

SB

219

Alaska State Legislature

SENATOR

MIKE MILLER

Mailing Address

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Senate

Senate District 11

Memorandum

To: Senator Robin Taylor
Chairman, Senate Judiciary Committee

From: Senator Mike Miller 

RE: Scheduling SB 219

Date: January 30, 1996

I respectfully request that you schedule SB 219 for a hearing at your earliest convenience. This is in response to the Administration's decision to destroy seized and surplus firearms rather than sell them at auction, as has been the practice. SB 219 prevents the destruction of these weapons and allows the sale of forfeited firearms and ammunition through federally licensed firearms dealers.

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Senate

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Senate District 1

Sponsor Statement

The purpose of SB 219 is to restore the right of the State of Alaska to sell surplus firearms, and end the recent practice of destroying such firearms rather than reselling them. This bill will result in funds being generated for the State from the sale of such firearms.

For over ten years, the State of Alaska sold surplus firearms at public auction. Recently, such sales, at least for handguns, was discontinued and the State began to destroy surplus handguns rather than offer them for sale.

On June 20, 1995, Commissioner of Administration Mark Boyer, wrote a memo to the Governor's Chief of Staff, Jim Ayers, regarding the disposal of the State's "surplus firearms". Mr. Boyer stated: "Receipts received from the disposal of these firearms contribute to the funding of the Property Management Program". The "Property Management section has sold excess service revolvers and confiscated firearms for the past decade". There is no evidence that firearms disposed of by the Surplus Property Program have ever been involved in a crime". Despite these facts, Mr. Boyer proposed "only hunting rifles and shotguns (should) be sold at public auction" and that "hand guns would be destroyed".

Mr. Ayers approved, saying "This is clearly in the public interest and better government". Destruction of these firearms is not in the public interest and does nothing to promote better government. Such destruction of valuable state assets, prevents the sale of usable firearms through federally registered dealers to citizens who would use these firearms in a law abiding manner. Such destruction, also deprives the state of an important revenue source.

On September 14, 1995, fifty surplus firearms, including desirable collectors items, and surplus State trooper guns, were destroyed by a cutting torch. State estimates show the firearms destroyed had a market value of \$13,925.00.

Over 500 surplus firearms await destruction. These firearms represent significant potential revenue to the State of Alaska if they are sold at public sale.

Other firearms, such as sawed-off shotguns and unregistered fully automatic firearms, cannot be lawfully sold. Under State law, such firearms must be destroyed. Firearms which are, because of their quality, or because of defects or poor condition, unsafe for use, shall continue to be destroyed.

The Legislature has a responsibility to protect the property of the State against an administration bent on destroying valuable, revenue producing assets, especially in view of the current revenue shortfall.

GUNS: State scraps plan to destroy surplus stock

Continued from Page B-1

wise valuable, and that it was illegal to destroy state property that could be profitably sold.

The subtext of the dispute is the old good guns vs. bad guns debate. The administration and a local victims' group think reducing the number of handguns in circulation will reduce the number used in crimes. Ross and his colleagues say guns aren't bad, but that people who misuse them are.

Knowles still does not want to sell handguns to the public, Otte said. "He simply does not think that is good policy."

But the reaction to destroying the guns — described by Otte as "fairly mixed" — was apparently critical enough to convince the administration to abandon the new policy.

Now only illegal or mechanically unsafe weapons will be destroyed, Otte said. Long guns will be sold, as previously planned. Antiques, curios

and collectibles will be kept and perhaps given to museums. Some of the guns will be loaned to gun safety programs around the state for use in firearms education.

Additionally, a better inventory system will be designed and better efforts made to find owners before anything is sold. Inventories will be made available to police agencies around the state who might be able to use some of the weapons.

Sales of what's left will be restricted to police officers and law enforcement agencies.

"This meets all of the tests of all the people the governor has heard from," Otte said Wednesday.

It doesn't meet Ross's test. And he doubts the board of the Alaska Gun Collectors Association will agree to dismiss the lawsuit. "I'm pleased with this first step," Ross said. "Probably the next step is to work with the Legislature to fine tune how they will be required to dispose of them."

State's guns spared

Buyers limited to peace officers

By SHEILA TOOMEY
Daily News reporter

The Knowles administration has backed off its decision to destroy state surplus guns rather than sell them at auction, as has been the practice.

Citing "lots of input from the public," Public Safety Commissioner Ron Otte said legal guns the state can't use will now be sold to a licensed dealer who promises to resell them only to police officers and law enforcement agencies.

The retrenchment is "a good first step" toward settling a lawsuit filed in September by the Alaska Gun Collectors Association, said attorney Wayne Anthony Ross.

But it's not enough, said Ross, who represents the gun collectors.

"To restrict sales to police officers doesn't make sense," Ross said. "The idea of banning citizens from purchasing them is philosophically repugnant."

Reflecting a position he first adopted when he was mayor of Anchorage, Knowles decreed in September that the 300 or so seized, found and surplus handguns in the state's possession should not be returned to the street by auctioning them to the general public, as had been done for at least 10 years.

In a test run, 50 guns were cut up by welders on Sept. 14, after a Superior Court judge refused to issue an injunction to stop their destruction. Ross argued that inadequate efforts had been made to find the owners of the lost and unclaimed weapons, that many of the guns were collector's items or other-

Anchorage Daily News

Thursday, January 18, 1996

WEAPONS DESTROYED
PROPERTY DESTRUCTION #23574
SEPTEMBER 13, 1995

NOTES: ESTIMATED MARKET FOR MOST WEAPONS IS AS LISTED IN GUN TRADER'S GUIDE, 18TH EDITION
THE PROPERTY MANAGEMENT SECTION HAS NO RECORDS REGARDING WEAPONS ACQUISITION.

