

SB

462

FISCAL NOTE

REQUEST

Revision Date: 3/25/88  
Title: "An Act relating to seizure and forfeiture . . ."  
Sponsor: Sen. Sturgulewski  
Requestor: Senate Judiciary

Agency Affected: Public Safety  
BRU: Alaska State Troopers  
Components: Criminal Investigation  
Bureau

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY88	FY89	FY90	FY91	FY92	FY93
PERSONAL SERVICES		31.7	31.7	31.7	31.7	31.7
TRAVEL		-0-	-0-	-0-	-0-	-0-
CONTRACTUAL		5.0	5.0	5.0	5.0	5.0
SUPPLIES		2.0	2.0	2.0	2.0	2.0
EQUIPMENT		7.6				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		46.3	38.7	38.7	38.7	38.7

CAPITAL						
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REVENUE		-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS		46.3	38.7	38.7	38.7	38.7
FEDERAL FUNDS						
OTHER						
TOTAL		46.3	38.7	38.7	38.7	38.7

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis

Prepared by: Joseph Reeves, Program Budget Analyst  
Division: Administrative Services  
Approved by Commissioner: Arthur English  
Agency: Public Safety

Phone: 465-3223  
Date: 3/25/88  
Date: 3-25-88

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

CSSB 462 (Jud)  
Fiscal Note Analysis  
Department of Public Safety

This legislation establishes a "summary administrative forfeiture procedure" that would allow the commissioner of the Department of Public Safety to summarily order the forfeiture of property used in drug law violations if the forfeiture action is not contested. Under this new scheme, the department would be required to estimate the value of seized property, notify property owners of the department's intent to forfeit the items, arrange to publish notice of the proposed forfeiture action in newspapers in the area, and review claims and bonds filed by persons claiming the property. To properly perform these tasks the services of a Clerk V will be required, located in Anchorage.

Assumptions made in the preparation of this fiscal note include that the bill's effective date would be July 1, 1988, that equipment will be needed in the first year only, and that no inflation is projected.

It is impossible to know at this point how many offenders will choose not to contest the summary administrative forfeiture proceedings, so it is impossible to estimate the amount of revenue that will result from the new procedure. We believe that most property that will be forfeited under the administrative scheme will be the same type of property on which forfeiture is now being sought, through criminal conviction or civil "in rem" forfeiture actions. For these reasons the fiscal note indicates a zero revenue impact.

Anchorage

Clerk V

PERSONAL SERVICES - 100

Base Salary (Range 11/A)	\$23,460	
Benefits	<u>8,211</u>	
TOTAL PERSONAL SERVICES		\$31,671

CONTRACTUAL - 300

Terminal Hook-up Fees	\$ 850	
Telephone/Postage, \$85 per month x 12	1,020	
Maintenance Agreement on Computer	175	
Professional Services (Appraisal Fees/ Public Notices)	<u>3,000</u>	
TOTAL CONTRACTUAL		5,045

SUPPLIES AND MATERIALS - 400

Forms	1,000	
Stationary, copy machine paper, etc.	<u>1,000</u>	
TOTAL SUPPLIES AND MATERIALS		2,000

EQUIPMENT - 500 (FY 89 only)

Desk	576	
Chair	223	
Microcomputer - Compaq 286	<u>6,850</u>	
TOTAL EQUIPMENT		<u>7,649</u>

TOTAL COST		\$46,365
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5-1354X'  
Utermohle  
3/25/88

Original sponsors: Sturgulewski, Uehling,  
Fischer and Rodey

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 462 (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 seizure and forfeiture of proper-  
7 ty in cases involving controlled substances and  
8 imitation controlled substances."

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

10 \* Section 1. AS 11.73.060 is amended to read:

11 Sec. 11.73.060. FORFEITURES. (a) Property used during or in  
12 aid of a violation of this chapter may be forfeited to the state to  
13 the extent permitted under AS 17.30.110 - 17.30.138 [AND IN ACCORDANCE  
14 WITH THE PROVISIONS OF AS 17.30.110 - 17.30.126].

15 (b) For purposes of this section the terms "controlled sub-  
16 stance" and "this chapter", as used in AS 17.30.110 - 17.30.138  
17 [AS 17.30.110 - 17.30.126], shall be construed as "imitation con-  
18 trolled substance" and "AS 11.73" respectively.

19 \* Sec. 2. AS 17.30.110 is amended to read:

20 Sec. 17.30.110. ITEMS SUBJECT TO FORFEITURE. The following may  
21 be forfeited to the state or a municipality, except as provided in  
22 AS 17.30.126:

23 (1) a controlled substance that [WHICH] has been manufact-  
24 ured, distributed, dispensed, acquired, or possessed in violation of  
25 this chapter or AS 11.71;

26 (2) property, including raw materials, products, and equip-  
27 ment, that is [WHICH ARE] used or intended for use in manufacturing,  
28 distributing, compounding, processing, delivering, importing, or  
29 exporting a controlled substance that [WHICH] is a felony under this

1 chapter or AS 11.71;

2 (3) property that [WHICH] is used or intended for use as a  
3 container for property described in (1) or (2) of this section;

4 (4) a conveyance, including but not limited to aircraft,  
5 vehicles, or vessels, that [WHICH] has been used or is intended for  
6 use in transporting or in any manner in facilitating the transporta-  
7 tion, sale, receipt, possession, or concealment of property described  
8 in (1) or (2) of this section in violation of a felony offense under  
9 this chapter or AS 11.71; however,

10 (A) a conveyance may not be forfeited under this  
11 paragraph if the owner of the conveyance establishes, by a pre-  
12 ponderance of the evidence, at a hearing before the court as the  
13 trier of fact, that use of the conveyance in violation of this  
14 chapter or AS 11.71 was committed by another person and that the  
15 owner was neither a consenting party nor privy to the violation;

16 (B) a forfeiture of a conveyance encumbered by a valid  
17 security interest at the time of seizure is subject to the inter-  
18 est of the secured party if the secured party establishes, by a  
19 preponderance of the evidence, at a hearing before the court as  
20 the trier of fact, that use of the conveyance in violation of  
21 this chapter or AS 11.71 was committed by another person and that  
22 the secured party was neither a consenting party nor privy to the  
23 violation;

24 (5) books, records, and research products and materials,  
25 including formulas, microfilm, tapes, and data, that [WHICH] are used  
26 in violation of this chapter or AS 11.71;

27 (6) property, including money, securities, or negotiable  
28 instruments, that is

29 (A) furnished by a person in exchange for a controlled

1 substance in violation of this chapter or AS 11.71;

