

CS FOR HOUSE BILL NO. 433(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

**Offered: 2/28/96
Referred: Finance**

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;**

18 **(B) holding another person hostage; or**

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

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

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