

HOUSE BILL NO. 86

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/10/25

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to unauthorized publication and use of communications; and relating
2 to eavesdropping."

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

4 * **Section 1.** AS 42.20.300(a) is amended to read:

5 (a) A [EXCEPT FOR A PARTY TO A PRIVATE CONVERSATION, A]
6 person who receives or assists in receiving, or who transmits or assists in transmitting,
7 a private communication may not divulge or publish the existence, contents,
8 substance, purport, effect, or meaning of the communication, except

9 **(1) with the consent of all parties to the communication;**

10 **(2)** through authorized channels of transmission or reception

11 **(A)** [(1)] to the addressee or the agent or attorney of the
12 addressee;

13 **(B)** [(2)] to a person employed or authorized to forward a
14 communication to its destination;

1 **(C)** [(3)] to proper accounting or distributing officers of the
2 various communicating centers over which the communication may be passed;

3 **(D)** [(4)] to the master of a ship under whom the person is
4 serving;

5 **(E)** [(5)] to another on demand of lawful authority; or

6 **(F)** [(6)] in response to a subpoena issued or order entered by a
7 court of competent jurisdiction.

8 * **Sec. 2.** AS 42.20.310(a) is amended to read:

9 (a) A person may not

10 (1) use an eavesdropping device to hear or record all or any part of an
11 oral conversation without the consent of **all parties** [A PARTY] to the conversation;

12 (2) use or divulge any information which the person knows or
13 reasonably should know was obtained through the illegal use of an eavesdropping
14 device for personal benefit or another's benefit;

15 (3) publish the existence, contents, substance, purport, effect, or
16 meaning of any conversation the person has heard through the illegal use of an
17 eavesdropping device;

18 (4) divulge, or publish the existence, contents, substance, purport,
19 effect, or meaning of any conversation the person has become acquainted with after
20 the person knows or reasonably should know that the conversation and the information
21 contained in the conversation was obtained through the illegal use of an eavesdropping
22 device.

23 * **Sec. 3.** AS 42.20.320(a) is amended to read:

24 (a) The following activities are exempt from the provisions of AS 42.20.300
25 and 42.20.310:

26 (1) listening to a radio or wireless communications of any sort where
27 the same are publicly made;

28 (2) hearing conversation when heard by employees of a common
29 carrier by wire incidental to the normal course of their employment in the operation,
30 maintenance, or repair of the equipment of the common carrier by wire, provided the
31 information obtained is not used or divulged in any manner by the hearer;

1 (3) a broadcast by radio or other means whether it is a live broadcast or
 2 recorded for the purpose of later broadcasts of any function where the public is in
 3 attendance and the conversations that are overheard are incidental to the main purpose
 4 for which the broadcast is then being made;

5 (4) recording or listening with the aid of any device to an emergency
 6 communication made in the normal course of operations by a federal, state, or local
 7 law enforcement agency or institutions dealing in emergency services, including
 8 hospitals, clinics, ambulance services, fire fighting agencies, a public utility
 9 emergency repair facility, civilian defense establishment, or military installations;

10 (5) inadvertent interception of telephone conversations over party
 11 lines;

12 (6) a peace officer, or a person acting at the direction or request of a
 13 peace officer,

14 (A) engaging in conduct authorized by or under AS 09.65.215
 15 or AS 12.37; or

16 (B) investigating crimes, collecting evidence, or issuing
 17 lawful court processes;

18 (7) interception, listening, or recording of communications by a peace
 19 officer, or a person acting under the direction or request of a peace officer, in an
 20 emergency where the communications are received from a device that intercepts the
 21 communications of a person

22 (A) barricaded and not exiting or surrendering at the direction
 23 or request of a peace officer, in circumstances where there is an imminent risk
 24 of harm to life or property;

25 (B) holding another person hostage; or

26 (C) threatening the imminent illegal use of an explosive [;

27 (8) THE INTERCEPTION BY A PEACE OFFICER OF AN ORAL
 28 COMMUNICATION BY USE OF AN ELECTRONIC, MECHANICAL, OR
 29 OTHER EAVESDROPPING DEVICE THAT IS CONCEALED ON OR CARRIED
 30 ON THE PERSON OF THE PEACE OFFICER AND THAT TRANSMITS THAT
 31 ORAL COMMUNICATION BY MEANS OF RADIO TO A RECEIVING UNIT

1 THAT IS MONITORED BY OTHER PEACE OFFICERS, IF

2 (A) THE INTERCEPTION AND MONITORING OCCURS

3 (i) DURING THE INVESTIGATION OF A CRIME
4 OR THE ARREST OF A PERSON FOR A CRIME; AND

5 (ii) FOR THE PURPOSE OF ENSURING THE
6 SAFETY OF THE PEACE OFFICER CONDUCTING THE
7 INVESTIGATION OR MAKING THE ARREST;

8 (B) THE PEACE OFFICER WHO INTERCEPTS THE ORAL
9 COMMUNICATION IS A PARTY TO THE COMMUNICATION AND HAS
10 CONSENTED TO THE INTERCEPTION; AND

11 (C) THE COMMUNICATION INTERCEPTED IS NOT
12 RECORDED];

13 (8) [(9)] interception of a private communication to which a minor is a
14 party by a parent of the minor, except that interception of a private communication
15 between a minor and the minor's attorney or guardian ad litem or between a minor and
16 a child-custody investigator is not exempt from the provisions of AS 42.20.300 and
17 42.20.310; evidence obtained under this paragraph may be

18 (A) considered by a guardian ad litem or a child custody
19 investigator only if the guardian ad litem or child custody investigator
20 determines that consideration of the evidence is in the best interests of the
21 minor;

22 (B) admitted in a judicial proceeding, subject to the Alaska
23 Rules of Evidence;

24 (C) admitted in a judicial proceeding relating to the custody of a
25 minor, subject to the Alaska Rules of Evidence and only if the court
26 determines that admission of the evidence is in the best interests of the minor;
27 or

28 (D) admitted in an official proceeding that is not a judicial
29 proceeding, subject to the rules of evidence governing the proceeding and only
30 if the official presiding over the proceeding determines that admission of the
31 evidence is in the best interests of the minor;

1 **(9) interception by a peace officer of a communication by use of an**
2 **electronic, mechanical, or other eavesdropping device during the normal course**
3 **of the peace officer's employment where the person making the communication**
4 **knew or reasonably should have known that the communication was being made**
5 **in the presence of a peace officer.**