

SENATE BILL NO. 115

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY SENATORS KIEHL, Kawasaki

Introduced: 3/31/21

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

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

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

5 * **Section 1.** AS 12.61.100 is amended to read:

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

11 * **Sec. 2.** AS 12.61.110 is amended to read:

12 **Sec. 12.61.110. Confidentiality of victim, [AND] witness, peace officer,**
13 **correctional officer, and municipal correctional officer** addresses and telephone
14 **numbers.** The residence and business addresses and telephone numbers of a victim of

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

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

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

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

- (1) the address is used to identify the place of the crime; or
- (2) the address or telephone number is contained in a transcript of a court proceeding and disclosure of the address or telephone number was ordered under

(a) of this section.

* **Sec. 4.** AS 12.61.900 is amended by adding new paragraphs to read:

(5) "correctional officer" means a person

(A) appointed by the commissioner of corrections whose primary duty under AS 33.30 is to provide custody, care, security, control, and discipline of persons charged or convicted of offenses against the state or held under authority of state law; or

(B) employed in a correctional facility in this state whose primary duty is to provide custody, care, security, control, and discipline of persons charged or convicted of offenses or held under authority of law;

(6) "municipal correctional officer" means a person employed full time in a municipal correctional facility whose primary duty is to provide custody, care, security, control, and discipline of persons charged or convicted of offenses or held under authority of law, and the correctional facility is located in a municipality that has adopted AS 18.65.130 - 18.65.290 by ordinance under AS 18.65.285;

* **Sec. 5.** AS 44.21.020 is amended to read:

Sec. 44.21.020. Duties of department. The Department of Administration shall

(1) make surveys and studies to improve administrative procedures, methods, and organization;

(2) keep general accounts;

(3) approve vouchers and disburse funds for all purposes;

(4) operate centralized purchasing and supply services, and necessary storerooms and warehouses;

(5) allot space in state buildings to the various departments according to need and available space;

(6) supervise telephone, mailing, messenger, duplicating, and similar services adaptable to centralized management;

(7) administer the public employees' retirement system and teachers' retirement system;

(8) administer a statewide personnel program, including central

1 personnel services such as recruitment, assessment, position classification, and pay
2 administration;

3 (9) administer and supervise a statewide automatic data processing
4 program;

5 (10) study, design, implement, and manage the telecommunications
6 systems and services of the state under AS 44.21.305 - 44.21.330;

7 (11) provide administrative services to the Violent Crimes
8 Compensation Board;

9 **(12) establish and administer the address confidentiality program**
10 **under AS 44.21.022.**

11 * **Sec. 6.** AS 44.21 is amended by adding a new section to read:

12 **Sec. 44.21.022. Address confidentiality program.** (a) The address
13 confidentiality program is established in the department to protect the confidentiality
14 of the address of an individual enrolled in the program.

15 (b) The department shall

16 (1) establish and administer the program;

17 (2) designate a post office box as a substitute mailing address for an
18 individual enrolled in the program;

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

23 (4) maintain the confidentiality of the address of an individual enrolled
24 in the program; and

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

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

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

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

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

3 (4) a peace officer; and

4 (5) a correctional officer.

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

8 (e) The department shall remove an individual enrolled in the program under
 9 (c)(1), (2), or (3) of this section from the program five years after the expiration of the
 10 protective order issued on behalf of the victim or minor. The department shall remove
 11 an individual enrolled in the program under (c)(4) or (5) of this section from the
 12 program five years after the last day the individual is employed as a peace officer or
 13 correctional officer.

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

16 (g) The department shall disclose an individual's address to a peace officer in
 17 response to a search warrant issued by a state or federal court.

18 (h) A person who discloses information that is confidential under this section
 19 about an individual enrolled in the program under (c)(1), (2), or (3) of this section is
 20 guilty of a class B misdemeanor if the person

21 (1) is authorized to access the address confidentiality program database
 22 and recklessly discloses the information to the respondent of a protective order;

23 (2) is not authorized to access the address confidentiality program
 24 database and knowingly discloses the information to the respondent of a protective
 25 order.

26 (i) In this section,

27 (1) "correctional officer" means a person

28 (A) appointed by the commissioner of corrections whose
 29 primary duty under AS 33.30 is to provide custody, care, security, control, and
 30 discipline of persons charged or convicted of offenses against the state or held
 31 under authority of state law;

1 (B) employed in a correctional facility in this state whose
 2 primary duty is to provide custody, care, security, control, and discipline of
 3 persons charged or convicted of offenses or held under authority of law; or

4 (C) employed full time in a municipal correctional facility
 5 whose primary duty is to provide custody, care, security, control, and
 6 discipline of persons charged or convicted of offenses or held under authority
 7 of law, and the correctional facility is located in a municipality that has
 8 adopted AS 18.65.130 - 18.65.290 by ordinance under AS 18.65.285;

9 (2) "crime involving domestic violence" has the meaning given in
 10 AS 18.66.990;

11 (3) "department" means the Department of Administration;

12 (4) "peace officer" has the meaning given in AS 01.10.060;

13 (5) "program" means the address confidentiality program.

14 * **Sec. 7.** The uncoded law of the State of Alaska is amended by adding a new section to
 15 read:

16 TRANSITION: REGULATIONS. The Department of Administration may adopt
 17 regulations necessary to implement AS 44.21.022, enacted by sec. 6 of this Act. The
 18 regulations take effect under AS 44.62 (Administrative Procedure Act) but not before the
 19 effective date of the law being implemented by the regulation.

20 * **Sec. 8.** Section 7 of this Act takes effect immediately under AS 01.10.070(c).

21 * **Sec. 9.** Except as provided in sec. 8 of this Act, this Act takes effect February 1, 2022.