

**SB**

**148**

<TARGET><BILL>SB 148</BILL><SUBJECT>SB  
148</SUBJECT><COMM>HJUD30</COMM></TARGET>



THE STATE  
of **ALASKA**

GOVERNOR BILL WALKER

**Department of Public Safety**

OFFICE OF THE COMMISSIONER  
Walt Monegan

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March 15, 2018

The Honorable Matt Claman  
Chair, House Judiciary  
Alaska State Capitol  
Juneau, AK 99801

Dear Representative Claman,

Please accept this request to schedule SB 148— Background Checks for Police & Training —for consideration by House Judiciary at your earliest convenience. As you recall, SB 148 is the companion bill to HB 293, which is currently also assigned to your committee.

A fingerprint based national criminal history background check is required of all applicants seeking to become police officers in the state for good reason—police officers have a tremendous amount of authority and police legitimacy depends on the public trust. A fingerprint based background check verifies the identity of the applicant and ensures the applicant is free of disqualifying criminal history. Accordingly, this important public safety measure has been required by regulation since the establishment of the Alaska Police Standards Council (APSC) in 1972.

Most police departments around the state may perform these checks without issue. For those few small agencies without the financial resources or staff to comply with FBI CJIS requirements APSC had requested the checks on their behalf. However, APSC recently became aware that the FBI has determined that it does not have the authority to do this under current state law. Accordingly, some small agencies now have no way to comply with the requirement to do a fingerprint based background check for their prospective applicants. SB 148 would fix this problem and allow the APSC to resume providing this service.

SB 148 was not amended by the Senate and passed unanimously on the floor vote. A copy of the bill, the sectional analysis, and fiscal notes are attached for your review. All materials previously submitted in support of HB 293 also remain relevant.

Executive Director Robert Griffiths of the Alaska Police Standards Council will be available to present the bill and to answer any questions the committee may have. If you should need any additional information please contact Allison Hanzawa at 465-5505 or [Allison.Hanzawa@alaska.gov](mailto:Allison.Hanzawa@alaska.gov).

Thank you in advance for your prompt attention to this important public safety bill.

Sincerely,

Walt Monegan  
Commissioner

**SB 148 – Background Checks for Police & Training**  
**LEGISLATION SECTIONAL ANALYSIS**

January 18, 2018

**Summary:** This bill adds to the power of the Alaska Police Standards Council (APSC) to request a fingerprint based national criminal history records check from the Federal Bureau of Investigations (FBI) through the Department Public Safety for admittance to a basic police training program or for employment as a police officer, if the prospective employer does not have access to a criminal justice information system (CJIS).

**Section 1:** Amends AS 12.62.400 (National Criminal History record checks for employment, licensing, and other noncriminal justice purposes) to include the new subsection (a) (1) (19) allowing for a fingerprint based records check to be submitted to the FBI for admittance to a basic police training program under AS 18.65.230 (APSC training programs) or for employment as a police officer under 18.65.240( APSC standards for appointment as a police officer), if the prospective employer does not have access to a criminal justice information system (CJIS).

**Section 2:** Amends AS 18.65.220 (Powers of the APSC) to include the new subsection (8) which requires a state and national criminal history check for an applicant to a training program established in AS 18.65.230 and for a person to be appointed as a police officer under AS 18.65.240 if that person's prospective employer does not have access to CJIS to conduct their own criminal history check.

**Section 3:** Amends AS 18.65.230 (APSC training programs) by adding a new subsection (b) which requires an applicant for appointment as a police officer or for admittance to a training program to submit fingerprints and a fee to the APSC, unless this has been done by the applicant's employer.

**Section 4:** Amends AS 18.65.240 (APSC standards) to reflect the new subsection (d), added below in Section 5.

**Section 5:** Amends AS 18.65.240 (APSC standards) to add a new subsection (d) which limits the issuing of an APSC certificate unless the Council determines the applicant will undergo a national criminal history record check pre-employment; and requiring a prospective employer to submit an applicant's fingerprints to the council for submission to the FBI, if the prospective employer does not have CJIS access. The criminal history records check is required to assure applicants meet minimum standards established by the council.

