

CS FOR SENATE BILL NO. 297(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/30/10

Referred: Finance

Sponsor(s): SENATOR DYSON

A BILL

FOR AN ACT ENTITLED

1 **"An Act providing for the release of certain property in the custody of a law**
2 **enforcement 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) Within 10 days after receipt of a request under (a) of this section and
9 following reasonable notice to the prosecution, defense, and other interested parties,
10 the agency shall request a hearing before the court to determine if the property shall be
11 released to the owner.

12 (c) After a hearing, the court may order the return of the property in the
13 custody of a law enforcement agency to the owner if

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

1 (2) the law enforcement agency fails to prove that the agency or
2 another interested party is authorized to retain possession of the property.

3 (d) The court may impose reasonable conditions on an owner claiming
4 property under this section.