

**HB**

**433**

CS FOR HOUSE BILL NO. 433(JUD)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:  
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR  
A BILL

FOR AN ACT ENTITLED

1 "An Act relating to an exemption to the unauthorized publication or use of  
2 communications and the prohibition against eavesdropping for certain law  
3 enforcement activities."

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

5 \* Section 1. AS 42.20.320(a) is amended to read:

6 (a) The following activities are exempt from the provisions of AS 42.20.300 and  
7 42.20.310:

8 (1) listening to a radio or wireless communications of any sort where the  
9 same are publicly made;

10 (2) hearing conversation when heard by employees of a common carrier  
11 by wire incidental to the normal course of their employment in the operation,  
12 maintenance, or repair of the equipment of the common carrier by wire, [;] provided the  
13 information obtained is not used or divulged in any manner by the hearer;

14 (3) a broadcast by radio or other means whether it is a live broadcast or

1 recorded for the purpose of later broadcasts of any function where the public is in  
2 attendance and the conversations that are overheard are incidental to the main purpose  
3 for which the broadcast is then being made;

4 (4) recording or listening with the aid of any device to an emergency  
5 communication made in the normal course of operations by a federal, state, or local law  
6 enforcement agency or institutions dealing in emergency services, including [BUT NOT  
7 LIMITED TO] hospitals, clinics, ambulance services, fire fighting agencies, a public  
8 utility emergency repair facility, civilian defense establishment, or military installations;

9 (5) inadvertent interception of telephone conversations over party lines;

10 (6) a peace officer, or a person acting at the direction or request of a  
11 peace officer, engaging in conduct authorized by or under AS 12.37;

12 (7) interception, listening, or recording of communications by a peace  
13 officer, or a person acting under the direction or request of a peace officer, in an  
14 emergency where the communications are received from a device that intercepts the  
15 communications of a person

16 (A) barricaded and not exiting or surrendering at the  
17 direction or request of a peace officer;

18 (B) holding another person hostage; or

19 (C) threatening the imminent illegal use of an explosive.

20 \* Sec. 2. AS 42.20.320 is amended by adding a new subsection to read:

21 (c) In this section, "explosive" has the meaning given in AS 11.81.900.

(7)  
Date Referred to Committee: February 9, 1996

FURTHER REFERRALS:

Finance

Date of Committee Action: 2/26/96

The JUDICIARY Committee considered:

HB 433

HOUSE BILL NO. 433

POLICE CAN INTERCEPT SOME COMMUNICATIONS

"An Act relating to an exemption to the unauthorized publication or use of communications and the prohibition against eavesdropping for certain law enforcement activities."

recommends it be replaced with the following committee substitute CSHB 433 (JUD)  the same title  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) \_\_\_\_\_  fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_  zero fiscal note(s) Corr (2/9/96) PS

Law, CST, Adm (2) (1/19/96)

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<u>Brian Porter</u>	<input checked="" type="checkbox"/>			
<u>Carol Imbriete</u>			<input checked="" type="checkbox"/>	
<u>Betty Davis</u>			<input checked="" type="checkbox"/>	
<u>John B. ...</u>			<input checked="" type="checkbox"/>	
<u>Don Bende</u>	<input checked="" type="checkbox"/>			
<u>[Signature]</u>	<input checked="" type="checkbox"/>			

CHAIR'S SIGNATURE Brian Porter



# Alaska State Legislature

Please enter into the record my testimony to the H Judiciary  
<sup>11B</sup> committee name  
committee on 433, dated Feb 19, 1996.

bill/ subject

This bill goes against the BILL OF RIGHTS of the United States of America, Article I. It also goes against Article I, section I, Article I, Section II, Article I Section II and Article I, Section XXII of the Alaska Constitution.

We have the right to privacy and yet the legislation appears to want to take that right away and give the LAW ENFORCEMENT GROWTH INDUSTRY (FORCE OFFICERS masquerading as PEACE OFFICERS) the right to listen in a eavesdrop on private communication. It is not necessary for this type of legislation unless you the legislation are trying to put this state under POLICE STATE MEASURES and/or Communist Rule.

People have the right to think and speak what they think, whether it be over the phone, in letters, on the radio or airwaves.

Why pass legislation (unconstitutional statutes) to give more power to Police and like Departments?

Where are our "PEACE OFFICERS"? Did they not take an oath to uphold the Constitution of the United States of America as well as the Constitution of the State of Alaska? Did you not also take an oath to do the same?

Do you want PEACE OFFICERS intercepting your private communications when you say something you probably shouldn't on a off day because it wasn't a "politically correct" form of speech? Do you want to be spied on? Well neither does the general populace!

