

Introduced: 1/31/66
Referred: Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE
BY REQUEST

2 HOUSE BILL NO. 353

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to eavesdropping and wire-
7 tapping; and providing for an effective date "

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 11.60 is amended by adding new sections to read:

10 Sec. 11.60.280. UNAUTHORIZED PUBLICATION OR USE OF
11 COMMUNICATIONS. (a) It is unlawful for any person who
12 receives or assists in receiving, or who transmits or assists
13 in transmitting any communication by wire or radio to divulge
14 or publish the existence, contents, substance, purport,
15 effect, or meaning of the communication, except through
16 authorized channels of transmission or reception to

17 (1) the addressee, his agent, or attorney;

18 (2) a person employed or authorized to forward
19 a communication to its destination;

20 (3) proper accounting or distributing officers of
21 the various communicating centers over which the communica-
22 tion may be passed;

23 (4) the master of a ship under whom he is serving;

24 (5) another on demand of lawful authority; or

25 (6) in response to a subpoena issued by a
26 court of competent jurisdiction.

27 (b) It is unlawful for any person not authorized
28 by any party to the communication to intentionally
29 intercept any communication or to

1 divulge or publish the existence, contents, substance,
2 purport, effect, or meaning of the intercepted communication
3 to any person.

4 (c) It is unlawful for any person who is not entitled
5 to a communication but who has received the communication to
6 use the communication or any information contained therein
7 for his own or another's benefit.

8 (d) It is unlawful for any person who has received a
9 communication and who knows or reasonably should know that
10 the communication and the information contained therein was
11 obtained in violation of this section to divulge or publish
12 the existence, contents, substance, purport, effect, or
13 meaning of the communication or any part of the communication.

14 (e) It is unlawful for any person who has become ac-
15 quainted with a communication or the information contained
16 therein, and who is not entitled to the communication, to use
17 the same for his own or another's benefit, or to divulge or
18 publish the existence, contents, substance, purport, effect,
19 or meaning of the communication or any part of the communication.

20 Sec. 11.60.290. EAVESDROPPING. It is unlawful for any
21 person to

22 (1) use an eavesdropping device to hear or record
23 all or any part of an oral conversation without the consent
24 of any party to the conversation;

25 (2) use or divulge any information which he knows
26 or reasonably should know was obtained through the illegal
27 use of an eavesdropping device for his own or another's benefit;

28 (3) publish the existence, contents, substance,
29 purport, effect or meaning of any conversation he has heard

1 through the illegal use of an eavesdropping device;

2 (4) divulge, or publish the existence, contents,
3 substance, purport, effect or meaning of any conversation he
4 has become acquainted with after he knows or reasonably
5 should know that the conversation and the information con-
6 tained in the conversation was obtained through the illegal
7 use of an eavesdropping device.

8 Sec. 11.60.300. EXEMPTIONS. The following activities
9 are exempt from the provisions of sections 280 and 290 of
10 this chapter:

11 (1) listening to a radio or wireless communica-
12 tions of any sort where the same are publicly made;

13 (2) hearing conversation when heard by employees
14 of any common carrier by wire incidental to the normal course
15 of their employment in the operation, maintenance or repair
16 of the equipment of such common carrier by wire; provided the
17 information obtained is not used or divulged in any manner by
18 the hearer;

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

24 (4) recording or listening with the aid of any
25 device to any emergency communication made in the normal
26 course of operations by any federal, state or local law
27 enforcement agency or institutions dealing in emergency
28 services, including but not limited to, hospitals, clinics,
29 ambulance services, fire fighting agencies, any public utility

1 emergency repair facility, civilian defense establishment or
2 military installation;

3 (5) inadvertant interception of telephone con-
4 versations over party lines.

5 Sec. 11.60.310. A person who violates any of the pro-
6 visions of sections 280 and 290 of this chapter is guilty of
7 a misdemeanor and upon conviction, is punishable by a fine of
8 not more than \$1000, or by imprisonment for not more than
9 one year, or by both.

10 Sec. 11.60.320. DEFINITIONS. In section 290 of this
11 chapter "eavesdropping device" means any device capable of
12 being used to hear or record oral conversation whether such
13 conversation is conducted in person, by telephone, or by any
14 other means; provided that this definition shall not include
15 devices used for the restoration of the deaf or hard-of-hear-
16 ing to normal or partial hearing.

17 * Sec. 2. AS 42.20.050 is amended to read:

18 Sec. 42.20.050. [DIVULGING OR] ALTERING MESSAGE. (a)
19 A person is guilty of a misdemeanor and is punishable by a
20 fine of not more than \$1000, or by imprisonment for not more
21 than one year, or by both if he [(1) WILFULLY DIVULGES TO A
22 PERSON OTHER THAN THE PARTY FROM WHOM THE MESSAGE WAS RE-
23 CEIVED, OR TO WHOM IT WAS ADDRESSED, OR HIS AGENT OR ATTORNEY,
24 A MESSAGE RECEIVED OR SENT, OR INTENDED TO BE SENT OVER A
25 TELEGRAPH LINE OR SYSTEM OF RADIO COMMUNICATION COMMONLY
26 DESIGNATED AS WIRELESS, OR THE CONTENTS, SUBSTANCE, PURPORT,
27 EFFECT, OR MEANING OF THE MESSAGE, OR PART OF IT, OR (2)]
28 wilfully alters a [THE] message by adding to it or omitting
29 from it a word or figure so as to materially change the

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sense, purport, or meaning of the message, to the injury of the person sending or desiring to send it, or to whom it was directed.

(b) When numerals or words of number occur in a message the operator or clerk sending or receiving may express them in words or figures, or in both words and figures, and this shall not be considered an alteration of the message or affect its [IT] genuineness, force or validity.

* Sec. 3. AS 42.20.100 is repealed.

* Sec. 4. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.