

ALASKA LEGISLATURE COMMITTEE BILL FILES - 1987 - 1988 8879
HB 197 thru CSHB 203 295

HB

1977

HOUSE COMMITTEE REPORT

(11)

Date referred: 4/3/87

FURTHER REFERRALS:

DATE: 3/17/88

The Finance Committee has considered HB 197

"An Act relating to delivery of supplies purchased under the State Procurement Code; and providing for an effective date."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

POURCHOT [Signature]

LARSON [Signature]

SWACK [Signature]

HAMMER [Signature]

RIEGER [Signature]

DAVIS [Signature]

FRANK [Signature]

ADAMS [Signature] - No Rec

GOLL [Signature] - No Rec

BROWN [Signature] - No REC

[Signature]

[Signature]
Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Administration
 Title: An Act Relating To The Delivery of BRU: General Services & Supply
Supplies Purchased Under the Procurement
Code. Components: Purchasing
 Sponsor: Labor & Commerce Committee
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

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

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)

The impact on the Department of Administration will be minimal since nearly all invitations To Bid already contain this requirement.

Prepared By: Robert J. Link, Director *Robert J. Link* Phone: 465-2250
 Division: General Services & Supply Date: 1/17/88
 Approved by Commissioner: John M. Andrews *John M. Andrews* Date: 1/20/88
 Agency: Department of Administration

Distribution (by preparer):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

POSITION PAPER

Bill HB 197

The bill provides that all supplies purchased by the State will be delivered to a location within the state, unless the department making the purchase determines that a point of delivery outside the state would be in the best interest of the State. Invitations to Bid (ITB) and other means of procurement must state that the bid price includes delivery at the location named in the ITB.

The impact on the Department of Administration (DOA) will be minimal since nearly all ITBs and negotiated purchases already contain this requirement.

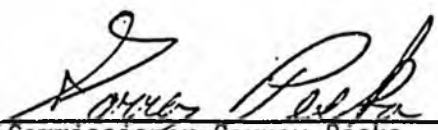
The DOA is neutral on this bill.



Robert J. Vink, Director
Division of General Services & Supply

3/27/87

Date



Commissioner Garrey Peska
Department of Administration

3/27/87

Date

1 IN THE HOUSE

BY THE LABOR AND
COMMERCE COMMITTEE

2

HOUSE BILL NO. 197

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to delivery of supplies purchased
7 under the State Procurement Code; and providing for
8 an effective date."

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

10 * Section 1. AS 36.30 is amended by adding a new section to article 1
11 to read:

12 Sec. 36.30.090. DELIVERY OF SUPPLIES. Supplies purchased under
13 this chapter shall be delivered at a location within the state unless
14 the department determines that a point of delivery outside the state
15 would be in the best interest of the state. A bid or proposal
16 involving the procurement of supplies shall specify the delivery
17 location and shall state that the price is the delivered price at that
18 location.

19 * Sec. 2. This Act takes effect July 1, 1987.

HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE

P.O. BOX V. JUNEAU 99811

(907) 465-3892

Matthew

January 22, 1988

M E M O R A N D U M

To: Representative Al Adams, Chair
House Finance Committee

From: Representative Dave Donly, Chair **DB**
House Labor and Commerce Committee

Re: Request for hearing - HB 197

I am writing to request a hearing before the House Finance Committee on HB 197, relating to the delivery of supplies purchased under the State Procurement Code, at your earliest convenience.

HB 197 was introduced by the House Labor and Commerce Committee in response to numerous complaints that supplies purchased by the state often designate a point of delivery outside the state. HB 197 prohibits this practice unless the Department determines that requiring delivery to a point outside of Alaska is in the best interest of the state. The measure has a zero fiscal note.

Please contact me or Ginger Baim at 4954 if you have any questions or need additional information.



INVITATION TO BID

RETURN THIS BID TO:

State of Alaska
Department of Transportation & Public Facilities
Pouch Z - Headquarters Supply Section (MS 2500)
Juneau, Alaska 99811

INVITATION NO.
25506

THIS IS NOT AN ORDER

DATE ISSUED December 4, 1984

SEALD BIDS WILL BE RECEIVED IN SINGLE COPY AT THE ABOVE ADDRESS UNTIL 2:00 P.M. ON December 28, 1984 AT WHICH TIME THEY WILL BE PUBLICLY OPENED.