Wireless telephones, C.B's and the like already bleed over radio and T.V. Station reception. Is it necessary to to destroy the people's faith in the government? The general populace doesn't trust the government even if they won't admit it, due to fear tactics being introduced by the legislation and passed by the legislation, so it appears.

It is not necessary for the government to have Control of everything going on in a persons life. Do you want the Control in your life?, or do you feel that you are exempt from the laws you pass? I'd really like some answers to these questions. I want to understand, but don't like being lied to or placated. Try Honesty sometime, yes it can be brutal but it doesn't have to be. This Bill and many others appear to be following:

THE COMMUNIST MANIFESTO, where citizens are mislead into believing they should give up their RIGHTS for the sake of the "common good" but it always ends in being a POLICE STATE. You claim you give more freedoms, but in actuality it is called Preventive Justice, AND Bondage.  
Reservation of Rights without Prejudice under UCC 1-207

Signed: Jeanne Marie Phipps  
Testifier

Representing (Optional)  
Fourth Judicial District % P.O. Box 544  
Address  
Delta Junction, Alaska Republic  
Phone No. (907) 895-4805



# Alaska State Legislature

Please enter into the record my testimony to the House ~~State Affairs~~ Judiciary  
 committee on HB 433, dated 19 Feb 96  
 bill/ subject

There should be no Eavesdropping by Police what so ever.  
 There are no Peace officers in Alaska, we have Force  
Officers. They Force you to do things. a police officer  
 operating outside of Constitutional Guide Lines is a criminal.  
 Stop making all these Statute Laws, and go back to  
 Common Law. all the state does by making statute law  
 is make The State budget larger, and control the  
 Citizen.

I believe we live in a police state because The  
 Troopers Take an oath to uphold The constitution of The  
 United States + The constitution of The State of Alaska  
 Then go out and ignore both Constitutions and Think  
 Nothing of it.

Signed: Bernard Goodno  
 Testifier

Representing (Optional) 4th Judicial District  
PO Box 92

Address Delta Jet, Alaska  
Republic

Phone No. 895-4000



# Alaska State Legislature

Please enter into the record my testimony to the House Judiciary  
committee on HB 433, dated 7-19-96.  
bill/ subject committee name

I Am against this bill due to the fact that its up to the force officers discession whether or not He wants to intercept communications.

Lets stick to the constitution and do things legal

Signed:

Gene Allentown  
Testifier Self

Representing (Optional)  
Fourth Judicial District

Address C/O PO Box 1059  
Delta Junction Alaska Republic

Phone No. 895 4805

TONY KNOWLES  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

HB 433  
P O Box 110001  
Juneau Alaska 99811-0001  
(907) 465-3500  
Fax (907) 465-3532

January 19, 1996

The Honorable Gail Phillips  
Speaker of the House  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

Dear Speaker Phillips:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that amends statutes regarding the unauthorized publication or use of communications and eavesdropping, in order to allow law enforcement officers to intercept communications in certain emergency situations.

Current law prohibits surreptitious eavesdropping on a private conversation without the consent of one of the parties to the conversation. In an emergency (for example, where a suspect is barricaded with a hostage), law enforcement officers need to communicate with the suspect and, if possible, monitor the suspect's communications with others. Monitoring such communications can give valuable information to law enforcement officers to help defuse potentially dangerous situations.

This bill provides the exemption necessary for law enforcement officers to surreptitiously monitor these communications. It allows the interception of communications of a suspect barricaded and refusing to surrender, holding a victim hostage, or threatening the imminent illegal use of an explosive. The exemption in the bill is limited to serious police emergencies; it will not otherwise affect the privacy of individual Alaskans.

This legislation will support law enforcement agencies in making Alaska a safer place for our citizens. I urge your prompt consideration and passage of this bill.

Sincerely,

A handwritten signature in cursive script that reads "Tony Knowles".

