</i>			X		(d)(9)
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 11.46.420 (arson in the third degree) <i>Class C Felony</i>			X		(d)(2)
AS 11.46.427 (criminally negligent burning in the first degree) <i>Class C Felony</i>			X		(d)(9)
AS 11.46.430 only if DV (criminally negligent burning in the second degree) <i>Class A Misdemeanor</i>			X		(d)(9)
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)

BARRIER CRIME [See notes at end of table for conditions and definitions]	A Barrier Within the Following Time Periods				
	PERMANENT	10 Years	5 Years	3 Years	See 7 AAC 10.905 at:
AS 11.46.482 (criminal mischief in the third degree) <i>Class C Felony</i>			X		(d)(2)
AS 11.46.484 only if DV (criminal mischief in the fourth degree) <i>Class A Misdemeanor</i>			X		(d)(9)
AS 11.46.486 only if DV (criminal mischief in the fifth degree) <i>Class B Misdemeanor</i>			X		(d)(9)
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) <i>Class C Felony</i>			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) <i>Class C Felony</i>			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)					
<i>Class C Felony</i>			X		(d)(2)
<i>Class A Misdemeanor</i>				X	(e)(1)(F)
AS 11.46.730 (defrauding creditors)					
If <i>Class B Felony</i> (if the loss is \$25,000 or more)		X			(c)(2)(J)
If <i>Class C Felony</i> (if the loss is \$750 or more but less than \$25,000)			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)	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)					
<i>Class C Felony</i>			X		(d)(3)(B)
<i>Class A Misdemeanor</i>				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 11.56.100 (bribery) <i>Class B Felony</i>			X		(d)(9)
AS 11.56.200 (perjury) <i>Class B Felony</i>			X		(d)(9)
AS 11.56.205 (unsworn falsification in the first degree) <i>Class C Felony</i>			X		(d)(9)
AS 11.56.210 (unsworn falsification in the second degree) <i>Class A Misdemeanor</i>			X		(d)(9)
AS 11.56.230 (perjury by inconsistent statements) <i>Class C Felony</i>			X		(d)(9)
AS 11.56.300 (escape in the first degree) <i>Class A Felony</i>			X		(d)(9)
AS 11.56.310 (escape in the second degree) <i>Class B Felony</i>			X		(d)(9)

