



# LAWS OF ALASKA

1966

Source:

HB 353 am

Chapter No.:

133

## AN ACT

Relating to eavesdropping and wiretapping; and providing for an effective date.

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

\* Section 1. AS 11.60 is amended by adding new sections to read:

Sec. 11.60.280. UNAUTHORIZED PUBLICATION OR USE OF COMMUNICATIONS. (a) It is unlawful for a person who receives or assists in receiving, or who transmits or assists in transmitting a communication by wire or radio to divulge or publish the existence, contents, substance, purport, effect, or meaning of the communication, except through authorized channels of transmission or reception to

- (1) the addressee, his agent, or attorney;
- (2) a person employed or authorized to forward a communication to its destination;
- (3) proper accounting or distributing officers of the various communicating centers over which the communication may be passed;
- (4) the master of a ship under whom he is serving;

(5) another on demand of lawful authority; or  
(6) in response to a subpoena issued by a court of competent jurisdiction.

(b) It is unlawful for a person not authorized by a party to the communication to intentionally intercept a communication or to divulge or publish the existence, contents, substance, purport, effect, or meaning of the intercepted communication to any person.

(c) It is unlawful for a person who is not entitled to a communication but who has received the communication to use the communication or any information contained in it for his own or another's benefit.

(d) It is unlawful for a person who has received a communication and who knows or reasonably should know that the communication and the information contained in it was obtained in violation of this section to divulge or publish the existence, contents, substance, purport, effect, or meaning of the communication or any part of the communication.

(e) It is unlawful for a person who has become acquainted with a communication or the information contained in it, and who is not entitled to the communication, to use the same for his own or another's benefit, or to divulge or publish the existence, contents, substance, purport, effect, or meaning of the communication or any part of the communication.

Sec. 11.60.290. EAVESDROPPING. It is unlawful for a person to

(1) use an eavesdropping device to hear or record all or any part of an oral conversation without the consent of a party to the conversation;

(2) use or divulge any information which he knows or reasonably should know was obtained through the illegal use of an eavesdropping device for his own or another's benefit;

(3) publish the existence, contents, substance, purport, effect or meaning of any conversation he has heard through the illegal use of an eavesdropping device;

(4) divulge, or publish the existence, contents, substance, purport, effect or meaning of any conversation he has become acquainted with after he knows or reasonably should know that the conversation and the information contained in the conversation was obtained through the illegal use of an eavesdropping device.

Sec. 11.60.300. EXEMPTIONS. The following activities are exempt from the provisions of secs. 280 and 290 of this chapter:

(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 which 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 installation;

(5) inadvertant interception of telephone conversations over party lines.

Sec. 11.60.310. **PENALTY.** A person who violates any of the provisions of secs. 280 - 290 of this chapter is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both.

Sec. 11.60.320. **DEFINITIONS.** In sec. 290 of this chapter "eavesdropping device" means any device capable of being used to hear or record oral conversation whether the conversation is conducted in person, by telephone, or by any other means; provided that this definition does not include devices used for the restoration of the deaf or hard-of-hearing to normal or partial hearing.

\* Sec. 2. AS 42.20.050 is amended to read:

Sec. 42.20.050. **ALTERING MESSAGE.** (a) A person is guilty of a misdemeanor and is punishable by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both if he wilfully alters a message by adding to it or omitting from it a word or figure so as to materially change the sense, purport, or meaning of the

message, to the injury of the person sending or desiring to send it, or to whom it was directed

(b) When numerals or words of number occur in a message the operator or clerk sending or receiving may express them in words or figures, or in both words and figures, and this shall not be considered an alteration of the message or affect its genuineness, force or validity.

\* Sec. 3. AS 42.20.100 is repealed.

\* Sec. 4. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.