2 (B) used in, intended for use in, or used to facili-  
3 tate a violation of this chapter or AS 11.71; or

4 (C) proceeds derived directly or indirectly from a  
5 violation of this chapter or AS 11.71; [, OR OTHER THINGS OF  
6 VALUE USED IN FINANCIAL TRANSACTIONS DERIVED FROM ACTIVITY PRO-  
7 HIBITED BY THIS CHAPTER OR AS 11.71; AND]

8 (7) a firearm that [WHICH] is visible, carried during, or  
9 used in furtherance of a violation of this chapter or AS 11.71; and

10 (8) real property, including interests in real property and  
11 appurtenances and improvements to real property, that is used or  
12 intended for use to commit, or to facilitate the commission of, a  
13 felony offense under this chapter or AS 11.71; however

14 (A) real property may not be forfeited under this  
15 paragraph if the owner of the real property establishes, by a  
16 preponderance of the evidence, at a hearing before the court as  
17 the trier of fact, that use of the real property in violation of  
18 this chapter or AS 11.71 was committed by another person and that  
19 the owner was neither a consenting party nor privy to the vio-  
20 lation;

21 (B) a forfeiture of real property encumbered by a  
22 valid security interest at the time of seizure is subject to the  
23 interest of the secured party if the secured party establishes,  
24 by a preponderance of the evidence, at a hearing before the court  
25 as the trier of fact, that use of the real property in violation  
26 of this chapter or AS 11.71 was committed by another person and  
27 that the secured party was neither a consenting party nor privy  
28 to the violation;

29 (9) property acquired, maintained, produced by, or derived

1 from proceeds obtained directly or indirectly from a violation of this  
2 chapter or AS 11.71.

3 \* Sec. 3. AS 17.30.112 is repealed and reenacted to read:

4 Sec. 17.30.112. PROCEEDINGS RESULTING IN FORFEITURE. (a) Prop-  
5 erty listed in AS 17.30.110 may be forfeited to the state or a munic-  
6 ipality upon the order of the commissioner of public safety or a chief  
7 of police in a summary administrative forfeiture proceeding under  
8 AS 17.30.115, upon conviction of the defendant of a violation of this  
9 chapter or AS 11.71, or upon judgment of a court in a separate civil  
10 proceeding in rem.

11 (b) Unless the property is seized under a court order forfeiting  
12 the property to the state or a municipality, the commissioner of  
13 public safety or a chief of police, whoever is in custody of the  
14 property, shall within 20 days after the property is seized under  
15 AS 17.30.114

16 (1) cause a summary administrative forfeiture proceeding to  
17 be commenced under AS 17.30.115;

18 (2) commence a civil proceeding in rem under AS 17.30.116;  
19 or

20 (3) release the property, unless the property is subject to  
21 AS 17.30.126.

22 (c) Notwithstanding (b) of this section, if forfeiture of seized  
23 property is pursued as part of a criminal prosecution for a violation  
24 of this chapter or AS 11.71, the commissioner of public safety or the  
25 chief of police, whoever has custody of the property, may retain  
26 custody of the property until the criminal prosecution is concluded or  
27 until two years from the date of seizure, whichever occurs first.  
28 This subsection does not prevent the release, remission, or sale of  
29 the property under AS 17.30.120 - 17.30.138.

1 (d) A court may order a forfeiture in the in rem proceeding if  
2 it finds that an item specified in AS 17.30.110 was used during or in  
3 aid of a violation of this chapter or AS 11.71. It is not a defense  
4 in an in rem proceeding brought under this chapter that a criminal  
5 proceeding has resulted in a conviction or conviction of a lesser  
6 offense for a violation of this chapter or AS 11.71.

7 \* Sec. 4. AS 17.30.114 is amended to read:

8 Sec. 17.30.114. SEIZURE AND CUSTODY OF PROPERTY. (a) Property  
9 listed in AS 17.30.110 may be seized by a peace officer upon an order  
10 issued by a court having jurisdiction over the property upon a showing  
11 of probable cause that the property may be forfeited under AS 17.30.-  
12 110. Seizure without a court order may be made if

13 (1) the seizure is incident to a valid arrest or a search  
14 under a valid search warrant;

15 (2) the property subject to seizure has been the subject of  
16 an earlier judgment in favor of the state or a municipality in a  
17 criminal proceeding or civil proceeding in rem under this chapter or  
18 AS 11.71; or

19 (3) there is probable cause that the property was used, is  
20 being used, or is intended for use, in violation of this chapter or  
21 AS 11.71 and the property is easily movable; property seized under  
22 this paragraph may not be held for more than 48 hours without a court  
23 order obtained to continue its detention.

24 (b) Property taken or detained under (a) of this section shall  
25 be held in the custody of either the commissioner of public safety or  
26 a municipal law enforcement agency [AUTHORIZED BY THE COMMISSIONER OF  
27 PUBLIC SAFETY TO RETAIN CUSTODY OF PROPERTY LISTED IN AS 17.30.110]  
28 subject only to disposition under procedures set out in this chapter  
29 [THE ORDERS AND DECREES OF THE COURT HAVING JURISDICTION OVER ANY

1 FORFEITURE PROCEEDINGS]. If property is seized under this chapter,  
2 the commissioner of public safety or a [AN AUTHORIZED] municipal law  
3 enforcement agency may

4 (1) place the property under seal;

5 (2) remove the property to a place designated by the court;

6 or

7 (3) take custody of the property and remove it to an appro-  
8 priate location for disposition in accordance with law.

9 (c) Within 10 days after a seizure under AS 17.30.110 - 17.30.-  
10 138 [AS 17.30.110 - 17.30.126], the commissioner of public safety or  
11 the chief of police shall make an inventory of any property seized,  
12 including controlled substances, and shall estimate [APPRAISE] the  
13 value of any items seized other than controlled substances.

14 \* Sec. 5. AS 17.30 is amended by adding a new section to read:

15 Sec. 17.30.115. SUMMARY ADMINISTRATIVE FORFEITURE PROCEEDING.

16 (a) If the estimated value of seized property is \$100,000 or less or  
17 if the seized property is a conveyance subject to forfeiture under  
18 AS 17.30.110(4), the official who has custody of seized property may  
19 commence a summary administrative forfeiture proceeding by

20 (1) giving notice of the forfeiture proceeding to persons  
21 known to have an interest in the property or who are ascertainable  
22 from official registration numbers, licenses, or other state, federal,  
23 or municipal numbers on the property; and

24 (2) publishing notice of the proceeding in a newspaper of  
25 general circulation in the judicial district where the seizure was  
26 made, or if no newspaper is published in that judicial district, in a  
27 newspaper published in the state and distributed in that judicial  
28 district; the notice shall be published once each week during three  
29 consecutive calendar weeks; the notice must

1 (A) describe the property seized, including motor and  
2 serial numbers, if any;

3 (B) state the time, place, and cause of seizure; and

4 (C) state that a person claiming an interest in the  
5 property shall, within 20 days from the date of the first publi-  
6 cation of the notice, file with the official a claim to the  
7 property and a bond in the proper amount.

