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C. Radford
4/11/24

CS FOR SENATE BILL NO. 151(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATORS OLSON, Gray-Jackson, Dunbar, Bishop, Claman, Hoffman, Stedman, Tobin, Myers, Kawasaki, Wielechowski, Kiehl, Stevens

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to police officer training; establishing the Missing and Murdered**
2 **Indigenous Persons Review Commission; relating to missing and murdered indigenous**
3 **persons; relating to the duties of the Department of Public Safety; and providing for an**
4 **effective date."**

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

6 * **Section 1.** AS 18.65.240(a) is amended to read:

7 (a) A person may not be appointed as a police officer, except on a
8 probationary basis, unless the person (1) has satisfactorily completed a basic program
9 of police training approved by the council, which includes at least 12 hours of
10 instruction regarding domestic violence and at least 12 hours of instruction regarding
11 sexual assault, as those terms are defined in AS 18.66.990, [AND] (2) possesses other
12 qualifications the council has established for the employment of police officers,
13 including minimum age, education, physical and mental standards, citizenship, moral
14 character, and experience, **and (3) has completed cultural training supervised by**

1 **an indigenous coordinator or indigenous entity in the state that is related to**
 2 **addressing the rates of missing and murdered indigenous persons.** The council
 3 shall prescribe the means of presenting evidence of fulfillment of these requirements.

4 * **Sec. 2.** AS 44.41.020 is amended by adding a new subsection to read:

5 (k) Within 60 days after the first report concerning a missing person is filed
 6 with a local or state law enforcement agency, if the person's location has not been
 7 determined, the Department of Public Safety shall submit a missing person report to
 8 the National Missing and Unidentified Persons System database.

9 * **Sec. 3.** AS 44.41 is amended by adding a new section to read:

10 **Sec. 44.41.023. Investigators for missing and murdered indigenous**
 11 **persons.** The Department of Public Safety shall employ at least two persons in the
 12 department to investigate cases involving missing and murdered indigenous persons
 13 and act as liaisons between law enforcement agencies, communities in the state, and
 14 federally recognized tribes.

15 * **Sec. 4.** AS 44.41 is amended by adding new sections to read:

16 **Article 2. Missing and Murdered Indigenous Persons Review Commission.**

17 **Sec. 44.41.140. Missing and Murdered Indigenous Persons Review**
 18 **Commission.** (a) The Missing and Murdered Indigenous Persons Review Commission
 19 is established in the Department of Public Safety.

20 (b) The commission consists of nine members, including

- 21 (1) the commissioner of public safety, or the commissioner's designee;
- 22 (2) the commissioner of family and community services, or the
 23 commissioner's designee;
- 24 (3) one member from a municipal police department, appointed by the
 25 governor;
- 26 (4) one member who is a village public safety officer, village public
 27 officer, or tribal police officer, appointed by the governor;
- 28 (5) one member from a victim advocacy organization or similar service
 29 provider, appointed by the governor;
- 30 (6) one member from an Alaska Native tribal organization or entity,
 31 appointed by the governor;

1 (7) two members from the legislature, serving as ex officio nonvoting
2 members, one of whom shall be appointed by the president of the senate and one of
3 whom shall be appointed by the speaker of the house of representatives; and

4 (8) one member who is a prosecutor with prosecutorial experience in
5 homicide cases, appointed by the attorney general.

6 (c) Public members of the commission appointed under (a)(3) - (6) and (8) of
7 this section serve for three years and may not serve more than two consecutive terms
8 on the commission.

9 (d) Vacancies on the commission shall be filled in the same manner as original
10 appointment.

11 (e) The commissioner of public safety or the commissioner's designee is the
12 chair of the commission.

13 (f) Members of the commission receive no compensation but are entitled to
14 per diem and travel expenses authorized for boards and commissions under
15 AS 39.20.180.

16 (g) The commission shall review unresolved cases involving missing and
17 murdered indigenous persons from different state regions that are identified by the
18 Department of Public Safety to

19 (1) examine the trends and patterns related to missing and murdered
20 indigenous persons; and

21 (2) make policy, practice, and service recommendations to the
22 Department of Public Safety to encourage collaboration and reduce cases involving
23 indigenous persons.

24 (h) A person attending a meeting of the commission or a member or staff of
25 the commission may not disclose information obtained during the review of a case by
26 the commission.

