

CS FOR HOUSE BILL NO. 32(JUD) am

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 4/6/01

Offered: 3/22/01

Sponsor(s): REPRESENTATIVES HAYES, McGuire, Guess, Murkowski, Kohring, Dyson, Green, Meyer, Wilson, Stevens

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the forfeiture of property used to possess or distribute child**
2 **pornography, to commit indecent viewing or photography, to commit a sex offense, or to**
3 **solicit the commission of, attempt to commit, or conspire to commit possession or**
4 **distribution of child pornography, indecent viewing or photography, or a sexual**
5 **offense."**

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

7 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
8 to read:

9 INTENT. The legislature recognizes these forfeitures as in personam and, as a matter
10 of consistency and fairness, instructs the courts to continue to provide, as they consider
11 reasonable, remission to innocent parties who have an ownership interest in the equipment
12 forfeited.

13 * **Sec. 2.** AS 11.41 is amended by adding a new section to read:

1 **Sec. 11.41.468. Forfeiture of property used in sexual offense.** (a) Property
2 used to aid a violation of AS 11.41.410 - 11.41.470 or to aid the solicitation of,
3 attempt to commit, or conspiracy to commit a violation of AS 11.41.410 - 11.41.470
4 may be forfeited to the state upon the conviction of the offender.

5 (b) In this section, "property" means computer equipment,
6 telecommunications equipment, photography equipment, video or audio equipment,
7 books, magazines, photographs, videotapes, audiotapes, and any equipment or device,
8 regardless of format or technology employed, that can be used to store, create, modify,
9 receive, transmit, or distribute digital or analog information, including images, motion
10 pictures, and sounds.

11 * **Sec. 3.** AS 11.61 is amended by adding a new section to read:

12 **Sec. 11.61.129. Forfeiture of property used in indecent viewing or**
13 **photography or child pornography.** (a) Property used to aid a violation of
14 AS 11.61.123 - 11.61.127 or to aid the solicitation of, attempt to commit, or
15 conspiracy to commit a violation of AS 11.61.123 - 11.61.127 may be forfeited to the
16 state upon the conviction of the offender.

17 (b) In this section, "property" has the meaning given in AS 11.41.468.