

**SENATE BILL NO. 12**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATORS KIEHL, Tobin, Dunbar, Kawasaki, Gray-Jackson

Introduced: 1/18/23

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, and peace officers and  
8 correctional officers enrolled in the address confidentiality program under  
9 AS 44.21.022, from risk of harassment, intimidation, and unwarranted invasion of  
10 privacy by prohibiting the unnecessary disclosure of their addresses and telephone  
11 numbers.

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

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

1 addresses and telephone numbers of a victim of a crime or witness to a crime **and the**  
 2 **residence address and telephone number of a peace officer or correctional officer**  
 3 **enrolled in the address confidentiality program under AS 44.21.022** are  
 4 confidential. A report, paper, picture, photograph, court file, or other document that  
 5 relates to a crime and contains the residence or business address or telephone number  
 6 of a victim or witness, **or that contains the residence address or telephone number**  
 7 **of a peace officer or correctional officer enrolled in the address confidentiality**  
 8 **program**, and that is in the custody or possession of a public officer or employee, may  
 9 not be made available for public inspection unless the residence and business  
 10 addresses and telephone numbers of all victims, [AND] witnesses, **peace officers, and**  
 11 **correctional officers** have been deleted.

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

13 **Sec. 12.61.130. Disclosure during court proceedings.** (a) During a trial or  
 14 hearing related to a criminal prosecution, the residence and business addresses and  
 15 telephone numbers of a victim of or witness to the charged offense **and the residence**  
 16 **address and telephone number of a peace officer or correctional officer enrolled**  
 17 **in the address confidentiality program under AS 44.21.022** may not be disclosed in  
 18 open court, and a victim, **a** [OR] witness, **or a peace officer or correctional officer**  
 19 **enrolled in the address confidentiality program** may not be required to provide the  
 20 addresses or telephone numbers in response to questioning, unless the court  
 21 determines that the information is necessary and relevant to the facts of the case. The  
 22 burden to establish the need and relevance for disclosure is on the party seeking  
 23 disclosure. Before ordering disclosure, the court shall take appropriate measures to  
 24 minimize the risk of personal harm to the victim, [OR] witness, **peace officer, or**  
 25 **correctional officer** that would result from the disclosure.

26 (b) The **residence** address or telephone number of a victim of or witness to a  
 27 charged offense, **or a peace officer or correctional officer enrolled in the address**  
 28 **confidentiality program**, may not be placed in the court file or court documents  
 29 relating to that offense except when

- 30 (1) the address is used to identify the place of the crime; or  
 31 (2) the address or telephone number is contained in a transcript of a

1 court proceeding and disclosure of the address or telephone number was ordered under  
2 (a) of this section.

3 \* **Sec. 4.** AS 12.61.900 is amended by adding a new paragraph to read:

4 (5) "correctional officer" means a person

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

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

12 (C) employed full time in a municipal correctional facility  
13 whose primary duty is to provide custody, care, security, control, and  
14 discipline of persons charged or convicted of offenses or held under authority  
15 of law, and the correctional facility is located in a municipality that has  
16 adopted AS 18.65.130 - 18.65.290 by ordinance under AS 18.65.285.

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

18 **Sec. 44.21.020. Duties of department.** The Department of Administration  
19 shall

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

22 (2) keep general accounts;

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

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

26 (5) [REPEALED

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

29 (6) [(7)] administer the public employees' retirement system and  
30 teachers' retirement system;

31 (7) [(8)] administer a statewide personnel program, including central

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

3 **(8)** [(9)] administer and supervise a statewide automatic data  
4 processing program;

5 **(9)** [(10)] study, design, implement, and manage the  
6 telecommunications systems and services of the state under AS 44.21.305 - 44.21.330;

7 **(10) establish and administer the address confidentiality program**  
8 **under AS 44.21.022.**

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

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

13 (b) The department shall

14 (1) establish and administer the program;

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

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

21 (4) maintain the confidentiality of the address of an individual enrolled  
22 in the program; and

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

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

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

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

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

1 (4) a peace officer;  
2 (5) a correctional officer; and  
3 (6) a household member of an individual specified under (1) - (5) of  
4 this subsection who is enrolled in the program.

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, or under (c)(6) of this section if the individual is a  
10 household member of a person enrolled in the program under (c)(1), (2), or (3) of this  
11 section, from the program five years after the expiration of the protective order issued  
12 on behalf of the victim or minor. The department shall remove an individual enrolled  
13 in the program under (c)(4) or (5) of this section, or under (c)(6) of this section if the  
14 individual is a household member of a person enrolled in the program under (c)(4) or  
15 (5) of this section, from the program five years after the last day the individual or  
16 individual's household member is employed as a peace officer or correctional officer.

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

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

21 (h) A person who discloses information that is confidential under this section  
22 about an individual enrolled in the program under (c) of this section is guilty of a class  
23 B misdemeanor if the person

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

26 (2) is not authorized to access the address confidentiality program  
27 database and knowingly discloses the information to the respondent of a protective  
28 order; or

29 (3) accesses the address confidentiality program database without  
30 authorization to access the database and recklessly discloses the information.

31 (i) In this section,

1 (1) "correctional officer" means a person

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

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

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

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

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

17 (4) "household member" means an adult or minor who lives in the  
18 same residence as another individual;

19 (5) "peace officer" has the meaning given in AS 01.10.060;

20 (6) "program" means the address confidentiality program.

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

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

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

28 \* **Sec. 9.** Except as provided in sec. 8 of this Act, this Act takes effect January 1, 2024.