

CS FOR HOUSE BILL NO. 234(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered: 3/11/24

Referred: Finance

Sponsor(s): REPRESENTATIVES MCCORMICK, Foster, Dibert, Groh, Armstrong, Gray, Mina, Himschoot, Schrage, Hannan, Galvin

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to police officer training; relating to the duty of law enforcement**
2 **agencies to report missing persons; establishing the Missing and Murdered Indigenous**
3 **Persons Review Commission; relating to missing and murdered indigenous persons;**
4 **relating to the duties of the Department of Public Safety; and providing for an effective**
5 **date."**

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

7 *** Section 1.** AS 18.65.240(a) is amended to read:

8 (a) A person may not be appointed as a police officer, except on a
9 probationary basis, unless the person (1) has satisfactorily completed a basic program
10 of police training approved by the council, which includes at least 12 hours of
11 instruction regarding domestic violence and at least 12 hours of instruction regarding
12 sexual assault, as those terms are defined in AS 18.66.990, [AND] (2) possesses other
13 qualifications the council has established for the employment of police officers,

1 including minimum age, education, physical and mental standards, citizenship, moral
 2 character, and experience, **and (3) has completed cultural training supervised by**
 3 **an indigenous coordinator or indigenous entity in the state that is related to**
 4 **addressing the rates of missing and murdered indigenous persons.** The council
 5 shall prescribe the means of presenting evidence of fulfillment of these requirements.

6 * **Sec. 2.** AS 18.65.620 is amended by adding a new subsection to read:

7 (c) Within 30 days after the first report concerning a missing person was filed
 8 with a local or state law enforcement agency, the agency shall submit a missing person
 9 report to the National Missing and Unidentified Persons System for a missing person
 10 whose location has not been determined.

11 * **Sec. 3.** AS 18.65.630(a) is amended to read:

12 (a) When a person files a report of a missing person with a law enforcement
 13 agency or with the clearinghouse, a form authorizing the release of medical and dental
 14 records to the law enforcement agency, [AND] to the clearinghouse, **and to the**
 15 **National Missing and Unidentified Persons System** shall be supplied to the family,
 16 next of kin, or legal guardian of the missing person. The family, next of kin, or legal
 17 guardian of the missing person may complete the release form and deliver the release
 18 form to the physician or dentist of the missing person. The physician or dentist who
 19 receives a release form signed by the family, next of kin, or legal guardian of the
 20 missing person shall release to the law enforcement agency, [AND] the clearinghouse,
 21 **and the National Missing and Unidentified Persons System** only that information
 22 that is necessary to identify the missing person.

23 * **Sec. 4.** AS 18.65.630(c) is amended to read:

24 (c) Medical and dental records obtained under this section shall be provided to
 25 the clearinghouse **and to the National Missing and Unidentified Persons System.**

26 * **Sec. 5.** AS 18.65.630 is amended by adding new subsections to read:

27 (e) If available, a law enforcement agency shall submit fingerprints,
 28 photographs, and voluntary DNA samples from family members of the missing person
 29 to the National Missing and Unidentified Persons System.

30 (f) In this section, "DNA" has the meaning given in AS 18.13.100.

31 * **Sec. 6.** AS 44.41 is amended by adding a new section to read:

1 **Sec. 44.41.023. Investigators for missing and murdered indigenous**
 2 **persons.** The Department of Public Safety shall employ at least four persons in the
 3 department to investigate cases involving missing and murdered indigenous persons
 4 and act as liaisons between law enforcement agencies, communities in the state, and
 5 federally recognized tribes.

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

8 MISSING AND MURDERED INDIGENOUS PERSONS REVIEW COMMISSION.

9 (a) The Missing and Murdered Indigenous Persons Review Commission is established in the
 10 Department of Public Safety.

11 (b) The commission consists of nine members, including

12 (1) the commissioner of public safety, or the commissioner's designee;

13 (2) the commissioner of family and community services, or the
 14 commissioner's designee;

15 (3) one member from a municipal police department, appointed by the
 16 governor;

17 (4) one member who is a village public safety officer, village public officer, or
 18 tribal police officer, appointed by the governor;

19 (5) one member from a victim advocacy organization or similar service
 20 provider, appointed by the governor;

21 (6) one member from an Alaska Native tribal organization or entity, appointed
 22 by the governor;

23 (7) two members from the legislature, serving as ex officio nonvoting
 24 members, one of whom shall be appointed by the president of the senate and one of whom
 25 shall be appointed by the speaker of the house of representatives; and

26 (8) one member who is a prosecutor with prosecutorial experience in homicide
 27 cases, appointed by the attorney general.

