

## HB 317 Sectional Analysis

**Section 1:** Amends AS 04.16.220(b) to repeal reference to forfeiture remedy specific to that statute and provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 2:** Amends AS 08.54.720(f) to repeal reference to forfeiture remedy specific to that statute and provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 3:** Adds new section AS 09.55.700 to clarify that in rem civil forfeiture proceedings are prohibited and subject to the Forfeiture Act.

**Section 4:** Amends AS 11.41.468(a) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 5:** Amends AS 11.46.487 to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 6:** Amends AS 11.61.129(a) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 7:** Amends AS 11.66.145 to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 8:** Amends AS 11.66.270 to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 9:** Amends AS 11.73.060 to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 10:** Amends AS 12.36.020(a) to provide that property may be returned pursuant to the Forfeiture Act.

**Section 11:** Amends AS 12.36.060(a) to repeal forfeiture language specific to that statute and provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 12:** Amends AS 12.36.060(c) to repeal forfeiture language specific to that statute and provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

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### Section 13:

- A) Adds AS 12.36.300, which describes when a person's property is subject to forfeiture.
- B) Adds AS 12.36.320, which defines the offenses for which forfeiture is permitted under the Forfeiture Act.
- C) Adds AS 12.36.350, which requires law enforcement to issue an itemized receipt for items seized and sets the requirements for requesting the return of the property.
- D) Adds AS 12.36.400, which provides the requirements for an ancillary forfeiture claim.
- E) Adds AS 12.36.450, which provides the requirements for forfeiture proceedings. These include 1) that the proceeding occur immediately after a conviction in the underlying criminal trial, 2) that it be governed by the clear and convincing evidence standard, and 3) the factors relevant to the forfeiture. proceeding.
- F) Adds AS 12.36.460, which prevents the imposition of a sentence requiring the donation of property to a charitable organization.
- G) Adds AS 12.36.475, which sets the standard for when forfeiture of property not actually used in the commission of the crime may be forfeited.
- H) Adds AS 12.36.490, which prohibits joint and several liability for forfeiture.
- I) Adds AS 12.36.500, which allows petitions for unconstitutionally excessive forfeiture and sets the standards for their consideration.
- J) Adds AS 12.36.520, which allows for appeals of forfeiture proceedings.
- K) Adds AS 12.35.550, which provides for when title to forfeited property vests and that the proceeds from forfeited property must be deposited in the state's general fund.
- L) Adds AS 12.36.580, which provides for protections for innocent owners of property for which forfeiture is sought.

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- M) Adds AS 12.36.600, which provides for where and how seized property will be stored pending a forfeiture proceeding.
- N) Adds AS 12.36.610, which requires law enforcement agencies that engage in seizures or forfeitures to submit an annual report to the Department of Public Safety and for the Department to compile the information and issue a statewide report.
- O) Adds AS 12.36.625, which sets the timeframe for the return of seized property.
- P) Adds AS 12.36.635, which governs the transfer of seized property to other jurisdictions or agencies.
- Q) Adds AS 12.36.700, which provides definitions for AS 12.36.300-.700.

**Section 14:** Amends AS 16.05.190 to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 15:** Amends AS 16.05.722(b) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 16:** Amends AS 16.05.723(a) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 17:** Amends AS 16.05.782(b) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 18:** Amends AS 16.05.783(c) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 19:** Amends AS 16.05.905(b) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 20:** Amends AS 16.43.970(g) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 21:** Amends AS 17.30.110 to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

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**Section 22:** Amends AS 18.60.148(a) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 23:** Amends AS 22.07.020(a) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 24:** Amends AS 22.15.240 to add the right to appeal to the Superior Court a District Court decision under the forfeiture act.

**Section 25:** Amends AS 28.15.291(b) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 26:** Amends AS 28.35.030(b) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 27:** Amends AS 28.35.030(n) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 28:** Amends AS 28.35.032(g) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 29:** Amends AS 28.35.032(g) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 30:** Amends AS 43.50.620 to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 31:** Amends AS 43.50.625(a) to provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 32:** Amends AS 43.50.625(d) to repeal reference to forfeiture remedy specific to that statute and provide that forfeiture may be made in proceedings only to the extent consistent with the Forfeiture Act.

**Section 33:** Repeals the piecemeal forfeiture procedures applicable across the various statutes that have been amended to provide that forfeiture proceedings must be subject to the Forfeiture Act.

**Section 34:** Adds uncodified law explaining the indirect effects on the Alaska Rules of Criminal Procedure and evidence.

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**Section 35:** Adds uncodified law explaining the applicability of the Forfeiture Act to all forfeiture proceedings.

**Section 36:** Adds uncodified law providing that the passage of the law is conditional on a two-thirds vote of each house for Section 34 of the bill.

**Section 37:** Provides an effective date of July 1, 2016.