

SENATE BILL NO. 148

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/18/18

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to powers of the Alaska Police Standards Council; and relating to**
2 **background checks for admission to police training programs and certification as a**
3 **police officer."**

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

5 * **Section 1.** AS 12.62.400(a) is amended to read:

6 (a) To obtain a national criminal history record check for determining a
7 person's qualifications for a license, permit, registration, employment, or position, a
8 person shall submit the person's fingerprints to the department with the fee established
9 by AS 12.62.160. The department may submit the fingerprints to the Federal Bureau
10 of Investigation to obtain a national criminal history record check of the person for the
11 purpose of evaluating a person's qualifications for

12 (1) a license or conditional contractor's permit to manufacture, sell,
13 offer for sale, possess for sale or barter, traffic in, or barter an alcoholic beverage
14 under AS 04.11;

- (2) licensure as a mortgage lender, a mortgage broker, or a mortgage loan originator under AS 06.60;
- (3) admission to the Alaska Bar Association under AS 08.08;
- (4) licensure as a collection agency operator under AS 08.24;
- (5) a certificate of fitness to handle explosives under AS 08.52;
- (6) licensure as a massage therapist under AS 08.61;
- (7) licensure to practice nursing or certification as a nurse aide under AS 08.68;
- (8) certification as a real estate appraiser under as 08.87;
- (9) a position involving supervisory or disciplinary power over a minor or dependent adult for which criminal justice information may be released under AS 12.62.160(b)(9);
- (10) a teacher certificate under AS 14.20;
- (11) a registration or license to operate a marijuana establishment under AS 17.38;
- (12) licensure as a security guard under AS 18.65.400 - 18.65.490;
- (13) a concealed handgun permit under AS 18.65.700 - 18.65.790;
- (14) licensure as an insurance producer, managing general agent, reinsurance intermediary broker, reinsurance intermediary manager, surplus lines broker, or independent adjuster under AS 21.27;
- (15) serving and executing process issued by a court by a person designated under AS 22.20.130;
- (16) a school bus driver license under AS 28.15.046;
- (17) licensure as an operator or an instructor for a commercial driver training school under AS 28.17;
- (18) registration as a broker-dealer, agent, investment adviser representative, or state investment adviser under AS 45.55.030 - 45.55.060;
- (19) admittance to a police training program under AS 18.65.230 or for certification as a police officer under AS 18.65.240 if that person's prospective employer does not have access to a criminal justice information system.**

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

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

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

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

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

15 (A) recognizing persons with disabilities;

16 (B) appropriate interactions with persons with disabilities;

17 (C) resources available to persons with disabilities and to those
18 interacting with persons with disabilities; and

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

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

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

28 (6) investigate when there is reason to believe that a police officer,
29 probation officer, parole officer, municipal correctional officer, or correctional officer
30 does not meet the minimum standards for employment; in connection with the
31 investigation the council may subpoena persons, books, records, or documents related

1 to the investigation and require answers in writing under oath to questions asked by
2 the council or the administrator;

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

6 **(8) require a state and national criminal history record check for**
7 **an applicant to a training program established in AS 18.65.230 and for a person**
8 **to be certified as a police officer under AS 18.65.240 if that person's prospective**
9 **employer does not have access to a criminal justice information system.**

10 * **Sec. 3.** AS 18.65.230 is amended by adding a new subsection to read:

11 (b) To determine a person's qualification for appointment as a police officer
12 under AS 18.65.240, each person who applies for admittance to a basic program of
13 police training established under this section shall submit to the council the person's
14 fingerprints along with the fee established in AS 12.62.160 unless the person's
15 fingerprints were previously submitted by the person's prospective employer. The
16 department shall conduct a state criminal history record check and may submit the
17 person's fingerprints to the Federal Bureau of Investigation to obtain a national
18 criminal history record check of the person under AS 12.62.400 for the purpose of
19 evaluating the person's qualifications for appointment as a police officer under
20 AS 18.65.240.

21 * **Sec. 4.** AS 18.65.240(b) is amended to read:

22 (b) **Subject to (d) of this section, the** [THE] council shall issue a certificate
23 evidencing satisfaction of the requirements of (a) of this section to an applicant who
24 satisfies those requirements or who satisfies the requirements of (a)(2) of this section
25 and satisfactorily completes a program or course of instruction in another jurisdiction
26 equivalent in content and quality to that required by the council for approved police
27 education and training programs in this state.

28 * **Sec. 5.** AS 18.65.240 is amended by adding a new subsection to read:

29 (d) The council may not issue a certificate under (b) of this section to an
30 applicant unless the council determines that the applicant will undergo a national
31 criminal history record check before employment as a police officer. If a prospective

1 employer of a person seeking certification under this section does not have access to a
2 criminal justice information system to obtain a report of criminal justice information
3 under AS 12.62 and a national criminal history record check, the prospective employer
4 shall submit to the council the applicant's fingerprints along with the fee established in
5 AS 12.62.160. The council or prospective employer shall submit the fingerprints to the
6 Department of Public Safety to request a national criminal history record check of the
7 person for the purpose of evaluating the person's qualifications for appointment as a
8 police officer.

9 * **Sec. 6.** AS 18.65.290 is amended to by adding a new paragraph to read:

10 (9) "criminal justice information system" has the meaning given in
11 AS 12.62.900.

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

14 APPLICABILITY. This Act applies to a person who applies for admittance to a police
15 training program under AS 18.65.230 or who applies to be certified as a police officer under
16 AS 18.65.240 on or after the effective date of this Act.

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

19 REVISOR'S INSTRUCTIONS. The revisor of statutes is requested to change the
20 catchline of AS 18.65.230 from "Training programs" to "Training programs; fingerprints."