ITEM #	MANUFACTURER	CALIBER	SERIAL #	LENGTH	ACTION	DEPARTMENT	TAR #	REPORTED AS	ESTIMATED MARKET VALUE	ESTIMATED SALES VALUE
1	Uzi 45	45	002753		Auto	Public Safety	57887	Evidence	\$900.00	\$0.00
2	Winchester 12 gauge, Md 1200	12 ga	L1322784	under 18"	Pump	Public Safety	37182	Forfeiture	\$200.00	\$0.00
3	Winchester 12 gauge, Md 1300	12 ga	L2571702	under 18"	Pump	Public Safety	37191	Forfeiture	\$250.00	\$0.00
4	High Standard 12 gauge P 17	12 ga	3243379	under 18"	Pump	Public Safety	11762	Confiscation	\$200.00	\$0.00
5	Mossberg 12 gauge, Md 500 A	12 ga	L545893	under 18"	Pump	Public Safety	37191	Forfeiture	\$200.00	\$0.00
6	Western Field 12 gauge, Md M550AB	12 ga	G387206	under 18"	Pump	Public Safety	11761	Excess	\$250.00	\$0.00
7	Ingram 9 mil	9 mm	12345		Auto	Public Safety	6788E	Excess	\$150.00	\$0.00
8	Inleratec 22	22	043731		Auto	Public Safety	37191	Forfeiture	\$795.00	\$0.00
9	RPB, Inc	9 mm	453070		Auto	Public Safety	6788E	Excess	\$150.00	\$0.00
10	Ingram 9 mil	9 mm	2-2000450		Auto	Public Safety	6788E	Excess	\$795.00	\$0.00
11	Inerdynamic 9 mil	9 mm	00557		Auto	Public Safety	6788E	Excess	\$150.00	\$0.00
12	Corbay 9 mil	9 mm	890023597		Auto	Public Safety	6788E	Excess	\$250.00	\$0.00
13	Corbay 9 mil	9 mm	890023598		Auto	Public Safety	6788E	Excess	\$250.00	\$0.00
14	Colt 223	223	W1024082		Auto	Public Safety	59825	Forfeiture	\$975.00	\$0.00
15	H & R 10 gauge, Md 176	10 ga	AX625811	under 18"	Single	Public Safety	67886	Excess	\$145.00	\$0.00
16	Mossberg, Md 600 A	12 ga	G958770	under 18"	Pump	Public Safety	67705	Excess	\$175.00	\$0.00
17	H & R Survival Rifle (12-1015) 116	22	41043	under 15"	Single	Public Safety	67886	Excess	\$95.00	\$0.00
18	Fie. Md TFX22	22	1X58782		Rev	Public Safety	5787	Unclaimed	\$95.00	Damaged \$30.00
19	Thon Tiger 39	38	0081420		Auto	Public Safety	3719	Unclaimed	\$160.00	\$150.00
20	Ruger Blackhawk 41	41	147-20422		Rev	Public Safety	3719	Forfeiture	\$210.00	\$200.00
21	Smith & Wesson 357, Md 27-230	357	12200560		Rev	Public Safety	3719	Forfeiture	\$295.00	\$250.00
22	Ruger 9 mil	9 mm	301-51879		Auto	Public Safety	3719	Forfeiture	\$265.00	\$225.00
23	Smith & Wesson 22, Md 48-431	22	243K915		Rev	Public Safety	3719	Forfeiture	\$295.00	\$250.00
24	Ruger 357	357	57101257		Rev	Public Safety	3719	Forfeiture	\$270.00	\$250.00
25	Beretta 380	380	A24580Y		Auto	Public Safety	3719	Forfeiture	\$255.00	\$250.00
26	Liana 45	45	A85675		Auto	Public Safety	3719	Forfeiture	\$265.00	\$250.00
27	Loran 25	25	108197		Auto	Public Safety	3719	Forfeiture	\$130.00	\$100.00
28	Ruger 22	22	255751		Rev	Public Safety	37191	Unclaimed	\$185.00	\$150.00
29	Crosman Pellet	None			Air	Public Safety	37181	Unclaimed	\$35.00	\$25.00
30	Ruger 357	357	172-42390		Rev	Public Safety	37191	Forfeiture	\$270.00	\$250.00
31	Colt 357, Md Trooper MKV	357	02105V		Rev	Public Safety	37191	Forfeiture	\$260.00	\$250.00

WEAPONS DESTROYED
PROPERTY DESTRUCTION #23574
SEPTEMBER 13, 1995

32	Glock 10 mil	P 17 (3)	10 mm UM108US		Auto	Public Safety	37191	Forfeiture	\$475.00	\$500.00
33	Smith & Wesson 38, Md W-S	(2)	38 103591		Rev	Public Safety	37191	Unknown	\$180.00	\$75.00
34	Colt 22, Md Huntsman	15 (1)	22 0517203		Auto	Public Safety	37191	Forfeiture	\$285.00	\$300.00
35	Smith & Wesson 45	P 32 (2)	45 1HASC91		Auto	Public Safety	37191	Forfeiture	\$435.00	\$400.00
36	AMT 380	P 36 (2)	380 DD4470		Auto	Public Safety	37191	Forfeiture	\$170.00	\$150.00
37	Interarms 38	P-21 (1)	38 0404674		Auto	Public Safety	37191	Unclaimed	\$245.00	\$200.00
38	Balkal KB Inc	P-21 (1)	380 A012730		Auto	Public Safety	37191	Forfeiture	\$120.00	\$100.00
39	Ruger 357 Blackhawk	P-21 (1)	357 135995		Rev	Public Safety	37191	Forfeiture	\$210.00	\$180.00
40	Smith & Wesson 38, Md 387-37	(2)	38 338211		Rev	Corrections	68917	Excess	\$225.00	\$150.00
41	Smith & Wesson 357		357 ADC8483		Rev	Corrections	68917	Excess	\$265.00	\$210.00
42	Smith & Wesson 357		357 AVF 4747		Rev	Corrections	68917	Excess	\$265.00	\$210.00
43	Smith & Wesson 357		357 ACB2517		Rev	Corrections	68917	Excess	\$265.00	\$210.00
44	Smith & Wesson 357		357 ABC 4363		Rev	Corrections	68917	Excess	\$265.00	\$210.00
45	Smith & Wesson 357	3h (2)	357 IAAH5261		Rev	Corrections	68917	Excess	\$265.00	\$210.00
46	Smith & Wesson 357		357 ABC 3839		Rev	Corrections	68917	Excess	\$265.00	\$210.00
47	Smith & Wesson 357		357 ACLS562		Rev	Corrections	68917	Excess	\$265.00	\$210.00
48	Smith & Wesson 357		357 ACLS507		Rev	Corrections	68917	Excess	\$265.00	\$210.00
49	Smith & Wesson 357		357 ABC 3084		Rev	Corrections	68917	Excess	\$265.00	\$ 0.00
50	Smith & Wesson 357		357 IADB9600		Rev	Corrections	68917	Excess	\$265.00	\$210.00
									\$13,925.00	\$5,265.00

Wayne
Anthony
Ross

Law Offices of
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A Professional Corporation
327 East Fireweed Lane, Suite 201
Anchorage, Alaska 99503

Wayne Anthony Ross
Edward L. Miner

M
(907) 276-5307
(907) 276-6672 - FAX

January 4, 1996

To the members of the Alaska Legislature:

Re: Wilful destruction of valuable State property by State officials;
Lawsuit filed by AK Gun Collectors Association to attempt to end
such practice

Dear Legislator:

On June 20, 1995, Mark Boyer, Commissioner of the Alaska Department of Administration, wrote a memo to Jim Ayers, the Governor's Chief of Staff, regarding the disposal of the State's "surplus firearms".

The memo said that the State's Property Management section had accumulated "approximately 600 firearms since the last disposal of firearms in August (1994)" and that "(r)ecipients received from the disposal of these firearms contribute to the funding of the Property Management Program". The memo stated that, in the past, the disposal process "recirculates legal firearms", and the "Property Management section has sold excess service revolvers and confiscated firearms for the past decade". The memo further stated that "(t)here is no evidence that firearms disposed of by the Surplus Property Program have ever been involved in a crime". (Emphasis mine.) Despite this fact, the memo recommended that "only hunting rifles and shotguns (should) be sold at public auction" and that "(h)andguns would be destroyed".

Mr. Ayers, the Governor's COS, penned a note to the memo which stated: "Mark - This is clearly in the public interest and better government. Thank you." Without notice to the public, the Administration then set about implementing the destruction of these firearms.