**Section 6:** Amends AS 18.65.290 (Definitions) by adding a new subsection (9) which clarifies that the meaning of criminal justice information system is the meaning given in AS 12.62.900(13).

**Section 7:** specifies the applicability of the Act applies to persons that apply for admittance to a police training program under AS 18.65.230 or to be appointed as a police officer under AS 18.65.240 on or after the effective date of this Act.

**Section 8:** includes a revisor's instruction to change the catchline of AS 18.65.230 from "Training programs" to "Training programs; fingerprints"

# Fiscal Note

State of Alaska  
2018 Legislative Session

Bill Version:	SB 148
Fiscal Note Number:	1
(S) Publish Date:	1/18/2018

Identifier: DOC-COM-12-04-17  
 Title: BACKGROUND CHECKS FOR POLICE & TRAINING  
 Sponsor: RLS BY REQUEST OF THE GOVERNOR  
 Requester: Governor

Department: Department of Corrections  
 Appropriation: Administration and Support  
 Allocation: Office of the Commissioner  
 OMB Component Number: 694

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2019	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2019 Request	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
<b>OPERATING EXPENDITURES</b>	<b>FY 2019</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

**Change in Revenues**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Estimated SUPPLEMENTAL (FY2018) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2019) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
 If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version/comments:**

Initial Version.
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Prepared By: April Wilkerson	Phone: (907)465-3460
Division: Administrative Services - Department of Corrections	Date: 12/04/2017 03:00 PM
Approved By: Dean Williams, Commissioner	Date: 12/04/17
Agency: Department of Corrections	

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2018 LEGISLATIVE SESSION

**Analysis**

This bill would amend AS 12.62.400(a) by adding a section to allow Alaska Police Standards Council the ability to request national criminal history records checks from the Federal Bureau of Investigation for persons who apply to attend a training program established by the council or who are to be employed as a police officer by an employer that lacks the ability to request a national criminal history record check.

The department will not have a fiscal impact with the implementation of this bill.

# Fiscal Note

State of Alaska  
2018 Legislative Session

Bill Version:	SB 148
Fiscal Note Number:	2
(S) Publish Date:	1/18/2018

Identifier: DPS-APSC-12-08-17  
 Title: BACKGROUND CHECKS FOR POLICE & TRAINING  
 Sponsor: RLS BY REQUEST OF THE GOVERNOR  
 Requester: Governor

Department: Department of Public Safety  
 Appropriation: Alaska Police Standards Council  
 Allocation: Alaska Police Standards Council  
 OMB Component Number: 519

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2019	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2019 Request	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
<b>OPERATING EXPENDITURES</b>	<b>FY 2019</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

**Change in Revenues**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Estimated SUPPLEMENTAL (FY2018) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2019) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
 If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version/comments:**

Not applicable, initial version.

Prepared By: Kelly Howell, Administrative Services Director	Phone: (907)465-4336
Division: Administrative Services	Date: 12/08/2017 03:30 PM
Approved By: Walt Monegan, Commissioner	Date: 12/08/17
Agency: Department of Public Safety	

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2018 LEGISLATIVE SESSION**Analysis**

This legislation amends AS 18.65.220 relating to the powers of the Alaska Police Standards Council (APSC) by adding a new paragraph authorizing the APSC to require a state and national criminal history record check for purposes of evaluating a person's qualifications for admittance to a police training program or for employment as a police officer; amends AS 18.65.240 by adding a new subsection authorizing agencies to submit to the APSC an applicant's fingerprints for purposes of requesting the state and national criminal history record check; and amends AS 12.62.400(a) relating to national criminal history record checks for employment, licensing, and other noncriminal justice purposes by adding a new paragraph authorizing the Department of Public Safety to submit fingerprints to the Federal Bureau of Investigation to obtain a national criminal history record check for such purposes.

Passage of this legislation would have no fiscal impact on the Alaska Police Standards Council.