Tony Knowles  
Governor

1996 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
Title: Eavesdropping  
Sponsor: Rules Committee  
Requestor: Governor

Dept. Affected: Public Safety  
Component: DPS Statewide Support  
Commissioner's Office  
COMPONENT SERIAL NO. 0523

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ( )	-0-	-0-	-0-	-0-	-0-	-0-
Code Revenue						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 96) impact: \$ \_\_\_\_\_

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact is anticipated to the Department of Public Safety

Prepared By: Sandy Perry-Provost, Special Assistant to the Commissioner

Phone: 465-4322

Division: Commissioner's Office

Date: 1/3/96

Approved by Commissioner: Dee Smith  
for Ronald L. Otte, Dept. of Public Safety

Date: 1/3/96

**COMMITTEE COPY** PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

# FISCAL NOTE

No. 5  
 Bill Version: HB 433  
 (H) Publish Date: 1/19/96

STATE OF ALASKA  
 1996 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Law  
 Title: "...unauthorized publication or use of  
communications and the prohibition against eavesdropping..." BRU: Criminal Division  
 Sponsor: Rules/By Request of the Governor Component: Criminal Division  
 Requester: Governor's Office/OMB COMPONENT SERIAL NO. 2085

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY95) cost: \$ 0.0

**POSITIONS**

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

This bill would give the police emergency authority to eavesdrop on persons who are barricaded in buildings or holding hostages. This is a police tool that will have no impact on the Department of Law.

Prepared by: Richard I. Pegues, Director Phone: 465-3672  
 Division: Administrative Services Division Date: 12/5/95  
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 12/5/95  
 Agency: Department of Law

**COMMITTEE COPY** PREPARED TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE  
 For further distribution information, call the Governor's Legislative Office

# FISCAL NOTE

No. 4  
 Bill Version: HB 433  
 (H) Publish Date: 1/19/96

STATE OF ALASKA  
 1996 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Corrections  
 Title: An act relating to ...the prohibition against BRU: \_\_\_\_\_  
 Eavesdropping \_\_\_\_\_ Component: \_\_\_\_\_  
 Sponsor: Rules Committee  
 Requester: Governor COMPONENT SERIAL NO. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY95) cost: \$ \_\_\_\_\_

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

This bill will have no fiscal impact on the DOC

Prepared by: Jerry Shriner  
 Division: \_\_\_\_\_

Phone: 485-4640  
 Date: 1/12/96

Approved by Commissioner: Margaret M. Pugh  
 Agency: Department of Corrections

Date: 1/12/96

**COMMITTEE COPY**

TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE  
 For further distribution information, call the Governor's Legislative Office

# FISCAL NOTE

No.   3    
 Bill Version:   HB 433    
 (H) Publish Date:   1/19/96  

**STATE OF ALASKA  
 1995 LEGISLATIVE SESSION**

Revision Date:   January 12, 1996   Department:   Commerce and Economic Development    
 Title:   An Act relating to eavesdropping for certain law enforce-   BRU:   Alaska Public Utilities Commission    
  ment activities.   Component: \_\_\_\_\_  
 Sponsor:   Rules    
 Requestor:   Governor   COMPONENT SERIAL NO.   364  

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

<b>CAPITAL EXPENDITURES</b>	
-----------------------------	--

<b>CHANGE IN REVENUES</b>	
---------------------------	--

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ \_\_\_\_\_

POSITIONS					
FULL-TIME					
PART-TIME					
TEMPORARY					

**ANALYSIS:** (Attach a separate page if necessary)  
 This legislation will have no fiscal impact on the Alaska Public Utilities Commission.

Prepared by:   Guy Bell, Director   Phone:   465-2505    
 Division:   Division of Administrative Services   Date:   12/5/95    
 Approved by Commissioner:   William L. Hensley   Date:   1-16-96    
 Agency:   Commerce and Economic Development  

**PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE**  
 For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

No. 2  
 Bill Version: HB 433  
 (H) Publish Date: 1/19/96

STATE OF ALASKA  
 1996 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to eavesdropping..."  
 Sponsor: Rules Committee  
 Requestor: Governor

Department Affected: Administration  
 BRU: Office of Public Advocacy  
 Component: Office of Public Advocacy  
 COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY 96) cost: \$ 0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact on the Office of Public Advocacy.

Prepared by: Brant McGee, Public Advocate  
 Division: Office of Public Advocacy

Phone: 274-1684  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Bover  
 Agency: Administration

Date: 1/5/96

**COMMITTEE COPY**

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE  
 For further distribution information, call the Governor's Legislative Office

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_

Title: "An Act relating to eavesdropping..."

Sponsor: Rules Committee

Requestor: Governor

Department Affected: Administration

BRU: Public Defender Agency

Component: Public Defender Agency

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
----------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ( )	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ \_\_\_\_\_

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Public Defender Agency.

Prepared by: John B. Salemi, Director

Division: Public Defender Agency

Phone: (907) 264-4412

Date: \_\_\_\_\_

Approved by Commissioner: Mark Bover

Agency: Department of Administration

Date: 1/13/96

**COMMITTEE COPY** TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE  
For further distribution information, call the Governor's Legislative Office