On 13 September 1995, after learning of the proposed, and imminent, destruction of these firearms which are, among other things, an important source of revenue for the State, the Alaska Gun Collectors Association (AGCA) filed a complaint in Superior Court seeking an injunction against the State, the Department of Public Safety, and the Department of Administration, to prevent the destruction of these firearms.

Plaintiff's Motion for Temporary Restraining Order was denied when Assistant Attorney General James Baldwin told the court that the State was only going to destroy "Saturday Night Specials, sawed-off shotguns, and assault weapons". Mr. Baldwin later advised a concerned citizen that Sgt. Michael Marrs and LT Skip Coile, AST, "reviewed the firearms and determined there were no antique or collectible firearms on the list to be

January 4, 1996

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destroyed".

Fifty surplus firearms were destroyed by a cutting torch on 14 September 1995. Most of these firearms were not "Saturday Night Specials, sawed-off shotguns, and assault weapons". Many of these firearms were, in fact, collectors items. By the State's own estimate, the fifty firearms that were destroyed had a market value of \$13,925.00.

On or about the 26th of September 1995, the AGCA filed an amended complaint again seeking an injunction and seeking, among other things, damages against the Governor, his COS (Mr. Ayers), the Commissioner of Administration (Mr. Boyer), and the Commissioner of Public Safety (Mr. Otte), "personally, in favor of... the State of Alaska, for the total value of each and every firearm they have destroyed or will destroy in the future...".

The defendants filed an answer, on or about 25 October 1995, admitting that "before September of 1995 surplus firearms were disposed of by sale" but stating that "the policy of the defendant State of Alaska is to refrain from selling surplus and forfeited handguns directly to the public". Defendants admitted "that on September 14, 1995 approximately 50 deadly weapons were destroyed" but denied any conspiracy, denied that public notice was required before destruction, and denied that the "weapons belonged to anyone other than the defendant Department of Administration". For affirmative defenses, the defendants claimed, among other things, that the plaintiffs lack standing to bring the suit, that the defendants are immune from suit, and that the defendants "were authorized by law to destroy deadly weapons transferred to the Department of Administration as surplus state property".

Plaintiff has been furnished with a list of the firearms that were destroyed, as well as a list of firearms that are proposed for future destruction.

Defendants have recently filed a Motion to Dismiss plaintiff's Complaint, alleging, among other things, immunity and that plaintiff lacks standing to bring the suit in question. The plaintiff has not yet responded to that Motion.

While the AGCA, and its more than 300 members, believes it has standing to bring such a suit, the Legislature is really the body who has the responsibility to protect the property of the State, and thus the people of Alaska, against an Administration bent on destroying valuable, revenue producing, state assets to further its own political agenda. This is particularly true in view of the current revenue shortfall that the State is experiencing.

It is respectfully requested that the Legislature intervene in this suit, against the Administration, on behalf of the people of the State. It is also requested that the Legislature adopt legislation this session that will prevent such destruction of State assets in the future.

Should you have any questions, please feel free to contact me.

Wayne
Anthony
Ross

Wayne Anthony Ross
Edward L. Miner

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January 4, 1996
QUICK SUMMARY

To the members of the Alaska Legislature:

Re: Wilful destruction of valuable State property by State officials;
Lawsuit filed by AK Gun Collectors Association to attempt to end
such practice

June 20, 1995 - Boyer writes memo to Ayers regarding the disposal of the State's "surplus firearms" proposing destruction of handguns. Excerpts: "Receipts received from the disposal of these firearms contribute to the funding of the Property Management Program". The "Property Management section has sold excess service revolvers and confiscated firearms for the past decade". "There is no evidence that firearms disposed of by the Surplus Property Program have ever been involved in a crime". Proposes that "only hunting rifles and shotguns (should) be sold at public auction" and that "(h)andguns would be destroyed".

Ayers approves saying "This is clearly in the public interest and better government".

The Administration sets about implementing the destruction of these firearms.

September 13, 1995 - Alaska Gun Collectors Association (AGCA) files complain in Superior Court seeking an injunction. Baldwin tells court that the State was only going to destroy "Saturday Night Specials, sawed-off shotguns, and assault weapons". TRO denied.

September 14, 1995 - Fifty surplus firearms, including desirable collectors items, destroyed by cutting torch. State estimates the firearms destroyed had a market value of \$13,925.00.

September 26, 1995 - AGCA files amended complaint again seeking an injunction and personal damages against the Governor, his COS, the Commissioner of Administration, and the Commissioner of Public Safety.

October 25, 1995 - Defendants file answer admitting destruction and stating new State policy of destruction. transferred to the Department of Administration as surplus state property".

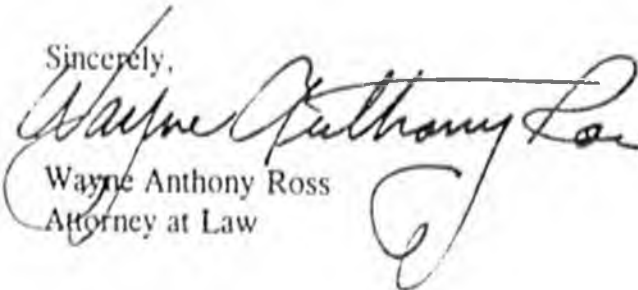
December, 1995 - Defendants file Motion to Dismiss plaintiff's Complaint, alleging, among other things, immunity and plaintiff lack of standing to bring the suit.

The Legislature has responsibility to protect the property of the State against an Administration bent on destroying valuable, revenue producing, state assets to further its own political agenda especially in view of the current revenue shortfall.

January 4, 1996

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Sincerely,

A handwritten signature in cursive script that reads "Wayne Anthony Ross". The signature is written in dark ink and is positioned above the typed name and title.

Wayne Anthony Ross
Attorney at Law

cc
AGCA

276-5307

JUN 21 1995

TO: Jim Ayers
Chief of Staff
Office of the Governor

ADMINISTRATIVE OFFICE
Date: June 20, 1995

FROM: Mark Boyer *M. Boyer*
Commissioner
Department of Administration

SUBJECT: Surplus Firearms Disposal Decision Briefing

*Mark -
This is clearly
in the public's interest
and better government.
Thank you
J. A.*
cc'd CS

OBJECTIVE:

Prudent disposal of state-owned and confiscated firearms.

APPLICABLE STATUTES: AS 22.20.120, AS 12.36.060, AS 34.45.060, AS 44.68.110, AS 36.30.070

PROBLEM STATEMENT:

The Property Management section accumulated approximately 600 firearms since the last disposal of firearms in August. The statutes (AS 12.36.60) governing confiscated deadly firearms require the Commissioner of Public Safety to dispose of the firearms. The Commissioner may declare the firearms surplus and transfer them to the Surplus Property Program for sale to the public. Excess State Trooper firearms are also transferred to the Surplus Property Program and sold to the public. Illegal firearms, such as sawed-off shotguns, are destroyed by Public Safety and are not included in sales. Receipts received from the disposal of these firearms contribute to the funding of the Property Management Program.

With the rise of violent crimes and shootings in Anchorage, a local group has objected to public auctions of firearms without background checks. Large-volume, low-cost State disposal of handguns make it very easy and inexpensive for anyone to buy a handgun. Critics argue our disposal sales could put firearms in the hands of criminals or be used in a violent crime. Some cities and organizations in other states offer rewards and trade-ins to remove handguns from general circulation and destroy them to protect the public safety. To date, our disposal process recirculates legal firearms.

