

HOUSE BILL NO. 38

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES BERKOWITZ, Kemplen, Croft, Kerttula

Introduced: 1/19/99

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to invasion of privacy of another."

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

3 * **Section 1.** AS 09.65 is amended by adding a new section to read:

4 **Sec. 09.65.245. Civil liability for invasion of privacy by observation or**
5 **photograph.** (a) Except as provided in (b) of this section and unless the person has
6 the consent of all persons observed, photographed, or recorded, a person who
7 photographs, observes, or records the activities of another individual that occurred in
8 a private place and out of public view is liable to the person observed, photographed,
9 or recorded. A person who goes on or about the premises of another, or into any
10 private place, for the purpose of invading the privacy of another by eavesdropping on
11 a conversation or secretly observing another is liable to a person whose privacy was
12 invaded as described in this subsection.

13 (b) This section does not apply to the observation, photography, or recording
14 of the activities of a person incarcerated in a jail, correctional facility, or other facility
15 in which persons who are charged with or who have been convicted of the commission

1 of a crime are incarcerated, except that this section does apply to the observation,
2 photography, or recording of a conversation protected by the attorney-client privilege.
3 (c) A person may bring an action to enjoin and restrain a violation of this
4 section.