

HOUSE BILL NO. 433

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/19/96

Referred: State Affairs, Judiciary, Finance

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
7 and 42.20.310:

8 (1) listening to a radio or wireless communications of any sort where
9 the 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
13 the 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

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

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

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

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

17 **(A) barricaded and refusing to exit or surrender at the**
18 **direction or request of a peace officer;**

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.