1
mswcid/firearms 066 (June 20, 1995)

With the enactment of the federal Brady Bill, some have argued the State should conduct a background check prior to selling handguns. Federal law considers the State a private owner. We do not hold a federal firearms license nor can we obtain one. Since federal law considers the State a private owner, we are not required to conduct background checks. The State of Alaska has the means to conduct background checks, however, it has been suggested that to do so could be construed as a violation of individual rights.

BACKGROUND:

Property Management section has sold excess service revolvers and confiscated firearms for the past decade. In years past, these firearms have been included in auctions where a variety of items are sold. Because of changes in the federal law (Brady Bill) and not knowing how these changes would affect the sale of State property, we opted not to include these items in the normal auction setting.

In Anchorage, on August 9, 1994, Property Management section conducted its first exclusive firearms auction. There were 341 line items and proceeds were \$59,977.00—approximately 25% of our annual state budget. However, this sale also generated a substantial amount of negative press coverage reaching as high as the Governor's Chief of Staff. A local television station covered the sales as a news item with the spin that we were remiss by not obtaining background checks. A group known as Victims of Violent Crimes criticized the sale of firearms as inappropriate because the firearms could be used in violent crimes. Handgun sales have the potential of generating quick press-worthy controversy. Mid-level officials in the Departments of Public Safety and Administration were interviewed the morning of the last auction—by early afternoon the Commissioners of Public Safety and of Administration and the Chief of Staff were involved in the issue. This issue generated instant controversy and has the potential of eliciting emotional responses from various groups on either side of the issue.

Currently, Property Management has over 600 firearms in its control. Sixty of the firearms are rifles or shotguns and the remainder are handguns. We continue to receive large quantities of lost, abandoned, and confiscated firearms. The Department of Public Safety advises they will excess more shortly. The change-out of Public Safety service revolvers has increased our inventory. Our facilities to store large volume of firearms for extended periods of time is limited. The most efficient means of disposal is a separate firearms auction this summer. In the interim, we will request Public Safety to retain confiscated and excess firearms in their facilities due to our limited secure storage capacity.

OPTIONS:

1. Status Quo—Sell firearms as a part of our normal auction activities (keeping a low profile), or/and continue to conduct exclusive firearms sales. Neither type of sale would include background checks.

2. Require our auctioneer to conduct background checks on handgun sales as part of our contract requirements. All of our auctioneers in the past ten years have had federal firearms licenses as a part of their business.
3. Discontinue the disposal of firearms through sales.
4. Sell only rifles, which are typically used by hunters, and destroy handguns.
5. Sell only to licensed gun dealers by permitting only licensed dealers to participate in firearms auctions.

DISCUSSION:

Option 1 allows the sale of firearms to continue in the same manner as in past years. This option is well within the law because the Brady Bill does not apply to the State. One of the complaints we have heard is the State does not prevent placing firearms in the hands of criminals. There is no evidence that firearms disposed of by the Surplus Property Program have ever been involved in a crime. While there is no way to ensure the firearms would not be used improperly, Brady Bill background checks should, at a minimum, be performed for handguns if full disposals are to continue. This alternative redistributes handguns to the public without background checks. Continuation of this disposal method is not recommended.

Option 2 continues public auctions of all firearms and requires handgun sales background checks utilizing the auctioneer as a licensed firearms dealer. However, it has been argued that this is a breach of an individual's civil rights. Further, firearms purchasers might challenge our right to conduct background checks and could file suit on the matter. Since federal law sets the minimum requirements, we believe the State could adopt the federal requirement or stronger policies.

This is the method utilized by the Municipality of Anchorage to sell their firearms. According to Fred Kattenback, Deputy Chief of Procurement, to date they have had no complaints. If they receive a complaint, he believes the Municipality would discontinue the sales and destroy all excess firearms. This option ensures a background check but is not recommended since it recirculates all types of handguns to the general public.

Option 3 discontinues the sale of firearms. Adopting this policy also would severely impact the Property Management budget as approximately 25% of our state budget is derived from this source and would require a contract with cost to the State for certified destruction of firearms. Criticism from firearms buyers, including sportsman hunters, could be expected. This option is not recommended as it prevents sales of hunting rifles and significantly impairs our program receipt capabilities.

Option 4 sells only hunting rifles and shotguns at public auction. Handguns would be destroyed. We estimate that 90% or more of the firearms received for disposal are handguns.

Hunting rifles and shotguns make up a small number of the collected or abandoned firearms. This policy would result in a loss of revenue, but would contribute to anti-crime efforts. There are benefits to public safety by removal of handguns from property disposal. Many of these weapons, known as "Saturday Night Specials," are easy to conceal and could readily be involved in a violent crime.

It would prevent the likelihood of handguns falling into the hands of someone who would use it to commit a crime. It would be appropriate for Public Safety to supervise the destruction of handguns and certify what firearms are appropriate to transfer for public disposal sales. Hunting rifles and shotguns disposed of by Public Safety or excess to State needs would be sold at public auction. While subject to criticism from firearms buyers, it could be part of the administration's anti-crime initiatives and reduce the odds of a State-disposed handgun ever being involved in a violent crime or injury.

Option 5 permits only licensed gun dealers to submit bids on firearms for disposal. The Brady Bill requires all licensed gun dealers to conduct background checks prior to selling handguns. The issue of the Brady Bill background checks would be resolved with this alternative. Under this option, invitations to the firearms disposal auctions would be sent to licensed gun dealers. An auction would be conducted, but only licensed dealers would be allowed to participate. On the negative side, the firearms would be sold at lower prices to gun dealers and resold to the public at higher prices. Aside from the loss of revenue, the eventual outcome of this option is the same as option 1.

RECOMMENDATIONS

Option 4 is recommended as the best disposal policy. Handguns would no longer be recirculated to the general public, but destroyed by the Department of Public Safety. Hunting rifles and shotguns would be sold to the public.

Security and storage will no longer be a problem since handguns make up the 90% of the firearms and would be destroyed by Public Safety. General Services will receive a certificate of destruction listing the destroyed handguns and continue to receive receipts for hunting rifles and shotguns sold to the public.

The benefits of this alternative include:

- an estimated 550 handguns this fiscal year and approximately 300 handguns in future fiscal years will be taken out of circulation,
- x
- the potential for use of these handguns in the commission of a violent crime or accidental injury is eliminated;
- x

organized citizen groups, such as Victims of Violent Crimes, critical of firearms disposals in the past should be satisfied with the limited disposal and background checks;

x

firearms used for hunting will still be available to the general public, sportsmen, and hunters, and will bring in the highest per firearm disposal sales prices for the program;

x

the opportunity for critical press during disposal actions is reduced; and

removal of handguns designed for use as concealed weapons ("Saturday Night Specials") is in the best interest of Public Safety.

This alternative should be pursued as the most responsible and prudent approach to firearms disposal for excess State-owned and confiscated firearms

James H. [Signature]
Approved / Date

Disapproved Date

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

ALASKA GUN COLLECTORS)
ASSOCIATION, INC.,)

Plaintiff,)

vs.)

