

CS FOR HOUSE BILL NO. 419(STA) am S

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Amended: 3/22/96

Offered: 1/30/96

Sponsor(s): **REPRESENTATIVES KOTT, Ogan, Foster, Barnes, Sanders, Willis, Toohey, Vezey, Kelly, Phillips, James, Bunde, Williams**

SENATORS Halford, Taylor, Kelly, Donley, Phillips, Miller, Leman, Frank, Green

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the disposal of property, including firearms and ammunition."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 12.36.030(b) is repealed and reenacted to read:

4 (b) Property referenced in (a) of this section shall be disposed of by a

5 (1) municipal law enforcement agency in the following manner:

6 (A) for that part of the property that is subject to AS 34.45.110 - 34.45.780, in accordance with AS 34.45.110 - 34.45.780;

7 (B) for that part of the property that is not subject to AS 34.45.110 - 34.45.780, by selling the property in the same manner as a sale upon execution; after paying the expenses for the preservation and sale of the property, the law enforcement agency shall dispose of the proceeds of the sale in the same manner as money collected upon a judgment;

8 (2) state law enforcement agency in the following manner:

9 (A) if the property is a firearm or ammunition, in the manner provided in AS 18.65.340;

(B) if the property is other than a firearm or ammunition, and the property is

(i) subject to AS 34.45.110 - 34.45.780, in accordance with AS 34.45.110 - 34.45.780;

(ii) not subject to AS 34.45.110 - 34.45.780, by selling the property in the same manner as a sale upon execution; after paying the expenses for the preservation and sale of the property, the law enforcement agency shall dispose of the proceeds of the sale in the same manner as money collected upon a judgment.

* **Sec. 2.** AS 12.36.060(a) is amended to read:

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

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

(2) may, if the [.] A] weapon is suitable for law enforcement purposes, [BALLISTICS TESTING,] training, or identification, **retain the weapon for use** [MAY BE RETAINED] by the Department of Public Safety or **transfer the weapon** [TRANSFERRED] to the municipal law enforcement agency making the arrest that led to the forfeiture;

(3) shall destroy a [. A] weapon that is unsafe or unlawful [SHALL BE DESTROYED].

* **Sec. 3.** AS 12.36.060 is amended by adding a new subsection to read:

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

* Sec. 4. AS 17.30.122 is amended to read:

Sec. 17.30.122. STATE DISPOSAL OF FORFEITED PROPERTY. Property forfeited under AS 17.30.110 - 17.30.126 other than controlled substances **and firearms** shall be disposed of by the commissioner of administration in accordance with applicable law. **Firearms shall be disposed of as provided in AS 18.65.340.**
As to property other than firearms or controlled substances, the [THE]

commissioner of administration may

- (1) destroy property harmful to the public;
- (2) sell the property and use the proceeds for payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, custody, and court costs;
- (3) take custody of the property and authorize its use in the enforcement of this chapter or AS 11.71, or transfer it to another agency of the state or a political subdivision of the state for a use in furtherance of the administration of justice;
- (4) take custody of the property and remove it for disposition in accordance with law;
- (5) forward it to the Drug Enforcement Administration of the United States Department of Justice for disposition; or
- (6) transfer ownership of an aircraft to the Alaska Wing, Civil Air Patrol.

* **Sec. 5.** AS 18.65 is amended by adding a new section to read:

ARTICLE 3A. DISPOSAL OF FIREARMS AND AMMUNITION.

Sec. 18.65.340. DISPOSAL OF FIREARMS AND AMMUNITION BY THE STATE. The state may only dispose of forfeited, surplus, or recovered but unclaimed, firearms and ammunition by sale or trade to a federally licensed firearms dealer. Only firearms and ammunition that are serviceable and safe and legal for a federally licensed firearms dealer to possess may be sold or traded under this section. Firearms and ammunition that are not serviceable and safe shall be destroyed. Firearms and ammunition that are not legal for a federally licensed firearms dealer to possess shall be disposed of only by destruction or by transfer to a law enforcement agency that can legally possess the firearms or ammunition.