8 (b) A person claiming property subject to a proceeding under  
9 this section shall submit a claim and a bond to the official within 20  
10 days after the date of first publication of the notice required under  
11 this section.

12 (c) The bond with satisfactory sureties shall be in the amount  
13 of \$2,500 or 10 percent of the estimated value of the property, which-  
14 ever is lower, but not less than \$500. The bond shall be in cash,  
15 certified check, or satisfactory sureties. The bond shall be rendered  
16 to the state or municipality, as appropriate, with sureties approved  
17 by the official and conditioned that in the event of judicial forfei-  
18 ture of the property the obligor shall pay from the bond all costs and  
19 expenses of the civil proceeding in rem.

20 (d) When the claim and bond are received, the official shall  
21 determine that the claim and bond are in proper form and the sureties  
22 are satisfactory. If the claim and bond are satisfactory, the offi-  
23 cial shall terminate the proceeding and commence a civil proceeding in  
24 rem under AS 17.30.116. Notwithstanding AS 17.30.112(b), the official  
25 shall commence the civil proceeding in rem within 20 days after the  
26 timely and satisfactory claim and bond are filed. If the claim and  
27 bond are not satisfactory when first received, a reasonable time for  
28 correction of the claim and bond may be allowed. If satisfactory  
29 corrections are not made to the claim and bond within a reasonable

1 time, the official may proceed as though the claim and bond had not  
2 been tendered.

3 (e) The filing of a timely and satisfactory claim and bond  
4 terminates the summary administrative forfeiture proceeding, but does  
5 not entitle the claimant to possession of the property.

6 (f) If a timely and satisfactory claim and bond are not filed  
7 within the time required under this section, the official shall de-  
8clare the property forfeited. The official shall execute a declara-  
9tion of forfeiture.

10 (g) In this section

11 (1) "commissioner of public safety" includes an employee of  
12 the Department of Public Safety designated by the commissioner to  
13 conduct summary administrative forfeiture proceedings;

14 (2) "official" means the commissioner of public safety or  
15 chief of police who has custody of seized property.

16 \* Sec. 6. AS 17.30.116(a) is amended to read:

17 (a) If the estimated value of seized property is more than  
18 \$100,000, or the commissioner of public safety or chief of police in  
19 custody of seized property elects to commence a civil proceeding in  
20 rem against property with an estimated value of \$100,000 or less or  
21 against a conveyance, [WITHIN 20 DAYS AFTER A SEIZURE UNDER AS 17.-  
22 30.110 - 17.30.126,] the commissioner of public safety or chief of  
23 police shall, by certified mail, notify any person known to have an  
24 interest in an item with an estimated [APPRAISED] value of \$500 or  
25 more, or who is ascertainable from official registration numbers,  
26 licenses, or other state, federal, or municipal numbers on the item,  
27 of the pending forfeiture action. Additionally, the commissioner of  
28 public safety or chief of police shall publish notice of forfeiture  
29 action of an item valued at \$500 or more in a newspaper of general

1 circulation in the judicial district in which the seizure was made, or  
2 if no newspaper is published in that judicial district, in a newspaper  
3 published in the state and distributed in that judicial district. The  
4 notice shall be published once each week during four consecutive  
5 calendar weeks. The requirements of this subsection do not apply to

6 (1) a civil in rem proceeding commenced after a summary  
7 administrative forfeiture proceeding is terminated upon the timely and  
8 satisfactory filing of a claim and bond under AS 17.30.115(d); or

9 (2) the forfeiture of controlled substances which have been  
10 manufactured, distributed, dispensed, or possessed in violation of  
11 this chapter or AS 11.71, regardless of their value.

12 \* Sec. 7. AS 17.30.120 is amended to read:

13 Sec. 17.30.120. PETITION FOR SALE OF SEIZED ITEM. A claimant  
14 may petition the court for sale of an item before final disposition of  
15 court proceedings. The court shall grant a petition for sale upon a  
16 finding that the sale is in the best interests of the state or munic-  
17 ipality, whichever is in custody of the property, and the preservation  
18 and maintenance of the item seized. Proceeds from the sale plus  
19 interest to the date of final disposition of the court proceedings  
20 become the subject of the forfeiture action.

21 \* Sec. 8. AS 17.30.122 is amended to read:

22 Sec. 17.30.122. STATE DISPOSAL OF FORFEITED PROPERTY. Property  
23 forfeited to the state under AS 17.30.110 - 17.30.138, [AS 17.30.110 -  
24 17.30.126] other than controlled substances, shall be disposed of by  
25 the commissioner of administration in accordance with applicable law.  
26 The commissioner of administration may

27 (1) destroy property harmful to the public;

28 (2) sell the property and use the proceeds for payment of  
29 all proper expenses of the proceedings for forfeiture and sale,

1 including expenses of seizure, custody, and court costs; proceeds re-  
2 maining from the sale of the property after expenses are paid shall be  
3 deposited in the general fund;

4 (3) take custody of the property and authorize its use in  
5 the enforcement of this chapter or AS 11.71, or transfer it to another  
6 agency of the state or a political subdivision of the state for a use  
7 in furtherance of the administration of justice;

8 (4) take custody of the property and remove it for disposi-  
9 tion in accordance with law;

10 (5) forward the property [IT] to the Drug Enforcement  
11 Administration of the United States Department of Justice for disposi-  
12 tion; or

13 (6) transfer ownership of an aircraft to the Alaska Wing,  
14 Civil Air Patrol.

15 \* Sec. 9. AS 17.30.126(a) is amended to read:

16 (a) A controlled substance manufactured, possessed, transferred,  
17 sold, or offered for sale in violation of this chapter or AS 11.71 is  
18 contraband and must be seized and summarily forfeited to the state.  
19 The commissioner of public safety or the commissioner's designee,  
20 including a municipal law enforcement agency [AUTHORIZED UNDER AS 17.-  
21 30.114(b) OF THIS SECTION TO RETAIN CUSTODY OF CONTROLLED SUBSTANCES],  
22 is responsible for the disposal of controlled substances which have  
23 been forfeited. The controlled substances shall be disposed of in  
24 accordance with procedures and requirements prescribed by the commis-  
25 sioner.

