

1 IN THE HOUSE

BY THE RULES COMMITTEE BY REQUEST
OF THE LEGISLATIVE COUNCIL

2 HOUSE BILL NO. 34

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to search warrants and the seizure
7 of property."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 12.35.010 is amended to read:

10 Sec. 12.35.010. ISSUANCE OF SEARCH WARRANT. A supreme court
11 justice or a judge [OR MAGISTRATE] may issue a search warrant upon a
12 showing of probable cause, supported by oath or affirmation, and parti-
13 cularly describing the place to be searched and the thing to be seized.

14 * Sec. 2. AS 12.35.020 is amended to read:

15 Sec. 12.35.020. GROUNDS FOR ISSUANCE. A search warrant may be
16 issued if the supreme court justice or the judge reasonably believes
17 any of the following: [UPON ANY OF THE FOLLOWING GROUNDS]

18 (1) that [IF] the property was stolen or embezzled [IT MAY
19 BE TAKEN ON THE WARRANT FROM A HOUSE OR OTHER PLACE IN WHICH IT IS
20 CONCEALED OR MAY BE FOUND, OR FROM THE POSSESSION OF THE PERSON BY
21 WHOM IT WAS STOLEN OR EMBEZZLED, OR FROM A PERSON WHO IS IN POSSESSION
22 OF THE PROPERTY.];

23 (2) that [WHEN] the property was [IS] used as a means of
24 committing a crime [,IT MAY BE TAKEN ON THE WARRANT FROM A HOUSE OR
25 OTHER PLACE IN WHICH IT IS CONCEALED OR MAY BE FOUND, OR FROM THE
26 POSSESSION OF THE PERSON BY WHOM IT WAS USED IN THE COMMISSION OF THE
27 CRIME, OR FROM A PERSON WHO IS IN POSSESSION OF THE PROPERTY.];

28 (3) that [WHEN] the property is in the possession of a
29 person who intends to use it as the means of committing a crime, or

1 in possession of another to whom he may have delivered it for the
2 purpose of concealing it or preventing its being discovered [, IT MAY
3 BE TAKEN ON THE WARRANT FROM THE POSSESSION OF THAT PERSON, OR FROM
4 POSSESSION OF THE PERSON TO WHOM HE MAY HAVE DELIVERED IT, OR FROM A
5 HOUSE OR OTHER PLACE OCCUPIED BY THEM OR UNDER THEIR CONTROL, OR
6 EITHER OF THEM.];

7 (4) that [IF] the property constitutes evidence of a parti-
8 cular crime or tends to show that a certain person has committed a
9 particular crime [, IT MAY BE TAKEN ON THE WARRANT FROM A HOUSE OR
10 OTHER PLACE IN WHICH IT IS CONCEALED OR MAY BE FOUND, OR FROM A PERSON
11 WHO IS IN POSSESSION OF THE PROPERTY].

12 * Sec. 3. AS 12.35 is amended by adding a new section to read:

13 Sec. 12.35.025. SEIZURE OF PROPERTY. Property described in
14 sec. 20 of this chapter may be taken on a warrant from:

15 (1) a house or other place in which it is concealed or may
16 be found;

17 (2) the possession of the person by whom it was stolen,
18 embezzled, or used in the commission of a crime;

19 (3) a person who is in possession of the property;

20 (4) the possession of a person to whom the property has
21 been delivered for the purpose of concealing it or preventing its
22 being discovered, or from a house or other place occupied by him or
23 under his control.

24 * Sec. 4. AS 12.35.030 is repealed.
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