

1 IN THE HOUSE

BY REPRESENTATIVE MCLEAN

2 HOUSE BILL NO. 145

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-SECOND SESSION

5 A BILL

6 For an Act entitled: "An act to amend Section 35-4-20 ACLA 1949
7 pertaining to the penalty imposed for
8 violations of Chapter 78 Session Laws of
9 Alaska 1937, as amended, providing for
10 manufacture and sale of intoxicating
11 liquors in the Territory of Alaska."

12 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

13 Section 1. That Section 35-4-20 ACLA 1949 be amended so as
14 to read as follows:

15 Sec. 35-4-20. Violation of act a misdemeanor: Penalty
16 1. Forfeiture. A violation of any of the provisions of
17 this act shall be deemed a misdemeanor, and upon conviction
18 1. Forfeiture
19 thereof shall be punished by imprisonment of not more than
20 one year, or by a fine of not more than Five Hundred Dollars
21 (\$500.00), each violation to be considered a separate
22 offense. Any intoxicating liquors shipped into the Terri-
23 tory for purposes of sale, other than to licensees here-
24 under and contrary to the provisions of this Act, shall be
25 deemed contraband, and subject to confiscation by the Terri-
26 tory, or any enforcement officer; and any intoxicating
27 liquors so seized shall be sold under the order of the
28 District Court, and the proceeds thereof deposited with the
29 Territorial Treasurer.

30 Any boat, vehicle or other conveyance used to transport

1 intoxicating liquors to be consumed by any person under the
2 age of twenty-one years, or any boat, vehicle or other con-
3 veyance upon or within which intoxicating liquors are con-
4 sumed by any person under the age of twenty-one years, or
5 any boat, vehicle or other conveyance wherein a person under
6 the age of twenty-one years is found to have in his posses-
7 sion any intoxicating liquors, shall be forfeited to the
8 Territory of Alaska.

9 When any officer of the law shall discover any convey-
10 ance that has been or is being used in the perpetration of a
11 violation of any of the provisions of this Act, it shall be
12 such officer's duty to seize and take possession of the said
13 conveyance and to arrest any person in charge thereof. Such
14 officer shall at once proceed, in a court of competent juris-
15 isdiction, against the person arrested under the provisions
16 of the law which has been violated, and shall retain the
17 said conveyance pending the filing of the forfeiture pro-
18 ceedings; but the said conveyance shall be returned to the
19 owner upon execution of a good and valid bond, with suffi-
20 cient surety in a sum double the value of the property,
21 which bond shall be approved by the prosecutor and shall be
22 conditioned upon the return of said property to the custody
23 of the said law enforcement officer on the day of trial to
24 abide the judgment of the court. The court, upon conviction
25 of the person so arrested, shall permit the bona fide owner
26 or a bona fide lienholder to register his objection as here-
27 inafter provided, and thereafter, unless other good cause to
28 the contrary is shown, order a sale at public auction by the
29 United States Marshal or his deputy in the Division where

1 the property was seized, and said United States Marshal,
2 after deducting the expenses of keeping the property and the
3 cost of sale, shall pay all liens, according to their
4 priorities, which are established by intervention or other-
5 wise at a hearing or other proceeding brought for said pur-
6 pose, and shall deposit the balance of the proceeds thereof
7 with the Territorial Treasurer: provided, that no claim of
8 ownership, right, title or interest in or to said conveyance
9 shall be held valid unless said claimant shows to the satis-
10 faction of the court that he is in good faith the owner of
11 said claim and had no knowledge that said conveyance was
12 used or to be used in violation of this law: provided fur-
13 ther, that no such conveyance shall be sold under this sec-
14 tion if the bona fide owner or any bona fide lienholder
15 shall, before the date set for such sale, register his objec-
16 tion to such sale with the court and shall have proved to
17 the satisfaction of the court that he had no knowledge that
18 such conveyance was to be used in the manner above set forth,
19 in which case the court shall order said conveyance to be
20 released. All liens against property sold under the provi-
21 sions of this section shall be transferred from the property
22 to the proceeds of the sale of the property. If, however,
23 no one shall be found claiming the conveyance, the taking of
24 the same, with the description thereof, shall be advertised
25 in some daily newspaper published in the Division nearest
26 to the taking, as is provided by law under execution sales:
27 and if no claimant shall appear within 10 days after the
28 last publication of the advertisement, the property shall be
29 sold and the proceeds, after deducting the expenses and

costs of sale, shall be deposited with the Territorial
Treasurer.

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