26 \* Sec. 10. AS 17.30 is amended by adding a new section to article 2 to  
27 read:

28 Sec. 17.30.138. DEFINITIONS. In AS 17.30.110 - 17.30.138

29 (1) "chief of police" means the head of a law enforcement

1 agency of a municipality;

2 (2) "municipality" means a municipality that has adopted an  
3 ordinance under AS 29.35.135 providing for summary administrative  
4 forfeiture proceedings to be conducted by the municipality's chief of  
5 police;

6 (3) "violation of this chapter or AS 11.71" includes an  
7 attempt or solicitation to violate this chapter or AS 11.71.

8 \* Sec. 11. AS 29.10.200 is amended by adding a new paragraph to read:

9 (49) AS 29.35.135 (forfeiture of property under AS 17.30)

10 \* Sec. 12. AS 29.35 is amended by adding a new section to read:

11 Sec. 29.35.135. FORFEITURE OF PROPERTY UNDER AS 17.30. (a) The  
12 governing body may adopt an ordinance authorizing the chief of police  
13 to conduct a summary administrative forfeiture proceeding under  
14 AS 17.30 for forfeiture of property seized by the municipal law en-  
15 forcement agency in cases involving controlled substances.

16 (b) Property forfeited to the municipality under AS 17.30.110 -  
17 17.30.138 shall be disposed of by the municipality under applicable  
18 law and ordinance. The municipality may

19 (1) destroy property harmful to the public;

20 (2) sell the property and use the proceeds for payment of  
21 all proper expenses of the proceedings for forfeiture and sale, in-  
22 cluding expenses of seizure, custody, and court costs;

23 (3) take custody of the property and authorize its use in  
24 the enforcement of AS 11.71 or AS 17.30 or for a use in the adminis-  
25 tration of justice;

26 (4) take custody of the property and remove it for disposi-  
27 tion under law; or

28 (5) forward it to the Drug Enforcement Administration of  
29 the United States Department of Justice for disposition.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y. STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 24, 1988

SUBJECT: CSSB 462(Judiciary)  
TO: Senator Jalmar Kerttula  
FROM: George Utermohle *GU*  
Legislative Counsel

Enclosed is the Judiciary Committee Substitute for SB 462, an act relating to seizure and forfeiture of property involving controlled substances and imitation controlled substances.

The CS contains the substance of amendments suggested by the Department of Public Safety; however the CS varies from the department's proposed language as follows:

First, the title of the bill is amended to include a reference to imitation controlled substances.

Second, the department's proposed new AS 17.30.110(3), (6)(C), and (7) are combined into one provision in the CS. These provisions are included in AS 17.30.110(6).

Third, the department proposed an amendment to AS 17.30.112(b) to provide an exception to the process set out in that subsection, so that the commissioner of public safety or a police chief did not have to take action towards the final disposition of seized property within 20 days after seizure occurs. The proposed amendment would allow the commissioner or a chief of police to hold the seized property indefinitely if they intended to seek forfeiture of the property as part of a criminal case against the defendant. Under this approach seized property could be held until the statute of limitations has expired without any action being taken towards final disposition of the property. The CS contains language addressing part of the problem raised by the department. Property seized under an order of forfeiture issued by a court is exempted from the provisions of AS 17.30.112(b). Thus, property forfeited as

Senator Jalmar Kerttula  
Page 2  
March 24, 1988

part of a criminal proceeding against a defendant can be seized and forfeited without having to repeat the procedures set out in AS 17.30.112(b).

Fourth, the amendment of the definition of controlled substances to include imitation controlled substances is not necessary because imitation controlled substances are already subject to AS 17.30.110 - 17.30.138 under AS 11.73.060. Section 1 of the bill contains the provision making the forfeiture and seizure statutes apply to imitation controlled substances.

Enclosure

GU:gc  
WKG2:071

5-1354L  
Utermohle  
3/24/88

Original sponsors: Sturgulewski, Uehling,  
Fischer and Rodey

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 462 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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7 ty in cases involving controlled substances and  
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12 aid of a violation of this chapter may be forfeited to the state to  
13 the extent permitted under AS 17.30.110 - 17.30.138 [AND IN ACCORDANCE  
14 WITH THE PROVISIONS OF AS 17.30.110 - 17.30.126].

15 (b) For purposes of this section the terms "controlled sub-  
16 stance" and "this chapter", as used in AS 17.30.110 - 17.30.138  
17 [AS 17.30.110 - 17.30.126], shall be construed as "imitation con-  
18 trolled substance" and "AS 11.73" respectively.

19 \* Sec. 2. AS 17.30.110 is amended to read:

20 Sec. 17.30.110. ITEMS SUBJECT TO FORFEITURE. The following may  
21 be forfeited to the state or a municipality, except as provided in  
22 AS 17.30.126:

23 (1) a controlled substance that [WHICH] has been manufact-  
24 ured, distributed, dispensed, acquired, or possessed in violation of  
25 this chapter or AS 11.71;

26 (2) property, including raw materials, products, and  
27 equipment, that is [WHICH ARE] used or intended for use in manufactur-  
28 ing, distributing, compounding, processing, delivering, importing, or  
29 exporting a controlled substance that [WHICH] is a felony under this

1 chapter or AS 11.71;

2 (3) property that [WHICH] is used or intended for use as a  
3 container for property described in (1) or (2) of this section;

4 (4) a conveyance, including but not limited to aircraft,  
5 vehicles, or vessels, that [WHICH] has been used or is intended for  
6 use in transporting or in any manner in facilitating the transporta-  
7 tion, sale, receipt, possession, or concealment of property described  
8 in (1) or (2) of this section in violation of a felony offense under  
9 this chapter or AS 11.71; however,

10 (A) a conveyance may not be forfeited under this  
11 paragraph if the owner of the conveyance establishes, by a pre-  
12 ponderance of the evidence, at a hearing before the court as the  
13 trier of fact, that use of the conveyance in violation of this  
14 chapter or AS 11.71 was committed by another person and that the  
15 owner was neither a consenting party nor privy to the violation;

16 (B) a forfeiture of a conveyance encumbered by a valid  
17 security interest at the time of seizure is subject to the inter-  
18 est of the secured party if the secured party establishes, by a  
19 preponderance of the evidence, at a hearing before the court as  
20 the trier of fact, that use of the conveyance in violation of  
21 this chapter or AS 11.71 was committed by another person and that  
22 the secured party was neither a consenting party nor privy to the  
23 violation;

24 (5) books, records, and research products and materials,  
25 including formulas, microfilm, tapes, and data, that [WHICH] are used  
26 in violation of this chapter or AS 11.71;

