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Martin
12/2/15

CS FOR HOUSE BILL NO. 77()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

**Sponsor(s): REPRESENTATIVES THOMPSON, Gara, Kawasaki, Kito, Saddler, Vazquez, Lynn, Stutes,
Wilson, Wool, Keller**

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to training regarding disabilities for police officers, probation officers,**
2 **parole officers, correctional officers, and village public safety officers; relating to**
3 **guidelines for drivers when encountering or being stopped by a peace officer; relating to**
4 **driver's license examinations; and relating to a voluntary disability designation on a**
5 **state identification card and a driver's license."**

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

7 *** Section 1.** AS 18.65.220 is amended to read:

8 **Sec. 18.65.220. Powers.** The council has the power to

9 (1) adopt regulations for the administration of AS 18.65.130 -
10 18.65.290;

11 (2) establish minimum standards for employment as a police officer,
12 probation officer, parole officer, municipal correctional officer, and correctional
13 officer in a permanent or probationary position and certify persons to be qualified as

1 police officers, probation officers, parole officers, municipal correctional officers, and
2 correctional officers under AS 18.65.130 - 18.65.290;

3 (3) establish minimum criminal justice curriculum requirements for
4 basic, specialized, and in-service courses and programs for schools operated by or for
5 the state or a political subdivision of the state for the specific purpose of training
6 police recruits, police officers, probation officers, parole officers, municipal
7 correctional officers, and correctional officers; **the curriculum requirements**
8 **established under this paragraph must include training in**

9 **(A) recognizing people with disabilities;**

10 **(B) appropriate interactions with persons with disabilities;**

11 **(C) resources available to persons with disabilities and to**
12 **those interacting with persons with disabilities; and**

13 **(D) the requirements of Title II of the Americans with**
14 **Disabilities Act, 42 U.S.C. 12131 - 12165;**

15 (4) consult and cooperate with municipalities, agencies of the state,
16 other governmental agencies, universities, colleges, and other institutions concerning
17 the development of police officer, probation officer, parole officer, municipal
18 correctional officer, and correctional officer training schools and programs of criminal
19 justice instruction;

20 (5) employ an administrator and other persons necessary to carry out
21 its duties under AS 18.65.130 - 18.65.290;

22 (6) investigate when there is reason to believe that a police officer,
23 probation officer, parole officer, municipal correctional officer, or correctional officer
24 does not meet the minimum standards for employment; in connection with the
25 investigation the council may subpoena persons, books, records, or documents related
26 to the investigation and require answers in writing under oath to questions asked by
27 the council or the administrator;

28 (7) charge and collect a fee of \$50 for processing applications for
29 certification of police, probation, parole, municipal correctional, and correctional
30 officers.

31 * **Sec. 2.** AS 18.65.310 is amended by adding a new subsection to read:

(m) The department shall provide a method for a person to designate voluntarily on an identification card that the person has a disability, including a cognitive, mental, neurological, or physical disability, or a combination of them. The department shall create a discreet symbol to place on the identification card of a person requesting the designation. The method must provide a means by which the person may cancel the designation. The department may not charge a fee solely for the designation. To receive the designation, the person shall provide proof of the disability from a person licensed as a physician or physician assistant under AS 08.64, as an advanced nurse practitioner under AS 08.68, or as a licensed psychologist under AS 08.86. Notwithstanding (a) of this section, the department may charge a fee of \$5 for replacement of a valid identification card with a new identification card with a disability designation and may charge a fee of \$5 for replacement of an identification card with a disability designation with a new identification card without a disability designation.

* **Sec. 3.** AS 18.65.670(c) is amended to read:

(c) The commissioner of public safety may adopt regulations related to village public safety officers, including minimum standards and training, criteria for community, municipality, or corporation participation, and the interaction between the Department of Public Safety and village public safety officers. Regulations adopted by the commissioner of public safety under this subsection may not prohibit village public safety officers who otherwise meet minimum standards and training from carrying firearms. **If the commissioner of public safety adopts regulations regarding training for village public safety officers, at a minimum, that training must include disability training that provides training in the subjects set out in AS 18.65.220(3).** The commissioner of corrections may adopt regulations related to the functions of village public safety officers providing probation and parole supervision.

* **Sec. 4.** AS 28.05.011 is amended by adding a new subsection to read:

(c) If the department publishes a manual related to the safe and lawful operation of a motor vehicle, the manual must include the duties and responsibilities of drivers when encountering or being stopped by a peace officer.

1 * **Sec. 5.** AS 28.15.081(a) is amended to read:

2 (a) The department shall examine every applicant for a driver's license. The
3 examination must include a test of the applicant's (1) eyesight, (2) ability to read and
4 understand official traffic control devices, (3) knowledge of safe driving practices, (4)
5 knowledge of the effects of alcohol and drugs on drivers and the dangers of driving
6 under the influence of alcohol or drugs, (5) knowledge of the laws on driving while
7 under the influence of an alcoholic beverage, inhalant, or controlled substance, (6)
8 knowledge of the laws on financial responsibility and mandatory motor vehicle
9 liability insurance, [AND] (7) knowledge of the traffic laws and regulations of the
10 state, **and (8) knowledge of the duties and responsibilities of drivers when**
11 **encountering or being stopped by a peace officer**. The examination may include a
12 demonstration of ability to exercise ordinary and reasonable control in the driving of a
13 motor vehicle of the type and general class of vehicles for which the applicant seeks a
14 license. However, an applicant who has not been previously issued a driver's license
15 by this or another jurisdiction shall demonstrate ability and shall present medical
16 information that the department reasonably requires to determine fitness to safely
17 drive a motor vehicle of the type and general class of vehicles for which the applicant
18 seeks a license.

19 * **Sec. 6.** AS 28.15.111 is amended by adding a new subsection to read:

20 (d) The department shall provide a method, at the time that a driver's license is
21 issued, by which the owner of a license may voluntarily designate on the license that
22 the owner has a disability, including a cognitive, mental, neurological, or physical
23 disability, or a combination of them. The department shall create a discreet symbol to
24 place on the driver's license of a person requesting the designation. The method must
25 provide a means by which the owner may cancel the designation. The department may
26 not charge a fee solely for the designation. To receive the designation, the person shall
27 provide proof of the disability from a person licensed as a physician or physician
28 assistant under AS 08.64, as an advanced nurse practitioner under AS 08.68, or as a
29 licensed psychologist under AS 08.86. The department may charge a fee of \$5 for
30 replacement of a valid driver's license with a new driver's license with a disability
31 designation and may charge a fee of \$5 for replacement of a driver's license with a

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disability designation with a new driver's license without a disability designation.