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1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 SENATE CS FOR CS FOR HOUSE BILL NO. 367 (Judiciary)  
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 correctional administrative officer who is employed  
8 at the level of a deputy director or higher; and

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

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

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

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

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

23 (1) adopt regulations for the administration of AS 18.65.-  
24 130 - 18.65.290;

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

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

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

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

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

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

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

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

28 Sec. 18.65.242. STANDARDS FOR CORRECTIONAL, PROBATION, AND  
29 PAROLE OFFICERS. (a) The council shall establish qualifications for

1 employment of persons as correctional, probation, and parole officers,  
2 including

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

5 (2) minimum education standards.

6 (b) The council shall

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27           (6) "probation officer" means a person appointed by the  
28 commissioner of corrections to perform the duties of a probation  
29 officer under AS 33.05.

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

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

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

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

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