

SENATE BILL NO. 53

IN THE LEGISLATURE OF THE STATE OF ALASKA
 THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY SENATOR GRAY-JACKSON

Introduced: 1/24/25

Referred: State Affairs, Judiciary

A BILL**FOR AN ACT ENTITLED**

1 **"An Act relating to accreditation standards for law enforcement agencies."**

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

3 * **Section 1.** AS 09.50.250 is amended to read:

4 **Sec. 09.50.250. Actionable claims against the state.** A person or corporation
 5 having a contract, quasi-contract, or tort claim against the state may bring an action
 6 against the state in a state court that has jurisdiction over the claim. A person who may
 7 present the claim under AS 44.77 may not bring an action under this section except as
 8 set out in AS 44.77.040(c). A person who may bring an action under AS 36.30.560 -
 9 36.30.695 may not bring an action under this section except as set out in
 10 AS 36.30.685. However, an action may not be brought if the claim

11 (1) is an action for tort, and is based **on** [UPON] an act or omission of
 12 an employee of the state exercising due care in the execution of a statute or regulation,
 13 whether or not the statute or regulation is valid; or is an action for tort, and based **on**
 14 [UPON] the exercise or performance or the failure to exercise or perform a
 15 discretionary function or duty on the part of a state agency or an employee of the state,

1 whether or not the discretion involved is abused;

2 (2) is for damages caused by the imposition or establishment of, or the
3 failure to impose or establish, a quarantine or isolation, or by other actions, by the
4 state or its agents, officers, or employees under AS 18.15.355 - 18.15.395, except for
5 damages caused by negligent medical treatment provided under AS 18.15.355 -
6 18.15.395 by a state employee, or except that, if a state employee quarantines or
7 isolates a person with gross negligence or in intentional violation of AS 18.15.385, the
8 state shall pay to the person who was quarantined or isolated a penalty of \$500 for
9 each day of the improper quarantine;

10 (3) arises out of assault, battery, false imprisonment, false arrest,
11 malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or
12 interference with contract rights;

13 (4) arises out of the use of an ignition interlock device certified under
14 AS 33.05.020(c); [OR]

15 (5) arises out of injury, illness, or death of a seaman that occurs or
16 manifests itself during or in the course of, or arises out of, employment with the state;
17 AS 23.30 provides the exclusive remedy for such a claim, and no action may be
18 brought against the state, its vessels, or its employees under the Jones Act (46 U.S.C.
19 30104 - 30105), in admiralty, or under the general maritime law; or

20 **(6) is for damages based on a law enforcement agency's**

21 **(A) exercise, performance, or adoption of, or failure to**
22 **exercise, perform, or adopt, the minimum standards and practices**
23 **required to obtain and maintain the first tier of accreditation under**
24 **AS 44.41.020(I) or required under a higher accreditation tier established**
25 **in AS 18.65.228(c); or**

26 **(B) failure to obtain and maintain accreditation as required**
27 **under AS 44.41.020(I).**

28 * **Sec. 2.** AS 09.65.070(d) is amended to read:

29 (d) An action for damages may not be brought against a municipality or any of
30 its agents, officers, or employees if the claim

31 (1) is based on a failure of the municipality, or its agents, officers, or

1 employees, when the municipality is neither owner nor lessee of the property
2 involved,

3 (A) to inspect property for a violation of any statute, regulation,
4 or ordinance, or a hazard to health or safety;

5 (B) to discover a violation of any statute, regulation, or
6 ordinance, or a hazard to health or safety if an inspection of property is made;
7 or

8 (C) to abate a violation of any statute, regulation, or ordinance,
9 or a hazard to health or safety discovered on property inspected;

10 (2) is based on [UPON] the exercise or performance or the failure to
11 exercise or perform a discretionary function or duty by a municipality or its agents,
12 officers, or employees, whether or not the discretion involved is abused;

13 (3) is based on [UPON] the grant, issuance, refusal, suspension, delay,
14 or denial of a license, permit, appeal, approval, exception, variance, or other
15 entitlement, or a rezoning;

16 (4) is based on the exercise or performance during the course of
17 gratuitous extension of municipal services on an extraterritorial basis;

18 (5) is based on [UPON] the exercise or performance of a duty or
19 function upon the request of, or by the terms of an agreement or contract with, the
20 state to meet emergency public safety requirements; [OR]

21 (6) is based on the exercise or performance of a duty in connection
22 with an enhanced 911 emergency system and is not based on an intentional act of
23 misconduct or on an act of gross negligence; or

24 **(7) is based on a municipal police department's**

25 **(A) exercise, performance, or adoption of, or failure to**
26 **exercise, perform, or adopt, the minimum standards and practices**
27 **required to obtain and maintain the first tier of accreditation under**
28 **AS 29.71.070 or required under a higher accreditation tier established in**
29 **AS 18.65.228(c); or**

