

Offered: 3/24/88  
Referred: Finance

5-0692X

Original sponsors: Larson, Swackhammer,  
Koponen and Taylor

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 SENATE CS FOR CS FOR HOUSE BILL NO. 203 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FIFTEENTH LEGISLATURE - SECOND 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(a)(9)  
13 shall prove to the court by a preponderance of evidence that the  
14 claimant

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

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

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

21 (b) Upon a showing that a claimant is entitled to relief under  
22 (a) of this section, the court may order that the weapon be released  
23 to the claimant.

24 (c) A claim may not be filed under this section more than 120  
25 days after the entry of the last final judgment in the case in which  
26 the weapon was ordered forfeited.

27 Sec. 12.36.060. DISPOSAL OF FORFEITED DEADLY WEAPONS. (a) A  
28 deadly weapon forfeited under AS 12.55.015(a)(9), unless remitted  
29 under AS 12.36.050, shall be disposed of by the commissioner of public

1 safety under this section. The commissioner of public safety may  
2 declare a weapon surplus and transfer it to the commissioner of admin-  
3 istration. A weapon suitable for law enforcement purposes, ballistics  
4 testing, training, or identification may be retained by the Department  
5 of Public Safety or transferred to the municipal law enforcement  
6 agency making the arrest that led to the forfeiture. A weapon that is  
7 unsafe or unlawful shall be destroyed.

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

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

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

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

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

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

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

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

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

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

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

29 (9) order the forfeiture to the commissioner of public

1       safety of a deadly weapon that was in the actual possession of or used  
2       by the defendant during the commission of an offense described in  
3       AS 11.41, AS 11.46, AS 11.56, or AS 11.61.

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

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