

**SENATE BILL NO. 118**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY SENATOR KIEHL

Introduced: 5/1/19

Referred: State Affairs, Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to confidentiality of information; relating to the duties of the**  
2 **Department of Administration; and providing for an effective date."**

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

4 **\* Section 1.** AS 12.61.100 is amended to read:

5 **Sec. 12.61.100. Declaration of purpose.** The purpose of AS 12.61.100 -  
6 12.61.150 is to protect victims of and witnesses to crime, peace officers, and  
7 correctional officers from risk of harassment, intimidation, and unwarranted invasion  
8 of privacy by prohibiting the unnecessary disclosure of their addresses and telephone  
9 numbers.

10 **\* Sec. 2.** AS 12.61.110 is amended to read:

11 **Sec. 12.61.110. Confidentiality of victim, [AND] witness, peace officer, and**  
12 **correctional officer addresses and telephone numbers.** The residence and business  
13 addresses and telephone numbers of a victim of a crime or witness to a crime **and the**  
14 **residence address and telephone number of a peace officer or correctional officer**

1 are confidential. A report, paper, picture, photograph, court file, or other document  
 2 that relates to a crime and contains the residence or business address or telephone  
 3 number of a victim or witness or that contains the residence address or telephone  
 4 number of a peace officer or correctional officer, and that is in the custody or  
 5 possession of a public officer or employee, may not be made available for public  
 6 inspection unless the residence and business addresses and telephone numbers of all  
 7 victims, [AND] witnesses, peace officers, and correctional officers have been  
 8 deleted.

9 \* **Sec. 3.** AS 12.61.130 is amended to read:

10 **Sec. 12.61.130. Disclosure during court proceedings.** (a) During a trial or  
 11 hearing related to a criminal prosecution, the residence and business addresses and  
 12 telephone numbers of a victim of or witness to the charged offense and the residence  
 13 address and telephone number of a peace officer or correctional officer may not  
 14 be disclosed in open court, and a victim, [OR] witness, peace officer, or correctional  
 15 officer may not be required to provide the addresses or telephone numbers in response  
 16 to questioning, unless the court determines that the information is necessary and  
 17 relevant to the facts of the case. The burden to establish the need and relevance for  
 18 disclosure is on the party seeking disclosure. Before ordering disclosure, the court  
 19 shall take appropriate measures to minimize the risk of personal harm to the victim,  
 20 [OR] witness, peace officer, or correctional officer that would result from the  
 21 disclosure.

22 (b) The residence address or telephone number of a victim of or witness to a  
 23 charged offense, peace officer, or correctional officer may not be placed in the court  
 24 file or court documents relating to that offense except when

25 (1) the address is used to identify the place of the crime; or

26 (2) the address or telephone number is contained in a transcript of a  
 27 court proceeding and disclosure of the address or telephone number was ordered under  
 28 (a) of this section.

29 \* **Sec. 4.** AS 44.21.020 is amended to read:

30 **Sec. 44.21.020. Duties of department.** The Department of Administration  
 31 shall

- 1 (1) make surveys and studies to improve administrative procedures,  
2 methods, and organization;
- 3 (2) keep general accounts;
- 4 (3) approve vouchers and disburse funds for all purposes;
- 5 (4) operate centralized purchasing and supply services, and necessary  
6 storerooms and warehouses;
- 7 (5) allot space in state buildings to the various departments according  
8 to need and available space;
- 9 (6) supervise telephone, mailing, messenger, duplicating, and similar  
10 services adaptable to centralized management;
- 11 (7) administer the public employees' retirement system and teachers'  
12 retirement system;
- 13 (8) administer a statewide personnel program, including central  
14 personnel services such as recruitment, assessment, position classification, and pay  
15 administration;
- 16 (9) administer and supervise a statewide automatic data processing  
17 program;
- 18 (10) study, design, implement, and manage the telecommunications  
19 systems and services of the state under AS 44.21.305 - 44.21.330;
- 20 (11) provide administrative services to the Violent Crimes  
21 Compensation Board;
- 22 **(12) establish and administer the address confidentiality program**  
23 **under AS 44.21.022.**

24 \* **Sec. 5.** AS 44.21 is amended by adding a new section to read:

25 **Sec. 44.21.022. Address confidentiality program.** (a) The address  
26 confidentiality program is established in the department to protect the confidentiality  
27 of the address of an individual enrolled in the program.

28 (b) The department shall

- 29 (1) establish and administer the program;
- 30 (2) designate a post office box as a substitute mailing address for an  
31 individual enrolled in the program;

1 (3) forward the mail of an individual enrolled in the program from the  
2 post office box designated under (2) of this subsection to the individual's residential  
3 street address, post office box, school address, or work address as specified on the  
4 individual's application for enrollment in the program;

5 (4) maintain the confidentiality of the address of an individual enrolled  
6 in the program; and

7 (5) adopt regulations establishing a procedure for a qualified individual  
8 under (c) of this section to enroll in or withdraw from the program.

9 (c) The following individuals may enroll in the program:

10 (1) a victim of a crime involving domestic violence, stalking, or sexual  
11 assault, if a court has issued a protective order on behalf of the victim;

12 (2) a guardian of a minor, if a court has issued a protective order on  
13 behalf of the minor;

14 (3) a protected person, if a court has issued a protective order for that  
15 person under AS 13.26.450 - 13.26.460;

16 (4) a peace officer; and

17 (5) a correctional officer.

18 (d) A state or municipal agency shall allow an individual enrolled in the  
19 program to use the post office box designated by the department under (b)(2) of this  
20 section as the individual's mailing address.

21 (e) The department shall remove an individual under (c)(1) - (3) of this section  
22 from the program five years after the expiration of the protective order issued on  
23 behalf of the victim or minor. The department shall remove an individual under (c)(4)  
24 or (5) of this section from the program five years after the last day the individual is  
25 employed as a peace officer or correctional officer.

26 (f) The department may not collect a registration fee from an individual  
27 qualified under (c) of this section to enroll in the program.

28 (g) A person who knowingly discloses to the respondent of a protective order  
29 information that is confidential under this section about an individual enrolled in the  
30 program under (c)(1) - (3) of this section is guilty of a class B misdemeanor.

31 (h) In this section,

- 1                   (1) "crime involving domestic violence" has the meaning given in  
2           AS 18.66.990;
- 3                   (2) "department" means the Department of Administration;
- 4                   (3) "peace officer" has the meaning given in AS 01.10.060;
- 5                   (4) "program" means the address confidentiality program.

6       \* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to  
7 read:

8           TRANSITION: REGULATIONS. The Department of Administration may adopt  
9 regulations necessary to implement AS 44.21.022, enacted by sec. 5 of this Act. The  
10 regulations take effect under AS 44.62 (Administrative Procedure Act) but not before the  
11 effective date of the law being implemented by the regulation.

12       \* **Sec. 7.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).

13       \* **Sec. 8.** Except as provided in sec. 7, this Act takes effect February 1, 2020.