

Register _____, _____ 2016, Department of Public Safety

13 AAC 85.260 (a) is amended to read:

(a) The council **may** [WILL, in its discretion,] deny a basic certificate 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 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 a felony or of a misdemeanor crime listed in 13 AAC 85.210(b)(2); or

(B) municipal correctional officer, has been convicted of a 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;

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(B) illegally used or possessed any other controlled substance **unless an exigent circumstance existed at the time to justify the use of a prescription medication not specifically prescribed to the person;** or

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

(3) for a probation, parole, or correctional officer does not meet the standards in 13 AAC 85.210;

(4) for 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 (d) is amended to read:

d) If a person has been denied a basic certificate 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** [WILL, IN THE DISCRETION OF THE COUNCIL,] be rescinded for the following reasons:

(1) newly discovered evidence that by due diligence could not have been discovered before the effective date of the denial;

(2) the denial was based on a mistake of fact or law, or on fraudulent evidence; or

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(3) conditions or circumstances have changed so that the basis for the denial no longer exists.

Authority: AS 18.65.220 AS 18.65.240 AS 18.65.245 AS 18.65.248 AS 18.65.270

AS 18.65.285