

HB

203

5-0692X.

Bradley
3/18/88

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

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

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

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

FISCAL NOTE

REQUEST

Revision Date: _____ Agency Affected: Public Safety
 Title: "An Act relating to forfeiture of weapons used to commit a crime." BRU: Alaska State Troopers
 Sponsor: Rep. Larson Components: Detachments
 Requestor: Senate Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY88	FY89	FY90	FY91	FY92	FY93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL

REVENUE

FUNDING (Thousands of Dollars)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

JMR
2/11/88

Prepared by: Francis C. Allan *F.C.A.*
 Division: Alaska State Troopers

Phone: 269-5691
 Date: 2/6/88

Approved by Commissioner: Arthur English *A.H.*
 Agency: Public Safety

Date: 2/6/88

Distribution: (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: CSHB 203(Fin)
Publish Date: HOUSE 5/13/87

REQUEST
Revision Date: _____
Title: "An Act relating to forfeiture
of weapons used to commit a crime."
Sponsor: Rep. Larson
Requestor: House Judiciary

Agency Affected: Public Safety
BRU: Alaska State Troopers
Components: Detachments & CIB

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL		0	0	0	0	0
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUNDS		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Francis C. Allan *SCA* Phone: 269-5691
Division: Alaska State Troopers Date: 3/26/87

Approved by Commissioner: William R. Nix *W. Nix* Date: 3/31/87
Agency: Public Safety

Distribution (by preparer):
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Legislative Sponsor
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Impacted Agency(ies)
Senate Secretary

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