

HOUSE BILL NO. 254

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

BY REPRESENTATIVES LYNN, Doogan

Introduced: 1/19/10

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to confidentiality of ethics complaints filed under the Alaska Executive**
2 **Branch Ethics Act."**

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

4 *** Section 1.** AS 39.52.340(a) is amended to read:

5 (a) Except as provided in AS 39.52.335, before the initiation of formal
6 proceedings under AS 39.52.350, the complaint and all other documents and
7 information regarding an investigation conducted under this chapter or obtained by the
8 attorney general during the investigation are confidential and not subject to inspection
9 by the public. In the case of a complaint concerning the governor, lieutenant governor,
10 or attorney general, all meetings of the personnel board concerning the complaint and
11 investigation before the determination of probable cause are closed to the public. If, in
12 the course of an investigation or probable cause determination, the attorney general
13 finds evidence of probable criminal activity, the attorney general shall transmit a
14 statement and factual findings limited to that activity to the appropriate law

1 enforcement agency. If the attorney general finds evidence of a probable violation of
2 AS 15.13, the attorney general shall transmit a statement to that effect and factual
3 findings limited to the probable violation to the Alaska Public Offices Commission.
4 The attorney general, the complainant, and all persons contacted during the course of
5 an investigation shall maintain confidentiality regarding the existence of the
6 investigation.

7 * **Sec. 2.** AS 39.52.340 is amended by adding a new subsection to read:

8 (d) Except as required by law or permitted by this section, a person filing a
9 complaint under this chapter shall keep confidential the filing of the complaint and the
10 contents of the complaint. If the attorney general determines that a complainant has
11 violated a confidentiality provision of this chapter, the attorney general shall
12 immediately dismiss the complaint. Dismissal of a complaint under this subsection
13 does not affect the right of any person other than the complainant to initiate a
14 complaint based on the same factual allegations.