

Introduced: 4/19/74  
Referred: Judiciary

BY THE JUDICIARY COMMITTEE  
BY REQUEST

1 IN THE HOUSE

2 HOUSE BILL NO. 856

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to law enforcement intelligence  
7 information."

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

9 \* Section 1. AS 12.62.010 is amended by adding a new subsection to read:

10 (b) In addition to regulations adopted under (a) of this section,  
11 the commission shall, after appropriate consultation with representatives  
12 of state and local law enforcement agencies, adopt regulations and pro-  
13 cedures governing the gathering of intelligence information and the  
14 storage, security, and privacy of the intelligence information collected  
15 and maintained by law enforcement agencies in the state. The notice and  
16 hearing requirements of the Administrative Procedure Act (AS 44.62),  
17 relating to the adoption of regulations, apply to regulations adopted  
18 under this subsection. In adopting these regulations, the commission  
19 shall take into account both the interest of law enforcement agencies in  
20 maintaining the ability to conduct intelligence operations and each  
21 individual's right to privacy.

22 \* Sec. 2. AS 12.62 is amended by adding new sections to read:

23 Sec. 12.62.015. COLLECTION AND SECURITY OF INTELLIGENCE INFORMA-  
24 TION. (a) Regulations of the commission, adopted under sec. 10(b) of  
25 this chapter, shall include requirements and guidelines concerning the  
26 categories of intelligence information which may be gathered by law  
27 enforcement agencies in the state, the purposes for which intelligence  
28 information may be collected, and the methods and procedures which may  
29 be used in collecting intelligence information.

1 (b) The commission's regulations adopted under sec. 10(b) of this  
2 chapter shall establish standards for the confidentiality and security  
3 of intelligence information and provide for controls, access to and  
4 dissemination of intelligence information, and methods for updating,  
5 correcting and purging intelligence information while maintaining the  
6 security and confidentiality of the information.

7 Sec. 12.62.017. ANNUAL REPORT TO COMMISSION. The chief officer  
8 of each law enforcement agency shall submit an annual report to the  
9 commission, in the form required by the commission, certifying compli-  
10 ance by the agency with the regulations adopted by the commission under  
11 sec. 10(b) of this chapter.

12 \* Sec. 3. AS 12.62.060 is amended to read:

13 Sec. 12.62.060. CIVIL AND CRIMINAL REMEDIES. (a) A person with  
14 respect to whom criminal justice information has been wilfully main-  
15 tained, disseminated, or used, or intelligence information has been  
16 collected, obtained or used, in violation of this chapter has a civil  
17 cause of action against the person responsible for the violation and  
18 shall be entitled to recover actual damages and reasonable attorney fees  
19 and other reasonable litigation costs.

20 (b) A person who wilfully disseminates or uses criminal justice  
21 information knowing such dissemination or use to be in violation of  
22 this chapter, or who knowingly collects, obtains or uses intelligence  
23 information in violation of this chapter, upon conviction, is punishable  
24 by a fine of not more than \$1,000 or by imprisonment for not more than  
25 one year, or by both.

26 (c) A good faith reliance upon the provisions of this chapter or  
27 of applicable law governing maintenance, dissemination, or use of  
28 criminal justice information, or upon rules, regulations, or procedures  
29 prescribed under this chapter is a complete defense to a civil or

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criminal action brought under this chapter.

\* Sec. 4. AS 12.62.070 is amended by adding a new paragraph to read:

(7) "intelligence information" means information concerning the background, activities or associations of an individual or group collected or obtained by a law enforcement agency for preventative, precautionary or general investigative purposes not directly connected with the investigation of a specific crime which has been committed or the apprehension of a specific person in connection with the commission of a particular crime.