

SENATE BILL NO. 3

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY SENATORS GRAY-JACKSON, Begich

Introduced: 1/22/21

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Alaska Police Standards Council; requiring a peace officer to**
2 **attempt to de-escalate a situation and use alternative non-lethal methods of engagement**
3 **before discharging a firearm; and requiring a peace officer to provide an oral warning**
4 **before discharging a firearm."**

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

6 * **Section 1.** AS 18.65.220 is amended by adding a new subsection to read:

7 (b) The council shall adopt regulations that require a police officer, probation
8 officer, parole officer, municipal correctional officer, or correctional officer to

9 (1) attempt to de-escalate a situation and exhaust all alternative non-
10 lethal methods of engagement before discharging a firearm at or in the direction of
11 another person; and

12 (2) provide an oral warning to a person against whom deadly force is
13 intended to be used before discharging a firearm, if providing the oral warning is safe
14 to attempt.

1 * **Sec. 2.** AS 18.65.240(a) is amended to read:

2 (a) A person may not be appointed as a police officer, except on a
3 probationary basis, unless the person (1) has satisfactorily completed a basic program
4 of police training approved by the council, which includes at least 12 hours of
5 instruction regarding domestic violence and at least 12 hours of instruction regarding
6 sexual assault, as those terms are defined in AS 18.66.990, **and instruction in use of**
7 **de-escalation techniques and alternative non-lethal methods of engagement**
8 **before discharging a firearm at or in the direction of another person,** and (2)
9 possesses other qualifications the council has established for the employment of police
10 officers, including minimum age, education, physical and mental standards,
11 citizenship, moral character, and experience. The council shall prescribe the means of
12 presenting evidence of fulfillment of these requirements.

13 * **Sec. 3.** AS 18.65.240(c) is amended to read:

14 (c) The council may deny or revoke the certificate of a police officer who does
15 not meet the standards adopted under (a)(2) of this section **or fails to comply with the**
16 **regulations adopted under AS 18.65.220(b)(1) and (2).**

17 * **Sec. 4.** AS 18.65.242(b) is amended to read:

18 (b) The council shall

19 (1) prescribe the means of presenting evidence of fulfillment of the
20 requirements set out in (a) of this section; and

21 (2) issue a certificate evidencing satisfaction of the requirements of (a)
22 of this section to an applicant who

23 (A) satisfies the requirements of (a)(1) of this section; and

24 (B) meets the minimum education standards of (a)(2) of this
25 section by satisfactorily completing a training program for municipal
26 correctional, correctional, probation, or parole officers established under
27 AS 18.65.230, including training regarding domestic violence that contains the
28 subjects set out in AS 18.66.310(d), **training in use of de-escalation**
29 **techniques and alternative non-lethal methods of engagement before**
30 **discharging a firearm at or in the direction of another person,** or a course
31 of instruction in another jurisdiction equivalent in content and quality to that

required by the council for approved municipal correctional, correctional, probation, or parole officer education and training programs in this state.

* **Sec. 5.** AS 18.65.245 is amended to read:

Sec. 18.65.245. Denial or revocation of certificate of municipal correctional, correctional, probation, or parole officer. The council may

(1) deny a certificate to an applicant for a municipal correctional, correctional, probation, or parole officer certificate if the applicant does not meet the standards adopted by the council under AS 18.65.242(a) or fails to comply with the regulations adopted under AS 18.65.220(b)(1) and (2);

(2) revoke the certificate of a municipal correctional, correctional, probation, or parole officer who, having been issued a certificate, fails to meet the standards adopted by the council under AS 18.65.242(a) or fails to comply with the regulations adopted under AS 18.65.220(b)(1) and (2).

* **Sec. 6.** AS 18.65.280(b) is amended to read:

(b) A political subdivision with an established police training program meeting the requirements of AS 18.65.220(a)(2) and (3) [AS 18.65.220(2) AND (3)] may exclude itself from the requirements of AS 18.65.240 by ordinance. The exclusion has no effect on eligibility to receive federal or state grants.

* **Sec. 7.** 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 participation by a community, a municipality, an Alaska Native organization, or a corporation, 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(a)(3) [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.