

SB 12 -- Redline

CSSB 12(STA) to SB 12 -- An Act relating to the duties of the Department of Administration; creating an address confidentiality program; and providing for an effective date.

Deletions ~~struck~~ · Insertions underlined

~~33-LS0162\U33-LS0162\B-CS FOR~~ SENATE BILL NO.

~~12(STA)12~~ IN THE LEGISLATURE OF THE STATE OF ALASKA THIRTY-THIRD LEGISLATURE - FIRST SESSION BY
~~THESENATORS SENATEKIEHL, STATE~~Tobin, AFFAIRSDunbar, COMMITTEEKawasaki, Referred:Gray-Jackson Introduced:
Judiciary, 1/18/23 FinanceReferred:-Sponsor(s):-

~~SENATORSState KIEHL, Affairs, Tobin, Judiciary, Dunbar, Finance Kawasaki, Gray-Jackson~~ A BILL FOR AN ACT
ENTITLED "An Act relating to ~~the confidentiality duties of the information; Department of Administration;~~
relating to the duties of the Department of Administration;

AS 12.61.100 is amended to read:

Sec.

12.61.100.

Declaration of purpose.

The purpose of AS 12.61.100 - 12.61.150 is to protect victims of and witnesses to crime, and peace officers and correctional officers enrolled in the address confidentiality program under AS 44.21.022, from risk of harassment, intimidation, and unwarranted invasion of privacy by prohibiting the unnecessary disclosure of their addresses and telephone numbers.

* Sec.

2.

AS 12.61.110 is amended to read:

Sec.

12.61.110.

Confidentiality of victim, [AND] witness, peace officer, and correctional officer addresses and telephone numbers.

The residence and business SB0012A -1- SB 12 New Text Underlined [DELETED TEXT BRACKETED] 33-LS0162\B addresses and telephone numbers of a victim of a crime or witness to a crime and the residence address and telephone number of a peace officer or correctional officer enrolled in the address confidentiality program under AS 44.21.022 are confidential.

A report, paper, picture, photograph, court file, or other document that relates to a crime and contains the residence or business address or telephone number of a victim or witness, or that contains the residence address or telephone number of a peace officer or correctional officer enrolled in the address confidentiality program, and that is in the custody or possession of a public officer or employee, may not be made available for public inspection unless the residence and business addresses and telephone numbers of all victims, [AND] witnesses, peace officers, and correctional officers have been deleted.

* Sec.

3.

AS 12.61.130 is amended to read:

Sec.

12.61.130.

Disclosure during court proceedings.

(a) During a trial or hearing related to a criminal prosecution, the residence and business addresses and telephone numbers of a victim of or witness to the charged offense and the residence address and telephone number of a peace officer or correctional officer enrolled in the address confidentiality program under AS 44.21.022 may not be disclosed in open court, and a victim, a [OR] witness, or a peace officer or correctional officer enrolled in the address confidentiality program may not be required to provide the addresses or telephone numbers in response to questioning, unless the court determines that the information is necessary and relevant to the facts of the case.

The burden to establish the need and relevance for disclosure is on the party seeking disclosure. Before ordering disclosure, the court shall take appropriate measures to minimize the risk of personal harm to the victim, [OR] witness, peace officer, or correctional officer that would result from the disclosure.

(b) The residence address or telephone number of a victim of or witness to a charged offense, or a peace officer or correctional officer enrolled in the address confidentiality program, may not be placed in the court file or court documents relating to that offense except when (1) the address is used to identify the place of the crime;

or (2) the address or telephone number is contained in a transcript of a SB 12 -2- SB0012A New Text Underlined [DELETED TEXT BRACKETED] 33-LS0162\B court proceeding and disclosure of the address or telephone number was ordered under (a) of this section.

* Sec.

4.

AS 12.61.900 is amended by adding a new paragraph to read:

(5) "correctional officer" means a person (A) appointed by the commissioner of corrections whose primary duty under AS 33.30 is to provide custody, care, security, control, and discipline of persons charged or convicted of offenses against the state or held under authority of state law;

(B) employed in a correctional facility in this state whose primary duty is to provide custody, care, security, control, and discipline of persons charged or convicted of offenses or held under authority of law;

or (C) employed full time in a municipal correctional facility whose primary duty is to provide custody, care, security, control, and discipline of persons charged or convicted of offenses or held under authority of law, and the correctional facility is located in a municipality that has adopted AS 18.65.130 - 18.65.290 by ordinance under AS 18.65.285.

* Sec.

5.

(5) [REPEALED (6)] supervise telephone, mailing, messenger, duplicating, and similar ~~SB0012B -1- CSSB 12(STA) New Text Underlined [DELETED TEXT BRACKETED] 33-LS0162\U~~ services adaptable to centralized management;

(7) [(8)] administer a statewide personnel program, including central ~~SB0012A -3- SB 12 New Text Underlined [DELETED TEXT BRACKETED] 33-LS0162\B~~ personnel services such as recruitment, assessment, position classification, and pay administration;

~~2-6.~~

~~CSSB 12(STA) -2- SB0012B New Text Underlined [DELETED TEXT BRACKETED] 33-LS0162\U~~ (2) a guardian of a minor, if a court has issued a protective order on behalf of the minor;

(3) a ~~peace~~protected officer; person, if a court has issued a protective order for that person under AS 13.26.450 - 13.26.460;

SB 12 -4- SB0012A New Text Underlined [DELETED TEXT BRACKETED] 33-LS0162\B (4) a ~~correctional~~peace officer;

~~and (5) a household correctional member officer; of an individual specified under (1) - (4) of this subsection who is enrolled in the program.~~

and (6) a household member of an individual specified under (1) - (5) of this subsection who is enrolled in the program.

(e) The department shall remove an individual enrolled in the program under ~~(c)(1)(c)(1), (2), or (2)(3)~~ of this section, or under ~~(c)(5)(c)(6)~~ of this section if the individual is a household member of a person enrolled in the program under ~~(c)(1)(c)(1), (2), or (2)(3)~~ of this section, from the program five years after the expiration of the protective order issued on behalf of the victim or minor.

The department shall remove an individual enrolled in the program under ~~(c)(3)(c)(4) or (4)(5)~~ of this section, or under ~~(c)(5)(c)(6)~~ of this section if the individual is a household member of a person enrolled in the program under ~~(c)(3)(c)(4) or (4)(5)~~ of this section, from the program five years after the last day the individual or individual's household member is employed as a peace officer or correctional officer.

or (3) accesses the address confidentiality program database without ~~SB0012B -3- CSSB 12(STA) New Text Underlined [DELETED TEXT BRACKETED] 33-LS0162\U~~ authorization to access the database and recklessly discloses the information.

(i) In this section, ~~SB0012A -5- SB 12 New Text Underlined [DELETED TEXT BRACKETED] 33-LS0162\B~~ (1) "correctional officer" means a person (A) appointed by the commissioner of corrections whose primary duty under AS 33.30 is to provide custody, care, security, control, and discipline of persons charged or convicted of offenses against the state or held under authority of state law;

(4) "household member" means an adult or minor who lives in the same residence as ~~an~~another individual; ~~enrolled in the program;~~

~~3-7.~~

~~26~~ of this Act.

~~4-8.~~

Section ~~37~~ of this Act takes effect immediately under AS 01.10.070(c).

~~5-9.~~

~~48~~ of this Act, this Act takes effect January 1, 2024.

~~CSSB SB 12(STA) 12 -4- -6- SB0012B SB0012A~~ New Text Underlined [DELETED TEXT BRACKETED]