STATE OF ALASKA, the)
ALASKA DEPARTMENT OF PUBLIC)
SAFETY, the ALASKA)
DEPARTMENT OF ADMINISTRATION,)
GOVERNOR TONY KNOWLES, JIM)
AYERS, MARK BOYER, and)
RON OTTE,)

Defendants.)

Case No. 3AN-95-07791 Civil

AFFIDAVIT OF NORMAN B. GRANT, JR.

STATE OF ALASKA)
THIRD JUDICIAL DISTRICT) ss.

Norman B. Grant, Jr., being first duly sworn, deposes
and states:

1. My name is Norman B. Grant, Jr. My address is Box
9-1909, Anchorage, Alaska 99509.

2. I have a B.S. degree from Harvard University. I
have also taken two years of machine tooling at Lowell Institute

AFFIDAVIT OF NORMAN B. GRANT, JR. PAGE 1

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of Technology, gunsmithing courses from Colorado College, and courses in small engine and computer science at U.A.A.

3. I have been employed, from time to time, in retail sales of firearms at Great Northern Guns in Anchorage, Alaska.

4. I have been a collector of firearms since 1946 and have participated in most of the major gun shows in Alaska since the late 1960's.

5. I am a member of the following gun collecting organizations:

- A. The Ohio Gun Collectors Association;
- B. The Dallas Arms Collectors;
- C. The Mannlicher Collectors Club;
- D. The Mossberg Collectors Association; and
- E. The Savage 24 Collectors. I am a founder of the Savage 24 Collectors.

6. I am a former member and Director of the Alaska Gun Collectors Association, and one of its founders.

7. I served for several years on the Gun Collectors Committee of the National Rifle Association of America. I am also

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a founder of the Alaska Society for the Preservation of Gun Collecting, which is in its formative stage.

8. I have been a firearms auctioneer, both in Alaska and elsewhere.

9. I have been an annual attendee at the ...A National Gun Collectors Seminars held throughout the country for the last five years, since the Seminars' inception.

10. I am a retired NRA certified NRA Rifle and Pistol Instructor.

11. I have judged firearms displays for a number of years, both locally and nationally.

12. I served as a consultant for the National Firearms Museum Selection Committee in Washington, D.C. As such, I participated in determining which firearms in the National Firearms Museum should be kept in the permanent collection, and which firearms should be deaccessioned.

13. I have been qualified as an expert on firearms in both the Alaska State and Federal courts, and have testified as such in various cases.

14. At the request of Attorney Wayne Anthony Ross, on 18 September 1998 I traveled to Elmendorf Air Force Base, Alaska, where I inspected some of the firearms that were destroyed by the defendants and their agents. I have also obtained a list of the firearms that were destroyed from the State of Alaska.

15. I have been advised that the State's attorney represented to this court, on or about 12 September 1995, at the hearing where plaintiff sought a temporary restraining order, that the firearms that the State intended to destroy "are in essence sawed off shotguns, some Class III assault rifles and small handguns... commonly known as 'Saturday Night Specials'". If the State's attorney told the court this, the State's attorney was either mis-informed, or not candid, with this court. Most of the firearms I personally examined did not fit into such categories, by anyone's definition or by anyone's stretch of the imagination. I am also informed that the State's attorney told this court that the State had "two Alaska State Troopers review the manifest of these weapons that are set for destruction and its been determined that none of these guns would have any value to a collector". If

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the State did have two troopers review these firearms and those troopers determined that there were no collector firearms in the firearms that were destroyed. they don't know how to tell a "collector" gun from an axe handle, because "collector" guns were destroyed by the State on 15 September 1995.

16. The first firearm I examined had been a lovely little .22 caliber Colt "Huntsman", a version of the Colt "Woodsman". A Colt "Woodsman" is a lovely little semi-automatic pistol that was first manufactured prior to World War I, and continued in the Colt line until the early 1970's, in various versions. The Colt I saw was a late model, that is, a model manufactured after World War II. All of these little Colt "Woodsman" pistols, in all variations, have great collector interest since they were high quality firearms that are no longer manufactured. Indeed, there are a number of collectors of national repute who specialize in these lovely little firearms. The Colt "Woodsman" has always been popular in Alaska, and was favored by hunters and trappers who wished a handy, compact .22 pistol with a reputation for reliability. The Colt I examined had

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been totally destroyed by what appeared to be heat from a welding torch.

17. The second firearm I examined was a very unusual U.S. Air Force survival rifle, known as an M4. This little bolt action rifle was in .22 Hornet caliber and is quite rare. While I have not fully researched this firearm, I believe that it may not have been released for sale to civilians because of its short barrel, which is approximately 14 inches long, and thus, it would be subject to Federal regulations governing short-barreled rifles. Nonetheless, that survival rifle has much collector interest, and could have been offered to museums which feature unusual firearms, such as the National Firearms Museum in Washington, D.C. The rifle I examined had been totally destroyed by what appeared to be heat from a welding torch.

18. The third firearm I examined was a Glock semi-automatic pistol. This pistol had been in almost new condition before it was destroyed. The Glock pistol had created some controversy when first introduced because it was falsely labeled by the press as a "plastic gun". After its introduction, however,

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the Glock's popularity took off, and many police departments throughout the country have adopted it as their duty sidearm. Recently, a Glock Collectors Association has been formed and that group had a fine exhibit at the last NRA Annual Meetings. The Glock is a relatively expensive, high quality pistol, and is much in demand. The Glock I examined had been totally destroyed by what appeared to be heat from a welding torch.

19. The fourth firearm I examined was an unusual Uzi in 45 caliber. This model is rarely seen in this country and would be a great addition to any advanced collector of military or automatic weapons. This piece appeared to have been in good condition prior to having been destroyed by heat from a welding torch.

20. I next examined a group of five shotguns. This group of shotguns included a Winchester Mod 1200 12 gauge, a Winchester Mod 1300 12 gauge, a High Standard 12 gauge pump, a Mossberg Mod 500A 12 gauge, and a Western Mod 550ABD, also in 12 gauge. All of these guns are the same kind that are used every hunting season in Alaska by duck, grouse, ptarmigan, and rabbit

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hunters. The destroyed shotguns had barrels which had been shortened to less than legal length, but they could have, in all but one case, been easily refitted with a new barrel and restored to good, legal shooters. The actions appeared to have been in good condition, and the cost of the barrel refitting would have cost less than one-third of the cost of a new gun. Alternatively, the shortened barrels could have simply been taken off of the shotguns and the actions could have been legally sold.

21. I saw a Lorcin 25 caliber vest pocket pistol, possibly a different model than any I have previously seen. It was impossible to be sure, for the little piece had been severed in two by the heat of a welding torch. As a collector who specializes in this kind of firearm, I would have liked to research this piece before its destruction.

22. There was a Liama .45 caliber semiauto pistol, which is a Spanish clone of the Colt Model 1911 .45 that was carried by American troops through two world wars. There are numerous people who swear by these guns and many collectors who specialize in them because of the model variations available to the knowledgeable.

This is a heavy, hard to conceal piece, that a trapper might keep at his cabin to protect against bears. The Llama was cut in two (almost) by the heat of a welding torch.

