

SENATE BILL NO. 211

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY SENATOR OLSON

Introduced: 2/22/22

Referred: Health and Social Services, State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Alaska Police Standards Council; relating to the Department of**
2 **Public Safety; relating to the duties of the attorney general; establishing the Missing and**
3 **Murdered Indigenous Women, Girls, and Two-Spirit Persons Review Commission;**
4 **requiring a report on investigative resources for cases of missing and murdered**
5 **indigenous women, girls, and two-spirit persons; and providing for an effective date."**

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 *** Section 1.** AS 18.65.220 is amended to read:

8 **Sec. 18.65.220. Powers.** The council has the power to

- 9 (1) adopt regulations for the administration of AS 18.65.130 -
10 18.65.290;
- 11 (2) establish minimum standards for employment as a police officer,
12 probation officer, parole officer, municipal correctional officer, and correctional
13 officer in a permanent or probationary position and certify persons to be qualified as

1 police officers, probation officers, parole officers, municipal correctional officers, and
 2 correctional officers under AS 18.65.130 - 18.65.290;

3 (3) establish minimum criminal justice curriculum requirements for
 4 basic, specialized, and in-service courses and programs for schools operated by or for
 5 the state or a political subdivision of the state for the specific purpose of training
 6 police recruits, police officers, probation officers, parole officers, municipal
 7 correctional officers, and correctional officers; the curriculum requirements
 8 established under this paragraph must include training in

9 (A) recognizing persons with disabilities;

10 (B) appropriate interactions with persons with disabilities;

11 (C) resources available to persons with disabilities and to those
 12 interacting with persons with disabilities; [AND]

13 (D) the requirements of 42 U.S.C. 12131 - 12165 (Title II of
 14 the Americans with Disabilities Act of 1990);

15 **(E) the government-to-government relationship between**
 16 **the state and federally recognized tribes in the state;**

17 **(F) counteracting racial bias and structural racism; and**

18 **(G) state criminal jurisdiction under P.L. 280 (18 U.S.C.**
 19 **1162, 28 U.S.C. 1360, and 25 U.S.C. 1321 - 1326);**

20 (4) consult and cooperate with municipalities, agencies of the state,
 21 other governmental agencies, universities, colleges, and other institutions concerning
 22 the development of police officer, probation officer, parole officer, municipal
 23 correctional officer, and correctional officer training schools and programs of criminal
 24 justice instruction;

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

27 (6) investigate when there is reason to believe that a police officer,
 28 probation officer, parole officer, municipal correctional officer, or correctional officer
 29 does not meet the minimum standards for employment; in connection with the
 30 investigation the council may subpoena persons, books, records, or documents related
 31 to the investigation and require answers in writing under oath to questions asked by

1 the council or the administrator;

2 (7) charge and collect a fee of \$50 for processing applications for
3 certification of police, probation, parole, municipal correctional, and correctional
4 officers;

5 (8) require a state and national criminal history record check for an
6 applicant to a training program established in AS 18.65.230 and for a person to be
7 certified as a police officer under AS 18.65.240 if that person's prospective employer
8 does not have access to a criminal justice information system.

9 * **Sec. 2.** AS 18.65.670(c) is amended to read:

10 (c) The commissioner of public safety may adopt regulations related to village
11 public safety officers, including minimum standards and training, criteria for
12 participation by a community, a municipality, an Alaska Native organization, or a
13 corporation, and the interaction between the Department of Public Safety and village
14 public safety officers. Regulations adopted by the commissioner of public safety under
15 this subsection may not prohibit village public safety officers who otherwise meet
16 minimum standards and training from carrying firearms. If the commissioner of public
17 safety adopts regulations regarding training for village public safety officers, at a
18 minimum, that training must include [DISABILITY TRAINING THAT PROVIDES]
19 training in the subjects set out in AS 18.65.220(3). The commissioner of corrections
20 may adopt regulations related to the functions of village public safety officers
21 providing probation and parole supervision.

22 * **Sec. 3.** AS 44.23.020 is amended by adding new subsections to read:

23 (l) The attorney general shall create a panel to review

24 (1) the investigation and prosecution of homicides in the state; the
25 panel has the discretion to review homicides dating back to the beginning of
26 statehood; and

27 (2) case management practices by law enforcement agencies in the
28 state.

29 (m) The attorney general may provide the panel with information necessary
30 for the panel to complete a review and adopt procedures for the panel's review under
31 (l) of this section. The panel established under (l) of this section shall prepare a

1 biennial report of its findings and recommendations on improving the investigation
2 and prosecution process for homicides in the state. Not later than the first day of the
3 first regular session of each legislature, the panel shall submit the report to the
4 governor, attorney general, chief justice of the supreme court, senate secretary, and
5 chief clerk of the house of representatives and notify the legislature that the report is
6 available.

