

HOUSE BILL NO. 224

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/27/20

Referred: House Special Committee on Tribal Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the crime of impersonating a peace officer; relating to the powers of**
2 **the Alaska Police Standards Council; relating to the definition of 'village police officer';**
3 **and providing for an effective date."**

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

5 * **Section 1.** AS 11.56.827 is amended by adding a new subsection to read:

6 (c) It is not a defense to a prosecution under this section that the person was
7 employed as a peace officer at the time of the offense.

8 * **Sec. 2.** AS 11.81.900(b)(46) is amended to read:

9 (46) "peace officer" means a public servant vested by law with a duty
10 to maintain public order or to make arrests, whether the duty extends to all offenses or
11 is limited to a specific class of offenses or offenders; **"peace officer" does not**
12 **include a person who has been convicted of**

13 **(A) a felony in this or another jurisdiction;**

14 **(B) a sex offense as defined in AS 12.63.100, or a similar law**

1 of another jurisdiction;

2 (C) a crime involving domestic violence as defined in
 3 AS 18.66.990 or a similar law of another jurisdiction;

4 * **Sec. 3.** AS 12.62.400(a) is amended to read:

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

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

14 (2) licensure as a mortgage lender, a mortgage broker, or a mortgage
 15 loan originator under AS 06.60;

16 (3) admission to the Alaska Bar Association under AS 08.08;

17 (4) licensure as a collection agency operator under AS 08.24;

18 (5) a certificate of fitness to handle explosives under AS 08.52;

19 (6) licensure as a massage therapist under AS 08.61;

20 (7) licensure to practice nursing or certification as a nurse aide under
 21 AS 08.68;

22 (8) certification as a real estate appraiser under as 08.87;

23 (9) a position involving supervisory or disciplinary power over a minor
 24 or dependent adult for which criminal justice information may be released under
 25 AS 12.62.160(b)(9);

26 (10) a teacher certificate under AS 14.20;

27 (11) a registration or license to operate a marijuana establishment
 28 under AS 17.38;

29 (12) admittance to a police training program under AS 18.65.230 or for
 30 certification as a police officer or village police officer under AS 18.65.240 if that
 31 person's prospective employer does not have access to a criminal justice information

1 system;

2 (13) licensure as a security guard under AS 18.65.400 - 18.65.490;

3 (14) a concealed handgun permit under AS 18.65.700 - 18.65.790;

4 (15) licensure as an insurance producer, managing general agent,
5 reinsurance intermediary broker, reinsurance intermediary manager, surplus lines
6 broker, or independent adjuster under AS 21.27;

7 (16) serving and executing process issued by a court by a person
8 designated under AS 22.20.130;

9 (17) a school bus driver license under AS 28.15.046;

10 (18) licensure as an operator or an instructor for a commercial driver
11 training school under AS 28.17;

12 (19) registration as a broker-dealer, agent, investment adviser
13 representative, or investment adviser under AS 45.56.300 - 45.56.350;

14 (20) licensure, license renewal, certification, certification renewal, or
15 payment from the Department of Health and Social Services of an individual and an
16 entity subject to the requirements for a criminal history check under AS 47.05.310,
17 including

18 (A) a public home care provider described in AS 47.05.017;

19 (B) a provider of home and community-based waiver services
20 financed under AS 47.07.030(c);

21 (C) a case manager to coordinate community mental health
22 services under AS 47.30.530;

23 (D) an entity listed in AS 47.32.010(b), including an owner,
24 officer, director, member, partner, employee, volunteer, or contractor of an
25 entity; or

26 (E) an individual or entity not described in (A) - (D) of this
27 paragraph that is required by statute or regulation to be licensed or certified by
28 the Department of Health and Social Services or that is eligible to receive
29 payments, in whole or in part, from the Department of Health and Social
30 Services to provide for the health, safety, and welfare of persons who are
31 served by the programs administered by the Department of Health and Social

Services.

* **Sec. 4.** AS 18.65.220 is amended to read:

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

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

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

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

(A) recognizing persons with disabilities;

(B) appropriate interactions with persons with disabilities;

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

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

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

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

(6) investigate when there is reason to believe that a police officer, village police officer, probation officer, parole officer, municipal correctional officer, or correctional officer does not meet the minimum standards for employment; in connection with the investigation the council may subpoena persons, books, records, or documents related to the investigation and require answers in writing under oath to questions asked by the council or the administrator;

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

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

* **Sec. 5.** AS 18.65.230(b) is amended to read:

(b) To determine a person's qualification for appointment [AS A POLICE OFFICER] under AS 18.65.240, each person who applies for admittance to a basic program of police training established under this section shall submit to the council the person's fingerprints along with the fee established in AS 12.62.160 unless the person's fingerprints were previously submitted by the person's prospective employer. The Department of Public Safety shall conduct a state criminal history record check and may submit the person's fingerprints to the Federal Bureau of Investigation to obtain a national criminal history record check of the person under AS 12.62.400 for the purpose of evaluating the person's qualifications for appointment [AS A POLICE OFFICER] under AS 18.65.240.

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

(a) Subject to (e) of this section, a [A] person may not be appointed as a police officer or village police officer, except on a probationary basis, unless the person (1) has satisfactorily completed a basic program of police training approved by the council, which includes at least 12 hours of instruction regarding domestic violence and at least 12 hours of instruction regarding sexual assault, as those terms

are defined in AS 18.66.990, and (2) possesses other qualifications the council has established for the employment of police officers, including minimum age, education, physical and mental standards, citizenship, moral character, and experience. The council shall prescribe the means of presenting evidence of fulfillment of these requirements.

*** Sec. 7.** AS 18.65.240 is amended by adding new subsections to read:

(e) A person may not be appointed as a police officer or village police officer, permanently or on a probationary basis, if that person has been convicted of

(1) a felony in this or another jurisdiction;

(2) a sex offense as defined in AS 12.63.100, or a similar law of another jurisdiction;

(3) a crime involving domestic violence as defined in AS 18.66.990, or a similar law of another jurisdiction.

(f) The council shall establish standards for village police officers by regulation.

*** Sec. 8.** AS 18.65.290 is amended by adding a new paragraph to read:

(10) "village police officer" means an employee of an incorporated city or municipality residing off of the contiguous Alaska road system with a population of less than 2000 based on the most recent federal census, with the authority to arrest and issue citations; detain a person taken into custody until that person can be arraigned before a judge or magistrate; conduct investigations of violations of and enforce criminal laws, regulations, and traffic laws; search with or without a warrant persons, dwellings, and other forms of property for evidence of a crime; and take other action consistent with exercise of these enumerated powers when necessary to maintain the public peace.

*** Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. AS 11.56.827, as amended by sec. 1 of this Act, and AS 11.81.900, as amended by sec. 2 of this Act, apply to offenses committed on or after the effective date of this Act.

*** Sec. 10.** This Act takes effect immediately under AS 01.10.070(c).