

SB

158



SENATOR FRED DYSON

MEMORANDUM

March 20, 2009

To: Senator Linda Menard, Chair
Senate State Affairs Committee

Lucky
From: Senator Fred Dyson

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

Please schedule Senate Bill 158 for hearing in the Senate State Affairs Committee.

I have been made aware of Alaska businessmen and women who have had expensive items stolen from their businesses, have had the police recover the property, but then retained by the police for extended periods of time 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 urgently in order to meet delivery dates promised to customers. This bill will allow property to be returned to owners much more quickly.

I ask that you schedule a hearing at your earliest convenience, and pass this bill along to the next committee of referral.

Contact Information:
Lucky Shultz (465-6580)



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.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: SB 158
 Bill Version: _____
 () Publish Date: _____

Identifier (file name): SB158-Law-Crim-03-28-09

Dept. Affected: Law

Title: An Act relating to the return of property used as evidence to the
 the owner.

RDU: Criminal

Component: Criminal Justice Litigation

Sponsor: Senator Dyson

Component Number: 2202

Requester: State Affairs

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES								
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	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

SB 158 provides that a law enforcement agent may return stolen property to the owner of the property when the agency determines that the property is no longer required to be retained as evidence. It is believed that passage of this bill would have no fiscal impact to the department.

Prepared by: Dave A. Blaisdell, Director
 Division: Administrative Services Division
 Approved by: Richard Svobodny, Acting Attorney General
Department of Law

Phone 465-3673
 Date/Time 3/28/09 12:00 AM
 Date 3/28/2009

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 3/20/09

FURTHER: Judiciary

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 3/31/09

State Affairs Committee considered SENATE BILL NO. 158

SB 158 RETURN OF PROPERTY

"An Act relating to the return of property used as evidence to the owner."

and recommends:

- be replaced with SCS or CS SB158 (STA)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

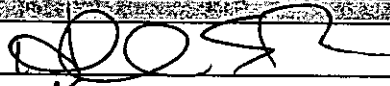
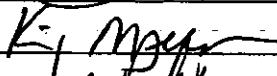

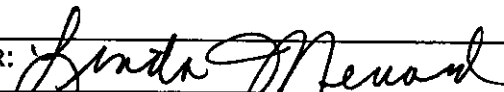
NEW FISCAL NOTE(S):

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Law	3/28/09			<input checked="" type="checkbox"/>	

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French				X
	Meyer	X			
	PASKVAN				X
CHAIR: 	MENARD	X			