23. There was a single shot H & R 10 gauge shotgun and a Mossberg 600AT shotgun, both with shorter than legal barrels; actions cut in two by the heat of a welding torch. Both shotguns could have been restored into practical hunting pieces with the addition of new barrels. Alternatively, the shortened barrels could simply have been thrown away or destroyed and the actions sold legally.

24. There were two Ruger 357 Magnum revolvers that had been destroyed by the heat of a welding torch. Ruger revolvers have long been collectors' delights. There is a National Ruger Collectors Club which puts on exhibits all over this country at major Gun Shows and exhibitions. These firearms, in addition to their sporting uses, have collector's value because of the number of variations that were manufactured. I was not able to determine anything further about these two revolvers due to their damaged condition, except the fact that these appeared to have been in nice

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condition prior to being cut apart across the middle by a torch.

25. There were two Ruger Blackhawks, one a .41 caliber and one a .357 caliber. There was also a Ruger Single Six revolver .22 caliber revolver destroyed. As I previously stated (refer to paragraph 24), Ruger revolvers are highly regarded by the collectors of Ruger handguns. The three revolvers that were destroyed might well have been collector pieces, but after being cut into lumps by the torch they were impossible to accurately assess.

26. There was another Ruger handgun, this time a .22 caliber semi-automatic, one of the recent guns from the Ruger factories. This type firearm enjoys a solid reputation as a less expensive hand gun, not easily concealable because of its size. It was cut apart at the action by the heat of a welding torch.

27. I spent some time examining a group of so-called "assault" weapons. Some of these firearms were made in a semi-automatic version, which would mean that such a firearm would not be an "assault weapon" at all. There were 6 pieces, being 2 Ingrams, 2 Cobrays, one RPB, and an interdynamic, all in 9mm

caliber. None of these firearms appeared to have been in poor condition prior to being cut up. One of the Ingrams may have been a true collectors piece because of its receiver, but I was not able to ascertain much about these firearms because they were butchered too badly by the heat of a welding torch.

28. I examined a Colt .223 rifle, similar to, or of the type of firearms used by U. S. Troops for the past 30 plus years in defense of this country. If in the full automatic version, known as an M-16, this rifle could have been utilized by many police agencies in the State, or by the National Guard. If in the semi-automatic version, known as an AR-15, this type of firearm is in great demand by Military Marksman teams. In Southeast Alaska these rifles are in great demand for deer hunting. Generally very accurate, the AR-15 has replaced the famous M-1 Garand of WW-2 and the Springfield of WW-1 for formal target competition. No longer manufactured for civilians in its pure form, this piece would definitely make some collector a happy person, especially if it had a history attached to it. Before its destruction, this rifle had a value of \$1,000.00 or more. After being cut up with the welding

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torch, it was rendered worthless.

29. Another piece I examined was an Intertec .22 caliber. This little semi automatic rifle reminded me of a happy Saturday I once spend in a sand pit with its mate and a carton of .22 loads. A fun little gun for informal snooting sessions, this one was cut apart at the head of the bolt by the heat of a welding torch.

30. There was a group of 4 firearms, possibly cut together. One was an FIE .22 revolver, one an Interarms .38 caliber, one a "Tigon Tiger" .38 semi auto (I have never seen one before), and one a Baikal KB .380 auto, an imported imitation of a Marakov. While none of these handguns were of particularly high quality, their low cost could have provided a firearms to some Alaskans who could not afford to purchase something more expensive. These inexpensive but practical firearms were now cut with a torch so that there was no value left.

31. I found it most disconcerting to see a Smith & Wesson Model 27 .357 Magnum revolver, once long-barreled, totally destroyed. This model revolver is one of the "Backbone" guns of

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the Alaskan Bush, a workhorse that never fails, a protective device shooting diverse loads, a handloader's delight. This revolver was an extremely high quality firearm, and has always been much in demand by people who know their firearms. Its barrel had been cut off, and its action and receiver torched into a glob.

32. There was another S&W, a Model 48-4 .22 caliber magnum revolver with what was left of an 8 inch barrel. High quality and expensive, this firearm was designed to be a neat compromise between the .22LR and the .22 Hornet, a great piece to teach shooting to a person ready to move up to a higher caliber, and an ideal small game hunting handgun. It had been cut in two by the heat of a welding torch.

33. There was a Beretta .380 semi-auto, so badly chopped up I could not be sure of the model. I wondered how carefully this firearm was checked before destruction?? It might have possibly been one of the eighty odd pieces that had been specially made to commemorate an end run at the original Beretta plant. Unfortunately, this firearm had been also cut and burned apart and was too far destroyed to be readily identified.

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34. There was a Colt Trooper, MK V, .357 magnum. This had once been a high quality firearm. What finish was left showed good condition. Known informally as a "bread-and-butter" piece, these were originally made for police departments and later spread to civilian use due to their rugged reliability. Now destroyed.

35. There was a S&W .45 caliber semi-auto pistol. This was of recent manufacture, in stainless steel, and looked as if it could have been real fine condition. The Anchorage police department has chosen to carry the S&W .45 semiauto as a duty firearm. This pistol has many variations, but I could only wonder if it could have been a rare one. It was impossible to tell which variation it had been in the massacred condition in which it was seen.

36. There was a little AMT .380 stainless steel back-up gun. Lots of these are carried by police officers throughout the country as second weapons. Once high quality, it had now been destroyed.

37. There was a S&W Model 36, .38 special caliber, "Chief's Special", a small J-frame revolver carried by undercover

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police officers all over the world as a principal weapon, easily concealable, tested over the years, and as reliable as a handgun can be.

38. There was a group of ten S&W Model 686s, .357 magnum, stainless steel revolvers, impossible after the torch caught them to tell condition, but by reputation and personal knowledge one of the toughest, longest lasting firearms ever on the market. These may have been Alaska State Trooper issued, or used by some other State Agency. The historical value, thirty years from now to a collector, or seventy years, of a firearms issued to, and used by the troopers of the State of Alaska, cannot be appreciated now. Anyone knowledgeable about such state police issued firearms need only look at what has happened to the issued and personal firearms of the Texas Rangers over the same period of time. They have increased and increased in value to such an extent that they are almost impossible to afford to purchase. Instead of offering a good investment for Alaskans, however, these high quality revolvers, purchased originally by the people of Alaska, were gutted and cut apart by a welding torch.

AFFIDAVIT OF NORMAN B. GRANT, JR. PAGE 15

39. Lastly, there was a lonely Crossman Pellet Pistol. One wondered what its crime was that justified it being cut in two by the welding torch. Not even a firearm, this little pellet gun could have brought joy to a youngster, and the opportunity for his or her parent to instill, in that youngster, knowledge of gun safety and the joy of owning that "first gun".

40. The firearms destroyed by the State of Alaska were worth in excess of Ten Thousand Dollars (\$10,000.00). A few of the firearms could not have been sold in their then current configuration. Shotguns with barrels with less than 18 inches could have been sold if the offending barrels had been removed, or if longer barrels had been installed. Several of the firearms may have been fully automatic. These could have been made available to military, police, or museums specializing in such firearms, or many of the parts could have been sold legally (although not the receivers). Most of the firearms were fully functional, useful, firearms that any Alaskan would have been proud to own and use. Some of the firearms had substantial collector value.