BARRIER CRIME [See notes at end of table for conditions and definitions]	A Barrier Within the Following Time Periods				
	PERMANENT	10 Years	5 Years	3 Years	See 7 AAC 10.905 at:
AS 11.56.320 (escape in the third degree) <i>Class C Felony</i>			X		(d)(9)
AS 11.56.335 (unlawful evasion in the first degree) <i>Class C Felony</i>			X		(d)(9)
AS 11.56.370 (permitting an escape) <i>Class C Felony</i>			X		(d)(9)
AS 11.56.375 (promoting contraband in the first degree) <i>Class C Felony</i>			X		(d)(9)
AS 11.56.510 (interference with official proceedings) <i>Class B Felony</i>			X		(d)(9)
AS 11.56.540 (tampering with a witness in the first degree) <i>Class C Felony</i>			X		(d)(9)
AS 11.56.610 (tampering with physical evidence) <i>Class C Felony</i>			X		(d)(9)
AS 11.56.705 (harming a police dog in the first degree) <i>Class C Felony</i>			X		(d)(9)
AS 11.56.730 (failure to appear) <i>Class C Felony</i>			X		(d)(9)
AS 11.56.740 only if DV (violating a protective order) <i>Class A Misdemeanor</i>			X		(d)(9)
AS 11.56.745 (interfering with a report of a crime involving domestic violence) <i>Class A Misdemeanor</i>				X	(e)(3)(B)
AS 11.56.760 (violating an order to submit to DNA testing) <i>Class C Felony</i>			X		(d)(9)
AS 11.56.765 (failure to report a violent crime committed against a child) <i>Class A Misdemeanor</i>			X		(d)(4)(A)
AS 11.56.770 (hindering prosecution in the first degree) <i>Class C Felony</i>			X		(d)(9)
AS 11.56.807 only if DV (terroristic threatening in the first degree) <i>Class B Felony</i>		X			(c)(3)
AS 11.56.807 (terroristic threatening in the first degree) <i>Class B Felony</i>			X		(d)(9)
AS 11.56.810 only if DV (terroristic threatening in the second degree) <i>Class C Felony</i>			X		(d)(4)(B)
AS 11.56.810 (terroristic threatening in the second degree) <i>Class C Felony</i>			X		(d)(9)
AS 11.56.815 (tampering with public records in the first degree) <i>Class C Felony</i>			X		(d)(4)(C)
AS 11.56.827 (impersonating a public servant in the first degree) <i>Class C Felony</i>			X		(d)(9)
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)
OFFENSES AGAINST PUBLIC ORDER					
AS 11.61.100 (riot) <i>Class B Felony</i>			X		(d)(9)
AS 11.61.118 (harassment in the first degree) <i>Class A Misdemeanor</i>			X		(d)(5)(A)
AS 11.61.120(a)(2), (a)(3), (a)(4) only if DV (harassment in the second degree) <i>Class B Misdemeanor</i>			X		(d)(9)
AS 11.61.123 (indecent viewing or photography) <i>Class C Felony</i> or <i>Class A Misdemeanor</i>	X				(b)(9)(A)
AS 11.61.124 (solicitation or production of an indecent picture of a minor) <i>Class B Felony</i>			X		(d)(9)
AS 11.61.125 (distribution of child pornography) <i>Class A or B Felony</i>	X				(b)(9)(B)
AS 11.61.127 (possession of child pornography) <i>Class C Felony</i> ("sex offense" see AS 12.63.100(7)(C)(v))	X				(b)(11)
AS 11.61.128 (electronic distribution of indecent material to a minor) <i>Class B & C Felony</i> ("sex offense" see AS 12.63.100(7)(C)(v))	X				(b)(11)
AS 11.61.130 (misconduct involving a corpse) <i>Class A Misdemeanor</i>			X		(d)(5)(B)
AS 11.61.140 (cruelty to animals) <i>Class A Misdemeanor</i>			X		(d)(5)(C)
AS 11.61.145 (promoting an exhibition of fighting animals) *if charged as a <i>Class C Felony</i>			X		(d)(5)(C)
AS 11.61.160 (recruiting a gang member in the first degree) <i>Class B Felony</i>			X		(d)(9)
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)(E)
AS 11.61.240 (criminal possession of explosives)					
<i>Class A Felony</i> (if the crime intended is murder in any degree or kidnapping)		X			(c)(4)(C)
<i>Class B Felony</i> (if the crime intended is a class A felony)		X			(c)(4)(C)
<i>Class C Felony</i> (if the crime intended is a class B felony)			X		(d)(5)(F)

