

1 IN THE HOUSE

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2

HOUSE BILL NO. 203

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH 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 claim-
12 ant's interest in a weapon ordered forfeited under AS 12.55.015 shall
13 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 court shall order that the claimant receive

22 (1) the weapon within 60 days after the final disposition
23 of the case; or

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

28 Sec. 12.36.060. DISPOSAL OF FORFEITED DEADLY WEAPONS. (a) A
29 deadly weapon forfeited under AS 12.55.015, unless remitted under

1 AS 12.36.050, shall be disposed of by the commissioner of public
2 safety under this section. The commissioner of public safety may
3 dispose of each weapon suitable for sporting purposes by public
4 auction. A weapon suitable for law enforcement purposes, ballistics
5 testing, or training may be retained by the Department of Public
6 Safety. A weapon that is unsafe or unlawful shall be destroyed.

7 (b) The commissioner of public safety may adopt regulations
8 necessary to carry out the provisions of this section.

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

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

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

15 (2) order the defendant to be placed on probation under
16 conditions specified by the court that [WHICH] may include provision
17 for active supervision;

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

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

20 (5) order the defendant to make restitution under [AS
21 PROVIDED IN] AS 12.55.045;

22 (6) order the defendant to carry out a continuous or peri-
23 odic program of community work under [AS PROVIDED IN] AS 12.55.055;

24 (7) suspend execution of all or a portion of the sentence
25 imposed under [AS PROVIDED IN] AS 12.55.080;

26 (8) suspend imposition of sentence under [AS PROVIDED IN]
27 AS 12.55.085;

28 (9) order the forfeiture to the commissioner of public
29 safety of a deadly weapon possessed or used by the defendant during

1 the commission of an offense described in AS 11.41, AS 11.56, or
2 AS 11.61.

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

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