

HOUSE BILL NO. 385

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE HALCRO

Introduced: 2/16/00

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to search warrants."**

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

3 *** Section 1.** AS 12.35.020 is amended to read:

4 **Sec. 12.35.020. Grounds for issuance.** A search warrant may be issued if the
5 judicial officer reasonably believes any of the following:

6 (1) that the property was stolen or embezzled;

7 (2) that the property was used as a means of committing **an offense** [A
8 CRIME];

9 (3) that the property is in the possession of a person who intends to use
10 it as the means of committing **an offense** [A CRIME], or in possession of another to
11 whom the person may have delivered it for the purpose of concealing it or preventing
12 its being discovered;

13 (4) that the property constitutes evidence of a particular **offense**
14 [CRIME] or tends to show that a certain person has committed a particular **offense**
15 [CRIME];

1 (5) that either reasonable legislative or administrative standards for
 2 conducting a routine or area inspection with regard to air pollution are satisfied with
 3 respect to the particular place, dwelling, structure, premises, or vehicle, or there is
 4 reason to believe that a condition of nonconformity exists with respect to the particular
 5 place, dwelling, structure, premises, or vehicle.

6 * **Sec. 2.** AS 12.35.025(a) is amended to read:

7 (a) Property described in AS 12.35.020 may be taken on a warrant from

8 (1) a house or other place in which it is concealed or may be found;

9 (2) the possession of the person by whom it was stolen, embezzled, or
 10 used in the commission of **an offense** [A CRIME];

11 (3) a person who is in possession of the property;

12 (4) the possession of a person to whom the property has been delivered
 13 for the purpose of concealing it or preventing its being discovered, or from a house or
 14 other place occupied by that person or under that person's control.

15 * **Sec. 3.** AS 12.35.120 is amended to read:

16 **Sec. 12.35.120. Definitions [DEFINITION OF SEARCH WARRANT]. In**
 17 **this chapter,**

18 (1) **"offense" has the meaning given in AS 11.81.900;**

19 (2) **" [A] search warrant" means** [IS] an order in writing, signed by a
 20 judge or magistrate or signed at the direction of a judicial officer in accordance with
 21 AS 12.35.015, directed to a peace officer, commanding the peace officer to search for
 22 personal property and bring it before the judge or magistrate.