27 (i) Documents, materials, and reports obtained or compiled by the commission
28 or a designated representative of the commission in the course of reviewing a case
29 involving a missing or murdered indigenous person under this section are confidential
30 and are not public records under AS 40.25.110 - 40.25.125 or subject to discovery or
31 subpoena in connection with a criminal or civil proceeding. A person may not be

1 compelled to disclose information relating to the documents, materials, and reports
2 through subpoena, discovery, or testimony in a criminal or civil proceeding. Nothing
3 in this subsection prohibits a member of the commission from prosecuting a criminal
4 case or otherwise participating in a civil or criminal proceeding as part of, or relating
5 to, the member's normal course of employment if the criminal case or civil or criminal
6 proceeding involves a case reviewed by the commission. The confidential status of
7 documents, materials, or reports obtained by the commission does not preclude the
8 discoverability or subpoena of those documents, materials, or reports from other
9 agencies or sources. This section does not affect whether a document, material, or
10 report obtained or compiled by the commission is otherwise publicly available.

11 (j) A member of the commission who knowingly uses documents, materials,
12 reports, or information for a purpose not authorized under (f) or (g) of this section or
13 discloses information in violation of this section is subject to a civil penalty of not
14 more than \$500 for each instance of unauthorized use or disclosure.

15 (k) Meetings of the commission are closed to the public and not subject to the
16 provisions of AS 44.62.310 - 44.62.319 (Open Meetings Act). Meetings shall take
17 place not less than four times each calendar year, at least one of which shall take place
18 in person.

19 (l) The Department of Public Safety shall confer with the commission to
20 establish standardized methods for investigating missing person reports, including for
21 investigating missing persons reports and data collection for cases involving missing
22 indigenous persons.

23 (m) The Department of Public Safety may collaborate with the commission
24 for public outreach purposes.

25 (n) The commission shall prepare a report of the commission's findings and
26 recommendations. Not later than January 1 every three years, the commission shall
27 submit the report to the senate secretary and chief clerk of the house of representatives
28 and notify the legislature that the report is available. The commission shall make the
29 report publicly available through the Department of Public Safety.

30 (o) In this section, "commission" means the Missing and Murdered Indigenous
31 Persons Review Commission.

1 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 REPORT ON INVESTIGATIVE RESOURCES. The Department of Public Safety
4 shall conduct a needs assessment to determine how to increase protective and investigative
5 resources for identifying and reporting cases of missing and murdered indigenous persons
6 within the state criminal justice system. The department shall work with the governor's office
7 to convene meetings with tribal and local law enforcement agencies, federally recognized
8 tribes, and Alaska Native organizations to determine the scope of the issue, identify barriers,
9 and determine methods for creating partnerships to increase reporting and investigation of
10 cases involving missing and murdered indigenous persons. The department shall conduct its
11 work with tribal entities based on the state's government-to-government relationship with
12 federally recognized tribes in the state. The department shall also work with federal law
13 enforcement agencies to identify ways to increase information sharing and coordinate
14 resources. Not later than January 1, 2027, the department shall submit a written report on the
15 needs assessment to the senate secretary and chief clerk of the house of representatives and
16 notify the legislature that the report is available.

17 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
18 read:

19 TRANSITION: TRAINING. Notwithstanding the requirements of AS 18.65.240(a), as
20 amended by sec. 1 of this Act, a person holding a certificate issued under AS 18.65.240 on or
21 before the effective date of sec. 1 of this Act has two years from the effective date of sec. 1 of
22 this Act to comply with the requirements of AS 18.65.240(a), as amended by sec. 1 of this
23 Act.

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

26 TRANSITION: COMMISSION MEMBERS. Notwithstanding AS 44.41.140(b),
27 added by sec. 3 of this Act, the initial public members of the Missing and Murdered
28 Indigenous Persons Review Commission appointed under AS 44.41.140(b) are appointed to
29 initial terms as follows:

30 (1) the members appointed under AS 44.41.140(b)(5) and (8) serve for two
31 years

1 (2) the members appointed under AS 44.41.140(b)(3), (4), and (6) serve for
2 three years.

3 * **Sec. 8.** Section 5 of this Act is repealed January 1, 2027.

4 * **Sec. 9.** This Act takes effect January 1, 2025.