

Introduced: 2/11/83  
Referred: Judiciary

1 IN THE HOUSE

BY PESTINGER AND BUSSELL

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HOUSE JOINT RESOLUTION NO. 29

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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THIRTEENTH LEGISLATURE - FIRST SESSION

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Proposing an amendment to the Constitu-

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tion of the State of Alaska to limit

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application of the exclusionary rule

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when a peace officer acts in good faith.

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BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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\* Section 1. Article I, sec. 14, Constitution of the State of Alaska,

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is amended to read:

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Section 14. SEARCHES AND SEIZURES. The right of the people to

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be secure in their persons, houses and other property, papers, and

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effects, against unreasonable searches and seizures, shall not be

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violated. No warrants shall issue, but upon probable cause, supported

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by oath or affirmation, and particularly describing the place to be

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searched, and the persons or things to be seized. A person whose

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rights under this section are violated has a cause of action for civil

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damages against the peace officer who violates this section. Evidence

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seized in violation of this section shall not be suppressed in a

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criminal prosecution if it is discovered by a peace officer acting in

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the good faith belief that the officer's conduct is constitutional and

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if there is a reasonable basis for that belief.

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\* Sec. 2. The amendment proposed by this resolution shall be placed

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before the voters of the state at the next general election in conformity

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with art. XIII, sec. 1, Constitution of the State of Alaska, and the elec-

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tion laws of the state.