

13 AAC 85.010 (g) is amended to read:

- (g) If the signature of an officer or applicant is required on a council form, the signature must be under oath or affirmation and must be accompanied by a statement by the officer or applicant that the information supplied is true, to the best of the signer's knowledge **and acknowledging that information contained on the forms will be used by the council for purposes of determining the applicant's eligibility and qualifications for training, employment, and certification.**

Eff. 8/10/73, Register 47; am 8/10/80, Register 75; am 9/23/84, Register 91; am 3/16/89, Register 109; am 8/8/90, Register 115; am 10/24/92, Register 124; am 8/5/95, Register 135; am 7/15/98, Register 147; am 2/20/99, Register 149; am 8/16/2000, Register 155; am 3/25/2001, Register 157; am 8/8/2007, Register 183; am 2/13/2010, Register 193; am 9/24/2016, Register 219; am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.240

The section heading of 13 AAC 85.100 is changed to read:

13 AAC 85.100. **Determination of ineligibility and d**[D]enial of certificates

13 AAC 85.100(a) is amended to read:

- (a) The council may deny a basic certificate **or find a police officer job applicant or training applicant ineligible for certification** upon a finding that the applicant[FOR THE CERTIFICATE]
 - (1) falsified or omitted information required to be provided on the application for certification or on supporting documents;
 - (2) has been discharged, or resigned under threat of discharge, from employment as a police officer in this state or any other state or territory

[FOR CAUSE]for inefficiency, incompetence, or some other reason that adversely affects the ability and fitness of the police officer to perform job duties or that is detrimental to the reputation, integrity, or discipline of the police department where the police officer worked.

13 AAC 85.100(b) is amended to read:

(b) The council will deny a basic certificate **or find a police officer job applicant or training applicant ineligible for certification** upon a finding that the applicant[FOR THE CERTIFICATE]

(1) has been convicted of a misdemeanor crime of domestic violence or, after hire as a police officer, has been convicted of any felony, or of a misdemeanor crime listed in 13 AAC 85.010(b)(2);

(2) has, after hire as a police officer,

(A) used marijuana;

(B) illegally used or possessed any Schedule IA, IIA, IIIA, IVA or VA controlled substance, unless an immediate, pressing, or emergency medical circumstance existed to justify the use of a prescription Schedule IA, IIA, IIIA, IVA or VA controlled substance not specifically prescribed to the person; or

(C) illegally purchased, sold, cultivated, transported, manufactured, or distributed a controlled substance;

(3) does not meet the standards in 13 AAC 85.010(a) or (b); or

(4) has been discharged, or resigned under threat of discharge, from employment as a police officer in this state or any other state or territory [FOR CAUSE]for conduct that would cause a reasonable person to have substantial doubt about an individual's honesty, fairness, and respect for the rights of others and for the laws of this state and the United States or

that is detrimental to the integrity of the police department where the police officer worked.

13 AAC 85.100(c) is amended to read:

- (c) The executive director may act on an application for certification, consistent with standards and qualifications adopted by the council and consistent with AS 18.65.130 - 18.65.290. The executive director may deny an application, **or find a police officer job applicant or training applicant ineligible for certification**, if the applicant does not satisfy those requirements. An applicant aggrieved by the decision of the executive director may petition for review of that decision by the council. The council's review of that decision is controlled by the Administrative Procedure Act.

The introductory language of 13 AAC 85.100(d) is amended to read:

- (d) If a person has been denied a basic certificate under this section, **or has been found ineligible for certification as police officer by the council**, the person may petition the council for rescission of the denial after one year following the date of the denial. The petitioner must state in writing the reasons why the denial should be rescinded. A denial may be rescinded for the following reasons:

...

Eff. 8/10/80, Register 75; am 9/23/84, Register 91; am 8/8/90, Register 115; am 10/24/92, Register 124; am 9/6/96, Register 139; am 7/15/98, Register 147; am 8/8/2007, Register 183; am 9/24/2016, Register 219; am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.240 AS 18.65.270

13 AAC 85.110(a) is amended to read:

- (a) The council may revoke a basic, intermediate, or advanced certificate upon a finding that the holder of the certificate
 - (1) falsified or omitted information required to be provided on an application for certification at any level, or in supporting documents;
 - (2) has been discharged, or resigned under threat of discharge, from employment as a police officer in this state or any other state or territory [FOR CAUSE]for inefficiency, incompetence, or some other reason that adversely affects the ability and fitness of the police officer to perform job duties or that is detrimental to the reputation, integrity, or discipline of the police department where the police officer worked; or
 - (3) does not meet the standards in 13 AAC 85.010(a) or (b).

