

SENATE BILL NO. 167

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY SENATOR COGHILL

Introduced: 1/31/18

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act exempting identifying information of a person who reports criminal activity**
2 **from disclosure as public records."**

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

4 *** Section 1.** AS 40.25.120(a) is amended to read:

5 (a) Every person has a right to inspect a public record in the state, including
6 public records in recorders' offices, except

7 (1) records of vital statistics and adoption proceedings, which shall be
8 treated in the manner required by AS 18.50;

9 (2) records pertaining to juveniles unless disclosure is authorized by
10 law;

11 (3) medical and related public health records;

12 (4) records required to be kept confidential by a federal law or
13 regulation or by state law;

14 (5) to the extent the records are required to be kept confidential under

1 20 U.S.C. 1232g and the regulations adopted under 20 U.S.C. 1232g in order to secure
2 or retain federal assistance;

3 (6) records or information compiled for law enforcement purposes, but
4 only to the extent that the production of the law enforcement records or information

5 (A) could reasonably be expected to interfere with enforcement
6 proceedings;

7 (B) would deprive a person of a right to a fair trial or an
8 impartial adjudication;

9 (C) could reasonably be expected to constitute an unwarranted
10 invasion of the personal privacy of a suspect, defendant, victim, or witness;

11 (D) could reasonably be expected to disclose the identity of a
12 confidential source;

13 (E) would disclose confidential techniques and procedures for
14 law enforcement investigations or prosecutions;

15 (F) would disclose guidelines for law enforcement
16 investigations or prosecutions if the disclosure could reasonably be expected to
17 risk circumvention of the law; or

18 (G) could reasonably be expected to endanger the life or
19 physical safety of an individual;

20 (7) names, addresses, and other information identifying a person as a
21 participant in the Alaska Higher Education Savings Trust under AS 14.40.802 or the
22 advance college tuition savings program under AS 14.40.803 - 14.40.817;

23 (8) public records containing information that would disclose or might
24 lead to the disclosure of a component in the process used to execute or adopt an
25 electronic signature if the disclosure would or might cause the electronic signature to
26 cease being under the sole control of the person using it;

27 (9) reports submitted under AS 05.25.030 concerning certain
28 collisions, accidents, or other casualties involving boats;

29 (10) records or information pertaining to a plan, program, or
30 procedures for establishing, maintaining, or restoring security in the state, or to a
31 detailed description or evaluation of systems, facilities, or infrastructure in the state,

1 but only to the extent that the production of the records or information

2 (A) could reasonably be expected to interfere with the
3 implementation or enforcement of the security plan, program, or procedures;

4 (B) would disclose confidential guidelines for investigations or
5 enforcement and the disclosure could reasonably be expected to risk
6 circumvention of the law; or

7 (C) could reasonably be expected to endanger the life or
8 physical safety of an individual or to present a real and substantial risk to the
9 public health and welfare;

10 (11) the written notification regarding a proposed regulation provided
11 under AS 24.20.105 to the Department of Law and the affected state agency and
12 communications between the Legislative Affairs Agency, the Department of Law, and
13 the affected state agency under AS 24.20.105;

14 (12) records that are

15 (A) proprietary, privileged, or a trade secret in accordance with
16 AS 43.90.150 or 43.90.220(e);

17 (B) applications that are received under AS 43.90 until notice is
18 published under AS 43.90.160;

19 (13) information of the Alaska Gasline Development Corporation
20 created under AS 31.25.010 or a subsidiary of the Alaska Gasline Development
21 Corporation that is confidential by law or under a valid confidentiality agreement;

22 (14) information under AS 38.05.020(b)(11) that is subject to a
23 confidentiality agreement under AS 38.05.020(b)(12);

24 (15) records relating to proceedings under AS 09.58 (Alaska Medical
25 Assistance False Claim and Reporting Act);

26 (16) names, addresses, and other information identifying a person as a
27 participant in the Alaska savings program for eligible individuals under AS 06.65;

28 (17) artists' submissions made in response to an inquiry or solicitation
29 initiated by the Alaska State Council on the Arts under AS 44.27.060;

30 **(18) names, addresses, and other information identifying a person**
31 **who reports criminal activity to a crime stopper or similar organization; in this**

1 **paragraph, "crime stopper or similar organization" means a not for profit**
2 **organization that receives tips regarding criminal activity from the public for the**
3 **purpose of assisting law enforcement to prevent and solve crimes.**