27 (6) property, including money, securities, or negotiable  
28 instruments, that is

29 (A) furnished by a person in exchange for a controlled

substance in violation of this chapter or AS 11.71;

(B) used in, intended for use in, or used to facilitate a violation of this chapter or AS 11.71; or

(C) proceeds derived directly or indirectly from a violation of this chapter or AS 11.71; [, OR OTHER THINGS OF VALUE USED IN FINANCIAL TRANSACTIONS DERIVED FROM ACTIVITY PROHIBITED BY THIS CHAPTER OR AS 11.71; AND]

(7) a firearm that [WHICH] is visible, carried during, or used in furtherance of a violation of this chapter or AS 11.71; and

(8) real property, including interests in real property and appurtenances and improvements to real property, that is used or intended for use to commit, or to facilitate the commission of, a felony offense under this chapter or AS 11.71; however

(A) real property may not be forfeited under this paragraph if the owner of the real property establishes, by a preponderance of the evidence, at a hearing before the court as the trier of fact, that use of the real property in violation of this chapter or AS 11.71 was committed by another person and that the owner was neither a consenting party nor privy to the violation;

(B) a forfeiture of real property encumbered by a valid security interest at the time of seizure is subject to the interest of the secured party if the secured party establishes, by a preponderance of the evidence, at a hearing before the court as the trier of fact, that use of the real property in violation of this chapter or AS 11.71 was committed by another person and that the secured party was neither a consenting party nor privy to the violation;

(9) property acquired, maintained, produced by, or derived

1 from proceeds obtained directly or indirectly from a violation of this  
2 chapter or AS 11.71.

3 \* Sec. 3. AS 17.30.112 is amended to read:

4 Sec. 17.30.112. PROCEEDINGS RESULTING IN FORFEITURE. (a) Prop-  
5 erty listed in AS 17.30.110 may be forfeited to the state or a munic-  
6 ipality upon the order of the commissioner of public safety or a chief  
7 of police in a summary administrative forfeiture proceeding under  
8 AS 17.30.115, [EITHER] upon conviction of the defendant of a violation  
9 of this chapter or AS 11.71, or upon judgment of a court in a separate  
10 civil proceeding in rem.

11 (b) Unless the property is seized under a court order forfeiting  
12 the property to the state or a municipality, the commissioner of  
13 public safety or a chief of police, whoever is in custody of the  
14 property, shall within 20 days after the property is seized under  
15 AS 17.30.114

16 (1) cause a summary administrative forfeiture proceeding to  
17 be commenced under AS 17.30.115;

18 (2) commence a civil proceeding in rem under AS 17.30.116;

19 or

20 (3) release the property, unless the property is subject to  
21 AS 17.30.126.

22 (c) A [THE] court may order a forfeiture in the in rem proceed-  
23 ing if it finds that an item specified in AS 17.30.110 was used during  
24 or in aid of a violation of this chapter or AS 11.71. [(b)] It is  
25 not a defense in an in rem proceeding brought under this chapter  
26 [SECTION] that a criminal proceeding has resulted in a conviction or  
27 conviction of a lesser offense for a violation of this chapter or  
28 AS 11.71.

29 \* Sec. 4. AS 17.30.114 is amended to read:

1           Sec. 17.30.114.   SEIZURE AND CUSTODY OF PROPERTY.   (a) Property  
2 listed in AS 17.30.110 may be seized by a peace officer upon an order  
3 issued by a court having jurisdiction over the property upon a showing  
4 of probable cause that the property may be forfeited under AS 17.30.-  
5 110. Seizure without a court order may be made if

6           (1) the seizure is incident to a valid arrest or a search  
7 under a valid search warrant;

8           (2) the property subject to seizure has been the subject of  
9 an earlier judgment in favor of the state or a municipality in a  
10 criminal proceeding or civil proceeding in rem under this chapter or  
11 AS 11.71; or

12           (3) there is probable cause that the property was used, is  
13 being used, or is intended for use, in violation of this chapter or AS  
14 11.71 and the property is easily movable; property seized under this  
15 paragraph may not be held for more than 48 hours without a court order  
16 obtained to continue its detention.

17           (b) Property taken or detained under (a) of this section shall  
18 be held in the custody of either the commissioner of public safety or  
19 a municipal law enforcement agency [AUTHORIZED BY THE COMMISSIONER OF  
20 PUBLIC SAFETY TO RETAIN CUSTODY OF PROPERTY LISTED IN AS 17.30.110]  
21 subject only to disposition under procedures set out in this chapter  
22 [THE ORDERS AND DECREES OF THE COURT HAVING JURISDICTION OVER ANY  
23 FORFEITURE PROCEEDINGS]. If property is seized under this chapter,  
24 the commissioner of public safety or a [AN AUTHORIZED] municipal law  
25 enforcement agency may

26           (1) place the property under seal;

27           (2) remove the property to a place designated by the court;

28 or

29           (3) take custody of the property and remove it to an

1 appropriate location for disposition in accordance with law.

2 (c) Within 10 days after a seizure under AS 17.30.110 - 17.30.-  
3 138 [AS 17 30.110 - 17.30.126], the commissioner of public safety or  
4 the chief of police shall make an inventory of any property seized,  
5 including controlled substances, and shall estimate [APPRAISE] the  
6 value of any items seized other than controlled substances.

7 \* Sec. 5. AS 17.30 is amended by adding a new section to read:

8 Sec. 17.30.115. SUMMARY ADMINISTRATIVE FORFEITURE PROCEEDING.

9 (a) If the estimated value of seized property is \$100,000 or less or  
10 if the seized property is a conveyance subject to forfeiture under  
11 AS 17.30.110(4), the official who has custody of seized property may  
12 commence a summary administrative forfeiture proceeding by

13 (1) giving notice of the forfeiture proceeding to persons  
14 known to have an interest in the property or who are ascertainable  
15 from official registration numbers, licenses, or other state, federal,  
16 or municipal numbers on the property; and

17 (2) publishing notice of the proceeding in a newspaper of  
18 general circulation in the judicial district where the seizure was  
19 made, or if no newspaper is published in that judicial district, in a  
20 newspaper published in the state and distributed in that judicial  
21 district; the notice shall be published once each week during three  
22 consecutive calendar weeks; the notice must

23 (A) describe the property seized, including motor and  
24 serial numbers, if any;

25 (B) state the time, place, and cause of seizure; and

26 (C) state that a person claiming an interest in the  
27 property shall, within 20 days from the date of the first publi-  
28 cation of the notice, file with the official a claim to the  
29 property and a bond in the proper amount.