BARRIER CRIME <i>[See notes at end of table for conditions and definitions]</i>	A Barrier Within the Following Time Periods				
	PERMANENT	10 Years	5 Years	3 Years	See 7 AAC 10.905 at:
<i>Class A Misdemeanor</i> (if the crime intended is a class C felony)				X	(e)(4)
AS 11.61.250 (unlawful furnishing of explosives) <i>Class C Felony</i>			X		(d)(5)(G)
OFFENSES AGAINST PUBLIC HEALTH AND DECENCY					
AS 11.66.100 (prostitution) <i>Class C Felony</i>	X				(b)(11)
AS 11.66.110 (sex trafficking in the first degree)					
<i>Unclassified Felony</i> If the person who was induced or caused to engage in prostitution was under 18 years old	X				(b)(10)(A)
<i>Class A Felony</i> If the person who was induced or caused to engage in prostitution was 21 years of age or older at the time of the offense BUT NOTE: IF the person induced was under the age of 20, this is a sex crime under 12.63.100(7)(c)(vi)	X	X			(c)(5) OR (b)(11)
AS 11.66.120 (sex trafficking in the second degree) <i>Class B Felony</i>					
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	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 (sex trafficking in the third degree) <i>Class C Felony</i>	X				(b)(10)(C)
AS 11.66.210 (promoting gambling in the first degree) <i>Class C Felony</i>			X		(d)(9)
AS 11.66.230 (possession of gambling records in the first degree) <i>Class C Felony</i>			X		(d)(9)
CONTROLLED SUBSTANCES					
AS 11.71.010 (misconduct involving a controlled substance) <i>Unclassified Felony</i>		X			(c)(6)
AS 11.71.021 (misconduct involving a controlled substance) <i>Class A Felony</i>		X			(c)(6)
AS 11.71.030 (misconduct involving a controlled substance) <i>Class B Felony</i>		X			(c)(6)
AS 11.71.040 (misconduct involving a controlled substance) <i>Class C Felony charged under</i> (a)(1), (2), (5), (6), (7), (8), or (10)			X		(c)(7)
AS 11.71.040 (misconduct involving a controlled substance) <i>Class C Felony charged under</i> (a)(3), (4), (9), or (12)			X		(d)(9)
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)
SEX OFFENSES UNDER AS 12.63.100					
Any sex offense defined by AS 12.63.100, including a similar law of another jurisdiction, is a permanent barring condition. Those not previously listed are as follows:					
AS 26.05.890 (sexual assault) (" <i>sex offense</i> ")	X				(b)(11)
AS 26.05.893 (prohibited sexual activities with military recruit or trainee by person in position of special trust) (" <i>sex offense</i> ")	X				(b)(11)
AS 26.05.900 (Other sexual misconduct; indecent viewing, visual recording, or broadcasting) Only if, at the time of the offense, the victim is under a duty to obey the lawful orders of the offender	X				(b)(11)
AS 26.05.900 (a)(1) – (4) if the victim is under 18 years of age at the time of the offense	X				(b)(11)
AS 26.05.900(b) if the person induced or caused to engage in prostitution was under 20 years of age	X				(b)(11)
AS 26.05.900 (c) if the indecent exposure is before a person under 16 years of age and the offender has previously been convicted under AS 11.41.460 or AS 26.05.900(c)	X				(b)(11)

BARRIER CRIME [See notes at end of table for conditions and definitions]	A Barrier Within the Following Time Periods				
	PERMANENT	10 Years	5 Years	3 Years	See 7 AAC 10.905 at:
AS 26.935(b) if the offender commits child pornography or pandering/prostitution, punishable under 10 U.S.C. 934	X				(b)(11)
Convictions under the following former statutes: AS 11.15.120, AS 11.15.134, AS 11.15.160, AS 11.40.110, AS 11.40.200	X				(b)(11)
OTHER CRIMES AND CONDITIONS					
AS 21.36.360 (fraudulent or criminal insurance acts)					
<i>Class B Felony</i>		X			(c)(8)
<i>Class C Felony</i>			X		(d)(10)
AS 28.35.030(n) (operating a vehicle, aircraft or watercraft while intoxicated) <i>Class C Felony</i>		X			(c)(9)
AS 28.35.032(p) (refusal to submit to chemical test) <i>Class C Felony</i>		X			(c)(10)
AS 28.35.161 (use of electronic devices while driving) If charged as <i>Any Felony</i> , under (f)(2),(3), or (4)			X		(d)(9)
AS 47.05.310/AS 47.05.210 Medical Assistance Fraud		X			(c)(11)
AS 47.30.815 (limitation of liability; bad faith application a felony [willful initiation of an involuntary civil commitment procedure without good cause] <i>Any Felony</i>			X		(d)(11)
AS 47.10.080 Substantiated OCS findings		X			(f)(3)
AS 47.10.080 CINA adjudications or temporary custody orders		X			(f)(3)
AS 47.10.080 CINA termination of parental rights (TPR)	X				(f)(3)
AS 47.32.130 Revoked, Suspended, Denied, or Conditional License		X			(f)(4)
Placement on the following list or registries, or one under a substantially similar law: OIG, NSOPW, ASO/CKR, LEIE, Medical Assistance Excluded Provider List		X			(f)(2)
Civil finding related to abuse, neglect, exploitation of a child or vulnerable adult under AS 47.10, AS 47.24, AS 47.32, or AS 47.62		X			(f)(3)

IMPORTANT NOTES

(1) Under 7 AAC 10.905(a), a **barrier crime or condition** is a criminal offense or civil finding that prohibits a provider or an applicant from being approved under 7 AAC 10.990. These standards and prohibitions apply to any individual who seeks to provide services or receive payment from the Dpt. of Health and Social Services (DHSS), or to be associated or to remain associated with a provider that is required to obtain a DHSS background check (and subject to AS 47.05.300-47.05.390 and 7 AAC 10.900-7 AAC 10.990).

