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13 AAC 85.215 (a) is amended to read:

(a) A person may not be hired as a municipal correctional officer unless the person meets the following minimum qualifications at the time of hire:

(1) is a citizen of the United States [OR A RESIDENT ALIEN WHO HAS DEMONSTRATED AN INTENT TO BECOME A CITIZEN OF THE UNITED STATES];

(2) is 19 years of age or older;

(3) is of good moral character;

(4) is capable of reading and understanding operational rules and policies, and has demonstrated the ability to apply them;

(5) is [, AT THE TIME OF HIRE,] certified by a licensed physician, [LICENSED] physician's assistant, or [LICENSED AND CERTIFIED ADVANCED] nurse practitioner, on a medical record form supplied by the council, to be physically capable of performing the essential functions of the job of municipal correctional officer;

(6) is mentally and emotionally capable of performing the essential functions of the job of municipal correctional officer and is free from any emotional disorder that may adversely affect the person's performance as a municipal correctional officer.

13 AAC 85.215 (b) is amended to read:

(b) A person may not be hired as a municipal correctional officer if that person

(1) has been convicted of any [A] felony or a misdemeanor crime of domestic violence by a civilian court of this state, the United States, or another state or territory, or by a military court;

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(2) has been convicted by a civilian court of this state, the United States, or another state or territory, or by a military court, during the three years immediately before the date of hire as a municipal correctional officer, of a crime of dishonesty or crime of moral turpitude, of a crime that resulted in serious physical injury to another person, or of two or more **DUI or** DWI offenses;

(3) has been convicted by a civilian court of this state, the United States, or another state or territory, or by a military court, of the sale, manufacture, transport, or possession for purposes of sale, manufacture, or transport of a controlled substance;

(4) within the three years before the date of hire, has illegally used a controlled substance other than marijuana, unless the person was under the age of 21 at the time of using the controlled substance **or an exigent circumstance existed to justify the use of a controlled substance not specifically prescribed to the person;**

(5) has been denied certification, has had the person's basic certificate revoked, or has surrendered the person's basic certificate, in this state or another jurisdiction, unless the denial, [OR] revocation, **or surrender** has been rescinded by the council under 13 AAC 85.270 or by the responsible **certifying** [LICENSING] agency of the issuing jurisdiction; or

(6) is under suspension of a basic certificate in another jurisdiction, for the period of the suspension, unless the suspension has been rescinded by the responsible **certifying** [LICENSING] agency of the issuing jurisdiction.

13 AAC 85.215 (c) is amended to read:

(c) A person hired as a municipal correctional officer may not remain employed in that position without written confirmation from the municipality, submitted within **30** [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

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the 30 [90] day period, upon a written request by the municipality 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 a municipality concludes at the end of an investigation that a person does not meet the required standards, the person may not continue employment as a municipal correctional officer. For purposes of determining whether a person meets the standards of (a) and (b) of this section,

(1) the following information must be provided:

(A) proof of age, citizenship status, and applicable education;

(B) fingerprints on two copies of FBI Applicant Card FD-258; both cards must be forwarded to the automated fingerprint identification section of the Department of Public Safety;

(C) a complete personal history of the person on a form supplied or approved by the council;

(D) a complete medical history report of the person; the report must be provided to a licensed physician, [LICENSED] physician's assistant, or [LICENSED AND CERTIFIED ADVANCED] nurse practitioner for use in conducting a physical examination of the person;

(E) information as to whether the person

(i) has been denied certification, has had the person's basic certificate revoked, or has surrendered the person's basic certificate, in this state or another jurisdiction, and whether the denial or revocation, if any, has been rescinded by the council under 13 AAC 85.270 or by the responsible certifying [LICENSING] agency of the issuing jurisdiction; or

(ii) is under suspension of a basic certificate in another jurisdiction, for the period of the suspension, and whether the suspension, if any, has been rescinded by the responsible **certifying** [LICENSING] agency of the issuing jurisdiction; and

(2) a thorough personal-history investigation of the person must be conducted to determine character traits and habits indicative of moral character and fitness as a municipal correctional officer; the investigation must include a check of

- (A) criminal history;
- (B) wants and warrants;
- (C) job references from previous employers; and
- (D) personal references.

13 AAC 85.215 (d) is amended to read:

(d) All information, documents, and reports provided or developed under (c) of this section must be placed in the permanent files of the municipality and must be available for examination, at any reasonable time, by representatives of the council. A copy of any criminal record discovered and of the following completed council forms must be sent to the council within **30** [90] days after the date of each hire:

- (1) medical examination form;
- (2) health questionnaire;
- (3) personal history statement.

(4) the compliance Form to record the agency's compliance with (c)(1-2) above.

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(Eff. 4/12/2001, Register 158; am 6/13/2002, Register 162; am 8/8/2007, Register 183; am 2/13/2010,
Register 193; am _____/_____/_____, Register _____)

Authority: AS 18.65.220 AS 18.65.248 AS 18.65.242