1 (b) A person claiming property subject to a proceeding under  
2 this section shall submit a claim and a bond to the official within 20  
3 days after the date of first publication of the notice required under  
4 this section.

5 (c) The bond with satisfactory sureties shall be in the amount  
6 of \$2,500 or 10 percent of the estimated value of the property, which-  
7 ever is lower, but not less than \$500. The bond shall be in cash,  
8 certified check, or satisfactory sureties. The bond shall be rendered  
9 to the state or municipality, as appropriate, with sureties approved  
10 by the official and conditioned that in the event of judicial forfei-  
11 ture of the property the obligor shall pay from the bond all costs and  
12 expenses of the civil proceeding in rem.

13 (d) When the claim and bond are received, the official shall  
14 determine that the claim and bond are in proper form and the sureties  
15 are satisfactory. If the claim and bond are satisfactory, the offi-  
16 cial shall terminate the proceeding and commence a civil proceeding in  
17 rem under AS 17.30.116. Notwithstanding AS 17.30.112(b), the official  
18 shall commence the civil proceeding in rem within 20 days after the  
19 timely and satisfactory claim and bond are filed. If the claim and  
20 bond are not satisfactory when first received, a reasonable time for  
21 correction of the claim and bond may be allowed. If satisfactory  
22 corrections are not made to the claim and bond within a reasonable  
23 time, the official may proceed as though the claim and bond had not  
24 been tendered.

25 (e) The filing of a timely and satisfactory claim and bond  
26 terminates the summary administrative forfeiture proceeding, but does  
27 not entitle the claimant to possession of the property.

28 (f) If a timely and satisfactory claim and bond are not filed  
29 within the time required under this section, the official shall

1 declare the property forfeited. The official shall execute a declara-  
2 tion of forfeiture.

3 (g) In this section

4 (1) "commissioner of public safety" includes an employee of  
5 the Department of Public Safety designated by the commissioner to  
6 conduct summary administrative forfeiture proceedings;

7 (2) "official" means the commissioner of public safety or  
8 chief of police who has custody of seized property.

9 \* Sec. 6. AS 17.30.116(a) is amended to read:

10 (a) If the estimated value of seized property is more than  
11 \$100,000, or the commissioner of public safety or chief of police in  
12 custody of seized property elects to commence a civil proceeding in  
13 rem against property with an estimated value of \$100,000 or less or  
14 against a conveyance, or a summary administrative forfeiture pro-  
15 ceeding is terminated, upon the timely and satisfactory filing of a  
16 claim and bond, [WITHIN 20 DAYS AFTER A SEIZURE UNDER AS 17.30.110 -  
17 17.30.126,] the commissioner of public safety or chief of police  
18 shall, by certified mail, notify any person known to have an interest  
19 in an item with an estimated [APPRAISED] value of \$500 or more, or who  
20 is ascertainable from official registration numbers, licenses, or  
21 other state, federal, or municipal numbers on the item, of the pending  
22 forfeiture action. Additionally, the commissioner of public safety  
23 or chief of police shall publish notice of forfeiture action of an  
24 item valued at \$500 or more in a newspaper of general circulation in  
25 the judicial district in which the seizure was made, or if no news-  
26 paper is published in that judicial district, in a newspaper published  
27 in the state and distributed in that judicial district. The notice  
28 shall be published once each week during four consecutive calendar  
29 weeks. The requirements of this subsection do not apply to the

1 forfeiture of controlled substances which have been manufactured, dis-  
2 tributed, dispensed, or possessed in violation of this chapter or AS  
3 11.71, regardless of their value.

4 \* Sec. 7. AS 17.30.120 is amended to read:

5 Sec. 17.30.120. PETITION FOR SALE OF SEIZED ITEM. A claimant  
6 may petition the court for sale of an item before final disposition of  
7 court proceedings. The court shall grant a petition for sale upon a  
8 finding that the sale is in the best interests of the state or munic-  
9 ipality, whichever is in custody of the property, and the preservation  
10 and maintenance of the item seized. Proceeds from the sale plus  
11 interest to the date of final disposition of the court proceedings  
12 become the subject of the forfeiture action.

13 \* Sec. 8. AS 17.30.122 is amended to read:

14 Sec. 17.30.122. STATE DISPOSAL OF FORFEITED PROPERTY. Property  
15 forfeited to the state under AS 17.30.110 - 17.30.138, [AS 17.30.110 -  
16 17.30.126] other than controlled substances, shall be disposed of by  
17 the commissioner of administration in accordance with applicable law.  
18 The commissioner of administration may

19 (1) destroy property harmful to the public;

20 (2) sell the property and use the proceeds for payment of  
21 all proper expenses of the proceedings for forfeiture and sale, in-  
22 cluding expenses of seizure, custody, and court costs; proceeds re-  
23 maining from the sale of the property after expenses are paid shall be  
24 deposited in the general fund;

25 (3) take custody of the property and authorize its use in  
26 the enforcement of this chapter or AS 11.71, or transfer it to another  
27 agency of the state or a political subdivision of the state for a use  
28 in furtherance of the administration of justice;

29 (4) take custody of the property and remove it for

1 disposition in accordance with law;

2 (5) forward the property [IT] to the Drug Enforcement  
3 Administration of the United States Department of Justice for disposi-  
4 tion; or

5 (6) transfer ownership of an aircraft to the Alaska Wing,  
6 Civil Air Patrol.

7 \* Sec. 9. AS 17.30.126(a) is amended to read:

8 (a) A controlled substance manufactured, possessed, transferred,  
9 sold, or offered for sale in violation of this chapter or AS 11.71 is  
10 contraband and must be seized and summarily forfeited to the state.  
11 The commissioner of public safety or the commissioner's designee,  
12 including a municipal law enforcement agency [AUTHORIZED UNDER AS 17.-  
13 30.114(b) OF THIS SECTION TO RETAIN CUSTODY OF CONTROLLED SUBSTANCES],  
14 is responsible for the disposal of controlled substances which have  
15 been forfeited. The controlled substances shall be disposed of in  
16 accordance with procedures and requirements prescribed by the commis-  
17 sioner.

18 \* Sec. 10. AS 17.30 is amended by adding a new section to article 2 to  
19 read:

20 Sec. 17.30.138. DEFINITIONS. In AS 17.30.110 - 17.30.138

21 (1) "chief of police" means the head of a law enforcement  
22 agency of a municipality;

23 (2) "municipality" means a municipality that has adopted an  
24 ordinance under AS 29.35.135 providing for summary administrative  
25 forfeiture proceedings to be conducted by the municipality's chief of  
26 police;

27 (3) "violation of this chapter or AS 11.71" includes an  
28 attempt or solicitation to violate this chapter or AS 11.71.