ITEMS ARE FOR DELIVERY TO: Pier 48, Seattle, Washington 98104

DATE DELIVERY DESIRED AT FINAL DESTINATION: NLT March 29, 1985

F.O.B.: Final Destination

IF YOUR COMPANY WOULD LIKE TO SUBMIT A "NO BID", PLEASE CHECK THIS BOX, SIGN THE BID, AND RETURN THIS COVER SHEET TO THE ADDRESS ABOVE. IF YOUR COMPANY DOES WANT TO SUBMIT A BID, MAKE SURE THE BID IS SIGNED AND ALL PAGES OF THE BID DOCUMENT ARE RETURNED BY THE DATE AND TIME MENTIONED ABOVE.

PURCHASE OF T-SHIRTS WITH LOGO, BASEBALL STYLE CAPS WITH LOGO, BASEBALL STYLE WARM-UP WINDBREAKER JACKETS WITH LOGO

TRANSPORTATION COSTS AND ARRANGEMENTS: All transportation and delivery costs to the F.O.B. point are for the account of the Contractor. The Contractor shall assume full responsibility for arrangement of transportation. The State will not be liable for any charges for transportation, drayage, cartage, packing, boxing, crating, storage, or insurance, in excess of the price quoted by the Contractor.

SHIPPING: Title will not pass until goods have been accepted by the State.

RETURNS: All goods or materials purchased herein are subject to approval by the State. Any rejected items, goods, or material resulting because of non-conformity of the terms or specifications of this contract, whether held by the State or returned, will be at the Contractor's risk and expense.

AWARD: Award will be made by lot or by line item, whichever is in the best interest of the State.

DELIVERY DATE: All items in this invitation must be delivered to Pier 48, Seattle, Washington on or before March 29, 1985.

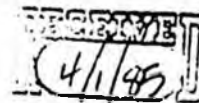
SILENCE OF SPECIFICATION: The apparent silence of this specification and supplemental specifications as to any detail, or the apparent omission from it, of a detailed description concerning any point, shall be regarded as meaning that only best commercial practice is to prevail, and that only materials and workmanship of first quality are to be used.

Form with fields for signature (John Parsons), title (Supply Officer), telephone (465 4010), page count (7 pages + i & ii), company name, authorized signature, printed name, date, and preference/license information.

Alaska State Legislature

POUCH V
JUNEAU, ALASKA 99811
(907) 465-4483/4530

2201 ROOSEVELT DRIVE
ANCHORAGE, ALASKA 99503
(807) 248-4234



MEMBER
HOUSE RESOURCES COMMITTEE
MEMBER
HOUSE STATE AFFAIRS COMMITTEE

Representative Roger Jenkins

DISTRICT 11

April 1, 1985

MEMORANDUM

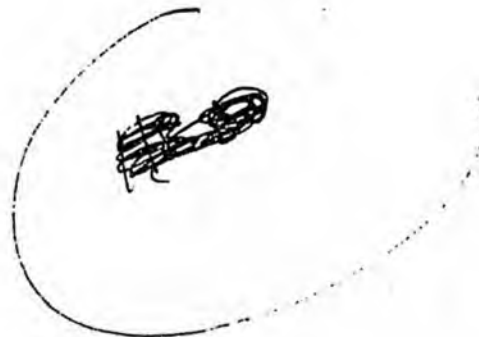
TO : Representative Ben Grussendorf
FROM : Representative Roger Jenkins *Roger L Jenkins*
SUBJECT: State Contracting Procedures - FOB points

Attached is a letter that I received from Cartee & Sons some time back that speaks to the inequities in our contracting procedures.

Thought this might be of interest to you because of your interest in companies getting a fair shake when it comes to state contracts. If you recall Representative Taylor's comments on the floor about the contract let by the Alaska Railroad for wood ties, the attached letter is another instance of an FOB point established that excluded an Alaskan company from competing for a contract.

Attachment

sla



Cartee & Sons

2601 ARCTIC BLVD. - ANCHORAGE, AK 99503 - (907) 279-1466

December 7, 1984

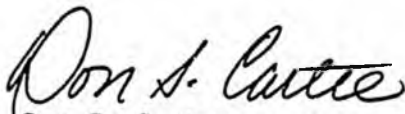
Representative Roger Jenkins
Box 100484
Anchorage, AK 99510

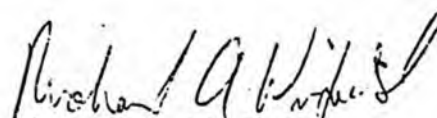
Dear Representative Jenkins,

We are enclosing a copy of the letter written to the State of Alaska, Department of Transportation on December 7, 1984, in hope that you will be made aware of the inequities that exist in the State Purchasing system, and hopefully take legislative action to insure that these types of inequities are not allowed to continue.

