

Offered: 2/25/85
Referred: Judiciary

Original sponsor: Rules/Governor

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

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CS FOR SENATE BILL NO. 97 (State Affairs)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to forfeiture of weapons used to
commit a crime."

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

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* Section 1. AS 12.36 is amended by adding new sections to read:

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Sec. 12.36.050. REMISSION OF FORFEITED PROPERTY. (a) A claim-

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ant seeking remission of or remittance of the value of the claimant's

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interest in a weapon ordered forfeited under AS 12.55.015 is required

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to prove to the court by a preponderance of evidence that the claimant

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(1) has a valid interest in the weapon, acquired in good

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faith;

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(2) did not knowingly participate in the commission of the

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crime in which the weapon was used; and

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(3) did not know or have reasonable cause to believe that

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the weapon was used or would be used to commit a crime.

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(b) Upon a showing that a claimant is entitled to relief under

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(a) of this section, the order of the court shall provide that

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(1) the weapon to which the claimant is entitled shall be

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delivered to the claimant within 60 days after the final disposition

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of the case; or

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(2) if the claimant is entitled to remittance of some value

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less than the total value of the weapon, the claimant is entitled to

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the claimant's choice of either the value of the claimant's interest

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or, upon payment by the claimant of the difference in value, the

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weapon.

1 Sec. 12.36.060. DISPOSAL OF FORFEITED DEADLY WEAPONS. A deadly
2 weapon forfeited under AS 12.55.015, unless remitted under AS 12.36.-
3 050, shall be disposed of at the discretion of the commissioner of
4 public safety. The commissioner of public safety may destroy the
5 weapon or use the weapon for law enforcement, ballistics testing, or
6 training purposes.

7 * Sec. 2. AS 12.55.015(a) is amended to read:

8 (a) Except as limited by AS 12.55.125 - 12.55.175, the court, in
9 imposing sentence on a defendant convicted of an offense, may singly
10 or in combination

11 (1) impose a fine when authorized by law and as provided in
12 AS 12.55.035;

13 (2) order the defendant to be placed on probation under
14 conditions specified by the court which may include provision for
15 active supervision;

16 (3) impose a definite term of periodic imprisonment;

17 (4) impose a definite term of continuous imprisonment;

18 (5) order the defendant to make restitution as provided in
19 AS 12.55.045;

20 (6) order the defendant to carry out a continuous or peri-
21 odic program of community work as provided in AS 12.55.055;

22 (7) suspend execution of all or a portion of the sentence
23 imposed as provided in AS 12.55.080;

24 (8) suspend imposition of sentence as provided in AS 12.-
25 55.085;

26 (9) order the forfeiture to the Department of Public Safety
27 of any deadly weapon possessed or used by the defendant during the
28 commission of the offense.

29 * Sec. 3. AS 12.55.015 is amended by adding a new subsection to read:

1 (e) In this section "deadly weapon" has the meaning given in
2 AS 11.81.900.