

CS FOR HOUSE BILL NO. 419(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 1/30/96
Referred: Judiciary

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

SENATORS Halford, Taylor, Kelly, Donley

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3 * **Section 1.** AS 12.36.030(b) is repealed and reenacted to read: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 -
7 34.45.780, in accordance with AS 34.45.110 - 34.45.780;

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

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

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

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

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

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

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

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

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

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

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

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

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

27 * **Sec. 4.** AS 18.65 is amended by adding a new section to read:

28 ARTICLE 3A. DISPOSAL OF FIREARMS AND AMMUNITION.

29 Sec. 18.65.340. DISPOSAL OF FIREARMS AND AMMUNITION BY THE
30 STATE. Except for disposals under AS 17.30.122, the state may only dispose of
31 forfeited, surplus, or recovered but unclaimed, firearms and ammunition by sale or trade
32 to a federally licensed firearms dealer. Only firearms and ammunition that are

1 serviceable and safe and legal for a federally licensed firearms dealer to possess may be
2 sold or traded under this section. Firearms and ammunition that are not serviceable and
3 safe shall be destroyed. Firearms and ammunition that are not legal for a federally
4 licensed firearms dealer to possess shall be disposed of only by destruction or by transfer
5 to a law enforcement agency that can legally possess the firearms or ammunition.