

Introduced: 3/2/73
Referred: Judiciary

1 IN THE SENATE

BY T. MILLER

2 SENATE BILL NO. 186 *Am*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to eavesdropping devices."

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

8 * Section 1. AS 11.60.290(1) is amended to read:

9 (1) install or use an eavesdropping device to hear or record
10 all or any part of an oral conversation without the consent of a party
11 to the conversation;

12 * Sec. 2. AS 11.60 is amended by adding a new section to read:

13 Sec. 11.60.305. DUTIES OF CERTAIN PERSONS. A person, public or
14 private, engaged in providing telephone service or any other form of
15 communication service within, to or from the state, shall police that
16 communication system in order to detect activities and devices which
17 are unlawful under secs. 280 - 320 of this chapter. If an illegal
18 activity or device is detected or found, the person shall immediately
19 notify the district attorney of the judicial district in which it is
20 found, the attorney general of the state, and the person who is
21 affected. Failure to notify, as required in this section, is a mis-
22 demeanor and is punishable as provided in sec. 310 of this chapter.

23 * Sec. 3. AS 11.60.310 is amended to read:

24 Sec. 11.60.310. PENALTIES [PENALTY]. (a) A person who violates
25 any of the provisions of secs. 280 - 320 [280 - 290] of this chapter
26 is guilty of a misdemeanor and upon conviction is punishable by a fine
27 of not more than \$25,000 [\$1,000], or by imprisonment for not more
28 than one year, or by both.

29 (b) In addition to the criminal penalties prescribed in this

1 section, any person aggrieved by an activity prohibited under secs.
2 280 - 320 of this chapter may sue for injunctive relief and damages.
3 In addition to actual damages, the person may recover punitive damages
4 in the amount of \$5,000. The right of action under this section lies
5 against both the person committing the offense and the person who per-
6 mits the offense to occur through negligence.

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