41. Even if the State did not want to sell the firearms

themselves, the guns could have been traded to police suppliers, or other jobbers, for police equipment or other items that the State would otherwise have had to purchase.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Norman B. Grant, Jr.
Norman B. Grant, Jr.

SUBSCRIBED AND SWORN to before me this 9 day of January 1996.

Karen S. Burns

Notary Public in and for Alaska
My Commission Expires: 8-13-99

I certify that a true and correct copy was mailed to:

James Baldwin, Esq.
State of Alaska
Department of Law
Box 110300
Juneau, AK 99811-0300

this ___ day of January, 1996.

Wayne Anthony Koss



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Sec. 12.35.050. Disposition of property taken. (Repealed, § 42 ch 143 SLA 1982. For present provisions, see AS 12.36.)

Sec. 12.35.060. Malicious procurement of search warrant. A person who maliciously and without probable cause causes a search warrant to be issued and executed is guilty of a misdemeanor. (§ 4.06 ch 34 SLA 1962)

Sec. 12.35.070. Search of defendant in presence of judge or magistrate. When a person charged with a crime is believed by the judge or magistrate before whom that person is brought to have on the person a dangerous weapon, or anything that may be used as evidence of the commission of the crime, the judge or magistrate may direct the accused to be searched in the presence of the judge or magistrate, and the weapon or other thing be retained subject to the order of the judge or magistrate or the order of the court in which the defendant may be tried. (§ 4.07 ch 34 SLA 1962)

Secs. 12.35.080 — 12.35.110. Disposition of stolen property. (Repealed, § 42 ch 143 SLA 1982. For present provisions, see AS 12.36.)

Sec. 12.35.120. Definition of search warrant. A search warrant is an order in writing, signed by a judge or magistrate or signed at the direction of a judicial officer in accordance with AS 12.35.015, directed to a peace officer, commanding the peace officer to search for personal property and bring it before the judge or magistrate. (§ 4.01 ch 34 SLA 1962; am § 14 ch 8 SLA 1971; am § 20 ch 143 SLA 1982)

NOTES TO DECISIONS

(Quoted in Johnson v. Johnson, 849 P.2d 1361 (Alaska 1993).

12-36

Chapter 36. Disposition of Recovered or Seized Property.

Section

- 10. Property disposition
- 20. Return of property
- 30. Disposal of unclaimed property used as evidence
- 40. Disposal of property whose owner unknown

Section

- 50. Remission of forfeited property
- 60. Disposal of forfeited deadly weapons
- 90. Definitions

Cross references. — For provisions relating to abandoned property, see AS 34.45.110 — 34.45.780.

Collateral references. — 68 Am. Jur. 2d, Searches and Seizures, §§ 212-215. 79 C.J.S., Searches and Seizures, §§ 217-220.

1

Sec. 12.36.010. Property disposition. When property not belonging to a law enforcement agency comes into the custody of the agency, the property shall be disposed of in accordance with this chapter. (§ 21 ch 143 SLA 1982)

Sec. 12.36.020. Return of property. (a) A law enforcement agency may return property in its custody to the owner or the agent of the owner if

(1) the property is not in custody in connection with a children's court proceeding, a criminal proceeding, or an official investigation of a crime; and

(2) the property in custody is not subject to forfeiture under the laws of the state.

(b) In a criminal proceeding or a children's court proceeding involving the wrongful taking or damaging of property where photographs of the property are used as evidence in place of the property, the prosecuting attorney may release the property to the owner upon presentation of satisfactory proof of ownership.

(c) If wrongfully taken or damaged property is not photographed and authenticated under AS 12.45.086 and the property is used as evidence in a criminal proceeding or a children's court proceeding, the law enforcement agency in possession of the property shall return it to the owner upon presentation of satisfactory proof of ownership within 60 days after the final disposition of the case. (§ 21 ch 143 SLA 1982)

Revisor's notes. — In 1995, in subsection (c), "AS 12.45.086" was substituted

for "AS 12.80.050" to reflect the 1995 renumbering of AS 12.80.050.

NOTES TO DECISIONS

Municipal liability for unauthorized property transfer. — The municipal police had no authority to unilaterally transfer a criminal defendant's money seized by a search warrant because it was within the custody and exclusive jurisdiction of the court, and the transfer of the

money without court approval to a federal agency violated this section, rendering the federal agency's forfeiture actions invalid, and consequently, the municipality liable for the full value of the resulting conversion. *Johnson v. Johnson*, 849 P.2d 1361 (Alaska 1993).

Sec. 12.36.030. Disposal of unclaimed property used as evidence. (a) If property that is used as evidence in a criminal proceeding or a children's court proceeding, including wrongfully taken or damaged property, is not claimed by the owner within one year after the final disposition of the case, the law enforcement agency having custody of the property shall dispose of it under (b) of this section.

(b) The law enforcement agency shall dispose of that part of the property referenced in (a) of this section that is

(1) subject to AS 34.45.110 — 34.45.780 in accordance with AS 34.45.110 — 34.45.780;

(2) not subject to AS 34.45.110 — 34.45.780 by selling the property in the same manner as a sale upon execution; after paying the expenses for the preservation and sale of the property, the law enforcement agency shall dispose of the proceeds of the sale in the same manner as money collected upon a judgment. (§ 21 ch 143 SLA 1982; am § 4 ch 133 SLA 1986)

Sec. 12.36.040. Disposal of property when owner unknown. When the owner of property is unknown and the property comes into the possession of a law enforcement agency as suspected evidence of a crime but is not used in a criminal proceeding or a children's court proceeding, or when the property comes into the possession of a law enforcement agency by other means, the property shall be held for two years. If the property is not claimed within two years of the date it comes into the possession of a law enforcement agency, the property shall be disposed of as provided in AS 12.36.030(b). (§ 21 ch 143 SLA 1982)

NOTES TO DECISIONS

Quoted in *Wilson v. State*, 756 P.2d 307 (Alaska Ct. App. 1988).

Sec. 12.36.050. Remission of forfeited property. (a) A claimant seeking remission of the claimant's interest in a weapon ordered forfeited under AS 12.55.015(a)(9) shall prove to the court by a preponderance of evidence that the claimant

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

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

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

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

(c) A claim may not be filed under this section more than 120 days after the entry of the last final judgment in the case in which the weapon was ordered forfeited. (§ 1 ch 169 SLA 1988; am § 29 ch 50 SLA 1989)

Legislative history reports. — For an analysis of the 1989 amendment to (a) of this section, see Senate-House Joint Jour-

nal Supplement No. 10, May 5, 1989, p. 5, under "Sec. 29."

Sec. 12.36.060. Disposal of forfeited deadly weapons. (a) A deadly weapon forfeited under AS 12.55.015(a)(9), unless remitted under AS 12.36.060, shall be disposed of by the commissioner of public safety under this section. The commissioner of public safety may declare a weapon surplus and transfer it to the commissioner of administration. A weapon suitable for law enforcement purposes, ballistics testing, training, or identification may be retained by the Department of Public Safety or transferred to the municipal law enforcement agency making the arrest that led to the forfeiture. A weapon that is unsafe or unlawful shall be destroyed.