29 \* Sec. 11. AS 29.10.200 is amended by adding a new paragraph to read:

(49) AS 29.35.135 (forfeiture of property under AS 17.30)

\* Sec. 12. AS 29.35 is amended by adding a new section to read:

Sec. 29.35.135. FORFEITURE OF PROPERTY UNDER AS 17.30. (a) The governing body may adopt an ordinance authorizing the chief of police to conduct a summary administrative forfeiture proceeding under AS 17.30 for forfeiture of property seized by the municipal law enforcement agency in cases involving controlled substances.

(b) Property forfeited to the municipality under AS 17.30.110 - 17.30.138 shall be disposed of by the municipality under applicable law and ordinance. The municipality may

(1) destroy property harmful to the public;

(2) sell the property and use the proceeds for payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, custody, and court costs;

(3) take custody of the property and authorize its use in the enforcement of AS 11.71 or AS 17.30 or for a use in the administration of justice;

(4) take custody of the property and remove it for disposition under law; or

(5) forward it to the Drug Enforcement Administration of the United States Department of Justice for disposition.

# Alaska State Legislature



SENATOR  
ARLISS STURGULEWSKI

Chairman, Senate Community and Regional Affairs Committee  
Vice-Chairman, Senate Judiciary Committee  
Member, Senate Resources Committee

2957 SHELDON JACKSON STREET  
ANCHORAGE, ALASKA 99508

While in Juneau  
P. O. BOX V  
JUNEAU, ALASKA 99811  
(907) 465-3818

## Senate

M E M O R A N D U M

01 March 1988

TO: Senator Jay Kerttula  
FROM: Senator Arliss Sturgulewski  
RE: Senate Bill 462

As you know, Senate Bill 462 has been referred to the Senate Judiciary Committee. I would appreciate your scheduling this bill for a hearing as soon as is practicable.

The Senate State Affairs Committee heard this bill on 29 February and there was a committee substitute. I am enclosing copies of the sectional analysis of the committee substitute and the current law this bill is intended to amend.

This bill is designed to allow state and municipal law enforcement agencies to administratively pursue forfeiture of property seized as a result of a violation of the controlled substances act.

Current state law allows seized property to be forfeited to the state only through a civil proceeding against the property itself in court. This bill adds an administrative procedure to be followed by state agencies and municipalities in declaring seized property forfeit. This procedure is taken from that used by the federal Drug Enforcement Agency.

I feel this legislation strikes a balance between allowing our law enforcement agencies to perform their duties in a timely fashion and protecting the rights of property owners. Please call me or Melissa Fouse of my staff at 465-3818 if you have any questions.

CS FOR

SECTIONAL ANALYSIS

Senate Bill 462:

"An Act relating to seizure and forfeiture of property in cases involving controlled substances."

Section 1: Provides that the listed items subject to forfeiture may be forfeited to the municipality as well as to the state.

Adds real property to the list of items eligible for seizure. Provides that if the owner can establish that the owner was neither a consenting party nor privy to the violation then the property may not be forfeited. Makes the same exception for a party with a valid security interest.

Section 2: Adds summary administrative procedure by the state or by a municipality to the list of those proceedings resulting in forfeiture. Provides that any forfeiture proceeding must be commenced within 20 days after the property is seized or the property must be released.

Section 3: Clarifies that property can also be awarded to municipalities. Changes reference to the court having jurisdiction over forfeiture proceedings to procedures set out in the chapter. Adds chief of police of a municipality to section requiring inventory and appraisal within 10 days.

Section 4: Sets out the summary administrative procedure to be followed by the custodian of the seized property.

(a) Limits value of seized property that can be seized administratively to \$100,000 (unless it is a conveyance),

(1) requires notice to be sent to persons having an interest in the property,

(2) requires that notice be published in a newspaper for three weeks and sets out what must be contained in the published notice,

(b) requires a person claiming the property to respond within 20 days and also submit a bond,

(c) sets out the amount and type of the bond to be submitted,

(d) provides that if the bond is satisfactory, the administrative proceeding shall be terminated and within 20 days the civil proceeding against the property shall be commenced. Provides that if the bond is not satisfactory, a reasonable time must be allowed for corrections.

(e) makes it clear that the filing of a bond does not entitle the claimant to the property.

(f) if the property is not claimed, the custodian of the property shall declare the property forfeited and notify the custodian of the property.

Section 5: sets out notice requirements for circumstances under which the forfeiture proceeding is not done administratively, such as going to court.

Section 6: adds municipality to clarify that this section applies to municipalities as well as the state.

Section 7: clarifies that this section on disposal of property applies to property forfeited to the state. Clarifies that proceeds from sale of forfeited property goes to the state general fund after expenses are paid.

Section 8: deletes requirement that a municipal law enforcement agency must be authorized by the commissioner of public safety to disposal of controlled substances. This is a conforming change to section 3 of the bill.

Section 9: adds to definitions section.

Section 10: adds new section 29.35.135 to list of home rule limitations in Title 29.

Section 11: adds new section to Title 29 allowing municipalities to adopt an ordinance authorizing the chief of police to conduct a summary administrative forfeiture proceeding.

FROM SENATOR STURGULEWSKI  
29 February 1988

FISCAL NOTE

REQUEST

Revision Date: \_\_\_\_\_  
Title: "An Act relating to seizure and  
forfeiture of property . . ."  
Sponsor: Sen. Sturgulewski  
Requestor: Senate Judiciary

Agency Affected: Public Safety  
BRU: Alaska State Troopers  
Components: Criminal Investigation  
Bureau

MAR 17 1988

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY88	FY89	FY90	FY91	FY92	FY93
PERSONAL SERVICES		71.7	71.7	71.7	71.7	71.7
TRAVEL		-0-	-0-	-0-	-0-	-0-
CONTRACTUAL		4.6	4.6	4.6	4.6	4.6
SUPPLIES		4.0	4.0	4.0	4.0	4.0
EQUIPMENT		9.5				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		89.8	80.3	80.3	80.3	80.3

CAPITAL						
---------	--	--	--	--	--	--

REVENUE		-0-	-0-	-0-	-0-	-0-
---------	--	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUNDS		89.8	80.3	80.3	80.3	80.3
FEDERAL FUNDS						
OTHER						
TOTAL		89.8	80.3	80.3	80.3	80.3

POSITIONS:

FULL-TIME		2	2	2	2	2
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis

Prepared by: Francis C. Allan  
Division: Alaska State Troopers

Phone: 269-5691  
Date: 3/16/88

Approved by Commissioner: *Paul H. October*  
Agency: Public Safety

Date: 3-17-88

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

SB 462  
Fiscal Note Analysis

This legislation establishes a "summary administrative forfeiture procedure" that would allow the commissioner of the Department of Public Safety to summarily order the forfeiture of property used in drug law violations if the forfeiture action is not contested. Under this new scheme, the department would be required to estimate the value of seized property, notify property owners of the department's intent to forfeit the items, arrange to publish notice of the proposed forfeiture action in newspapers in the area, and review claims and bonds filed by persons claiming the property. To properly perform these tasks the services of an Administrative Assistant II and a Clerk Typist III will be required. Both positions will be located in Anchorage.

