



# LAWS OF ALASKA

1976

Source

HB 417 am S

Chapter No.

38

## AN ACT

Relating to law enforcement intelligence information.

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

\* Section 1. AS 12.62.010 is amended by adding a new subsection to read:

(b) In addition to regulations adopted under (a) of this section, the commission shall, after appropriate consultation with representatives of state and local law enforcement agencies, adopt regulations and procedures governing the gathering of intelligence information and the storage, security, and privacy of the intelligence information collected and maintained by law enforcement agencies in the state. The notice and hearing requirements of the Administrative Procedure Act (AS 44.62), relating to the adoption of regulations, apply to regulations adopted under this subsection. In adopting these regulations, the commission shall take into account both the interest of law enforcement agencies in maintaining the ability to conduct intelligence operations and each individual's right to privacy.

\* Sec. 2. AS 12.62 is amended by adding new sections to read:

Sec. 12.62.015. COLLECTION AND SECURITY OF INTELLIGENCE INFORMATION. (a) Regulations of the commission, adopted under sec. 10(b) of this chapter, shall include requirements and guidelines concerning the categories of intelligence information which may be gathered by law enforcement agencies in the state, the purposes for which intelligence information may be collected, and the methods and procedures which may be used in collecting intelligence information.

(b) The commission's regulations adopted under sec.

10(b) of this chapter shall establish standards for the confidentiality and security of intelligence information and provide for controls, access to and dissemination of intelligence information, and methods for updating, correcting and purging intelligence information while maintaining the security and confidentiality of the information.

Sec. 12.62.017. ANNUAL REPORT TO COMMISSION. The chief officer of each state or municipal law enforcement agency shall submit an annual report to the commission, in the form required by the commission, certifying compliance by the agency with the regulations adopted by the commission under sec. 10(b) of this chapter.

\* Sec. 3. AS 12.62.060 is amended to read:

Sec. 12.62.060. CIVIL AND CRIMINAL REMEDIES. (a) A person with respect to whom criminal justice information has been wilfully maintained, disseminated, or used, or intelligence information has been collected, obtained or used, in violation of this chapter has a civil cause of action against the person responsible for the violation and shall be entitled to recover actual damages and reasonable attorney fees and other reasonable litigation costs.

(b) A person who wilfully disseminates or uses criminal justice information knowing such dissemination or use to be in violation of this chapter, or who knowingly collects, obtains or uses intelligence information in violation of this chapter, upon conviction, is punishable by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both.

(c) A good faith reliance upon the provisions of this chapter or of applicable law governing maintenance, dissemination, or use of criminal justice information, or upon rules, regulations, or procedures prescribed under this chapter is a defense to a civil or criminal action brought under this chapter.

\* Sec. 4. AS 12.62.070 is amended by adding a new paragraph to read:

(7) "intelligence information" means information concerning the background, activities or associations of an individual or group collected or obtained by a law enforcement agency for preventive, precautionary or general investigative purposes not directly connected with the investigation of a specific crime which has been committed nor with the apprehension of a specific person in connection with the commission of a particular crime.