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1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 367 (Judiciary)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act altering the composition, membership, and  
7 duties of the Alaska Police Standards Council; pro-  
8 viding for certification of probation and parole  
9 officers and correctional officers by the Alaska  
10 Police Standards Council; and providing for an effec-  
11 tive date."

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

13 \* Section 1. AS 18.65.130 is amended to read:

14 Sec. 18.65.130. POLICY. The administration of criminal justice  
15 affects the health, safety and welfare of the people of this state,  
16 and requires education and training of a professional quality. It is  
17 a primary public interest that applicants meet minimum standards for  
18 employment as police officers, probation and parole officers, and  
19 correctional officers, and that criminal justice education and train-  
20 ing be made available to police officers, probation and parole offi-  
21 cers, and correctional officers serving in a probationary capacity and  
22 police officers, probation and parole officers, and correctional  
23 officers already in regular service. It is of secondary public inter-  
24 est to encourage the establishment of preliminary training programs  
25 for persons seeking to become police officers, probation and parole  
26 officers, and correctional officers.

27 \* Sec. 2. AS 18.65.150 is amended to read:

28 Sec. 18.65.150. COMPOSITION OF COUNCIL. The council consists of  
29 the following persons:

1 (1) four chief administrative officers or chiefs of police  
2 of local governments;

3 (2) the commissioner of public safety or a designee of the  
4 commissioner;

5 (3) the commissioner of corrections or a designee of the  
6 commissioner;

7 (4) one probation or parole officer;

8 (5) [(3)] four members of the public at large with at least  
9 two from the communities of 2,500 population or less.

10 \* Sec. 3. AS 18.65.160 is amended to read:

11 Sec. 18.65.160. APPOINTMENT. The commissioner of public safety  
12 or a designee and the commissioner of corrections or a designee shall  
13 serve during each [THE] commissioner's continuance in office. Other  
14 members of the council shall be appointed by the governor for stag-  
15 gered terms of four years, except that a member may not serve beyond  
16 the time the member holds the office that established eligibility for  
17 appointment. A vacancy on the council shall be filled for the remain-  
18 der of a member's unexpired term in the same manner as the original  
19 appointment.

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

21 Sec. 18.65.220. POWERS. The council has the power to

22 (1) adopt regulations for the administration of AS 18.65.-  
23 130 - 18.65.290;

24 (2) establish minimum standards for employment as a police  
25 officer, probation or parole officer, and correctional officer in a  
26 permanent or probationary position [POSITIONS] and certify persons to  
27 be qualified as police officers, probation or parole officers, and  
28 correctional officers under AS 18.65.130 - 18.65.290;

29 (3) establish minimum criminal justice curriculum

1 requirements for basic, specialized, and in-service courses and pro-  
2 grams for schools operated by or for the state or a political sub-  
3 division of the state for the specific purpose of training police  
4 recruits, [OR] police officers, probation and parole officers, and  
5 correctional officers;

6 (4) consult and cooperate with [BOROUGHs,] municipalities,  
7 agencies of the state, other governmental agencies, universities,  
8 colleges, and other institutions concerning the development of police,  
9 probation and parole officer, and correctional officer training  
10 schools and programs of criminal justice instruction;

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

13 (6) investigate when there is reason to believe that a  
14 police officer, probation or parole officer, or correctional officer  
15 does not meet the minimum standards for employment; in connection  
16 with the investigation the council may subpoena persons, books, re-  
17 cords, or documents related to the investigation and require answers  
18 in writing under oath to questions asked by the council or the admin-  
19 istrator.

20 \* Sec. 5. AS 18.65.230 is amended to read:

21 Sec. 18.65.230. [POLICE] TRAINING PROGRAMS. The council shall  
22 establish and maintain police training programs, probation and parole  
23 officer training programs, and correctional officer training programs  
24 through those agencies and institutions that the council considers  
25 appropriate.

26 \* Sec. 6. AS 18.65 is amended by adding new sections to read:

27 Sec. 18.65.242. STANDARDS FOR CORRECTIONAL, PROBATION, AND  
28 PAROLE OFFICERS. (a) The council shall establish qualifications for  
29 employment of persons as correctional, probation, and parole officers,

1 including

2 (1) minimum age, physical and mental standards, citizen-  
3 ship, moral character, and experience; and

4 (2) minimum education standards.

