

HB

416

"An Act relating to abuse of power by certain public officers and employees; and providing for an effective date."

COMMITTEE REPORT

4/14/75

HOUSE

Mr. Speaker:

Date 4/28/75

The Committee on JUDICIARY has had HB 416

under consideration. A Majority of the members of the Committee

() recommends it DO PASS

() recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

() recommends it BE REPLACED WITH CS FOR _____ AND THAT

CS FOR _____ DO PASS

() "and" recommends it BE REFERRED TO THE _____

COMMITTEE

() reports it back WITHOUT RECOMMENDATION

() "other"

Members signing the Majority report:

<u>[Signature]</u>	<u>[Signature]</u>	_____
<u>[Signature]</u>	<u>[Signature]</u>	_____
<u>[Signature]</u>		_____
<u>[Signature]</u>		_____

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

[Signature] Chairman

A M E N D M E N T

OFFERED IN THE HOUSE:

By: House Judiciary Committee

To: _____ HOUSE BILL No. HB 416

SENATE BILL No. _____

PAGE: 1

LINE: 20

after "duties" delete the comma and insert: other than giving sworn testimony or evidence in a legal proceeding,

Introduced: 4/14/75
Referred: Judiciary

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 HOUSE BILL NO. 416

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to abuse of power by certain public
7 officers and employees; and providing for an effective
8 date."

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

10 * Section 1. AS 39 is amended by adding a new chapter to read:

11 CHAPTER 51. ABUSE OF POWER BY PUBLIC

12 OFFICERS AND EMPLOYEES.

13 Sec. 39.51.010. MISUSE OF CONFIDENTIAL INFORMATION. A person who
14 is or has been an employee of the Department of Law, the Department of
15 Public Safety, a municipal police force, or any other state or local
16 agency which keeps or has access to confidential information pertaining
17 to citizens of the state, and through his employment learns confidential
18 information about a citizen of the state and who, while in office or
19 after leaving office, uses the information for personal gain or in a
20 manner not connected with the performance of his official duties, is
21 guilty of a misdemeanor and upon conviction is punishable by imprison-
22 ment for not more than one year, or by a fine of not more than \$5,000,
23 or by both. As used in this section "confidential information" means
24 information which is not available to citizens of the state through open
25 inquiry to the agency possessing the information.

26 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
27 070(c).
28
29

ABUSE OF POWER EXAMPLES

1. Watergate
2. Social worker sees files of juvenile, makes notes, later uses them against the adult for blackmail.
3. Police misusing investigation files.
4. Dick Bradley deal

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House Judiciary Committee
April 24, 1975

HB 384 Evaluation of Judges

This bill was being held one legislative day for further consideration on the floor. Mr. Brown prepared amendments and submitted them to the committee in the form of a CS. It was agreed that the amendments would be submitted on the floor as by the Judiciary Committee.

SB 290 Rent Control

The committee reviewed the prepared CS and approved it.

HB 416 Abuse of Power

Pat Wellington of Public Safety testified that the Department was in favor of the concept but that the bill was open to possible abuse in that the officers and police departments might be subject to harassment. He suggested adding the language that if a false report is knowingly made, there is a penalty. The committee mentioned that CS SB 167, also in Judiciary, would cover this problem. Mr. Wellington agreed and said that CS SB 167 was approved by the Department.

Mr. Brown moved on line 20: after duties add: other than giving sworn testimony or evidence in a legal proceeding. The amendment passed.

Mr. Hanley of the Attorney General's Office testified that they supported HB 416.

HB 417 Intelligence Information

Mr. Wellington stated that it has been a historical function of the police to gather intelligence information. It is disseminated on a need to know basis. He knows of no abuse of this in Alaska. He felt that the bill would give the commission an almost impossible task in drawing up the regs. He agreed that there was a need to protect the public and that perhaps the Department should be required to provide further justification before gathering information on a person. He felt that in general the bill would hinder the police. There is a legitimate need to keep files on some people to protect the public in general.

Mr. Hanley stated that the Attorney General supports the bill. He felt it would provide guidelines within which the Department could collect information. He stated that the commission is very representative and that they have already adopted the AJIS regulations.

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House Judiciary Committee
April 28, 1975

The meeting was called to order at 1:25 p.m. by Chairman Gardiner. All members were present except Mr. Eliason.

SB 99 Public Records

The committee reviewed the proposed CS by the Judiciary Committee which put section 2 in title 11 and incorporated material relating to the Ombudsman. Mr. Brown moved the Judiciary CS CS SB 99 do pass. There being no objection, it was so ordered.

SB 167 False reports

Mr. Brown moved SB 167 out do pass since it had been determined that it was in the correct title.

HB 418 Conflict of Interest

The committee reviewed the proposed CS by the Judiciary Committee which cleans up the problem of "members of municipal bodies" and "special" elections.

Mr. Parr raised the question on page 1, line 26 as to whether "legislative" only applied to state level or whether it could be interpreted to include municipal level. Mr. Walker stated that it could be open to interpretation. The committee requested Mr. Walker to draw up additional language to the effect that legislative related to matters before the state government.

HB 416 Abuse of power

Since the bill was determined to be in the correct title, Mr. Brown moved HB 416 out of committee as amended. There being no objection, it was so ordered.

HB 417 Intelligence Information

Mr. Brown moved HB 417 out of committee. There being no objection, it was so ordered.

CS SCR 5 Criminal Code

Mr. Brown moved this bill out of committee as it was the same as a bill already acted on by the committee. Mr. Gardiner mentioned the possibility of getting a LEAA grant for the study to be matched by state funds.