7 * **Sec. 4.** AS 44.41 is amended by adding a new section to read:

8 **Sec. 44.41.015. Liaisons for missing and murdered indigenous women,**
9 **girls, and two-spirit persons.** (a) The Department of Public Safety shall employ at
10 least two persons in the department to act as liaisons between law enforcement
11 agencies and federally recognized tribes and to investigate cases involving missing
12 and murdered indigenous women, girls, and two-spirit persons.

13 (b) Each liaison shall facilitate communication between

14 (1) federally recognized tribes, tribal organizations, and tribal
15 communities;

16 (2) federal, state, local, and tribal law enforcement agencies;

17 (3) nongovernmental entities that provide services to indigenous
18 women, girls, and two-spirit persons;

19 (4) tribal liaisons in other state agencies; and

20 (5) public health officials and state medical examiners.

21 * **Sec. 5.** AS 44.41.020 is amended by adding new subsections to read:

22 (h) The Department of Public Safety, in cooperation with state and local law
23 enforcement agencies, shall conduct audits regarding the results of law enforcement
24 investigations relating to missing and murdered indigenous women, girls, and two-
25 spirit persons. The department shall compile the results of the audits in a biennial
26 report and share the report with the Alaska Court System.

27 (i) The Department of Public Safety shall establish and require state and local
28 law enforcement agencies to use standardized methods for investigating missing
29 person reports, including standardized methods for investigating missing person
30 reports involving indigenous women, girls, or two-spirit persons.

31 * **Sec. 6.** AS 44.41 is amended by adding new sections to read:

1 **Sec. 44.41.140. Missing and Murdered Indigenous Women, Girls, and**
2 **Two-Spirit Persons Review Commission.** (a) The Missing and Murdered Indigenous
3 Women, Girls, and Two-Spirit Persons Review Commission is established in the
4 Department of Public Safety.

5 (b) The commission consists of not more than 18 members appointed by the
6 commissioner of public safety, including

7 (1) members from state departments and private organizations with
8 experience regarding the issue of domestic violence;

9 (2) medical and mental health providers with experience regarding the
10 issue of domestic violence;

11 (3) members from law enforcement, the judiciary, and the legal
12 profession;

13 (4) a prosecutor with experience in homicide prosecutions;

14 (5) members who represent federally recognized tribes;

15 (6) public members; and

16 (7) a legislator who serves on the house judiciary committee or senate
17 judiciary committee.

18 (c) Members of the commission serve for three years.

19 (d) Members of the commission receive no compensation but are entitled to
20 per diem and travel expenses authorized for boards and commissions under
21 AS 39.20.180. A member who is a full-time salaried employee of the state or a
22 political subdivision of the state is entitled to the member's regular compensation.

23 **Sec. 44.41.145. Duties and powers of the commission.** (a) The commission
24 shall review closed cases from different state regions each year that are selected by the
25 attorney general to

26 (1) examine the trends and patterns related to missing and murdered
27 indigenous women, girls, and two-spirit persons;

28 (2) educate the public, service providers, and policymakers about cases
29 related to missing and murdered indigenous women, girls, and two-spirit persons and
30 provide strategies for intervention and prevention;

31 (3) make policy, practice, and service recommendations to encourage

1 collaboration and reduce cases involving indigenous women, girls, and two-spirit
2 persons.

3 (b) The commission shall prepare a biennial report of its findings and
4 recommendations. Not later than the first day of the first regular session of each
5 legislature, the commission shall submit the report to the governor, attorney general,
6 chief justice of the supreme court, senate secretary, and chief clerk of the house of
7 representatives and notify the legislature that the report is available. The commission
8 shall make the report publicly available through the Department of Law.

9 **Sec. 44.41.150. Materials and reports.** Notwithstanding other confidentiality
10 provisions in law, upon written request of the commission, a person shall provide to
11 the commission, as soon as practicable following the request, materials and reports
12 relating to the review of a homicide or missing person investigation of an indigenous
13 woman, girl, or two-spirit person. A person who provides materials and reports to the
14 commission is not civilly or criminally liable for providing materials and reports under
15 this section.

16 **Sec. 44.41.155. Confidentiality.** (a) A person attending a meeting of the
17 commission or a member or staff of the commission may not disclose information
18 obtained during a review by the commission.

19 (b) The commission may enter into an agreement with a nonprofit
20 organization or private agency to obtain confidential information.

