

## House Bill 351 Background Information

	Current Practice	HB 351 (version A)	CS HB 351 (version M)
Licensure Impacts for Misconduct (Sections 1-3)	Revocation and refusal to issue a permit are at the discretion of the Alaska Police Standards Commission based on the Administrative Procedures Act and regulations. Suspension not allowed.	Suspension allowed.	
			Notice of accusation required before hearing.
		Revocation/refusal to issue a permit allowed after a hearing and decision if allegations are proven by clear and convincing evidence	
		Revocation/refusal must be consistent with hearing officer's decision.	No requirement that the revocation/refusal be consistent with the hearing officer's decision.
		Prohibits suspension, revocation or refusal to issue a certificate for a based on a disciplinary action that has been reversed or removed based on an official proceeding outlined by a collective bargaining agreement, personnel rules or the Administrative Procedure Act.	Prohibits the council from <i>considering evidence closely related</i> to a disciplinary action that has been reversed, removed or <i>is in dispute</i> in an official proceeding outlined by a collective bargaining agreement, personnel rules or the Administrative Procedure Act, or <i>an appeal to a court</i> . <i>Provides exemptions to the prohibition.</i>
Definition of Police Officer (Section 4)	Includes state and municipal police officers, DOTPF employees who have general police powers and UA public safety officers.	Adds court services officers to the definition of police officer. ** Proposed amendment would add a delayed effective date to January 1, 2016.	
Administration of Lie Detector Tests (Sections 5-6)	Under AS 23.10.037, employers are currently prohibited from administering lie detector tests to employees and job applicants, with one exception: police officers.	Repeals the section of law that exempts police officers from the current prohibition on lie detector tests.	Amendment incorporated to allow lie-detector tests to be administered to applicants.
		Authorizes a police officer to refuse a request to take a lie detector test and provides that the request and refusal to take a lie detector test are confidential and may not be part of the officer's personnel records. Prohibits discharging or disciplining a police officer who refuses a lie detector test.	
Confidentiality of Personal Information (Section 7-8)	No statute regarding confidentiality of personal information.	Personal information possessed by the agency, including photos and home address, is confidential unless the officer voluntarily authorizes its release in writing.  Exceptions include the following information about an officer who has been lawfully arrested:  A photograph; and information included in a 911 call, a police or investigative report, a complained made to a law enforcement agency, or a witness statement.	