

1
2 IN THE HOUSE

BY THE COMMITTEE ON
JUDICIARY AND FEDERAL RELATIONS

3 COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 17
4 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA
5 TWENTY-FIRST SESSION

6 A BILL

7 For an Act entitled: "An Act to create a Department of Terri-
8 torial Police, prescribe its duties and
9 powers, and repealing Section 50-¹⁻⁴~~4-1~~ (j)
10 ACIA 1949."

11 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

12 Section 1. There is hereby created a Department of Terri-
13 torial Police, the head of which shall be the Superintendent of
14 Territorial Police. The Superintendent shall be appointed by
15 the Police Commission, consisting of the Attorney General, the
16 Highway Engineer and three members at large. The members at
17 large of the Commission shall be appointed by the Governor and
18 shall be confirmed by a majority of both houses of the legisla-
19 ture in joint session assembled. Commissioners shall serve a
20 term of four years, except for the original members, one of
21 whom shall be appointed for two, and the others for four year
22 terms. The Governor shall have the power to fill vacancies,
23 caused by death or resignation, by appointment for the unexpired
24 term, subject to confirmation at the next session of the legis-
25 lature.

26 Section 2. The Superintendent shall hold office for a term
27 of four years, subject to removal by the Commission for ineffi-
28 ciency or malfeasance or when in the judgment of the Commission
29 the good of the service requires it. Before assuming the duties
30 of his office, the Superintendent shall take and subscribe an

1 oath of office and give a surety bond to be approved by the
2 Commission in the sum of Twenty-thousand Dollars (\$20,000.00)
3 for the faithful performance of his duties, the premium on which
4 bond shall be paid in the same manner as other expenses of the
5 Department of Territorial Police. The oath of office and bond
6 of the Superintendent shall be filed in the office of the
7 Attorney General.

8 Section 3. The Superintendent, with the approval of the
9 Commission, is authorized and directed to appoint a Territorial
10 police force, consisting of such number of personnel as shall
11 be necessary. All such personnel shall, without exception, be
12 selected on the basis of character, experience, ability, physical
13 fitness, and merit as demonstrated by written examination, and
14 without regard to political or other considerations.

15 Section 4. The Commission shall establish such salary scale
16 and personnel policy for all employees of the Department as shall
17 be requisite and proper. Personnel of the Department shall be
18 removable by the Superintendent for inefficiency or misconduct
19 after written charges have been preferred and a hearing granted,
20 in the manner hereinafter provided.

21 Section 5. The Commission may designate such of its members
22 or officers of the Department as may be necessary to serve as a
23 trial board to hear charges against personnel of the Department.
24 The presiding officer of such trial board is empowered to compel
25 the attendance of witnesses and the production of evidence by
26 subpoena. Decisions of the trial board shall be subject to re-
27 view by the district court on appeal. Nothing herein contained
28 shall be deemed to require a hearing before a trial board prior
29 to disciplinary measures taken by the Superintendent or any

1 commanding officer for the punishment of infractions of the
2 rules and regulations of the Department.

3 Section 6. The Territory shall provide the members of the
4 Department with standard uniforms, vehicles, supplies and equip-
5 ment necessary to carry out the objects and purposes of this
6 Act, and all such property shall remain the property of the
7 Territory of Alaska. The Commission shall establish stations
8 and headquarters at such places and localities within the
9 Territory as may be necessary for the enforcement of the laws
10 and may, with the approval of the Governor, have the right to
11 use lands and buildings for the accomodation of the members of
12 the force, their vehicles and equipment. The Superintendent
13 shall have authority to direct that mambers serve without wear-
14 ing uniforms.

15 Section 7. The Commission ^{is hereby authorized to} shall establish, within the
16 Department, a detective bureau, central bureau of identification
17 and information, and a criminal detection laboratory. Through
18 such bureaus, the Department shall afford central information on
19 fingerprints, handwriting, ballistics, stains and other evidences
20 of crime. It shall be the duty of all polite officers of the
21 Territory or any municipality or subdivision thereof to cooperate
22 with the Department in creating and maintaining the files of the
23 Department, and all information shall be classified upon standard
24 forms and kept available for the detection of crime and the
25 identification of criminals. Any person who removes, destroys,
26 or mutilates any of the records of the Department is guilty of
27 a misdemeanor and, upon conviction thereof, shall be sentenced
28 to pay a fine not exceeding Five Hundred Dollars (\$500.00) or
29 committed to jail for a term not exceeding one year, or both such

1 fine and imprisonment, in the discretion of the court.

2 Section 8. The Department and each of the members thereof
3 shall be charged with the enforcement of all criminal laws effective
4 within the Territory, and shall have the power now had by
5 any peace officers of the Territory or municipalities and such
6 power as is usual and customary with peace officers. They
7 hereby are authorized and empowered to prevent crime, pursue
8 and apprehend offenders, obtain legal evidence, institute
9 criminal proceedings, execute any lawful warrant or order of
10 arrest, make arrest without warrant for violations of the law
11 committed in their presence, and for felonies committed, the
12 same as are or may be authorized by law for other peace officers.
13 The members of the force are empowered to cooperate with any
14 other law enforcement agency in detecting crime, apprehending
15 criminals, and preserving law and order throughout the Territory.

16 Section 9. The Department shall, when required, assist
17 other Departments of the Territorial, Municipal and Federal
18 governments in the enforcement of criminal laws or regulations
19 pertaining to such other departments.

20 Section 10. The Department and all members thereof shall
21 have the power to command the assistance of any able-bodied
22 person to aid in accomplishing the purposes of this Act; when
23 so called any person shall, during the time his assistance is
24 required, be considered a member of the Territorial Police and
25 subject to the provisions of this Act.

26 Section 11. Members of the Department shall not in any way
27 interfere with the rights or property of any person except in
28 such lawful manner as may be necessary for the prevention of crime
29 or the capture and arrest of offenders, nor shall any member of

1 the force, directly or indirectly, be active or participate in
2 any political contest or election, except to cast his ballot.

3 Section 12. The Board of Road Commissioners shall deliver
4 to the Department of Territorial Police all such motor vehicles,
5 property and other equipment owned by the Territory of Alaska
6 as is now used by the Highway Patrol. Section ⁵⁰⁻¹⁴⁽²⁾ ~~50-14(2)~~ ACIA 1949, is
7 hereby repealed and the Highway Patrol created thereunder hereby
8 abolished. Qualified personnel of the Highway Patrol shall be
9 given preference in employment by the Department of Territorial
10 Police. The Commission may, in its discretion, continue to
11 employ the term "Highway Patrol" to designate those members of
12 the Department assigned to traffic control.

13 *Passed by the House, 5/11/53.*