

HOUSE BILL NO. 138

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE G.DAVIS

Introduced: 2/1/95

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to crime stoppers organizations; to information received by crime
2 stoppers organizations and to the issuance of search warrants based upon that
3 information; and amending Alaska Rule of Criminal Procedure 37 and Alaska
4 Rule of Evidence 509."

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

6 * **Section 1.** INTENT. It is the intent of the Alaska State Legislature to foster the
7 detection
8 of crime and encourage persons to report information about criminal acts; to ensure that
9 persons reporting alleged criminal acts to a crime stoppers organization retain their anonymity;
10 and, to ensure that the reports of alleged criminal activity obtained by crime stoppers
11 organizations are useful to the police and prosecutors in apprehending and prosecuting
12 criminals, it is the specific intent of the legislature to eliminate any higher standard of scrutiny
13 for information received from a crime stoppers program and to provide that the citizen
14 informant standard be applied to crime stoppers tips for the purpose of issuing search

1 warrants.

2 * **Sec. 2.** AS 12.35 is amended by adding new sections to read:

3 Sec. 12.35.022. SEARCH WARRANTS. (a) Notwithstanding another
4 provision of law, when considering whether to issue a search warrant, information
5 received from a crime stoppers organization, after some details of the information have
6 been verified by law enforcement, shall be given the same presumption of reliability
7 afforded to information received from a named citizen informant. In this subsection,
8 "crime stoppers organization" has the meaning given in AS 45.68.900.

9 (b) Nothing in this section prohibits a court from applying the named citizen
10 informant presumption of reliability to other informants or information or in other
11 contexts or situations.

12 Sec. 12.35.023. IN CAMERA REVIEW OF CRIME STOPPERS
13 INFORMATION. A person charged with a crime may petition the court for an in
14 camera inspection of any law records of a privileged communication concerning the
15 person made to a crime stoppers organization that were provided by the organization
16 to law enforcement and that were used by law enforcement to obtain a search warrant.
17 The inspection petition must allege facts showing that the records sought would
18 provide evidence favorable to the defendant and relevant to the issue of guilt or
19 punishment. If the court determines after a review of the records that the person is
20 entitled to all or part of the records, the court may order the records to be provided to
21 the person only after the removal of any crime stoppers informant code numbers,
22 names, or other information that might tend to disclose the identity of the informant.
23 In this section, "crime stoppers organization" has the meaning given in AS 45.68.900.

24 * **Sec. 3.** AS 45.68.120(a) is amended to read:

25 (a) Registration is not required under AS 45.68.010 for

26 (1) a church or religious organization that is exempt from filing a
27 federal annual information return under 26 U.S.C. 6033(a)(2)(A);

28 (2) a candidate for national, state, or local office, and a political party
29 or other committee or group if the candidate, party, committee, or group is required
30 to file financial information with the Alaska Public Offices Commission under
31 AS 15.13 or with the Federal Election Commission under 2 U.S.C. 431 - 456 (Federal

1 Election Campaign Act);

2 (3) a charitable organization that does not intend to raise or receive
3 contributions, excluding government grants, in excess of \$5,000 during a fiscal year
4 of the charitable organization, or that does not intend to receive contributions from
5 more than 10 persons during a fiscal year of the charitable organization if, in either
6 situation,

7 (A) all of the organization's functions, including solicitation, are
8 performed by persons who are not paid for their services; and

9 (B) an officer or member of the organization is not paid or does
10 not otherwise receive all or a part of the assets or income of the charitable
11 organization;

12 (4) a person or municipality who has a permit under AS 05.15.100;

13 **(5) a crime stoppers organization.**

14 * **Sec. 4.** AS 45.68.900 is amended by adding a new paragraph to read:

15 (7) "crime stoppers organization" means a private, nonprofit corporation
16 incorporated under the laws of the state and recognized by the United States Treasury,
17 Internal Revenue Service, under 26 U.S.C. 501(c)(3) or similar provisions of the
18 Internal Revenue Code, that is exempt from the reporting requirements of 26 U.S.C.
19 501(a), that operates by a volunteer board of directors comprised of members of the
20 community who are not peace officers, and that accepts and disperses donations
21 principally for administrative costs and training and for rewards, when requested, to
22 persons who report to the organization information concerning alleged or suspected
23 criminals or criminal activity, and the information results in the arrest or indictment
24 of the person committing the crime or otherwise results in closing the case or in the
25 recovery or confiscation of stolen property, contraband, or illegal controlled substances,
26 or the location of a person wanted for an outstanding felony arrest warrant that leads
27 to the arrest or apprehension of a person, or otherwise results in closing the case.

28 * **Sec. 5.** AS 12.35.022 and 12.35.023, added by sec. 2 of this Act, have the effect of
29 amending Alaska Rule of Criminal Procedure 37 and Alaska Rule of Evidence 509, relating
30 to the informants in criminal cases and the review of search warrants.