CS FOR HOUSE BILL NO. 433(JUD) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 4/24/96
Offered: 2/28/96

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

"An Act relating to an exemption to the unauthorized publication or use of communications and the prohibition against eavesdropping for certain law enforcement activities."

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

Section 1. AS 42.20.320(a) is amended to read:

(a) The following activities are exempt from the provisions of AS 42.20.300 and 42.20.310:

(1) listening to a radio or wireless communications of any sort where the same are publicly made;

(2) hearing conversation when heard by employees of a common carrier by wire incidental to the normal course of their employment in the operation, maintenance, or repair of the equipment of the common carrier by wire, [;] provided the information obtained is not used or divulged in any manner by the hearer;

(3) a broadcast by radio or other means whether it is a live broadcast or
recorded for the purpose of later broadcasts of any function where the public is in
attendance and the conversations that are overheard are incidental to the main purpose
for which the broadcast is then being made;

(4) recording or listening with the aid of any device to an emergency
communication made in the normal course of operations by a federal, state, or local law
enforcement agency or institutions dealing in emergency services, including [BUT NOT
LIMITED TO] hospitals, clinics, ambulance services, fire fighting agencies, a public
utility emergency repair facility, civilian defense establishment, or military installations;

(5) inadvertent interception of telephone conversations over party lines;

(6) a peace officer, or a person acting at the direction or request of a
peace officer, engaging in conduct authorized by or under AS 12.37;

(7) interception, listening, or recording of communications by a peace
officer, or a person acting under the direction or request of a peace officer, in an
emergency where the communications are received from a device that intercepts the
communications of a person

(A) barricaded and not exiting or surrendering at the
direction or request of a peace officer, in circumstances where there is an
imminent risk of harm to life or property;

(B) holding another person hostage; or

(C) threatening the imminent illegal use of an explosive.

* Sec. 2. AS 42.20.320 is amended by adding a new subsection to read:

(c) In this section, "explosive" has the meaning given in AS 11.81.900.