

SENATE BILL NO. 23

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATORS GRAY-JACKSON BY REQUEST, Tobin

Introduced: 1/18/23

Referred: Community & Regional Affairs, State Affairs

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the duties of the Alaska Police Standards Council; relating to**
2 **municipal correctional officers and municipal correctional employees; making**
3 **municipal police officers subject to police standards; relating to the duties of the**
4 **Department of Public Safety; relating to reports of incidents of use of force by state and**
5 **municipal police, probation, parole, and correctional officers and municipal correctional**
6 **facility employees; and providing for an effective date."**

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

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

9 (b) The council shall make recommendations relating to and may adopt
10 regulations requiring a police officer, probation officer, parole officer, municipal
11 correctional officer, or correctional officer to report to a supervisor, as soon as
12 practicable, an incident in which an officer used deadly force or prepared to use deadly
13 force against a person.

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

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

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

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

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

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

(6) "municipal correctional officer" means a person who is employed full-time in a municipal correctional facility whose primary duty is to provide custody, care, security, control, and discipline of persons charged or convicted of offenses or held under authority of law; [AND THE MUNICIPALITY HAS ADOPTED AN ORDINANCE UNDER AS 18.65.285 MAKING AS 18.65.130 - 18.65.290 APPLICABLE;]

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

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

1 * **Sec. 5.** AS 18.65.670(h) is amended to read:

2 (h) The commissioner may, in consultation with grant recipients, as provided
 3 in (k) of this section, adopt regulations related to village public safety officers,
 4 including establishing minimum standards and training, physical fitness requirements,
 5 criteria for participation by a community, a municipality, an Alaska Native
 6 organization, or a corporation, and the interaction between the department and village
 7 public safety officers. If the commissioner adopts regulations regarding training for
 8 village public safety officers, the training must be consistent with the standards in
 9 AS 18.65.676 and disability training under AS 18.65.220(a)(3) [AS 18.65.220(3)].
 10 The commissioner of corrections may, in consultation with grant recipients, adopt
 11 regulations related to the functions of village public safety officers providing pretrial,
 12 probation, and parole supervision.

13 * **Sec. 6.** AS 18.65.676(a) is amended to read:

14 (a) A village public safety officer basic training program must provide

15 (1) a physical training program that includes instruction in physical
 16 methods of arrest, use of batons, use of chemical defensive weapons, and electronic
 17 control weapons;

18 (2) instruction in

19 (A) the state's criminal and procedural law;

20 (B) the state's criminal justice system;

21 (C) police procedures;

22 (D) disabilities training described under AS 18.65.220(a)(3)
 23 [AS 18.65.220(3)];

24 (E) domestic violence and sexual assault prevention and
 25 response procedures;

26 (F) emergency trauma technician training;

27 (G) search and rescue training;

28 (H) rural fire protection specialist training.

29 * **Sec. 7.** AS 29.71 is amended by adding a new section to read:

30 **Sec. 29.71.070. Use of force reporting requirement.** A municipality that
 31 employs a person as a municipal police officer or in a municipal correctional facility

1 shall report to the Federal Bureau of Investigation each incident in which a municipal
2 police officer or municipal correctional facility employee uses force against a person.

3 * **Sec. 8.** AS 44.28.020 is amended by adding a new subsection to read:

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

7 * **Sec. 9.** AS 44.41.020 is amended by adding a new subsection to read:

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

11 * **Sec. 10.** AS 44.41 is amended by adding a new section to read:

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

18 * **Sec. 11.** AS 18.65.280(b) is repealed.

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

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

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

25 **TRANSITION: EMPLOYMENT.** Each person who, on the effective date of sec. 11 of
26 this Act, is employed as a municipal correctional officer or municipal police officer by a
27 political subdivision with an established police training program that met the requirements for
28 exemption under former AS 18.65.280(b), repealed by sec. 11 of this Act, has one year from
29 the effective date of sec. 11 of this Act to comply with the requirements of AS 18.65.240.

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

1 TRANSITION: REGULATIONS. The Department of Corrections, the Department of
2 Public Safety, and a municipality that employs a person as a municipal police officer or in a
3 municipal correctional facility shall adopt regulations necessary to implement secs. 7 - 10 of
4 this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
5 before the effective date of secs. 7 - 10 of this Act. The Department of Corrections, the
6 Department of Public Safety, and municipalities shall adopt and publish these regulations by
7 January 1, 2024.

8 * **Sec. 15.** Section 14 of this Act takes effect immediately under AS 01.10.070(c).

9 * **Sec. 16.** Except as provided in sec. 15 of this Act, this Act takes effect July 1, 2023.