13 AAC 85.110(b) is amended to read:

- (b) The council will revoke a basic, intermediate, or advanced certificate upon a finding that the holder of the certificate
 - (1) has been convicted of a misdemeanor crime of domestic violence or, after hire as a police officer, has been convicted of a felony, or of a misdemeanor crime listed in 13 AAC 85.010(b)(2);
 - (2) has, after hire as a police officer,
 - (D) used marijuana;
 - (E) illegally used or possessed any Schedule IA, IIA, IIIA, IVA or VA controlled substance, unless an immediate, pressing or emergency medical circumstance existed to justify the use of a prescription medication not specifically prescribed to the person; or

(F) illegally purchased, sold, cultivated, transported, manufactured, or distributed a controlled substance; or

(3) has been discharged, or resigned under threat of discharge, from employment as a police officer in this state or any other state or territory [FOR CAUSE] for conduct that would cause a reasonable person to have substantial doubt about an individual's honesty, fairness, and respect for the rights of others and for the laws of this state and the United States or that is detrimental to the integrity of the police department where the police officer worked.

Eff. 9/23/84, Register 91; am 8/8/90, Register 115; am 10/24/92, Register 124; am 9/6/96, Register 139; am 7/15/98, Register 147; am 8/8/2007, Register 183; am 9/24/2016, Register 219; am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.240 AS 18.65.270

13 AAC 85.210 (c) is amended to read:

(c) A person hired as a probation, parole, or correctional officer may not remain employed in that position without written confirmation from the Department of Corrections, submitted within 90 days after the date of hire, that the person meets the standards of (a) and (b) of this section. The council will grant an extension of the 90- day period, upon a written request by the Department of Corrections that explains the reason the extension is necessary, and if the council determines that the person will probably be able to meet the standards by the end of the extension period. If the Department of Corrections concludes at the end of an investigation that a person does not meet the required standards, the person may not continue employment as a probation, parole, or correctional officer **and the Department shall notify the council on a form provided by the council.** For purposes of determining whether a person meets the standards of (a) and (b) of this section, . . .

13 AAC 85.210 (g) is amended to read:

- (g) If the signature of the officer or applicant is required on a council form, the signature must be under oath or affirmation and must be accompanied by a statement by the officer or applicant that the information supplied is true, to the best of the person's knowledge **and acknowledging that information contained on the forms will be used by the council for purposes of determining the applicant's eligibility for employment and certification.** (Eff. 8/8/90, Register 115; am 10/24/92, Register 124; am 8/5/95, Register 135; am 7/15/98, Register 147; am 2/20/99, Register 149; am 8/16/2000, Register 155; am 3/25/2001, Register 157; am 4/12/2001, Register 158; am 8/8/2007, Register 183; am 2/13/2010, Register 193; am 9/24/2016, Register 219; am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.242 AS 18.65.248

The section heading of 13 AAC 85.260 is changed to read:

13 AAC 85.260 **Determination of ineligibility or d[D]enial of certificate**

13 AAC 85.260(a) is amended to read:

- (a) The council may deny a basic certificate **or find a correctional, probation, parole or municipal corrections officer job applicant ineligible for certification** upon a finding that the applicant [FOR THE CERTIFICATE]
- (1) falsified or omitted information required to be provided on the application for certification or on supporting documents; or
 - (2) has been discharged, or resigned under threat of discharge, from employment as a probation, parole, correctional, or municipal

correctional officer in this state or any other state or territory [FOR CAUSE]for inefficiency, incompetence, or some other reason that adversely affects the ability and fitness of the officer to perform job duties or that is detrimental to the reputation, integrity, or discipline of the correctional agency where the officer worked.

13 AAC 85.260(b) is amended to read:

- (b) The council will deny a basic certificate **or find a correctional, probation, parole or municipal corrections officer job applicant ineligible for certification** upon a finding that the applicant [FOR THE CERTIFICATE]
 - (1) has been convicted of a misdemeanor crime of domestic violence, or after hire as a
 - (A) probation, parole, or correctional officer, has been convicted of any felony, or of a misdemeanor crime listed in 13 AAC 85.210(b)(2); or
 - (B) municipal correctional officer, has been convicted of any felony, or of a misdemeanor crime listed in 13 AAC 85.215(b)(2) or (3);
 - (2) has, after hire as a probation, parole, correctional, or municipal correctional officer,
 - (A) used marijuana;
 - (B) illegally used or possessed any Schedule IA, IIA, IIIA, IVA or VA controlled substance, unless an immediate, pressing, or emergency medical circumstance existed to justify the use of

