

**HOUSE BILL NO. 256**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES TARR, Drummond**

**Introduced: 1/18/22**

**Referred: Community and Regional Affairs, State Affairs, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the Alaska Police Standards Council; relating to municipal**  
2 **correctional officers and municipal correctional employees; making municipal police**  
3 **officers subject to police standards; requiring the Department of Public Safety to submit**  
4 **a yearly use-of-force report to the legislature; requiring a municipality that employs a**  
5 **person as a municipal police officer or in a municipal correctional facility, the**  
6 **Department of Corrections, or the Department of Public Safety to report to the Federal**  
7 **Bureau of Investigation incidents of use of force by state and municipal police,**  
8 **probation, parole, and correctional officers and municipal correctional facility**  
9 **employees; and providing for an effective date."**

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

11 **\* Section 1.** AS 18.65.220 is amended by adding new subsections to read:

12 (b) The council shall make recommendations relating to and may adopt

1 regulations requiring a police officer, probation officer, parole officer, municipal  
 2 correctional officer, or correctional officer to report to a supervisor, as soon as  
 3 practicable, an incident in which an officer used deadly force or prepared to use deadly  
 4 force against a person.

5 (c) The council shall maintain a central registry of police officers, probation  
 6 officers, parole officers, municipal correctional officers, and correctional officers who  
 7 have had a certificate denied or revoked under AS 18.65.240(c) or 18.65.245. The  
 8 council may enter and maintain in the central registry information that the council  
 9 obtains from the Department of Public Safety, the Department of Corrections, or a  
 10 municipality about each officer who has had a certificate denied or revoked. The  
 11 central registry information shall include the reason for which each officer's certificate  
 12 was denied or revoked. The council shall adopt regulations to ensure the appropriate  
 13 circulation to law enforcement agencies of information contained in the central  
 14 registry.

15 (d) The council shall prepare a report detailing the central registry information  
 16 updates that have been entered in the preceding year and submit the report to the chief  
 17 clerk of the house of representatives and the senate secretary not later than  
 18 December 1 of each year.

19 (e) Upon request, the council shall assist a department, an agency, or a  
 20 municipality in developing rules based on recommendations or regulations adopted  
 21 under (b) of this section.

22 \* **Sec. 2.** AS 18.65.285 is amended to read:

23 **Sec. 18.65.285. Municipal correctional employees.** A municipality that  
 24 employs persons in a municipal correctional facility **shall** [MAY, BY ORDINANCE,]  
 25 require that those persons meet the requirements of AS 18.65.130 - 18.65.290 that are  
 26 applicable to municipal correctional officers.

27 \* **Sec. 3.** AS 18.65.290(6) is amended to read:

28 (6) "municipal correctional officer" means a person who is employed  
 29 full-time in a municipal correctional facility whose primary duty is to provide custody,  
 30 care, security, control, and discipline of persons charged or convicted of offenses or  
 31 held under authority of law; [AND THE MUNICIPALITY HAS ADOPTED AN

1           ORDINANCE UNDER AS 18.65.285 MAKING AS 18.65.130 - 18.65.290  
2           APPLICABLE;]

3       \* **Sec. 4.** AS 18.65.290 is amended by adding a new paragraph to read:

4                       (10) "deadly force" has the meaning given in AS 11.81.900(b).

5       \* **Sec. 5.** AS 18.65.670(c) is amended to read:

6                       (c) The commissioner of public safety may adopt regulations related to village  
7           public safety officers, including minimum standards and training, criteria for  
8           participation by a community, a municipality, an Alaska Native organization, or a  
9           corporation, and the interaction between the Department of Public Safety and village  
10          public safety officers. Regulations adopted by the commissioner of public safety under  
11          this subsection may not prohibit village public safety officers who otherwise meet  
12          minimum standards and training from carrying firearms. If the commissioner of public  
13          safety adopts regulations regarding training for village public safety officers, at a  
14          minimum, that training must include disability training that provides training in the  
15          subjects set out in AS 18.65.220(a)(3) [AS 18.65.220(3)]. The commissioner of  
16          corrections may adopt regulations related to the functions of village public safety  
17          officers providing probation and parole supervision.

18       \* **Sec. 6.** AS 29.71 is amended by adding a new section to read:

19                      **Sec. 29.71.070. Use of force reporting requirement.** A municipality that  
20          employs a person as a municipal police officer or in a municipal correctional facility  
21          shall report to the Federal Bureau of Investigation each incident in which a municipal  
22          police officer or municipal correctional facility employee uses force against a person.

23       \* **Sec. 7.** AS 44.28.020 is amended by adding a new subsection to read:

24                      (d) The department shall submit to the Federal Bureau of Investigation a  
25          report of each incident in which a probation officer, parole officer, or correctional  
26          officer uses force against a person.

27       \* **Sec. 8.** AS 44.41.020 is amended by adding a new subsection to read:

28                      (h) The Department of Public Safety shall submit to the Federal Bureau of  
29          Investigation a report of each incident in which a state trooper, village public safety  
30          officer, or regional public safety officer uses force against a person.

31       \* **Sec. 9.** AS 44.41 is amended by adding a new section to read:

1           **Sec. 44.41.055. Statewide use-of-force report.** The Department of Public  
2           Safety shall prepare a report detailing the information contained in reports that the  
3           Department of Public Safety, the Department of Corrections, and municipalities  
4           submitted to the Federal Bureau of Investigation in the preceding year regarding the  
5           use of force and submit the report to the chief clerk of the house of representatives and  
6           the senate secretary not later than December 1 of each year.

7           \* **Sec. 10.** AS 18.65.280(b) is repealed.

8           \* **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to  
9           read:

10           APPLICABILITY. AS 18.65.285, as amended by sec. 2 of this Act, applies to  
11           employment contracts entered into on or after the effective date of sec. 2 of this Act.

12           \* **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to  
13           read:

14           TRANSITION: EMPLOYMENT. Each person who, on the effective date of sec. 10 of  
15           this Act, is employed as a municipal correctional officer or municipal police officer by a  
16           political subdivision with an established police training program that met the requirements for  
17           exemption under former AS 18.65.280(b), repealed by sec. 10 of this Act, has one year from  
18           the effective date of sec. 10 of this Act to comply with the requirements of AS 18.65.240.

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

21           TRANSITION: REGULATIONS. The Department of Corrections, the Department of  
22           Public Safety, and a municipality that employs a person as a municipal police officer or in a  
23           municipal correctional facility shall adopt regulations necessary to implement secs. 6 - 9 of  
24           this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not  
25           before the effective date of secs. 6 - 9 of this Act. The Department of Corrections, the  
26           Department of Public Safety, and municipalities shall adopt and publish these regulations by  
27           January 1, 2023.

28           \* **Sec. 14.** Section 13 of this Act takes effect immediately under AS 01.10.070(c).

29           \* **Sec. 15.** Except as provided in sec. 14 of this Act, this Act takes effect July 1, 2022.