These barriers apply to a person who has been (1) charged with or convicted of (or found not guilty by reason of insanity for) any crime listed in 7 AAC 10.905, or a crime with similar elements in another jurisdiction, or (2) found (by a court or agency) to have been involved in a matter that is inconsistent with the standards for protection of the health, safety, and welfare of recipients in care.

NOTE: *If a charge or conviction is for a crime committed in another jurisdiction, an equivalency determination will be made as to whether it is a crime with similar elements from the other jurisdiction. An equivalency determination will be made in a manner that applies not only 7 AAC 10.905 (a)(1) and (a)(2), but considers the intent of applicable statutes and regulations.*

(2) Under 7 AAC 10.905(d)(9), a **serious offense** includes any felony not specifically listed elsewhere, so any felony not defined as a permanent or 10 year barrier is classified as a 5 year barrier (see AS12.62.900 for definition of a serious offense, all of which are also listed in the matrix).

(3) Under 7 AAC 10.905(i), a **barrier time** listed begins to run from either:

<p>- the date an individual was charged with or convicted of the crime, or the date of a final civil finding establishing a barrier condition, whichever period ends later; OR</p> <p>- until satisfaction of judgement: if the individual is subject to a judgment of a court related to sentencing/ probation/parole, or to a final civil finding, the barrier time listed will continue until full compliance with conditions of the sentencing/probation/parole, or final civil findings such as restitution, community service, etc.</p>
<p>(4) Under 7 AAC 10.905(m), the following terms and definitions apply when determining if a person is charged or convicted:</p> <p>“Charged” with a crime means the person has been indicted or arrested, and is awaiting adjudication or dismissal of the charges.</p> <p>“Convicted” or “conviction” means a judgment entered by a court of competent jurisdiction in this state or another jurisdiction, either upon the entry of a plea, or after trial.</p> <p>A suspended imposition of sentence (“SIS”) continues to count as a conviction, even if formally set aside under AS 12.55.085. If a conviction has been subject to an order of clemency, or expunged by court order, it would no longer be considered a barrier.</p> <p>NOTE: <i>If a national data base indicates the person was charged and charges are still pending, it will be up to the individual to show proof that the charges were dropped or otherwise resolved.</i></p>
<p>(5) Domestic Violence (“DV”): For purposes of the background check regulations, any crime involving domestic violence must be reviewed as a serious crime, under 7 AAC 10.905(d)(9).</p> <p>*If the charge or conviction is for a crime that is a felony or specifically enumerated in 7 AAC 10.905(b) or (c), the time frames there apply.</p> <p>*If a charge or conviction is for a crime of domestic violence, and not otherwise listed in 7 AAC 10.905(b) or (c), it is considered a 5-year barrier under 7 AAC 10.905(d), because of the reference to AS 12.62.900(23), which includes domestic violence as a serious crime.</p> <p>*Where the regulations are in conflict, the statute controls.</p> <p>*Crimes involving domestic violence are identified in the matrix by the acronym “DV”</p> <p>*A crime involving domestic violence has the meaning given in AS 18.66.990(3).</p>
<p>(6) Under AS 18.66.990(3) "domestic violence" and "crime involving domestic violence" mean 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 11.46.475 - 11.46.486; (F) terrorist threatening under AS 11.56.807 or 11.56.810; (G) violating a protective order under AS 11.56.740(a)(1); or (H) harassment under AS 11.61.120(a)(2) - (4).</p>
<p>(7) Any sex offense listed in AS 12.63.100 is a permanent barrier, under 7 AAC 10.905(b)(11).</p>
<p>(8) Juvenile Offenses: All permanent barrier offenses which are JOMIS (juvenile) adjudications have a maximum barrier time frame of 10 years past the age of maturity. [7 AAC 10.905(b)]</p>