

Alaska State Legislature

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Senate Labor and Commerce Committee

SB 224 Evidence Rules: Union/Employee Relevant Statutes

Examples of privilege in current Alaska Statute

Title 09. CODE OF CIVIL PROCEDURE

Sec. 09.25.300. Claiming of privilege by public official or reporter.

Except as provided in [AS 09.25.300](#) - 09.25.390, a public official or reporter may not be compelled to disclose the source of information procured or obtained while acting in the course of duties as a public official or reporter.

Sec. 09.25.400. Privilege relating to domestic violence and sexual assault counseling.

Confidential communications between a victim of domestic violence or sexual assault and a victim counselor are privileged under AS 18.66.200 - 18.66.250.

Sec. 09.25.450. Audit report privilege.

(a) Except as provided in [AS 09.25.460](#), an owner or operator who prepares an audit report or causes an audit report to be prepared has a privilege to refuse to disclose, and to prevent another person from disclosing, the parts of the report that consist of confidential self-evaluation and analysis of the owner's or operator's compliance with environmental laws. Except as provided in [AS 09.25.455](#) - 09.25.480, the privileged information is not admissible as evidence or subject to discovery in

(1) a civil action, whether legal or equitable; or

(2) an administrative proceeding, except for workers' compensation proceedings.

Title 23. LABOR AND WORKERS' COMPENSATION

Chapter 23.40 LABOR ORGANIZATIONS

2011-2012 ALASKA RULES OF EVIDENCE

ARTICLE IV. ADMISSIBILITY OF RELEVANT EVIDENCE

Rule 402. Relevant Evidence Admissible-- Exceptions--Irrelevant Evidence Inadmissible.

All relevant evidence is admissible, except as otherwise provided by the Constitution of the United States or of this state, by enactments of the Alaska Legislature, by these rules, or by other rules adopted by the Alaska Supreme Court. Evidence which is not relevant is not admissible.

(Added by SCO 364 effective August 1, 1979)

Note: Chapter 110 SLA 04 (HB 285) adopts the Uniform Electronic Transactions Act. According to Section 3 of the Act, AS 09.80.100, enacted in Section 1, has the effect of amending Evidence Rule 402 by adding a provision that prevents electronic evidence of a record or signature from being inadmissible as evidence just because it is in electronic form.

ARTICLE V. PRIVILEGES

Rule 501. Privileges Recognized Only as Provided.

Except as otherwise provided by the Constitution of the United States or of this state, by enactments of the Alaska Legislature, or by these or other rules promulgated by the Alaska Supreme Court, no person, organization, or entity has a privilege to:

- (1) refuse to be a witness; or
- (2) refuse to disclose any matter; or
- (3) refuse to produce any object or writing; or
- (4) prevent another from being a witness or disclosing any matter or producing any object or writing.

(Added by SCO 364 effective August 1, 1979)

THE CONSTITUTION OF THE STATE OF ALASKA

ARTICLE 04: THE JUDICIARY

Section 4.15 - Rule-Making Power.

The supreme court shall make and promulgate rules governing the administration of all courts. It shall make and promulgate rules governing practice and procedure in civil and criminal cases in all courts. These rules may be changed by the legislature by two-thirds vote of the members elected to each house.