

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

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

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

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

6 (a) The following activities are exempt from the provisions of AS 42.20.300 and
7 42.20.310:

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

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

14 (3) a broadcast by radio or other means whether it is a live broadcast or

1 recorded for the purpose of later broadcasts of any function where the public is in
2 attendance and the conversations that are overheard are incidental to the main purpose
3 for which the broadcast is then being made;

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

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

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

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

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

19 (B) holding another person hostage; or

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

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

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