

HOUSE BILL NO. 397

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

BY REPRESENTATIVE GATTO

Introduced: 2/23/10

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act providing for the release of property in the custody of a law enforcement**
2 **agency to the owner under certain conditions."**

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

4 *** Section 1.** AS 12.36 is amended by adding a new section to read:

5 **Sec. 12.36.070. Return of property by hearing.** (a) The owner of property
6 not belonging to a law enforcement agency that is in the custody of the agency under
7 this chapter may request that the agency return the property to the owner.

8 (b) On receipt of a request under (a) of this section, the agency shall request a
9 hearing before the court to determine if the property shall be released to the owner.

10 (c) After a hearing, the court shall order the return of the property in the
11 custody of a law enforcement agency to the owner if

12 (1) the owner provides satisfactory proof of ownership; and

13 (2) the law enforcement agency fails to prove that the agency is
14 authorized to retain possession of the property.

1 (d) The court may impose reasonable conditions on an owner receiving
2 property under this section.