

Offered: 3/20/85  
Referred: Rules

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE JUDICIARY COMMITTEE  
2 CS FOR SENATE BILL NO. 97 (Judiciary) am  
3 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  
7 commit a crime."

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

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

10 Sec. 12.36.050. REMISSION OF FORFEITED PROPERTY. (a) A claim-  
11 ant seeking remission of or remittance of the value of the claimant's  
12 interest in a weapon ordered forfeited under AS 12.55.015 is required  
13 to prove to the court by a preponderance of evidence that the claimant

14 (1) has a valid interest in the weapon, acquired in good  
15 faith;

16 (2) did not knowingly participate in the commission of the  
17 crime in which the weapon was used; and

18 (3) did not know or have reasonable cause to believe that  
19 the weapon was used or would be used to commit a crime.

20 (b) Upon a showing that a claimant is entitled to relief under  
21 (a) of this section, the order of the court shall provide that

22 (1) the weapon to which the claimant is entitled shall be  
23 delivered to the claimant within 30 days after the final disposition  
24 of the case; or

25 (2) if the claimant is entitled to remittance of some value  
26 less than the total value of the weapon, the claimant is entitled to  
27 the claimant's choice of either the value of the claimant's interest  
28 or, upon payment by the claimant of the difference in value, the  
29 weapon.

1           Sec. 12.36.060. DISPOSAL OF FORFEITED DEADLY WEAPONS. (a) A  
2 deadly weapon forfeited under AS 12.55.015, unless remitted under  
3 AS 12.36.050, shall be disposed of at the discretion of the commis-  
4 sioner of public safety. The commissioner of public safety shall  
5 dispose of all firearms suitable for sporting purposes by public  
6 auction. Those firearms suitable for law enforcement purposes,  
7 ballistics testing, or training may be retained by the Department of  
8 Public Safety. Firearms that are unsafe or unlawful may be destroyed.

9           (b) The Department of Public Safety shall adopt regulations  
10 necessary to carry out the provisions of this section.

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

12           (a) Except as limited by AS 12.55.125 - 12.55.175, the court, in  
13 imposing sentence on a defendant convicted of an offense, may singly  
14 or in combination:

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

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

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

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

22                 (5) order the defendant to make restitution as provided in  
23 AS 12.55.045;

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

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

28                 (8) suspend imposition of sentence as provided in AS 12.-  
29 55.085;

1                   (9) order the forfeiture to the Department of Public Safety  
2                   of any deadly weapon possessed or used by the defendant during the  
3                   commission of the offense.

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

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