

AMENDMENT #1 *Adopted*

OFFERED IN THE HOUSE

BY REPRESENTATIVE CLAMAN

TO: CSHB 42(JUD), Draft Version "U"

1 Page 5, lines 8 - 10:
2 Delete all material and insert:
3 "(c) Before ordering the return of seized property subject to forfeiture, the
4 court
5 (1) must find that
6 (A) the item has no evidentiary value; or
7 (B) the parties have reached an agreement or stipulation that
8 preserves the evidentiary value of the property or maintains the evidentiary
9 integrity of the property; and
10 ~~(2) may require the property owner to post cash or a secured monetary~~
11 bond in an amount up to the fair market value of the property."

AMENDMENT

2 Adopted

OFFERED IN THE HOUSE

BY REPRESENTATIVE CLAMAN

TO: CSHB 42(JUD), Draft Version "U"

1 Page 6, following line 2:

2 Insert new bill sections to read:

3 **** Sec. 10.** AS 12.36.060(a) is amended to read:

4 (a) A deadly weapon, other than a firearm or ammunition, forfeited to the state
5 under AS 12.55.015(a)(9), unless remitted under AS 12.36.320 [AS 12.36.050], shall
6 be disposed of by the commissioner of public safety under this section. Under this
7 subsection, the commissioner of public safety

8 (1) may declare a weapon surplus and transfer it to the commissioner
9 of administration;

10 ~~(2) may, if the weapon is suitable for law enforcement purposes,~~
11 training, or identification, retain the weapon for use by the Department of Public
12 Safety or transfer the weapon to the municipal law enforcement agency making the
13 arrest that led to the forfeiture;

14 (3) shall destroy a weapon that is unsafe or unlawful.

15 *** Sec. 11.** AS 12.36.060(c) is amended to read:

16 (c) A firearm or ammunition forfeited to the state under AS 12.55.015(a)(9),
17 unless remitted under AS 12.36.320 [AS 12.36.050], shall be disposed of as provided
18 in AS 18.65.340."

19

20 Renumber the following bill sections accordingly.

21

22 Page 20, following line 22:

23 Insert a new bill section to read:

1 **"* Sec. 31. AS 12.36.050 is repealed."**

2

3 Renumber the following bill sections accordingly.

AMENDMENT

#3 Adopted

OFFERED IN THE HOUSE

BY REPRESENTATIVE CLAMAN

TO: CSHB 42(JUD), Draft Version "U"

1 Page 6, line 7:

2 Delete "under AS 12.36.310"

3 Insert "that provides for forfeiture by law, regulation, or ordinance"

4

5 Page 6, line 10:

6 Delete "under AS 12.36.310"

7 Insert "that provides for forfeiture by law, regulation, or ordinance"

8

9 Page 6, lines 24 - 26:

10 Delete all material.

AMENDMENT

4 Failed

OFFERED IN THE HOUSE

BY REPRESENTATIVE CLAMAN

TO: CSHB 42(JUD), Draft Version "U"

1 Page 7, line 5, following "fair":

2 Insert "market"

3

4 Page 7, following line 8:

5 Insert a new subsection to read:

6 "(c) The court may order the remission of property conveyed by

7 (1) inheritance to an individual who was not a party to the offense
8 resulting in forfeiture; or

9 (2) gift from a person other than the defendant."
10

11 Reletter the following subsection accordingly.

AMENDMENT

#5 Withdrawn

OFFERED IN THE HOUSE

BY REPRESENTATIVE KOPP

TO: CSHB 42(JUD), Draft Version "U"

1 Page 5, lines 8 - 10:

2 Delete all material and insert:

3 "(c) The court may impose reasonable conditions on the return of property to
4 the owner, including a requirement that the owner

5 (1) post a secured monetary bond equal to the fair market value of the
6 property;

7 (2) retain and store the property so that the property is available for
8 future court hearings;

9 (3) allow photographs of the property to be taken; or

10 (4) ~~meet other conditions the court considers necessary to maintain the~~

11 evidentiary integrity of the property."

AMENDMENT

#6 Withdrawn

OFFERED IN THE HOUSE

BY REPRESENTATIVE KOPP

TO: CSHB 42(JUD), Draft Version "U"

- 1 Page 7, line 5, following "value":
- 2 Insert "or otherwise legally received the property before the commission of the crime"

AMENDMENT

7 Withdrawn

OFFERED IN THE HOUSE

BY REPRESENTATIVE EASTMAN

TO: CSHB 42(JUD), Draft Version "U"

1 Page 4, line 23, following "property.":

2 Insert "(a)"

3

4 Page 4, following line 25:

5 Insert new subsections to read:

6 "(b) If a law enforcement agency has possession of seized property belonging
7 to a victim of a crime or to an innocent owner, the law enforcement agency shall
8 return the property to the victim or innocent owner not later than 120 days after a
9 defendant has been charged in the underlying criminal case.

10 ~~(c) When a law enforcement agency has seized property but a suspect has not~~
11 ~~been identified or charged within 120 days after the seizure, the law enforcement~~
12 ~~agency shall inform the owner of the property that a suspect has not yet been charged~~
13 ~~and return the property to the owner if the owner requests the return of the property.~~
14 ~~The law enforcement agency shall, before returning the property to the owner, require~~
15 ~~the owner to sign a waiver acknowledging that return of the property might affect a~~
16 ~~future prosecution if a suspect is later identified.~~

17 (d) In this section, "innocent owner" means a person who

18 (1) holds a legal right, title, or interest in the property seized, acquired
19 in good faith;

20 (2) did not knowingly participate in the commission of the crime in
21 which the property was used;

22 (3) did not know or have reasonable cause to believe that the property
23 was used or would be used to commit a crime; and

1 (4) was a bona fide purchaser for fair value."

2

3 Page 6, following line 23:

4 Insert a new subsection to read:

5 "(f) Unless a defendant requests inspection or testing of property not later than
6 120 days after the defendant has been charged, the defendant's right to inspect or test
7 the property is waived."

AMENDMENT

8

OFFERED IN THE HOUSE

BY REPRESENTATIVE CLAMAN

TO: CSHB 42(JUD), Draft Version "U"

1 Page 7, line 5:

2 Delete all material and insert:

3 "(4) obtained the property

4 (A) as a bona fide purchaser for fair market value;

5 (B) by inheritance before the date of the offense resulting in

6 forfeiture;

7 (C) as a gift from a person other than the defendant; or

8 (D) lawfully in a manner the court considers just."