(b) The commissioner of public safety may adopt regulations necessary to carry out the provisions of this section. (§ 1 ch 169 SLA 1988)

Sec. 12.36.090. Definitions. In this chapter,

(1) "final disposition of a case" means the time when all appeals have been exhausted or the time when all appeals that could have been taken has expired;

(2) "law enforcement agency" means a public agency that performs as one of its principal functions an activity relating to crime prevention, control, or reduction or relating to the enforcement of the criminal law; "law enforcement agency" does not include a court;

(3) "peace officer" means a public servant vested by law with a duty to maintain public order or to make arrests, whether the duty extends to all offenses or is limited to a specific class of offenses or offenders. (§ 21 ch 143 SLA 1982)

Chapter 37. Authorized Communications Interceptions.

Article

1. Interception of Private Communications (§§ 12.37.010 — 12.37.130)
2. Pen Registers and Trap Devices (§ 12.37.200)
3. Communications in Electronic Storage (§ 12.37.300)
4. General Provisions (§ 12.37.900)

Legislative history reports. — For which enacted this chapter, see 1993 governor's transmittal letter on the bill House Journal 488 — 489 (HB 187) that became ch. 61, SLA 1993.

Article 1. Interception of Private Communications.

Section

10. Authorization to intercept communications
20. Application for order authorizing a communication interception
30. Requirements for an order authorizing a communications interception

Section

40. Contents of order authorizing a communications interception; limitations on disclosure
50. Privileged communications
60. Collateral authority of court; interpretation of 12.37.010 — 12.37.130

against the claimant under this chapter or AS 11.71. (§ 4 ch 45 SLA 1982)

Revisor's notes. — Formerly AS 17.30.110(g) — (i). Renumbered in 1983. failure to furnish notification required under this chapter, see AS 11.71.050(a)(4).
Cross references. — For penalty for

Sec. 17.30.118. Petition for release of seized items. (a) A claimant under AS 17.30.116(b) may at any time petition for release of a seized item as follows:

- (1) to a court in which a warrant for seizure has been issued;
- (2) to a court in which a criminal or civil action alleging forfeiture of the item has been filed; or
- (3) before an action is filed, or if no seizure warrant was issued, to a court in the judicial district in which the violation took place.

(b) An item may not be released by the court under (a) of this section unless the claimant gives adequate assurance that the item will remain in subject to the court's jurisdiction and

- (1) the court finds that the release is in the best interests of the state; or
- (2) the claimant provides a bond or other valid and equivalent security equal to twice the assessed value of the item. (§ 4 ch 45 SLA 1982)

Revisor's notes. — Formerly AS 17.30.110(j) and (k). Renumbered in 1983.

Sec. 17.30.120. Petition for sale of seized item. A claimant may petition the court for sale of an item before final disposition of court proceedings. The court shall grant a petition for sale upon a finding that the sale is in the best interests of the state and the preservation and maintenance of the item seized. Proceeds from the sale plus interest to the date of final disposition of the court proceedings become the subject of the forfeiture action. (§ 4 ch 45 SLA 1982)

Revisor's notes. — Formerly AS 17.30.110(l). Renumbered in 1983.

Sec. 17.30.122. State disposal of forfeited property. Property forfeited under AS 17.30.110 — 17.30.126 other than controlled substances shall be disposed of by the commissioner of administration in accordance with applicable law. The commissioner of administration 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 this chapter or AS 11.71, or transfer it to another agency of the state or a political subdivision of the state for a use in furtherance of the administration of justice;

(4) take custody of the property and remove it for disposition in accordance with law;

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

(6) transfer ownership of an aircraft to the Alaska Wing, Civil Air Patrol. (§ 4 ch 45 SLA 1982; am § 2 ch 18 SLA 1983)

Revisor's notes. — Formerly AS 17.30.110(m). Renumbered in 1983.

Effect of amendments. — The 1983 amendment added paragraph (6).

Sec. 17.30.124. Remittance to claimant. (a) Upon a showing that a claimant is entitled to remittance under AS 17.30.110 — 17.30.126, the court shall order that

(1) if the claimant is entitled to the item, it shall be delivered to the claimant immediately;

(2) if the claimant is entitled to remittance of some value less than the total value of the item, the claimant is entitled, at the claimant's choice, to receive either the value of the claimant's interest or, upon receipt of payment of the difference in value by the claimant, the entire item.

(b) An offender who used an item subject to remission in violation of this chapter or AS 11.71 shall be assessed a fine which may not be less than the cost of any lien payment or remittance made by the state plus the reasonable costs of the seizure. (§ 4 ch 45 SLA 1982)

Revisor's notes. — Formerly AS 17.30.110(n) and (o). Renumbered in 1983.

Sec. 17.30.126. Forfeiture of controlled substances. (a) A controlled substance manufactured, possessed, transferred, sold, or offered for sale in violation of this chapter or AS 11.71 is contraband and must be seized and summarily forfeited to the state. The commissioner of public safety or the commissioner's designee, including a municipal law enforcement agency authorized under AS 17.30.114(b) of this section to retain custody of controlled substances, is responsible for the disposal of controlled substances which have been forfeited. The controlled substances shall be disposed of in accordance with procedures and requirements prescribed by the commissioner.

(b) Plants from which controlled substances may be derived and which have been planted or cultivated in violation of this chapter or AS 11.71, or which are grown in the wild, may be seized and summarily forfeited to the state. (§ 4 ch 45 SLA 1982)

Revisor's notes. — AS 17.30.110(p) and (q).

Sec. 17.30.130. conclusion under it is by a decision in accordance with the provisions entitled to a

Section 140. Education

Sec. 17.30.131. health and designed to connection

(1) assistance in connection with

(2) promotion of controlled substances

(3) consultation with

(4) evaluation of proposed actions

(5) dissemination of information

(6) with education their efforts

(b) The research

(1) establishment and identification

(2) maintenance of

(A) development of equipment

(B) determination of social effects

FISCAL NOTE

Revision Date: January 23, 1996 Dept. Affected: Community & Regional Affairs
 Title: An Act relating to the disposal of firearms and ammunition by the state or a municipality BRU: none
 Component: none
 Sponsor: Sen. Miller, Leman, Sharp, et al.
 Requestor: Senate State Affairs COMPONENT SERIAL NO. _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

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

Estimate of current (FY94) impact \$ none

ANALYSIS: (Attach a separate page if necessary)

 This legislation would have no fiscal impact on the department.

Prepared by Remond Henderson, Director *Remond Henderson* Phone 465-4708
 Division Division of Administrative Services Date 1/23/95
 Approved by Commissioner *[Signature]* Date 1/23/95
 Agency Community & Regional Affairs

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SB 219

Revision Date: _____ Dept. Affected: Public Safety
 Title: Disposal of firearms and ammunition by the BRU: Alaska State Troopers
state and municipalities. Component: Detachments
 Sponsor: Senator Miller
 Requestor: _____ COMPONENT SERIAL NO. 0799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 95) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

This bill does not have a fiscal impact on the Division of Alaska State Troopers.

Prepared By: Lt. Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: January 24, 1996
 Approved by Commissioner: *Ronald I. Ote* Date: 1/24/96
 Agency: Ronald I. Ote, Department of Public Safety

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