28 (c) Vacancies on the commission shall be filled in the same manner as original
 29 appointment.

30 (d) The commissioner of public safety or the commissioner's designee is the chair of
 31 the commission.

1 (e) Members of the commission receive no compensation but are entitled to per diem
2 and travel expenses authorized for boards and commissions under AS 39.20.180.

3 (f) The commission shall review unresolved cases involving missing and murdered
4 indigenous persons from different state regions that are identified by the Department of Public
5 Safety to

6 (1) examine the trends and patterns related to missing and murdered
7 indigenous persons; and

8 (2) make policy, practice, and service recommendations to encourage
9 collaboration and reduce cases involving indigenous persons.

10 (g) The commission shall prepare a report of its findings and recommendations. Not
11 later than January 1, 2027, the commission shall submit the report to the senate secretary and
12 chief clerk of the house of representatives and notify the legislature that the report is
13 available. The commission shall make the report publicly available through the Department of
14 Public Safety.

15 (h) A person attending a meeting of the commission or a member or staff of the
16 commission may not disclose information obtained during the review of a case by the
17 commission.

18 (i) Documents, materials, and reports obtained or compiled by the commission or a
19 designated representative of the commission in the course of reviewing a case involving a
20 missing or murdered indigenous person under this section are confidential and are not public
21 records under AS 40.25.110 - 40.25.125 or subject to discovery or subpoena in connection
22 with a criminal or civil proceeding. A person may not be compelled to disclose information
23 relating to the documents, materials, and reports through subpoena, discovery, or testimony in
24 a criminal or civil proceeding. Nothing in this subsection prohibits a member of the
25 commission from prosecuting a criminal case or otherwise participating in a civil or criminal
26 proceeding as part of, or relating to, the member's normal course of employment if the
27 criminal case or civil or criminal proceeding involves a case reviewed by the commission.

28 (j) A member of the commission who knowingly uses documents, materials, reports,
29 or information for a purpose not authorized under (f) or (g) of this section or discloses
30 information in violation of this section is subject to a civil penalty of not more than \$500 for
31 each instance of unauthorized use or disclosure.

1 (k) Meetings of the commission are closed to the public and not subject to the
2 provisions of AS 44.62.310 - 44.62.319 (Open Meetings Act). Meetings shall take place not
3 less than four times each calendar year, at least one of which shall take place in person.

4 (l) The Department of Public Safety shall confer with the commission to establish
5 standardized methods for investigating missing person reports, including for investigating
6 missing persons reports and data collection for cases involving missing indigenous persons.

7 (m) In this section, "commission" means the Missing and Murdered Indigenous
8 Persons Review Commission.

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

11 **REPORT ON INVESTIGATIVE RESOURCES.** The Department of Public Safety
12 shall conduct a needs assessment to determine how to increase protective and investigative
13 resources for identifying and reporting cases of missing and murdered indigenous persons
14 within the state criminal justice system. The department shall work with the governor's office
15 to convene meetings with tribal and local law enforcement agencies, federally recognized
16 tribes, and Alaska Native organizations to determine the scope of the issue, identify barriers,
17 and determine methods for creating partnerships to increase reporting and investigation of
18 cases involving missing and murdered indigenous persons. The department shall conduct its
19 work with tribal entities based on the state's government-to-government relationship with
20 federally recognized tribes in the state. The department shall also work with federal law
21 enforcement agencies to identify ways to increase information sharing and coordinate
22 resources. Not later than January 1, 2026, the department shall submit a written report on the
23 needs assessment to the senate secretary and chief clerk of the house of representatives and
24 notify the legislature that the report is available.

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

27 **TRANSITION: TRAINING.** Notwithstanding the requirements of AS 18.65.240(a), as
28 amended by sec. 1 of this Act, a person holding a certificate issued under AS 18.65.240 on or
29 before the effective date of sec. 1 of this Act has two years from the effective date of sec. 1 of
30 this Act to comply with the requirements of AS 18.65.240(a), as amended by sec. 1 of this
31 Act.

- 1 * **Sec. 10.** Section 8 of this Act is repealed January 1, 2026.
- 2 * **Sec. 11.** Section 7 of this Act is repealed January 1, 2027.
- 3 * **Sec. 12.** This Act takes effect January 1, 2025.