

**AMENDMENT**

OFFERED IN THE HOUSE

TO: HB 127

Page 1, line 4, following "**probation**":

Insert "**relating to the subpoena power of the attorney general in cases involving use of an Internet service account;**"

Page 9, following line 6:

Insert a new bill section to read:

**"\* Sec. 14.** AS 44.23.080 is repealed and reenacted to read:

**Sec. 44.23.080. Subpoena power of attorney general in cases involving use of an Internet service account.** (a) If there is reasonable cause to believe that an Internet service account has been used in connection with a violation of AS 11.41.452, 11.41.455, or AS 11.61.125 - 11.61.128, and that the identity, address, and other information about the account owner will assist in obtaining evidence that is relevant to the offense, a law enforcement officer may apply to the attorney general or the attorney general's designee for an administrative subpoena to obtain the business records of the Internet service provider located inside or outside of the state.

(b) If an application meets the requirements of (a) of this section, the attorney general or the attorney general's designee may issue an administrative subpoena to the Internet service provider requiring the production of the following records:

- (1) the name and other identifying information of the account holder;
- (2) the address and physical location associated with the account;
- (3) a description of the length of service, service start date, and types of service associated with the account.

(c) A subpoena issued under (b) of this section must prescribe a reasonable

1 time after service for the production of the information.

2 (d) At any time before the return date specified on the subpoena, the Internet  
3 service provider may petition a court of competent jurisdiction for the judicial district  
4 in which the provider resides or does business for an order modifying or setting aside  
5 the subpoena or for an order sealing the court record.

6 (e) If the Internet service provider refuses to obey a subpoena issued under (b)  
7 of this section, the superior court may, upon application of the attorney general or the  
8 attorney general's designee, issue an order requiring the Internet service provider to  
9 appear at the office of the attorney general with the information described in the  
10 subpoena.

11 (f) An Internet service provider who knowingly fails to produce the  
12 information required to be produced by the subpoena or court order is guilty of  
13 contempt under AS 09.50.010.

14 (g) Nothing in this section limits the authority of law enforcement from  
15 obtaining process from the court or through a grand jury subpoena to obtain the  
16 information described in (b) of this section.

17 (h) A person may not bring a civil action against an Internet service provider,  
18 its officers, employees, agents, or other person for complying with an administrative  
19 subpoena issued under (b) of this section or a court order issued under (e) of this  
20 section."

21  
22 Renumber the following bill sections accordingly.

23  
24 Page 9, line 11:

25 Delete "Section 13 of this Act applies"

26 Insert "Sections 13 and 14 of this Act apply"