

SB

158



Senator Fred Dyson
SPONSOR STATEMENT

SB 158: Return of property used as evidence to the owner

All too often victims of robbery are victimized a second time by bureaucracy. Victims of crime involving property of little value are certainly inconvenienced. However, victims of theft of property of considerable value face the added burden of having to purchase replacements for the stolen property. Small business owners who have their inventory stolen may even lose potential sales or bankruptcy if the loss of property results in the inability to consummate the sale or the inventory is uninsured or underinsured. But perhaps the most frustrating of all is when property is recovered by law enforcement agencies, only to be held as evidence and not returned to the victim for weeks, months, or years.

Victims generally understand the necessity of holding stolen items for a period of time to ensure successful prosecution of a case. However, when property is held for an extended period of time, even though it is no longer necessary to physically retain the item, it is no longer acceptable to not return the property to the rightful owner. When it is no longer necessary to retain the property to prosecute a case, law enforcement agencies must return the property to the rightful owner as soon as reasonably possible without jeopardizing their case.

Alaska Statute 12.36.020(c) directs that property in the possession of law enforcement personnel and used as evidence in a criminal proceeding or a children's court proceeding is to be returned to the owner within 60 days after the final disposition of the case. Unfortunately, final disposition of the case may, to the owner, be protracted for a seemingly unending period of time. It is not always necessary for law enforcement personnel to physically retain the property for evidence. In such cases the property should be returned to the owner when it is no longer needed as evidence by law enforcement, rather than being held until final disposition of the case.

Passage of SB 158 will provide for return of property to the owner when the property is no longer needed as evidence or within 60 days of disposition of the case, whichever first occurs.



SENATOR FRED DYSON

MEMORANDUM

April 2, 2009

To: Senator Hollis French, Chair
Senate Judiciary Committee

From: Senator Fred Dyson

Subject: Request Hearing on SB 158, Return of Stolen Property

Please schedule Committee Substitute Senate Bill 158(STA) for hearing in the Senate Judiciary Committee.

As you heard in the Senate State Affairs Committee, I am aware of Alaska businessmen and women who have had expensive items stolen from their businesses, have had the police recover the property, but then have had the property retained by the police for extended periods of time to be used as evidence. The business people, in order to meet their obligations to customers, are forced to buy replacement materials and items, often at premium prices because the items are being bought in smaller quantities or are being bought with a short lead time in order to meet promised delivery dates. This bill will allow property to be returned to owners much more quickly.

Contact Information:
Lucky Shultz (465-6580)