

HOUSE BILL NO. 414

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE KOTT

Introduced: 2/1/06

Referred: Health, Education and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to allowing a parent or guardian of a minor to intercept the private**
2 **communications of the minor and to consent to an order authorizing law enforcement to**
3 **intercept the private communications of the minor."**

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

5 * **Section 1.** AS 12.37.030 is amended to read:

6 **Sec. 12.37.030. Requirements for an order authorizing a communications**
7 **interception.** Upon consideration of an application, the court may enter an ex parte
8 order authorizing the interception of a private communication if the court determines,
9 on the basis of the application, that **a parent or guardian of a minor has consented**
10 **to the interception of a communication of the minor in good faith and based on**
11 **an objectively reasonable belief that it is necessary and in the best interest of the**
12 **minor or that**

13 (1) there is probable cause to believe that the person whose
14 communication is to be intercepted is committing, has committed, or is planning to

1 commit an offense listed in AS 12.37.010;

2 (2) there is probable cause to believe that a communication concerning
3 the offense may be obtained through the interception;

4 (3) there is probable cause to believe that the facility from which, or
5 the place where, the communication is to be intercepted, is, has been, or is about to be
6 used in connection with the commission of the offense, or is leased to, listed in the
7 name of, or commonly used by, the person whose communication is to be intercepted;

8 (4) normal investigative procedures with respect to the offense have
9 been tried and have failed or reasonably appear to be either unlikely to succeed if tried
10 or too dangerous to employ; and

11 (5) if the application, other than an application for an extension, is for
12 an order to intercept a communication of a person, or involving a communications
13 facility, that was the subject of a previous application, the current application is based
14 upon new evidence or information different from and in addition to the evidence or
15 information offered to support the previous application.

16 * **Sec. 2.** AS 12.37.900 is amended by adding a new paragraph to read:

17 (16) "minor" has the meaning given in AS 42.20.390.

18 * **Sec. 3.** AS 42.20.320(b) is amended to read:

19 (b) **Except for a private communication between a minor and the minor's**
20 **legal counsel and notwithstanding another provision of law, a parent or guardian**
21 **of a minor may intercept a private communication to which the minor is a party.**

22 Notwithstanding any other provision of law, **a parent or guardian of a minor who**
23 **intercepts a private communication to which the minor is a party or** a person who
24 inadvertently intercepts a private communication **may report information** that
25 appears to pertain to the commission of a crime [MAY REPORT THE
26 INFORMATION] to a law enforcement agency.

27 * **Sec. 4.** AS 42.20.390 is amended by adding a new paragraph to read:

28 (11) "minor" means a child under 18 years of age who has not had the
29 disabilities of a minor removed as described in AS 09.55.590.