

HOUSE BILL NO. 253

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES TARR, Drummond

Introduced: 1/18/22

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to reporting acts of misconduct by peace officers; relating to de-**
2 **escalation procedures used by peace officers; relating to peace officer certificates; and**
3 **relating to the Alaska Police Standards Council."**

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

5 * **Section 1.** AS 18.65.220 is amended by adding a new subsection to read:

6 (b) The council shall adopt regulations that require

7 (1) a police officer, probation officer, parole officer, municipal
8 correctional officer, or correctional officer to de-escalate an encounter with a person
9 who resists or responds aggressively to officer contact or arrest by using nondeadly or
10 less lethal means before using deadly force, if de-escalation is safe to attempt;

11 (2) a police officer, probation officer, parole officer, municipal
12 correctional officer, or correctional officer to intervene when the officer knows, or
13 reasonably should know, that another officer is engaged in an act of misconduct,
14 unless the officer cannot intervene safely; and

(3) an officer under (2) of this subsection to immediately report to a supervisor the incident involving another officer engaged in an act of misconduct.

* **Sec. 2.** AS 18.65.240(a) is amended to read:

(a) A person may not be appointed as a 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, as that term is defined in AS 18.66.990, [AND] at least 12 hours of instruction regarding sexual assault, as that term is [THOSE TERMS ARE] defined in AS 18.66.990, and instruction regarding the regulations adopted under AS 18.65.220(b)(1) - (3), 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. 3.** AS 18.65.240(c) is amended to read:

(c) The council may deny or revoke the certificate of a police officer who does not meet the standards adopted under (a)(2) of this section, who fails to comply with the regulations adopted under AS 18.65.220(b)(1) - (3), or who has been the subject of a substantiated report of an incident involving misconduct filed in accordance with AS 18.65.220(b)(3).

* **Sec. 4.** AS 18.65.242(b) is amended to read:

(b) The council shall

(1) prescribe the means of presenting evidence of fulfillment of the requirements set out in (a) of this section; and

(2) issue a certificate evidencing satisfaction of the requirements of (a) of this section to an applicant who

(A) satisfies the requirements of (a)(1) of this section; and

(B) meets the minimum education standards of (a)(2) of this section by satisfactorily completing a training program for municipal correctional, correctional, probation, or parole officers established under AS 18.65.230, including training regarding domestic violence that contains the

subjects set out in AS 18.66.310(d), training in intervening when another officer engages in an act of misconduct, training in reporting incidents involving misconduct by another officer, and training in the de-escalation procedures required by regulations adopted under AS 18.65.220(b)(1) - (3), or a course of instruction in another jurisdiction equivalent in content and quality to that required by the council for approved municipal correctional, correctional, probation, or parole officer education and training programs in this state.

* **Sec. 5.** AS 18.65.245 is amended to read:

Sec. 18.65.245. Denial or revocation of certificate of municipal correctional, correctional, probation, or parole officer. The council may

(1) deny a certificate to an applicant for a municipal correctional, correctional, probation, or parole officer certificate if the applicant does not meet the standards adopted by the council under AS 18.65.242(a), fails to comply with the regulations adopted under AS 18.65.220(b)(1) - (3), or has been the subject of a substantiated report of an incident involving misconduct filed in accordance with AS 18.65.220(b)(3);

(2) revoke the certificate of a municipal correctional, correctional, probation, or parole officer who, having been issued a certificate, fails to meet the standards adopted by the council under AS 18.65.242(a), fails to comply with the regulations adopted under AS 18.65.220(b)(1) - (3), or has been the subject of a substantiated report of an incident involving misconduct filed in accordance with AS 18.65.220(b)(3).

* **Sec. 6.** AS 18.65.280(b) is amended to read:

(b) A political subdivision with an established police training program meeting the requirements of AS 18.65.220(a)(2) and (3) [AS 18.65.220(2) AND (3)] may exclude itself from the requirements of AS 18.65.240 by ordinance. The exclusion has no effect on eligibility to receive federal or state grants.

* **Sec. 7.** AS 18.65.670(c) is amended to read:

(c) The commissioner of public safety may adopt regulations related to village public safety officers, including minimum standards and training, criteria for

1 participation by a community, a municipality, an Alaska Native organization, or a
2 corporation, and the interaction between the Department of Public Safety and village
3 public safety officers. Regulations adopted by the commissioner of public safety under
4 this subsection may not prohibit village public safety officers who otherwise meet
5 minimum standards and training from carrying firearms. If the commissioner of public
6 safety adopts regulations regarding training for village public safety officers, at a
7 minimum, that training must include disability training that provides training in the
8 subjects set out in AS 18.65.220(a)(3) [AS 18.65.220(3)]. The commissioner of
9 corrections may adopt regulations related to the functions of village public safety
10 officers providing probation and parole supervision.