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1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

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SENATE CS FOR CS FOR HOUSE BILL NO. 367 (HESS)

3

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) one correctional officer;

9 (6) one person who is the superintendent of a correctional
10 facility; and

11 (7) four members of the public at large with at least two
12 from the communities of 2,500 population or less.

13 * Sec. 3. AS 18.65.160 is amended to read:

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

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

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

25 (1) adopt regulations for the administration of AS 18.65.-
26 130 - 18.65.290;

27 (2) establish minimum standards for employment as a police
28 officer, probation or parole officer, and correctional officer in a
29 permanent or probationary position [POSITIONS] and certify persons to

1 be qualified as police officers, probation or parole officers, and
2 correctional officers under AS 18.65.130 - 18.65.290;

3 (3) establish minimum criminal justice curriculum require-
4 ments for basic, specialized, and in-service courses and programs for
5 schools operated by or for the state or a political subdivision of the
6 state for the specific purpose of training police recruits, [OR]
7 police officers, probation and parole officers, and correctional
8 officers;

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

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

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

23 * Sec. 5. AS 18.65.230 is amended to read:

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

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

1 Sec. 18.65.242. STANDARDS FOR CORRECTIONAL, PROBATION, AND
2 PAROLE OFFICERS. (a) The council shall establish qualifications for
3 employment of persons as correctional, probation, and parole officers,
4 including

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

7 (2) minimum education standards.

8 (b) The council shall

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

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

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

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

22 (c) In the evaluation of applicants against the mental standards
23 developed under (a)(1) of this section, the council shall use eval-
24 uation methods that do not discriminate against applicants of differ-
25 ent ethnic origins.

26 Sec. 18.65.245. DENIAL OR REVOCATION OF CERTIFICATE. The coun-
27 cil may

28 (1) deny a certificate to an applicant for a correctional
29 officer certificate or a probation or parole officer certificate if

1 the applicant does not meet the standards adopted by the council under
2 AS 18.65.242(a);

3 (2) revoke the certificate of a correctional officer or a
4 probation or parole officer who, having been issued a certificate,
5 fails to meet the standards adopted by the council under AS 18.65.-
6 242(a).

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

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

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

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

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

21 (4) "correctional officer" means a person appointed by the
22 commissioner of corrections whose primary duty under AS 33.30 is to
23 provide custody, care, security, control, and discipline of persons
24 charged or convicted of offenses against the state or held under
25 authority of state law;

26 (5) "parole officer" means a person appointed by the com-
27 missioner of corrections to perform the duties of supervising the
28 parole of prisoners under AS 33.16;

29 (6) "probation officer" means a person appointed by the

1 commissioner of corrections to perform the duties of a probation
2 officer under AS 33.05.

3 * Sec. 9. APPLICATION TO PERSONS WHO ARE CURRENTLY EMPLOYED AS CORREC-
4 TIONAL OFFICERS. (a) Notwithstanding AS 18.65.248, added by sec. 6 of
5 this Act, a person employed by the state as a correctional, probation, or
6 parole officer on the effective date of AS 18.65.248, may continue to be
7 employed as an officer without a certificate issued by the Alaska Police
8 Standards Council. The Department of Corrections may not discriminate
9 against a person employed as a correctional, probation, or parole officer
10 under this subsection in any matter relating to the officer's employment
11 status, wages and benefits payable, promotion and reassignment opportuni-
12 ties, or training necessary to attain certification because the officer
13 does not have a certificate issued by the Alaska Police Standards Council.

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

19 * Sec. 10. AS 18.65.248, added by sec. 6 of this Act, takes effect six
20 months after the date on which the Alaska Police Standards Council adopts
21 regulations establishing training programs for correctional, probation, and
22 parole officers under AS 18.65.230, as amended by sec. 5 of this Act, and
23 defining qualifications for employment as those officers under AS 18.65.-
24 242, added by sec. 6 of this Act.

25 * Sec. 11. INTERIM REPORT. The Alaska Police Standards Council shall
26 report to the legislature, not later than February 15, 1989, the adminis-
27 trative and policy changes that it makes with respect to correctional,
28 probation, and parole officers as a result of the inclusion of those offi-
29 cers within the regulatory authority of the council by this Act.

1 * Sec. 12. Except for AS 18.65.248, added by sec. 6 of this Act, this
2 Act takes effect July 1, 1988.