

HOUSE BILL NO. 394

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE SULLIVAN-LEONARD

Introduced: 2/21/18

Referred: State Affairs, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Alaska Police Standards Council; relating to the definition of**
2 **'peace officer'; and relating to private police organizations."**

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

4 *** Section 1.** AS 11.81.900(b)(45) is amended to read:

5 (45) "peace officer" means a public servant **or employee of a private**
6 **police organization** vested by law with a duty to maintain public order or to make
7 arrests, whether the duty extends to all offenses or is limited to a specific class of
8 offenses or offenders;

9 *** Sec. 2.** AS 11.81.900(b) is amended by adding a new paragraph to read:

10 (67) "private police organization" means a private organization that
11 (A) is authorized by the Alaska Police Standards Council under
12 AS 18.65.350; and
13 (B) consists of private servants vested by law with a duty to
14 maintain order or make arrests, whether the duty extends to all offenses or is

1 limited to a specific class of offenses or offenders.

2 * **Sec. 3.** AS 18.65.220 is amended to read:

3 **Sec. 18.65.220. Powers.** The council has the power to

4 (1) adopt regulations for the administration of AS 18.65.130 -
5 18.65.290;

6 (2) establish minimum standards for employment as a police officer,
7 probation officer, parole officer, municipal correctional officer, and correctional
8 officer in a permanent or probationary position and certify persons to be qualified as
9 police officers, probation officers, parole officers, municipal correctional officers, and
10 correctional officers under AS 18.65.130 - 18.65.290;

11 (3) establish minimum criminal justice curriculum requirements for
12 basic, specialized, and in-service courses and programs for schools operated by or for
13 the state or a political subdivision of the state for the specific purpose of training
14 police recruits, police officers, probation officers, parole officers, municipal
15 correctional officers, and correctional officers; the curriculum requirements
16 established under this paragraph must include training in

17 (A) recognizing persons with disabilities;

18 (B) appropriate interactions with persons with disabilities;

19 (C) resources available to persons with disabilities and to those
20 interacting with persons with disabilities; and

21 (D) the requirements of 42 U.S.C. 12131 - 12165 (Title II of
22 the Americans with Disabilities Act of 1990);

23 (4) consult and cooperate with municipalities, agencies of the state,
24 other governmental agencies, universities, colleges, and other institutions concerning
25 the development of police officer, probation officer, parole officer, municipal
26 correctional officer, and correctional officer training schools and programs of criminal
27 justice instruction;

28 (5) employ an administrator and other persons necessary to carry out
29 its duties under AS 18.65.130 - 18.65.290;

30 (6) investigate when there is reason to believe that a police officer,
31 probation officer, parole officer, municipal correctional officer, or correctional officer

1 does not meet the minimum standards for employment; in connection with the
 2 investigation the council may subpoena persons, books, records, or documents related
 3 to the investigation and require answers in writing under oath to questions asked by
 4 the council or the administrator;

5 (7) charge and collect a fee of \$50 for processing applications for
 6 certification of police, probation, parole, municipal correctional, and correctional
 7 officers;

8 **(8) authorize private police organizations under AS 18.65.350;**

9 **(9) establish accreditation standards for private police**
 10 **organizations under AS 18.65.350 that are consistent with AS 18.65.130 -**
 11 **18.65.290.**

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

13 (9) "private police organization" has the meaning given in
 14 AS 11.81.900(b).

15 * **Sec. 5.** AS 18.65 is amended by adding new sections to read:

16 **Article 4A. Private Police Organizations.**

17 **Sec. 18.65.350. Private police organizations.** (a) The Alaska Police Standards
 18 Council shall authorize a person to establish a private police organization if

19 (1) the majority owner of the organization is a current or former peace
 20 officer in this state;

21 (2) the majority owner is a state resident and has lived in the state for
 22 at least 10 years; and

23 (3) the person agrees to adhere to the accreditation standards set by the
 24 council and any other applicable federal and state laws.

25 (b) The Alaska Police Standards Council shall establish the duties and
 26 responsibilities of a private police organization authorized under this section,
 27 consistent with the duties and responsibilities of other state or municipal police
 28 departments or law enforcement agencies. Private police organizations shall comply
 29 with the United States Constitution, the Constitution of the State of Alaska, and
 30 federal and state law.

31 (c) After a hearing, the Alaska Police Standards Council may revoke the

1 authorization for a private police organization if the council finds that the private
2 police organization has failed to adhere to the accreditation standards in (a)(3) of this
3 section.

4 (d) A person whose authorization for a private police organization has been
5 revoked under (c) of this section may not reapply for authorization.

6 (e) In this section, "private police organization" has the meaning given in
7 AS 11.81.900(b).

8 **Sec. 18.65.360. Private police officers.** A person may not be hired or
9 employed as a private police officer, except on a probationary basis, unless the person

10 (1) has satisfactorily completed a basic program of police training
11 approved under AS 18.65.240(a)(1);

12 (2) possesses the other qualifications set by the Alaska Police
13 Standards Council for the employment of police officers established under
14 AS 18.65.240(a)(2); and

15 (3) maintains a valid certificate issued by the Alaska Police Standards
16 Council.