

CS FOR SENATE BILL NO. 46(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered: 5/18/21

Referred: State Affairs, Finance

Sponsor(s): SENATORS GRAY-JACKSON, Begich

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Alaska Police Standards Council; relating to municipal**
2 **correctional officers and municipal correctional employees; making municipal police**
3 **officers subject to police standards; requiring the Department of Public Safety to submit**
4 **a yearly use-of-force report to the legislature; requiring a municipality that employs a**
5 **person as a municipal police officer or in a municipal correctional facility, the**
6 **Department of Corrections, or the Department of Public Safety to report to the Federal**
7 **Bureau of Investigation incidents of use of force by state and municipal police,**
8 **probation, parole, and correctional officers and municipal correctional facility**
9 **employees; and providing for an effective date."**

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

11 * **Section 1.** AS 18.65.220 is amended by adding new subsections to read:

12 (b) The council shall make recommendations relating to and may adopt

1 regulations requiring a police officer, probation officer, parole officer, municipal
 2 correctional officer, or correctional officer to report to a supervisor, as soon as
 3 practicable, an incident in which an officer used deadly force or prepared to use deadly
 4 force against a person.

5 (c) The council shall maintain a central registry of police officers, probation
 6 officers, parole officers, municipal correctional officers, and correctional officers who
 7 have had a certificate denied or revoked under AS 18.65.240(c) or 18.65.245. The
 8 council may enter and maintain in the central registry information that the council
 9 obtains from the Department of Public Safety, the Department of Corrections, or a
 10 municipality about each officer who has had a certificate denied or revoked. The
 11 central registry information shall include the reason for which each officer's certificate
 12 was denied or revoked. The council shall adopt regulations to ensure the appropriate
 13 circulation to law enforcement agencies of information contained in the central
 14 registry.

15 (d) The council shall prepare a report detailing the central registry information
 16 updates that have been entered in the preceding year and submit the report to the chief
 17 clerk of the house of representatives and the senate secretary not later than
 18 December 1 of each year.

19 (e) Upon request, the council shall assist a department, an agency, or a
 20 municipality in developing rules based on recommendations or regulations adopted
 21 under (b) of this section.

22 * **Sec. 2.** AS 18.65.285 is amended to read:

23 **Sec. 18.65.285. Municipal correctional employees.** A municipality that
 24 employs persons in a municipal correctional facility **shall** [MAY, BY ORDINANCE,]
 25 require that those persons meet the requirements of AS 18.65.130 - 18.65.290 that are
 26 applicable to municipal correctional officers.

27 * **Sec. 3.** AS 18.65.290(6) is amended to read:

28 (6) "municipal correctional officer" means a person who is employed
 29 full-time in a municipal correctional facility whose primary duty is to provide custody,
 30 care, security, control, and discipline of persons charged or convicted of offenses or
 31 held under authority of law; [AND THE MUNICIPALITY HAS ADOPTED AN

1 ORDINANCE UNDER AS 18.65.285 MAKING AS 18.65.130 - 18.65.290
2 APPLICABLE;]

3 * **Sec. 4.** AS 18.65.290 is amended by adding a new paragraph to read:

4 (10) "deadly force" has the meaning given in AS 11.81.900(b).

5 * **Sec. 5.** AS 18.65.670(c) is amended to read:

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

18 * **Sec. 6.** AS 29.71 is amended by adding a new section to read:

19 **Sec. 29.71.070. Use of force reporting requirement.** A municipality that
20 employs a person as a municipal police officer or in a municipal correctional facility
21 shall report to the Federal Bureau of Investigation each incident in which a municipal
22 police officer or municipal correctional facility employee uses force against a person.

23 * **Sec. 7.** AS 44.28.020 is amended by adding a new subsection to read:

24 (d) The department shall submit to the Federal Bureau of Investigation a
25 report of each incident in which a probation officer, parole officer, or correctional
26 officer uses force against a person.

27 * **Sec. 8.** AS 44.41.020 is amended by adding a new subsection to read:

28 (h) The Department of Public Safety shall submit to the Federal Bureau of
29 Investigation a report of each incident in which a state trooper, village public safety
30 officer, or regional public safety officer uses force against a person.

31 * **Sec. 9.** AS 44.41 is amended by adding a new section to read:

1 **Sec. 44.41.055. Statewide use-of-force report.** The Department of Public
2 Safety shall prepare a report detailing the information contained in reports that the
3 Department of Public Safety, the Department of Corrections, and municipalities
4 submitted to the Federal Bureau of Investigation in the preceding year regarding the
5 use of force and submit the report to the chief clerk of the house of representatives and
6 the senate secretary not later than December 1 of each year.

7 * **Sec. 10.** AS 18.65.280(b) is repealed.

8 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 APPLICABILITY. AS 18.65.285, as amended by sec. 2 of this Act, applies to
11 employment contracts entered into on or after the effective date of sec. 2 of this Act.

12 * **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

14 TRANSITION: EMPLOYMENT. Each person who, on the effective date of sec. 10 of
15 this Act, is employed as a municipal correctional officer or municipal police officer by a
16 political subdivision with an established police training program that met the requirements for
17 exemption under former AS 18.65.280(b), repealed by sec. 10 of this Act, has one year from
18 the effective date of sec. 10 of this Act to comply with the requirements of AS 18.65.240.

19 * **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to
20 read:

21 TRANSITION: REGULATIONS. The Department of Corrections, the Department of
22 Public Safety, and a municipality that employs a person as a municipal police officer or in a
23 municipal correctional facility shall adopt regulations necessary to implement secs. 6 - 9 of
24 this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
25 before the effective date of secs. 6 - 9 of this Act. The Department of Corrections, the
26 Department of Public Safety, and municipalities shall adopt and publish these regulations by
27 January 1, 2023.

28 * **Sec. 14.** Section 13 of this Act takes effect immediately under AS 01.10.070(c).

29 * **Sec. 15.** Except as provided in sec. 14 of this Act, this Act takes effect July 1, 2022.