



March 2, 2016

The Honorable Tammie Wilson
Alaska State House of Representatives
State Capitol Rm 412
120 4th Street
Juneau, AK 99801-1185

Dear Representative Wilson:

On behalf of the Alaska Peace Officers Association (APOA), I am writing with concerns regarding HB 317, "An Act relating to forfeiture to the state; relating to criminal law; amending Rules 3, 4, 11, 12, 16, 32, 32.2, 32.3, 39, 39.1, and 42, Alaska Rules of Criminal Procedure, Rules 501, 801, and 803, Alaska Rules of Evidence, and Rules 202, 209, and 217, Alaska Rules of Appellate Procedure; and providing for an effective date."

The APOA legislative committee recently reviewed this proposed legislation and is opposed to HB 317. This bill would severely hamper the state's ability to manage civil asset forfeiture when appropriate, such as when prosecution is waived for an informant who has property which constitutes proceeds from criminal activity or is deceased. This would allow the person or their estate to retain potentially significant amounts of property that were used in or are proceeds from criminal activity. Under current law, seized property can be returned through processes already in place. Requiring that an individual be convicted of an actual crime before forfeiture proceedings can take place may allow criminals to dispose of valuable evidence before a conviction can be made.

Please contact the APOA office in Anchorage at 277-0515, if you would like to discuss HB 317 in greater detail. We appreciate the work you do for our state.

Sincerely, _

President
Alaska Peace Officers Association