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STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: HB 324
 Title: "Act making it unlawful to tape-record"
 Sponsor: House Judiciary
 Requestor: House Judiciary

II. FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Crime ID
 BRU, Program of Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING			-0-	-0-	-0-	
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis No fiscal impact anticipated

Prepared By: Paul A. Conger Phone: 465-4338
 Division: Administrative Services Date: _____
 Approved by Commissioner: [Signature] Date: 4/25/83
 Department: Public Safety

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- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

Gregory Reinal
BILL SHEFFIELD, GOVERNOR

POUCH N
JUNEAU, ALASKA 99811
PHONE: 465-4322

April 27, 1983

The Honorable Charlie Bussell
Chairman
House Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, AK 99811



Dear Representative Bussell:

The Department of Public Safety is opposed to HB 324, as written, for the following reasons:

As proposed, House Bill 324 would eliminate the ability of any police department to record a conversation without a search warrant. This would include the 911 emergency lines which come into police departments throughout this state. To first stop a caller to advise them that they are being tape recorded is both disruptive and may cause the caller to lose their train of thought. Most of these calls are an emergency. The reason the calls are recorded is to be able to supervise the manner in which the call was handled, respond to citizens complaints when they feel the dispatchers were rude, and to re-check addresses and phone numbers in the event that they were mis-written by the dispatcher. They are also used as evidence in court for filing false reports (hoax phone calls) or an individual making threatening or terroristic comments.

It appears that if a person is contacted by phone, is threatened, bribed, or is harassed with an obscene phone call, the call cannot be recorded. Certainly, none other than the intended call recipient may listen to a phone call or radio message. The impact on a potential kidnapping or hostage situation is obvious, additionally, it would appear that under the language of AS 42.20.300(b) that even if the call is not recorded, the conversation cannot be divulged without the authorization of all parties.

The Honorable
Charlie Bussell

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April 27, 1983

In section 42.20.310(1), the police are prohibited from using an eaves dropping device without the consent of all parties. This would eliminate our use of video recording for drunk drivers. It would eliminate the use of recording devices during interrogation.

The courts throughout the United States have ruled that persons that speak to Police Officers have no right to an expectation of privacy. The best evidence as to the conversation which occurred is a tape recording.

Our officers are often accused of soliciting bribes or abusing suspects. Suspects often state that they have not fully been advised of their rights. If a tape recording of this conversation was made this evidence can be presented to the jury for their determination. Without this type of evidence it's one person's word against another's.

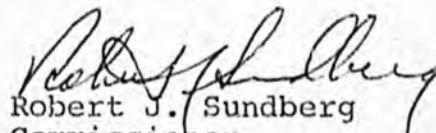
Recently a case was made in another jurisdiction which made the national news. In this particular case an individual had been harassed by his fiancée's ex-husband. Because of this harassment he hid a tape recorder on his person when the ex-husband was coming to visit his child. The ex-husband killed the man and his fiancée. Due to the tape recorder running, the entire murder was recorded and was used against the suspect. This bill would prohibit that from occurring.

The Alaska Supreme Court has strongly suggested that all confessions be recorded. This is to provide proof beyond a doubt that the individual made the statement voluntarily after being fully advised of his rights by the police.

We feel that the best evidence should be presented before a court of law to allow jurors to make the proper decision regarding any accusations. The best evidence may well be retained on electronic memory.

We do not feel that the police abuse the use of electronic recording equipment and we feel that the present law is adequate to protect the rights of the citizens.

Sincerely,


Robert J. Sundberg
Commissioner