Assumptions made in the preparation of this fiscal note include that the bill's effective date would be July 1, 1988, that equipment will be needed in the first year only, and that no inflation is projected.

It is impossible to know at this point how many offenders will choose not to contest the summary administrative forfeiture proceedings, so it is impossible to estimate the amount of revenue that will result from the new procedure. For this reason the fiscal note indicates a zero revenue impact.

	<u>Admin. Ass't II</u>	<u>Clerk Typist III</u>	<u>Total</u>
Personal Services	42.8	28.9	71.7
Contractual	3.4	1.2	4.6
Supplies	2.0	2.0	4.0
Equipment	<u>1.8</u>	<u>7.7</u>	<u>9.5</u>
Total	50.0	39.8	89.8

Anchorage

Administrative Assistant II

PERSONAL SERVICES - 100

Base Salary (Range 14/A)	\$29.2	
Overtime	.8	
SUB TOTAL	<u>\$30.0</u>	
Benefits	12.8	
TOTAL PERSONAL SERVICES		\$42.8

CONTRACTUAL - 300

Telephone/Postage, \$85 per month x 12	\$ 1.0	
Advertising 200x12	2.4	
TOTAL CONTRACTUAL		3.4

SUPPLIES AND MATERIALS - 400

Forms	\$ 1.0	
Stationary, copy machine paper, etc.	1.0	
TOTAL SUPPLIES AND MATERIALS		2.0

EQUIPMENT - 500

File Cabinet	\$ .3	
Desk	.6	
Chair (3)	.7	
Book Case	.2	
TOTAL EQUIPMENT		<u>1.8</u>
TOTAL COST		\$50.0

Anchorage

Clerk Typist III

PERSONAL SERVICES - 100

Base Salary (Range 8/A)	\$19.6	
Overtime (60 hours)	.9	
SUB TOTAL	<u>\$20.5</u>	
Benefits	8.4	
TOTAL PERSONAL SERVICES		\$28.9

CONTRACTUAL - 300

Telephone/Postage, \$85 per month x 12	1.0	
Maintenance Agreement on Computer	.2	
TOTAL CONTRACTUAL		1.2

SUPPLIES AND MATERIALS - 400

Forms	1.0	
Stationary, copy machine paper, etc.	1.0	
TOTAL SUPPLIES AND MATERIALS		2.0

EQUIPMENT - 500

Desk	.6	
Chair	.2	
Microcomputer -- Compaq 286	6.9	
TOTAL EQUIPMENT		<u>7.7</u>
TOTAL COST		\$39.8

1.	POSITION TITLE Administrative Assistant II				RANGE/STEP 14/A	BARG. UNIT GCU	PAGE/LINE	GOV.	APPROV.	DISAPP
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 7-11	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION:					
4.	TYPE OF EXPENDITURE			AMOUNT	<p>This administrative assistant would be responsible for oversight of the administrative forfeiture program. These duties would include:</p> <ul style="list-style-type: none"> <li>- Arranging for a value estimate of the property seized.</li> <li>- Providing notice of (administrative and in rem) forfeiture proceedings to persons who may have an interest in the property.</li> <li>- Publishing notices in appropriate newspapers for both administrative and in rem proceedings.</li> <li>- Determining if the claim and bonds filed in administrative proceedings are "proper" and "satisfactory".</li> </ul> <p>This position will supervise a Clerk Typist III that will provide clerical support for all forfeiture related activities.</p>					
	1	2	3							
	PERSONAL SERVICES									
5.	Salary		29.2							
6.	Benefits		12.8							
7.	Overtime		.8							
8.										
9.	TOTAL PERSONAL SERVICES	01	42.8							
10.	Travel	02	-0-							
11.	Contractual	03	3.4							
12.	Commodities	04	2.0							
13.	Equipment	05	1.8							
14.	Other									
15.	TOTAL COST		50.0							
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		50.0						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
	FOR B&H USE ONLY									
	KEY NUMBER	-	-	-	-	-				

REQUEST FOR  
NEW POSITION

AGENCY Department of Public Safety

BRU Alaska State Troopers

COMPONENT Criminal Investigation Bureau

FY 89

Page 1 of 2  
Revised Date \_\_\_\_\_

1.	POSITION TITLE Clerk Typist III				RANGE/STEP B/A	BARG. UNIT CCU	PAGE/LINE	COV.	APPROV.	DISAPP
2.	TYPE OF POSITION PFT	STAFF MONTHS 12.0	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 7-11	LEG.		
3.	CONTINUATION LEVEL				ADDITION					
4.	TYPE OF EXPENDITURE			AMOUNT						
	1			2		3				
	PERSONAL SERVICES									
5.	Salary			19.6						
6.	Benefits			8.4						
7.	Overtime			.9						
8.										
9.	TOTAL PERSONAL SERVICES			01		28.9				
10.	Travel			02		-0-				
11.	Contractual			03		1.2				
12.	Commodities			04		2.0				
13.	Equipment			05		7.7				
14.	Other									
15.	TOTAL COST					39.8				
	RECEIPT CODE			FUNDING SOURCE						
16.				Federal Receipts 1002						
17.				G.F. Match 1003						
18.				General Funds 1004		39.8				
19.				I-A Receipts 1005						
20.				Program Receipts 1028						
21.				Other						
FOR B&M USE ONLY KEY NUMBER - - - - -										

JUSTIFICATION:

This clerical position will provide typing support to all phases of the forfeiture program. This will involve typing all correspondence necessary to notify affected parties of the forfeiture, publish required public notices, obtain appraisals, review bonds, and other related material. Further, this position will be responsible for the accumulation and retention of statistics related to forfeitures and for providing that information to interested parties.

REQUEST FOR  
NEW POSITION

AGENCY Department of Public Safety

BRU Alaska State Troopers

COMPONENT Criminal Investigation Bureau

FY 89

Page 2 of 2

Revised Date \_\_\_\_\_