- a prescription Schedule IA, IIA, IDA, IVA, or VA controlled substance not specifically prescribed to the person; or
- (c) illegally purchased, sold, cultivated, transported, manufactured, or distributed a controlled substance;
- (3) [OF A PROBATION, PAROLE, OR CORRECTIONAL OFFICER] does not meet the standards in 13 AAC 85.210;
- (4) [OF A MUNICIPAL CORRECTIONAL OFFICER] does not meet the standards in 13 AAC 85.215; or
- (5) has been discharged, or resigned under threat of discharge, from employment as a probation, parole, correctional, or municipal correctional officer in this state or any other state or territory [FOR CAUSE] for conduct that would cause a reasonable person to have substantial doubt about an individual's honesty, fairness, and respect for the rights of others and for the laws of this state and the United States or that is detrimental to the integrity of the correctional agency where the officer worked.

13 AAC 85.260(c) is amended to read:

- (c) The executive director may act on an application for certification, consistent with standards and qualifications adopted by the council and consistent with AS 18.65.130 - 18.65.290. The executive director may deny an application **or find a correctional, probation, parole, or municipal corrections officer job applicant ineligible for certification**, if the applicant does not satisfy those requirements. An applicant aggrieved by the decision of the executive director may petition for review of that decision by the council. The council's review of that decision is controlled by the Administrative Procedure Act.

The introductory language of 13 AAC 85.260(d) is amended to read:

- (d) If a person has been denied a basic certificate **or found to be ineligible for certification** under this section, the person may petition the council for rescission of the denial after one year following the date of the denial. The petitioner must state in writing the reasons why the denial should be rescinded. A denial may be rescinded for the following reasons:

...

Eff. 8/8/90, Register 115; am 10/24/92, Register 124; am 9/6/96, Register 139; am 7/15/98, Register 147; am 4/12/2001, Register 158; am 8/8/2007, Register 183; am 9/24/2016, Register 219; am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.242 AS 18.65.245 AS 18.65.248
AS 18.65.270 AS 18.65.285

13 AAC 85.270(a) is amended to read:

- (a) The council may revoke a basic certificate upon a finding that the holder of the certificate
 - (1) falsified or omitted information required to be provided on an application for certification, or in supporting documents;
 - (2) has been discharged, or resigned under threat of discharge, from employment as a probation, parole, correctional, or municipal correctional officer in this state or any other state or territory [FOR CAUSE]for inefficiency, incompetence, or some other reason that adversely affects the ability and fitness of the officer to perform job duties or that is detrimental to the reputation, integrity, or discipline of the correctional agency where the officer worked;

- (3) is a probation, parole, or correctional officer and does not meet the standards in 13 AAC 85.210 (a) or (b); or
- (4) is a municipal correctional officer and does not meet the standards in 13 AAC 85.215(a) or (b).

13 AAC 85.270(b) is amended to read:

- (b) The council will revoke a basic certificate upon a finding that the holder of the certificate
 - (1) has been convicted of a misdemeanor crime of domestic violence or, after hire as a
 - (A) probation, parole, or correctional officer, has been convicted of any felony, or of a misdemeanor crime listed in 13 AAC 85.210 (b)(2); or
 - (B) municipal correctional officer, has been convicted of any felony, or of a misdemeanor crime listed in 13 AAC 85.215 (b)(2) or (3);
 - (2) has, after hire as a probation, parole, correctional, or municipal correctional officer,
 - (A) used marijuana;
 - (B) illegally used or possessed a Schedule IA, IIA, IIIA, IVA or VA controlled substance, unless an immediate, pressing or emergency medical circumstance existed to justify the use of a prescription Schedule IA, IIA, IIIA, IVA or VA controlled substance not specifically prescribed to the person; or
 - (C) illegally purchased, sold, cultivated, transported, manufactured, or distributed a controlled substance; or

- (3) has been discharged, or resigned under threat of discharge, from employment as a probation, parole, correctional, or municipal correctional officer in this state or any other state or territory [FOR CAUSE]for conduct that would cause a reasonable person to have substantial doubt about an individual's honesty, fairness, and respect for the rights of others and for the laws of this state and the United States or that is detrimental to the integrity of the correctional agency where the officer worked.

Eff. 8/8/90, Register 115; am 10/24/92, Register 124; am 9/6/96, Register 139; am 7/15/98, Register 147; am 4/12/2001, Register 158; am 8/8/2007, Register 183; am 9/24/2016, Register 219; am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.242 AS 18.65.245 AS 18.65.248
AS 18.65.270 AS 18.65.285