30 **(B) failure to obtain and maintain accreditation as required**
31 **under AS 29.71.070.**

1 * **Sec. 3.** AS 18.65.220 is amended to read:

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

3 (1) adopt regulations for the administration of AS 18.65.130 -
4 18.65.290;

5 (2) establish minimum standards for employment as a police officer,
6 probation officer, parole officer, municipal correctional officer, and correctional
7 officer in a permanent or probationary position and certify persons to be qualified as
8 police officers, probation officers, parole officers, municipal correctional officers, and
9 correctional officers under AS 18.65.130 - 18.65.290;

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

16 (A) recognizing persons with disabilities;

17 (B) appropriate interactions with persons with disabilities;

18 (C) resources available to persons with disabilities and to those
19 interacting with persons with disabilities; and

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

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

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

29 (6) investigate when there is reason to believe that a police officer,
30 probation officer, parole officer, municipal correctional officer, or correctional officer
31 does not meet the minimum standards for employment; in connection with the

1 investigation the council may subpoena persons, books, records, or documents related
 2 to the investigation and require answers in writing under oath to questions asked by
 3 the council or the administrator;

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

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

11 **(9) establish minimum standards and practices for the**
 12 **accreditation of law enforcement agencies in the state.**

13 * **Sec. 4.** AS 18.65 is amended by adding new sections to read:

14 **Sec. 18.65.227. Law enforcement agency standards and practices.** (a) The
 15 council shall establish minimum standards and practices for the accreditation of law
 16 enforcement agencies, including standards and practices relating to

17 (1) the administration, management, and operation of law enforcement
 18 agencies;

19 (2) bias-based policing;

20 (3) the use of force;

21 (4) an agency's response to crimes involving family violence;

22 (5) the use of body-worn recording equipment;

23 (6) complaints of alleged misconduct by a law enforcement officer;

24 (7) the use of electronic control weapons;

25 (8) eyewitness identification procedures;

26 (9) notification of death and death-related events; and

27 (10) pursuits conducted by police officers.

28 (b) The council shall base the standards and practices on standards established
 29 by the International Association of Chiefs of Police and the Commission of
 30 Accreditation for Law Enforcement Agencies, Inc.

31 (c) The council shall establish three accreditation tiers. The standards and

1 practices for the

2 (1) first tier must be designed to protect a law enforcement agency
3 from liability, enhance delivery of services, and improve public confidence in
4 policing;

5 (2) second tier must relate to the administration, management, and
6 operation of a law enforcement agency; and

7 (3) third tier must consist of standards higher than the standards
8 outlined in the second tier for the administration, management, and operation of a law
9 enforcement agency.

10 (d) The council shall post the requirements for each accreditation tier on the
11 council's Internet website. The council shall provide information relating to the
12 requirements of each tier to each law enforcement agency in the state.

13 **Sec. 18.65.229. Law enforcement agency accreditation.** (a) The council shall
14 review a law enforcement agency's compliance with the minimum standards and
15 practices adopted under AS 18.65.227 and issue a certificate of accreditation to the
16 law enforcement agency at the appropriate accreditation tier.

17 (b) The council shall work with a law enforcement agency that has failed to
18 obtain or maintain accreditation under this section until the law enforcement agency
19 achieves accreditation.

20 (c) The council shall assist a rural law enforcement agency in securing funding
21 for the purposes of obtaining and maintaining accreditation. In this subsection, "rural
22 agency" means a law enforcement agency in a community with a population of 7,000
23 or less that is not connected by road or rail to Anchorage or Fairbanks.

24 (d) The Department of Public Safety may not award a grant to a law
25 enforcement agency that is not accredited.

26 * **Sec. 5.** AS 18.65.290 is amended by adding a new paragraph to read:

27 (10) "law enforcement agency" means a municipal police department,
28 Alaska state trooper post, village public safety officer post, or regional public safety
29 officer post.

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

31 **Sec. 29.71.070. Municipal police department accreditation.** (a) A

1 municipality with a municipal police department shall obtain and maintain
2 accreditation to indicate the police department's compliance with the standards and
3 practices established in AS 18.65.227.

4 * **Sec. 7.** AS 44.41.020 is amended by adding a new subsection to read:

5 (l) The Department of Public Safety shall obtain and maintain accreditation
6 for each Alaska state trooper post, village public safety officer post, or regional public
7 safety officer post to indicate compliance with the standards and practices established
8 in AS 18.65.227.

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

11 TRANSITION: ACCREDITATION. A law enforcement agency that, on the effective
12 date of this Act, is required to obtain and maintain accreditation under AS 29.71.070, enacted
13 by sec. 6 of this Act, or AS 44.41.020(l), enacted by sec. 7 of this Act, has until January 1,
14 2027, to obtain the first tier of accreditation. In this section, "law enforcement agency" has the
15 meaning given in AS 18.65.290.