

ALASKA STATE LEGISLATURE



SENATOR FRED DYSON
SENATE DISTRICT F

SPONSOR STATEMENT **CSSB 110(JUD)**

An Act relating to the authority of the victims' advocate to request a hearing for the release to a crime victim under certain conditions of certain property in the custody of a law enforcement agency.

In 2012, the legislature unanimously passed CSSB 30(2d JUD) which placed within the Alaska Code of Criminal Procedure a process for victims of property crime to petition the court for relief in recovering their property held as evidence. Governor Parnell signed the bill into law as Chapter 3, SLA 2012.

Prior to passage of this bill into law, crime victims who suffered deprivation of valuable property for protracted periods of time had no ability to appeal to the Court, other than suing the State of Alaska, to make a determination of whether the need of the State, defense or other interested parties to retain the seized property outweighed the right of the crime victim to the return of their property.

The law currently requires that if a request to return property is made by the Victims' Advocate (Office of Victims' Rights) to a law enforcement agency on behalf of a crime victim, the law enforcement agency has 10 days to return the property or to request a hearing before the Court to determine if the property should be released to the crime victim. Unfortunately, the Office of Victim Rights reports that sometimes the law enforcement agency refuses to both return the property, or request a hearing of the Court, leaving the crime victim with no recourse.

CSSB 110(JUD) strengthens crime victim rights by giving the Victims' Advocate the authority to request the Court for a hearing on behalf of the crime victim if the law enforcement agency fails to act on a request to return the property by the deadline established in AS 12.36.070(b).

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