

CS FOR SENATE BILL NO. 23(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered: 3/22/23

Referred: State Affairs

Sponsor(s): SENATORS GRAY-JACKSON BY REQUEST, Tobin

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the duties of the Alaska Police Standards Council; relating to**
2 **municipal correctional officers and municipal correctional employees; making**
3 **municipal police officers subject to police standards; relating to the duties of the**
4 **Department of Public Safety; relating to reports of incidents of use of force by state and**
5 **municipal police, probation, parole, pretrial services, and correctional officers and**
6 **municipal correctional facility employees; and providing for an effective date."**

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

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

9 (b) The council shall make recommendations relating to and may adopt
10 regulations requiring a police officer, probation officer, parole officer, pretrial services
11 officer, municipal correctional officer, or correctional officer to report to a supervisor,
12 as soon as practicable, an incident in which an officer engaged in the use of force
13 against a person.

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

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

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

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

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

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

24 (6) "municipal correctional officer" means a person who is employed
 25 full-time in a municipal correctional facility whose primary duty is to provide custody,
 26 care, security, control, and discipline of persons charged or convicted of offenses or
 27 held under authority of law; [AND THE MUNICIPALITY HAS ADOPTED AN
 28 ORDINANCE UNDER AS 18.65.285 MAKING AS 18.65.130 - 18.65.290
 29 APPLICABLE;]

30 * **Sec. 4.** AS 18.65.290 is amended by adding new paragraphs to read:

31 (10) "pretrial services officer" means a person who performs the duties

1 assigned in AS 33.07;

2 (11) "serious physical injury" has the meaning given in
3 AS 11.81.900(b);

4 (12) "use of force" means force that causes a fatality or serious
5 physical injury or the discharge of a firearm at or in the direction of another person in
6 the course of an interaction between a police officer, probation officer, parole officer,
7 pretrial services officer, municipal correctional officer, or correctional officer and
8 another person.

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

10 (h) The commissioner may, in consultation with grant recipients, as provided
11 in (k) of this section, adopt regulations related to village public safety officers,
12 including establishing minimum standards and training, physical fitness requirements,
13 criteria for participation by a community, a municipality, an Alaska Native
14 organization, or a corporation, and the interaction between the department and village
15 public safety officers. If the commissioner adopts regulations regarding training for
16 village public safety officers, the training must be consistent with the standards in
17 AS 18.65.676 and disability training under **AS 18.65.220(a)(3)** [AS 18.65.220(3)].
18 The commissioner of corrections may, in consultation with grant recipients, adopt
19 regulations related to the functions of village public safety officers providing pretrial,
20 probation, and parole supervision.

21 * **Sec. 6.** AS 18.65.676(a) is amended to read:

22 (a) A village public safety officer basic training program must provide

23 (1) a physical training program that includes instruction in physical
24 methods of arrest, use of batons, use of chemical defensive weapons, and electronic
25 control weapons;

26 (2) instruction in

27 (A) the state's criminal and procedural law;

28 (B) the state's criminal justice system;

29 (C) police procedures;

30 (D) disabilities training described under **AS 18.65.220(a)(3)**

31 [AS 18.65.220(3)];

1 (E) domestic violence and sexual assault prevention and
2 response procedures;

3 (F) emergency trauma technician training;

4 (G) search and rescue training;

5 (H) rural fire protection specialist training.

6 * **Sec. 7.** AS 29.71 is amended by adding a new section to read:

7 **Sec. 29.71.070. Reporting requirement for use of force.** A municipality that
8 employs a person as a municipal police officer or in a municipal correctional facility
9 shall report to the Department of Public Safety, on a form prescribed by the
10 Department of Public Safety, each incident in which a municipal police officer or
11 municipal correctional facility employee engages in use of force as defined in
12 AS 18.65.290.

13 * **Sec. 8.** AS 44.28.020 is amended by adding new subsections to read:

14 (d) The department shall submit to the Department of Public Safety, on a form
15 prescribed by the Department of Public Safety, a report of each incident in which a
16 probation officer, parole officer, pretrial services officer, or correctional officer
17 engages in use of force as defined in AS 18.65.290.

18 (e) In this section, "department" means the Department of Corrections.

19 * **Sec. 9.** AS 44.41.020 is amended by adding a new subsection to read:

20 (k) The Department of Public Safety shall submit to the Federal Bureau of
21 Investigation a report of each incident in which a state trooper, village public safety
22 officer, or regional public safety officer engages in use of force as defined in
23 AS 18.65.290.

24 * **Sec. 10.** AS 44.41 is amended by adding a new section to read:

25 **Sec. 44.41.055. Statewide reporting of use of force.** (a) The Department of
26 Public Safety shall maintain a central repository of incidents of use of force in the
27 state.

28 (b) The Department of Public Safety shall report all incidents of use of force,
29 including incidents reported to the department by the Department of Corrections and
30 by municipalities, to the Federal Bureau of Investigation for inclusion in the Federal
31 Bureau of Investigation's data collection program for the use of force.

1 (c) The Department of Public Safety shall prepare a report that summarizes the
2 information contained in the reports of use of force submitted by the Department of
3 Public Safety, the Department of Corrections, and municipalities during the preceding
4 fiscal year and shall submit the report to the chief clerk of the house of representatives
5 and the senate secretary and notify the legislature that the report is available not later
6 than December 1 of each year.

7 (d) In this section, "use of force" has the meaning given in AS 18.65.290.

8 * **Sec. 11.** AS 18.65.280(b) is repealed.

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

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

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

15 TRANSITION: EMPLOYMENT. Each person who, on the effective date of sec. 11 of
16 this Act, is employed as a municipal correctional officer or municipal police officer by a
17 political subdivision with an established police training program that met the requirements for
18 exemption under former AS 18.65.280(b), repealed by sec. 11 of this Act, has one year from
19 the effective date of sec. 11 of this Act to comply with the requirements of AS 18.65.240.

20 * **Sec. 14.** The uncodified law of the State of Alaska is amended by adding a new section to
21 read:

22 TRANSITION: REGULATIONS. The Department of Corrections, the Department of
23 Public Safety, and a municipality that employs a person as a municipal police officer or in a
24 municipal correctional facility shall adopt regulations necessary to implement secs. 7 - 10 of
25 this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
26 before the effective date of secs. 7 - 10 of this Act. The Department of Corrections, the
27 Department of Public Safety, and municipalities shall adopt and publish these regulations by
28 January 1, 2024.

29 * **Sec. 15.** Section 14 of this Act takes effect immediately under AS 01.10.070(c).

30 * **Sec. 16.** Except as provided in sec. 15 of this Act, this Act takes effect July 1, 2023.