



LAWS OF ALASKA

2018

Source
SB 148

Chapter No.

AN ACT

Relating to powers of the Alaska Police Standards Council; and relating to background checks for admission to police training programs and certification as a police officer.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to powers of the Alaska Police Standards Council; and relating to background checks
2 for admission to police training programs and certification as a police officer.

3 _____
4 * **Section 1.** AS 12.62.400(a) is amended to read:

5 (a) To obtain a national criminal history record check for determining a
6 person's qualifications for a license, permit, registration, employment, or position, a
7 person shall submit the person's fingerprints to the department with the fee established
8 by AS 12.62.160. The department may submit the fingerprints to the Federal Bureau
9 of Investigation to obtain a national criminal history record check of the person for the
10 purpose of evaluating a person's qualifications for

11 (1) a license or conditional contractor's permit to manufacture, sell,
12 offer for sale, possess for sale or barter, traffic in, or barter an alcoholic beverage
13 under AS 04.11;

- 1 (2) licensure as a mortgage lender, a mortgage broker, or a mortgage
2 loan originator under AS 06.60;
- 3 (3) admission to the Alaska Bar Association under AS 08.08;
- 4 (4) licensure as a collection agency operator under AS 08.24;
- 5 (5) a certificate of fitness to handle explosives under AS 08.52;
- 6 (6) licensure as a massage therapist under AS 08.61;
- 7 (7) licensure to practice nursing or certification as a nurse aide under
8 AS 08.68;
- 9 (8) certification as a real estate appraiser under as 08.87;
- 10 (9) a position involving supervisory or disciplinary power over a minor
11 or dependent adult for which criminal justice information may be released under
12 AS 12.62.160(b)(9);
- 13 (10) a teacher certificate under AS 14.20;
- 14 (11) a registration or license to operate a marijuana establishment
15 under AS 17.38;
- 16 (12) licensure as a security guard under AS 18.65.400 - 18.65.490;
- 17 (13) a concealed handgun permit under AS 18.65.700 - 18.65.790;
- 18 (14) licensure as an insurance producer, managing general agent,
19 reinsurance intermediary broker, reinsurance intermediary manager, surplus lines
20 broker, or independent adjuster under AS 21.27;
- 21 (15) serving and executing process issued by a court by a person
22 designated under AS 22.20.130;
- 23 (16) a school bus driver license under AS 28.15.046;
- 24 (17) licensure as an operator or an instructor for a commercial driver
25 training school under AS 28.17;
- 26 (18) registration as a broker-dealer, agent, investment adviser
27 representative, or state investment adviser under AS 45.55.030 - 45.55.060;
- 28 **(19) admittance to a police training program under AS 18.65.230**
29 **or for certification as a police officer under AS 18.65.240 if that person's**
30 **prospective employer does not have access to a criminal justice information**
31 **system.**

1 * **Sec. 2.** AS 18.65.220 is amended to read:

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

3 (1) adopt regulations for the administration of AS 18.65.130 -
4 18.65.290;

5 (2) establish minimum standards for employment as a police officer,
6 probation officer, parole officer, municipal correctional officer, and correctional
7 officer in a permanent or probationary position and certify persons to be qualified as
8 police officers, probation officers, parole officers, municipal correctional officers, and
9 correctional officers under AS 18.65.130 - 18.65.290;

10 (3) establish minimum criminal justice curriculum requirements for
11 basic, specialized, and in-service courses and programs for schools operated by or for
12 the state or a political subdivision of the state for the specific purpose of training
13 police recruits, police officers, probation officers, parole officers, municipal
14 correctional officers, and correctional officers; the curriculum requirements
15 established under this paragraph must include training in

16 (A) recognizing persons with disabilities;

17 (B) appropriate interactions with persons with disabilities;

18 (C) resources available to persons with disabilities and to those
19 interacting with persons with disabilities; and

20 (D) the requirements of 42 U.S.C. 12131 - 12165 (Title II of
21 the Americans with Disabilities Act of 1990);

22 (4) consult and cooperate with municipalities, agencies of the state,
23 other governmental agencies, universities, colleges, and other institutions concerning
24 the development of police officer, probation officer, parole officer, municipal
25 correctional officer, and correctional officer training schools and programs of criminal
26 justice instruction;

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

29 (6) investigate when there is reason to believe that a police officer,
30 probation officer, parole officer, municipal correctional officer, or correctional officer
31 does not meet the minimum standards for employment; in connection with the

1 investigation the council may subpoena persons, books, records, or documents related
2 to the investigation and require answers in writing under oath to questions asked by
3 the council or the administrator;

4 (7) charge and collect a fee of \$50 for processing applications for
5 certification of police, probation, parole, municipal correctional, and correctional
6 officers;

7 **(8) require a state and national criminal history record check for**
8 **an applicant to a training program established in AS 18.65.230 and for a person**
9 **to be certified as a police officer under AS 18.65.240 if that person's prospective**
10 **employer does not have access to a criminal justice information system.**

11 * **Sec. 3.** AS 18.65.230 is amended by adding a new subsection to read:

12 (b) To determine a person's qualification for appointment as a police officer
13 under AS 18.65.240, each person who applies for admittance to a basic program of
14 police training established under this section shall submit to the council the person's
15 fingerprints along with the fee established in AS 12.62.160 unless the person's
16 fingerprints were previously submitted by the person's prospective employer. The
17 Department of Public Safety shall conduct a state criminal history record check and
18 may submit the person's fingerprints to the Federal Bureau of Investigation to obtain a
19 national criminal history record check of the person under AS 12.62.400 for the
20 purpose of evaluating the person's qualifications for appointment as a police officer
21 under AS 18.65.240.

22 * **Sec. 4.** AS 18.65.240(b) is amended to read:

23 (b) **Subject to (d) of this section, the** [THE] council shall issue a certificate
24 evidencing satisfaction of the requirements of (a) of this section to an applicant who
25 satisfies those requirements or who satisfies the requirements of (a)(2) of this section
26 and satisfactorily completes a program or course of instruction in another jurisdiction
27 equivalent in content and quality to that required by the council for approved police
28 education and training programs in this state.

29 * **Sec. 5.** AS 18.65.240 is amended by adding a new subsection to read:

30 (d) The council may not issue a certificate under (b) of this section to an
31 applicant unless the council determines that the applicant will undergo a national

1 criminal history record check before employment as a police officer. If a prospective
2 employer of a person seeking certification under this section does not have access to a
3 criminal justice information system to obtain a report of criminal justice information
4 under AS 12.62 and a national criminal history record check, the prospective employer
5 shall submit to the council the applicant's fingerprints along with the fee established in
6 AS 12.62.160. The council or prospective employer shall submit the fingerprints to the
7 Department of Public Safety to request a national criminal history record check of the
8 person for the purpose of evaluating the person's qualifications for appointment as a
9 police officer.

10 * **Sec. 6.** AS 18.65.290 is amended to by adding a new paragraph to read:

11 (9) "criminal justice information system" has the meaning given in
12 AS 12.62.900.

13 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 **APPLICABILITY.** This Act applies to a person who applies for admittance to a police
16 training program under AS 18.65.230 or who applies to be certified as a police officer under
17 AS 18.65.240 on or after the effective date of this Act.

18 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
19 read:

20 **REVISOR'S INSTRUCTIONS.** The revisor of statutes is requested to change the
21 catch line of AS 18.65.230 from "Training programs" to "Training programs; fingerprints."