5 (b) The council shall

6 (1) prescribe the means of presenting evidence of fulfill-  
7 ment of the requirements set out in (a) of this section; and

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

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

12 (B) meets the minimum education standards of (a)(2) of  
13 this section by satisfactorily completing a training program for  
14 correctional, probation, or parole officers established under  
15 AS 18.65.230 or a course of instruction in another jurisdiction  
16 equivalent in content and quality to that required by the council  
17 for approved correctional, probation, or parole officer education  
18 and training programs in this state.

19 (c) In the evaluation of applicants against the mental standards  
20 developed under (a)(1) of this section, the council shall use  
21 evaluation methods that do not discriminate against applicants of  
22 different ethnic origins.

23 Sec. 18.65.245. DENIAL OR REVOCATION OF CERTIFICATE. The coun-  
24 cil may

25 (1) deny a certificate to an applicant for a correctional  
26 officer certificate or a probation or parole officer certificate if  
27 the applicant does not meet the standards adopted by the council under  
28 AS 18.65.242(a);

29 (2) revoke the certificate of a correctional officer or a

1       probation or parole officer who, having been issued a certificate,  
2       fails to meet the standards adopted by the council under AS 18.65.-  
3       242(a).

4               Sec. 18.65.248.       EMPLOYMENT OF CORRECTIONAL, PROBATION, AND  
5       PAROLE OFFICERS. (a) A person may not be appointed as a correctional  
6       officer or as a probation or parole officer unless the person has a  
7       valid certificate issued by the council under AS 18.65.242.

8               (b) The provisions of (a) of this section do not apply to a  
9       person employed on a probationary basis, except that employment on a  
10       probationary basis may not exceed the period authorized for probation-  
11       ary employment determined by the council.

12       \* Sec. 7. AS 18.65.280 is amended by adding a new subsection to read:

13               (c) A municipality that employs persons in a municipal correc-  
14       tional facility may, by ordinance, require that those persons meet the  
15       requirements of AS 18.65.130 - 18.65.290 that are applicable to cor-  
16       rectional officers.

17       \* Sec. 8. AS 18.65.290 is amended by adding new paragraphs to read:

18               (4) "correctional officer" means a person employed by the  
19       state in a correctional facility established for the custody, care,  
20       and discipline of persons charged or convicted of offenses against the  
21       state or held under authority of state law to control those persons;

22               (5) "parole officer" means a person appointed by the com-  
23       missioner of corrections to supervise a prisoner's parole under  
24       AS 33.16;

25               (6) "probation officer" means a person appointed to super-  
26       vise probation who has the duties assigned by AS 33.05.040.

27       \* Sec. 9. APPLICATION TO PERSONS WHO ARE CURRENTLY EMPLOYED AS CORREC-  
28       TIONAL OFFICERS. (a) Notwithstanding AS 18.65.248, added by sec. 6 of  
29       this Act, a person employed by the state as a correctional, probation, or

1 parole officer on the effective date of AS 18.65.248, may continue to be  
2 employed as an officer without a certificate issued by the Alaska Police  
3 Standards Council.

4 (b) A person continuing in employment under the exemption provided in  
5 (a) of this section who terminates that employment after the effective date  
6 of AS 18.65.248 may be reemployed by the state as a correctional, pro-  
7 bation, or parole officer only if the person holds a valid certificate  
8 issued by the Alaska Police Standards Council.

9 \* Sec. 10. AS 18.65.248, added by sec. 6 of this Act, takes effect six  
10 months after the date on which the Alaska Police Standards Council adopts  
11 regulations establishing training programs for correctional, probation, and  
12 parole officers under AS 18.65.230, as amended by sec. 5 of this Act, and  
13 defining qualifications for employment as those officers under AS 18.65.-  
14 242, added by sec. 6 of this Act.

15 \* Sec. 11. Except for AS 18.65.248, added by sec. 6 of this Act, this  
16 Act takes effect July 1, 1988.