

HB 293 – Background Checks for Police & Training

LEGISLATION SECTIONAL ANALYSIS

January 19, 2018

Summary: This bill adds to the power of the Alaska Police Standards Council (APSC) to request a fingerprint based national criminal history records check from the Federal Bureau of Investigations (FBI) through the Department Public Safety for admittance to a basic police training program or for employment as a police officer, if the prospective employer does not have access to a criminal justice information system (CJIS).

Section 1: Amends AS 12.62.400 (National Criminal History record checks for employment, licensing, and other noncriminal justice purposes) to include the new subsection (a) (1) (19) allowing for a fingerprint based records check to be submitted to the FBI for admittance to a basic police training program under AS 18.65.230 (APSC training programs) or for employment as a police officer under 18.65.240(APSC standards for appointment as a police officer), if the prospective employer does not have access to a criminal justice information system (CJIS).

Section 2: Amends AS 18.65.220 (Powers of the APSC) to include the new subsection (8) which requires a state and national criminal history check for an applicant to a training program established in AS 18.65.230 and for a person to be appointed as a police officer under AS 18.65.240 if that person's prospective employer does not have access to CJIS to conduct their own criminal history check.

Section 3: Amends AS 18.65.230 (APSC training programs) by adding a new subsection (b) which requires an applicant for appointment as a police officer or for admittance to a training program to submit fingerprints and a fee to the APSC, unless this has been done by the applicant's employer.

Section 4: Amends AS 18.65.240 (APSC standards) to reflect the new subsection (d), added below in Section 5.

Section 5: Amends AS 18.65.240 (APSC standards) to add a new subsection (d) which limits the issuing of an APSC certificate unless the Council determines the applicant will undergo a national criminal history record check pre-employment; and requiring a prospective employer to submit an applicant's fingerprints to the council for submission to the FBI, if the prospective employer does not have CJIS access. The criminal history records check is required to assure applicants meet minimum standards established by the council.

Section 6: Amends AS 18.65.290 (Definitions) by adding a new subsection (9) which clarifies that the meaning of criminal justice information system is the meaning given in AS 12.62.900(13).

Section 7: specifies the applicability of the Act applies to persons that apply for admittance to a police training program under AS 18.65.230 or to be appointed as a police officer under AS 18.65.240 on or after the effective date of this Act.

Section 8: includes a revisor's instruction to change the catchline of AS 18.65.230 from "Training programs" to "Training programs; fingerprints"

