

Original sponsor: Bradley by request

Offered: 3/12/80
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 303

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to arson information."

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

8 * Section 1. AS 21.89 is amended by adding new sections to read:

9 Sec. 21.89.050. ARSON INFORMATION. (a) When an insurer has
10 reason to believe that a fire loss in which it has an interest may have
11 been caused by other than accidental means, it shall immediately supply
12 a written report of that fact to the Department of Public Safety.

13 (b) When requested in writing by an authorized agency, an insurer
14 shall supply all available information relating to a particular fire
15 loss to the agency. The information requested may include

16 (1) insurance policy information pertaining to a fire loss
17 under investigation and any application for the policy;

18 (2) policy premium payment records;

19 (3) a history of previous claims made by the insured; and

20 (4) material relating to the investigation of the loss,
21 including statements of a person who may have information about the loss
22 and any proof of the loss.

23 (c) Notification to the Department of Public Safety under (a) of
24 this section does not relieve the insurer of the duty to respond to a
25 request for information from an authorized agency under (b) of this
26 section.

27 (d) An authorized agency provided with information under (a) or
28 (b) of this section may release the information to another authorized
29 agency.

1 (e) An authorized agency shall share with the insurer all relevant
2 information relating to an instance of suspected arson when

3 (1) the agency has determined that release of the information
4 would not jeopardize the success of an ongoing investigation and that
5 there are adequate safeguards to insure the confidentiality of the
6 information;

7 (2) the agency has completed its investigation and a decision
8 not to prosecute has been made; or

9 (3) criminal prosecution has been brought and the defendant
10 has pled guilty, or the jury or other trier of fact has returned a
11 verdict, and no appeal has been taken.

12 (f) As used in (a) - (d) of this section "authorized agency" means
13 a fire department, a local or federal law enforcement agency responsible
14 for the investigation of fires, the Department of Law, the state fire
15 marshal, the United States attorney's office, and the Department of
16 Public Safety. As used in (e) of this section "authorized agency" means
17 a fire department, a local law enforcement agency responsible for the
18 investigation of fires, the Department of Law, the state fire marshal,
19 and the Department of Public Safety.

20 Sec. 21.89.060. IMMUNITY. A person is not civilly liable or
21 subject to criminal prosecution for releasing information under AS 21.-
22 89.050 unless the act constitutes a malicious attempt to injure an
23 insured.