



SB 164 Sectional Analysis v. A

The bill would make changes to the law that would help eliminate the practice in some communities of appointing individuals with clearly disqualifying criminal histories as police officers. This bill would accomplish this by clarifying that the power of the Alaska Police Standards Council (APSC) to set minimum standards applies to village police officers, explicitly excluding persons with disqualifying criminal histories from the definition of peace officer.

*Sections 1 and 2* work together to clarify that an individual who is ineligible to become a police officer or village police officer in Alaska due to disqualifying criminal history may be prosecuted for impersonating a peace officer. This is done by amending the definition of "peace officer" under AS 11.81.900 to exclude individuals who have been convicted of certain crimes, and by adding a new subsection to AS 11.56.827 to clarify that it is not a defense to prosecution for impersonating a peace officer if an individual was employed as a peace officer at the time.

*Section 3* of the bill amends AS 12.62.400 concerning national criminal history records checks to clarify that the department of public safety may submit fingerprints to the Federal Bureau of Investigation prior to issuing police certification to a village police officer.

*Section 4* of the bill amends AS 18.65.220 concerning the powers of the Alaska Police Standards Council to clarify that APSC has the power to adopt minimum standards for employment of village police officers, and to investigate when there is reason to believe a village police officer does not meet these standards.

*Section 5* makes conforming changes to AS 18.65.230 concerning Alaska Police Standards Council training programs and pre-appointment criminal records checks.

*Section 6* amends AS 18.65.240 concerning police officer standards to include village police officers.

*Section 7* adds two new subsections to AS 18.65.240. Subsection (e) would explicitly prohibit appointment of a police officer or village police officer, even on a probationary basis, an individual who had been convicted of certain crimes. New subsection (f) would provide that the Alaska Police Standards Council has the power to establish standards for village police officers by regulation. The Alaska Police Standards Council has been setting standards for village police officers in regulations for decades, however village police officer is not currently defined in statute.

*Section 8* amends AS 18.65.290 by adding a definition for "village police officer" in statute.

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*Section 9* provides that section 1 of the Act, and the change in definition for peace officer in AS 00.81.900 within Section 2 of the act will apply to offenses committed on or after the effective date.

*Section 10* provides for an immediate effective date.