

SENATE CS FOR CS FOR HOUSE BILL NO. 32(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 4/24/01
Referred: Finance

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 forfeitures contemplated by this Act are intended to be forfeitures
10 imposed in connection with conviction for a crime. The legislature intends for the courts to
11 continue to provide hearings to interested persons who have an ownership interest in
12 equipment subject to forfeiture under this Act and to allow for remission to innocent
13 nonnegligent third parties as applied in State v. Rice, 626 P.2d 104 (Alaska 1981), Fehir v.

1 State, 755 P.2d 1107 (Alaska 1988), and Baum v. State, ___ P.2d ___ (Alaska App. 2001).

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

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

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

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

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

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