

Alaska State Legislature
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CS for HB 317
Explanation of Changes

1. Sec. 12.36.300(3) - Line 24 is change to require a higher standard of “beyond a reasonable doubt”.
2. Sec. 12.36.300 (e) - Numbers (1) and (2) were deleted which narrows the scope by which property subject to forfeiture under this section may be seized at any time without a prior court order.
3. Sec. 12.36.350 (e)(1) - after claimant, “and” was added for clarity.
4. Sec. 12.36.350 (e) - Deleted no. (3) - excludes the ability of a person to request the return of property in order to pay for legal representation under this section.
5. Sec. 12.36.450 – Deleted “Chief Public Defender” and “the District Public Defender”. This is a cleanup.
6. Sec. 12.36.450 (f) - Deleted “clear and convincing evidence” and inserted “beyond a reasonable doubt” to require a higher standard.

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7. 12.36.450 (g) - Added language clarifying that forfeiture proceedings after conviction isn't necessary in cases where forfeitures is by statute not challengeable or illegal, for example felony DUI.
8. Sec. 12.36.460 - Delete "in full or partial fulfillment of responsibility established in the court's proceeding." It is not necessary.
9. Sec. 12.36.500 - Delete "At any time" and added within 90 day to establish a specific timeline under this section.
10. Sec. 12.36.500 – was roll into section 12.36.450 (g) to prevent duplication and additional cost.
11. Sec. 12.36.600 - Delete "district". This was a cleanup.
12. Sec. 12.36.625 - Delete "by abandonment of the prosecution". This was deleted for clarity.