

**CS FOR HOUSE BILL NO. 295(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/22/95  
Referred: Finance

Sponsor(s): REPRESENTATIVES PORTER, Toohey

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the custody and disposition of property in the custody of  
2 municipal law enforcement agencies."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** AS 12.36.010 is amended to read:

5           Sec. 12.36.010. PROPERTY DISPOSITION. Except as provided in (b) of  
6 this section, when [WHEN] property not belonging to a law enforcement agency  
7 comes into the custody of the agency, the property shall be disposed of in accordance  
8 with this chapter.

9 \* **Sec. 2.** AS 12.36.010 is amended by adding a new subsection to read:

10           (b) This chapter does not apply to property that comes into the custody of a  
11 law enforcement agency of a municipality if the municipality has adopted an ordinance  
12 providing for the custody and disposition of the property and if the ordinance requires  
13 that

14                           (1) property held or collected as evidence in a children's court

1 proceeding, a criminal proceeding, or an official investigation of a crime is to be held  
2 until at least 15 days after final disposition of the case to which the evidence pertains;  
3 and

4 (2) the municipality make reasonable attempts to identify and locate the  
5 owner of the property that is unclaimed.

6 \* **Sec. 3.** AS 34.45.230 is amended to read:

7 Sec. 34.45.230. PROPERTY HELD BY COURTS AND PUBLIC AGENCIES.

8 **Except as provided by AS 34.45.720(d), intangible** [INTANGIBLE] property held  
9 for the owner by a court, state, municipality or other government, governmental  
10 subdivision, or agency, public corporation, or public authority, that remains unclaimed  
11 by the owner for more than one year after becoming payable or distributable, is  
12 presumed abandoned.

13 \* **Sec. 4.** AS 34.45.720 is amended by adding a new subsection to read:

14 (d) Checks, drafts, currency, and tangible property that are found and turned  
15 over to, or found and recovered by, a law enforcement agency of a municipality are  
16 not subject to AS 34.45.110 - 34.45.780 if the municipality has adopted an ordinance  
17 providing for the custody and disposition of the property.