

**HOUSE BILL NO. 65**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES LYNN, Croft, Cissna, Crawford, McGuire**

**Introduced: 1/27/03**

**Referred: Transportation, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to forfeiture of a motor vehicle, airplane, or vessel for illegal**  
2 **transportation of alcohol."**

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

4 **\* Section 1.** AS 04.16.220(a) is amended to read:

5 (a) The following are subject to forfeiture:

6 (1) alcoholic beverages manufactured, sold, offered for sale or  
7 possessed for sale, bartered or exchanged for goods and services in this state in  
8 violation of AS 04.11.010; alcoholic beverages possessed, stocked, warehoused, or  
9 otherwise stored in violation of AS 04.21.060; alcoholic beverages sold, or offered for  
10 sale in violation of a local option adopted under AS 04.11.491; alcoholic beverages  
11 transported into the state and sold to persons not licensed under this chapter in  
12 violation of AS 04.16.170(b);

13 (2) materials and equipment used in the manufacture, sale, offering for  
14 sale, possession for sale, barter or exchange of alcoholic beverages for goods and

1 services in this state in violation of AS 04.11.010; materials and equipment used in the  
 2 stocking, warehousing, or storage of alcoholic beverages in violation of AS 04.21.060;  
 3 materials and equipment used in the sale or offering for sale of an alcoholic beverage  
 4 in an area in violation of a local option adopted under AS 04.11.491;

5 (3) aircraft, vehicles, or vessels used to transport, or facilitate the  
 6 transportation of

7 (A) alcoholic beverages manufactured, sold, offered for sale or  
 8 possessed for sale, bartered or exchanged for goods and services in this state in  
 9 violation of AS 04.11.010;

10 (B) property stocked, warehoused, or otherwise stored in  
 11 violation of AS 04.21.060;

12 [(C) ALCOHOLIC BEVERAGES IMPORTED INTO A  
 13 MUNICIPALITY OR ESTABLISHED VILLAGE IN VIOLATION OF  
 14 AS 04.11.499;]

15 (4) alcoholic beverages found on licensed premises that do not bear  
 16 federal excise stamps if excise stamps are required under federal law;

17 (5) alcoholic beverages, materials or equipment used in violation of  
 18 AS 04.16.175.

19 \* **Sec. 2.** AS 04.16.220(e) is amended to read:

20 (e) The owner of property subject to forfeiture under

21 **(1) subsection** (a) of this section is entitled to relief from the forfeiture  
 22 in the nature of remission of the forfeiture if, in an action under (d) of this section, the  
 23 owner shows that the owner was not a party to the violation and had no actual  
 24 knowledge that the property was used or was to be used in violation of the law; **and**

25 **(2) subsection (i) of this section is entitled to relief from the**  
 26 **forfeiture in the nature of remission of the forfeiture if, in an action under (d) of**  
 27 **this section, the owner shows that the owner was not a party to the violation, had**  
 28 **no actual knowledge or reasonable cause to believe that the property was to be**  
 29 **used in violation of the law, and had no actual knowledge or reasonable cause to**  
 30 **believe that the person committing the violation had a criminal record or**  
 31 **reputation for violating this title.**

1 \* **Sec. 3.** AS 04.16.220(f) is amended to read:

2 (f) A person other than the owner holding, or the assignee of, a lien, mortgage,  
3 conditional sales contract on, or the right to possession to property subject to forfeiture  
4 under (a) **or (i)** of this section is entitled to relief from the forfeiture in the nature of  
5 remission of the forfeiture if, in an action under (d) of this section, the person shows  
6 that the person was not a party to the violation subjecting the property to forfeiture,  
7 [AND] had no actual knowledge **or reasonable cause to believe** that the property was  
8 [USED OR WAS] to be used in violation of the law, **and had no actual knowledge**  
9 **or reasonable cause to believe that the person committing the violation had a**  
10 **criminal record or reputation for violating this title.**

11 \* **Sec. 4.** AS 04.16.220 is amended by adding a new subsection to read:

12 (i) Upon conviction of a person for a violation of AS 04.11.499, the state shall  
13 seek forfeiture of an aircraft, vehicle, or vessel used to transport or facilitate the  
14 transportation of alcoholic beverages imported into a municipality or established  
15 village in violation of AS 04.11.499.