21 (c) Documents, materials, and reports obtained or compiled by the
22 commission or a designated representative of the commission in the course of
23 reviewing a homicide or missing person investigation under AS 44.41.145 are
24 confidential and are not public records under AS 40.25.110 - 40.25.125 or admissible
25 in a criminal or civil proceeding. A person may not be compelled to disclose
26 information relating to the documents, materials, and reports through subpoena,
27 discovery, or testimony in a criminal or civil proceeding.

28 (d) A member of the commission who knowingly uses documents, materials,
29 reports, or information for a purpose not authorized under AS 44.41.145 or discloses
30 information in violation of this section is subject to a civil penalty of not more than
31 \$500 for each instance of unauthorized use or disclosure.

1 (e) Upon request, the commission may disclose conclusions and
 2 recommendations relating to cases involving missing and murdered indigenous
 3 women, girls, and two-spirit persons, but may not disclose confidential information
 4 under (c) of this section.

5 **Sec. 44.41.160. Meetings.** Meetings of the commission are closed to the public
 6 and not subject to the provisions of AS 44.62.310 - 44.62.319 (Open Meetings Act).

7 **Sec. 44.41.165. Missing and murdered indigenous women, girls, and two-**
 8 **spirit persons tribal grant program.** (a) The missing and murdered indigenous
 9 women, girls, and two-spirit persons tribal grant program is established in the
 10 Department of Commerce, Community, and Economic Development to provide grants
 11 to Alaska tribes to address issues relating to missing and murdered indigenous women,
 12 girls, and two-spirit persons.

13 (b) An Alaska tribe is eligible for a grant under (a) of this section if the tribe
 14 submits an application to the Department of Commerce, Community, and Economic
 15 Development that includes

16 (1) a projected budget, including administrative funding;

17 (2) information on the issues relating to missing and murdered
 18 indigenous women, girls, and two-spirit persons that the tribe plans to address using
 19 the grant; and

20 (3) other information required by the Department of Commerce,
 21 Community, and Economic Development.

22 (c) In this section,

23 (1) "Alaska tribe" means an organized group or community in Alaska
 24 that is an Indian tribe;

25 (2) "Indian tribe" has the meaning given in 25 U.S.C. 5304 (Indian
 26 Self-Determination and Education Assistance Act).

27 **Sec. 44.41.900. Definitions.** In this chapter,

28 (1) "commission" means the Missing and Murdered Indigenous
 29 Women, Girls, and Two-Spirit Persons Review Commission;

30 (2) "two-spirit" means a person who is male, female, or intersexed who
 31 combines the traditional gender roles of men and women with traits unique to the

1 person's status as having a distinct, alternative gender.

2 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 REPORT ON INVESTIGATIVE RESOURCES. The Department of Public Safety
5 shall conduct a needs assessment to determine how to increase protective and investigative
6 resources for identifying and reporting cases of missing and murdered indigenous women,
7 girls, and two-spirit persons within the state criminal justice system. The department shall
8 work with the governor's office to convene meetings with tribal and local law enforcement
9 agencies, federally recognized tribes, and Alaska Native organizations to determine the scope
10 of the issue, identify barriers, and determine methods for creating partnerships to increase
11 reporting and investigation of cases involving missing and murdered indigenous women, girls,
12 and two-spirit persons. The department shall conduct its work with tribal entities based on the
13 state's government-to-government relationship with federally recognized tribes in the state.
14 The department shall also work with federal law enforcement agencies to identify ways to
15 increase information sharing and coordinate resources. On or before January 1, 2023, the
16 department shall submit a written report on the needs assessment to the senate secretary and
17 chief clerk of the house of representatives and notify the legislature that the report is
18 available.

19 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
20 read:

21 TRANSITION: COMMISSION MEMBERS. Notwithstanding AS 44.41.140(b),
22 enacted by sec. 6 of this Act, members of the Missing and Murdered Indigenous Women,
23 Girls, and Two-Spirit Persons Review Commission are appointed to initial terms as follows:

24 (1) members from state departments appointed under AS 44.41.140(b)(1), a
25 prosecutor appointed under AS 44.41.140(b)(4), and members who represent federally
26 recognized tribes appointed under AS 44.41.140(b)(5) shall serve three-year terms;

27 (2) medical and mental health providers appointed under AS 44.41.140(b)(2)
28 and public members appointed under AS 44.41.140(b)(6) shall serve two-year terms;

29 (3) members from private organizations appointed under AS 44.41.140(b)(1),
30 members from law enforcement, the judiciary, and the legal profession appointed under
31 AS 44.41.140(b)(3), and a legislator appointed under AS 44.41.140(b)(7) shall serve one-year

1 terms.

2 * **Sec. 9.** Sections 1 and 2 of this Act take effect January 1, 2023.