

SENATE BILL NO. 180

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY SENATOR MCGUIRE

Introduced: 2/19/14

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the composition, powers, and duties of the Alaska Police Standards
2 Council; and requiring agencies that are regulated by the Alaska Police Standards
3 Council to provide certain information about the council to persons who file a complaint
4 about the conduct of a police officer, probation officer, parole officer, municipal
5 correctional officer, or correctional officer."

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

7 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
8 to read:

9 SHORT TITLE. This Act may be known as Nancy's Law.

10 * **Sec. 2.** AS 18.65.150 is amended to read:

11 **Sec. 18.65.150. Composition of council.** The council consists of the following
12 persons:

13 (1) four chief administrative officers or chiefs of police of local

1 governments;

2 (2) the commissioner of public safety or a designee of the
3 commissioner;

4 (3) the commissioner of corrections or a designee of the commissioner;

5 (4) two persons, each of whom has been certified for five years or
6 more by the council under this chapter, one of whom serves as a police officer and one
7 of whom serves as a probation officer, parole officer, municipal correctional officer, or
8 correctional officer;

9 (5) one correctional administrative officer who is employed at the level
10 of a deputy director or higher; and

11 (6) six [FOUR] members of the public at large with at least two from
12 [THE] communities of 2,500 population or less; **however, an employee or former**
13 **employee of an agency regulated by the council may not serve on the council as a**
14 **member of the public at large.**

15 * **Sec. 3.** AS 18.65.180 is amended to read:

16 **Sec. 18.65.180. Holding another office.** Membership on the council does not
17 disqualify a member from holding any other public office or employment, **except as**
18 **may be required under AS 18.65.150(6).**

19 * **Sec. 4.** AS 18.65.220 is amended to read:

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

21 (1) adopt regulations for the administration of AS 18.65.130 -
22 18.65.290;

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

28 (3) establish minimum criminal justice curriculum requirements for
29 basic, specialized, and in-service courses and programs for schools operated by or for
30 the state or a political subdivision of the state for the specific purpose of training
31 police recruits, police officers, probation officers, parole officers, municipal

1 correctional officers, and correctional officers;

2 (4) consult and cooperate with municipalities, agencies of the state,
3 other governmental agencies, universities, colleges, and other institutions concerning
4 the development of police officer, probation officer, parole officer, municipal
5 correctional officer, and correctional officer training schools and programs of criminal
6 justice instruction;

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

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

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

18 **(8) determine when a person has violated AS 18.65.130 - 18.65.290**
19 **and conduct investigations under AS 18.65.222.**

20 * **Sec. 5.** AS 18.65 is amended by adding new sections to read:

21 **Sec. 18.65.222. Complaints.** (a) A person may file a complaint with the
22 council regarding an act or omission of a police officer, probation officer, parole
23 officer, correctional officer, or municipal correctional officer.

24 (b) Upon receiving a complaint under this section, the council shall determine
25 whether the agency that employed the officer at the time of the events alleged in the
26 complaint has concluded an investigation of the allegations or declined to investigate
27 them.

28 (c) If the agency that employed the officer at the time of the alleged events has
29 concluded an investigation or declined to investigate, the council shall determine in
30 executive session whether or not the complaint makes allegations that would, if true,
31 constitute a reason to believe that the officer does not meet the minimum standards for

1 employment. The council shall report its determination to the complainant, the officer,
2 and the agency that employed the officer at the time of the events alleged in the
3 complaint.

4 (d) If the council determines that the complaint makes allegations that would,
5 if true, constitute a reason to believe that the officer does not meet the minimum
6 standards for employment, the council shall investigate the complaint as allowed by
7 AS 18.65.220(6).

8 **Sec. 18.65.223. Information about contacting the council.** Upon receiving a
9 complaint regarding an act or omission of a police officer, probation officer, parole
10 officer, municipal correctional officer, or correctional officer, the agency that
11 employed the officer at the time of the events alleged in the complaint shall provide to
12 the complainant information about the complainant's rights under AS 18.65.222 and
13 contact information for the council.

14 * **Sec. 6.** AS 18.65.240(c) is amended to read:

15 (c) The council may deny, suspend, or revoke the certificate of a police
16 officer who does not meet the standards adopted under (a)(2) of this section.