

**HOUSE BILL NO. 25**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE SULLIVAN-LEONARD**

**Introduced: 2/20/19**

**Referred: Community and Regional Affairs, Labor and Commerce, Finance**

**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)(46) is amended to read:

5 (46) "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 (68) "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) employs private police officers 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) require a state and national criminal history record check for an  
 9 applicant to a training program established in AS 18.65.230 and for a person to be  
 10 certified as a police officer under AS 18.65.240 if that person's prospective employer  
 11 does not have access to a criminal justice information system;

12 **(9) authorize a private police organization under AS 18.65.350;**

13 **(10) establish accreditation standards for private police**  
 14 **organizations under AS 18.65.350 that are consistent with AS 18.65.130 -**  
 15 **18.65.290;**

16 **(11) issue a certificate to an applicant who is an employee of a**  
 17 **private police organization and who**

18 **(A) has satisfactorily completed a**

19 **(i) basic program of police training approved under**  
 20 **AS 18.65.240(a)(1); or**

21 **(ii) program or course of instruction in another**  
 22 **jurisdiction equivalent in content and quality to that required**  
 23 **under AS 18.65.240; and**

24 **(B) possesses the other qualifications established by the**  
 25 **Alaska Police Standards Council for the employment of police officers**  
 26 **under AS 18.65.240(a)(2).**

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

28 (10) "private police organization" has the meaning given in  
 29 AS 11.81.900(b).

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

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

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

3                   (1) the majority owner of the organization is or was formerly a peace  
4 officer in any state;

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

7                   (3) the person agrees to adhere to the accreditation standards set by the  
8 council and other applicable federal and state law.

9                   (b) The Alaska Police Standards Council shall ensure that the duties and  
10 responsibilities of a private police organization authorized under this section are  
11 consistent with the duties and responsibilities of other state or municipal police  
12 departments or law enforcement agencies. A private police organization shall comply  
13 with the Constitution of the United States, the Constitution of the State of Alaska, and  
14 federal and state law.

15                   (c) After a hearing, the Alaska Police Standards Council may revoke the  
16 authorization for a private police organization if the council finds that the private  
17 police organization has failed to adhere to the accreditation standards in (a)(3) of this  
18 section.

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

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

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

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

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

30                   (3) maintains a valid certificate issued by the Alaska Police Standards  
31 Council or, if the certificate has lapsed or expired, has recertified or reauthorized the

- 1 certificate through a certified or regulated law enforcement refresher academy or
- 2 requalification course at a basic police training facility.