



## MEMORANDUM

TO: Marijuana Control Board

DATE: November 7, 2023

FROM: Kristina Serezhenkov, Regulations  
Specialist

RE: Regulations Project-  
Investigator Hiring Standards

This project was initiated at the August 2023 board meeting at the request of AMCO staff and relates to the hiring standards for special investigators. The attached regulations draft is for board discussion.

### **3 AAC 306.930. Staff.**

This section is amended to require a special investigator to satisfy the minimum standards for a police officer under Alaska statute or satisfy the reciprocity requirements as outlined in Title 13 Public Safety regulations.

### **Attachments:**

AS 18.65.240. Standards (for police officers)

13 AAC 85.060. Waiver and reciprocity

### Options for the board:

- Move to approve and send to Law for initial review and (with Law's approval) subsequent public comment
- Move to amend and then send to Law for initial review and (with Law's approval) subsequent public comment
- Move to send back to staff for more work
- Close the regulations project

(Words in boldface and underlined indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

3 AAC 306.930(b) is amended to read:

**3 AAC 306.930. Staff.** (a) The director of the board is responsible for the management of the board’s offices, the administration of the board’s functions, and the enforcement of AS 17.38 and this chapter.

(b) The director shall employ and supervise necessary clerical and investigative personnel and shall prescribe their duties and authority. **The director may not hire a person as a special investigator within the special investigator job classifications unless the person would satisfy the minimum standards for a police officer under AS 18.16.240 or its equivalent in other states or federal jurisdictions or otherwise satisfy the reciprocity requirements of 13 AAC 85.060.**

(c) The director shall have available to the public forms for application for new marijuana establishment licenses, transfers, renewals, endorsements, petitions, and other necessary documents as approved by the board. (Eff. 12/28/2016, Register 220; am 1/22/2023, Register 245)

**Authority:** AS 17.38.131 AS 17.38.150 AS 17.38.190  
AS 17.38.140

Title 18. Health, Safety, Housing, human Rights, and Public Defender

Chapter 65. Police Protection

**Sec. 18.65.240. Standards.**

(a) A person may not be appointed as a police officer, except on a probationary basis, unless the person (1) has satisfactorily completed a basic program of police training approved by the council, which includes at least 12 hours of instruction regarding domestic violence and at least 12 hours of instruction regarding sexual assault, as those terms are defined in [AS 18.66.990](#), and (2) possesses other qualifications the council has established for the employment of police officers, including minimum age, education, physical and mental standards, citizenship, moral character, and experience. The council shall prescribe the means of presenting evidence of fulfillment of these requirements.

(b) Subject to (d) of this section, the council shall issue a certificate evidencing satisfaction of the requirements of (a) of this section to an applicant who satisfies those requirements or who satisfies the requirements of (a)(2) of this section and satisfactorily completes a program or course of instruction in another jurisdiction equivalent in content and quality to that required by the council for approved police education and training programs in this state.

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

(d) The council may not issue a certificate under (b) of this section to an applicant unless the council determines that the applicant will undergo a national criminal history record check before employment as a police officer. If a prospective employer of a person seeking certification under this section does not have access to a criminal justice information system to obtain a report of criminal justice information under [AS 12.62](#) and a national criminal history record check, the prospective employer shall submit to the council the applicant's fingerprints along with the fee established in [AS 12.62.160](#). The council or prospective employer shall submit the fingerprints to the Department of Public Safety to request a national criminal history record check of the person for the purpose of evaluating the person's qualifications for appointment as a police officer.

**13 AAC 85.060. Waiver and reciprocity.**

**(a) The council may waive part or all of the basic police officer academy requirements if an applicant furnishes satisfactory evidence that the applicant has successfully completed**

**(1) an equivalent basic police officer academy;**

**(2) a 12-consecutive-month probationary period with the police department the applicant is employed within this state at the time of the waiver request;**

**(3) a council-certified, department-supervised field training program; and**

**(4) a council-certified recertification police training academy that consists of a minimum of 80 hours of classroom and practical training and that includes the following topics of instruction:**

**(A) criminal laws in this state;**

**(B) control tactics;**

**(C) domestic violence;**

**(D) ethics;**

**(E) firearms;**

**(F) use of force;**

**(G) juvenile law and procedures in this state;**

**(H) laws of arrest in this state;**

**(I) traffic law in this state;**

**(J) laws in this state regarding detection of driving under the influence and enforcement; and**

**(K) recognizing and working with disabled persons in compliance with the requirements of AS 18.65.220.**

**(b) The council may enter into reciprocity agreements with states that regulate or supervise the quality of police training and that require a minimum of 650 hours of classroom and practical training for police officers.**

**(c) Notwithstanding (a) of this section, the council will not grant a waiver if the applicant was previously issued a certificate that lapsed more than five years before the waiver was sought.**

**(d) Repealed 4/6/2018.**