



# LAWS OF ALASKA

1996

**Source**  
CSHB 433(JUD) am

**Chapter No.**  
146

## AN ACT

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

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

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**Approved by the Governor:** August 21, 1996  
**Actual Effective Date:** November 19, 1996

AN ACT

1 Relating to an exemption to the unauthorized publication or use of communications and the  
2 prohibition against eavesdropping for certain law enforcement activities.

3

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

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

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

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

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

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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, in circumstances where there is an  
18 imminent risk of harm to life or property;

19 (B) holding another person hostage; or

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

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

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