Thank you for your time and consideration of this matter.

Respectfully,


Don S. Cartee
President


Richard A. Winfield
Sales Representative

Cartee & Sons

2601 ARCTIC BLVD. · ANCHORAGE, AK 99503 · (907) 279-1466

December 7, 1984

State of Alaska
Dept. of Transportation
Pouch Z, Mail Stop 2500
Juneau, AK 99811
ATTN: John Parsons

Mr. Parsons:

We are writing this letter in reference to invitation to bid #25506 "Purchase of t-shirts, baseball caps, and baseball jackets for the Marine Highway System".

We feel that the above mentioned invitation to bid is both questionable and objectionable, for the following reasons.

The invitation to bid creates an unfair advantage to non-Alaskan vendors by virtue of the delivery destination. In order to print the garments with Alaskan labor and then deliver the garments back to Seattle, an Alaskan vendor must pay freight on the shipment to Alaska and then back to Washington, whereas a Washington vendor pays no freight on the garments at all. The approximate freight costs on this shipment are \$400.00 each way, thereby giving a Washington vendor an \$800.00 advantage over an Alaskan vendor, with the higher labor costs and overhead that an Alaskan company must endure, this is almost an insurmountable advantage.

Because of the reasons stated above, we request that the Department of Transportation amend the aforementioned bid to read as follows:

"Items are for delivery to: Department of Transportation Warehouse, 5000 Aircraft Drive, Anchorage, Alaska".

If the amendment is issued, then both the Washington vendor and the Alaskan vendor would be facing identical shipping costs, which would make the bid competitive rather than one-sided.


We are a 25 year old Alaskan company that competes effectively with Washington vendors on a regular basis, we use strictly Alaskan labor and all work is done in Alaska.

We realize that it is in the best interest of the State of Alaska to effect purchase and delivery of goods in the least expensive and most timely manner possible, but we do not feel that this should be done in such a way that it effectively eliminates an Alaskan vendor being awarded a contract.

We would appreciate a written reply to this letter, and we thank you for your time and consideration of this matter.

Respectfully,


Don S. Cartee
President


Richard A. Winfield
Sales Representative

cc-Governor Bill Sheffield
cc-Senator Mitch Abood
cc-Representative Roger Jenkins
cc-Representative Don Young
cc-Senator Ted Stevens

1 IN THE HOUSE

BY THE LABOR AND
COMMERCE COMMITTEE

2

HOUSE BILL NO. 197

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to delivery of supplies purchased
7 under the State Procurement Code; and providing for
8 an effective date."

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

10 * Section 1. AS 36.30 is amended by adding a new section to article 1
11 to read:

12 Sec. 36.30.090. DELIVERY OF SUPPLIES. Supplies purchased under
13 this chapter shall be delivered at a location within the state unless
14 the department determines that a point of delivery outside the state
15 would be in the best interest of the state. A bid or proposal
16 involving the procurement of supplies shall specify the deliver-
17 location and shall state that the price is the delivered price at that
18 location.

19 * Sec. 2. This Act takes effect July 1, 1987.

HB

1977-5

SENATE COMMITTEE REPORT

FURTHER

5/3/88

DATE TURNED INTO OFFICE _____

Mr. President:

_____ Finance _____ Committee considered _____ HOUSE BILL NO. 197
(efd am)

delivery of supplies purchased under the State Procurement Code; efd

and recommended

[] replace with _____ CS _____) [] same title
[] or adopt _____ CS _____) [] new title

[] attached amendment(s) and

[] do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

[] letter of intent adopted _____

Committee [] attached or [] adopted fiscal note(s)

[] new [] updated or [] previous
[] zero [] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Chairman signature and recommendation

[] Committee Backup attached

SENATE COMMITTEE REPORT

FURTHER

FINANCE

DATE TURNED INTO OFFICE

4/15/88
Mr. President:

LABOR & COMMERCE Committee considered HOUSE BILL NO. 197
(efd am)

delivery of supplies purchased under the State Procurement Code;
efd

and recommended

& reports it as follows

replace with _____ CS _____) same title
 or adopt _____ CS _____) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous

zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

2 Martin J. Quinn
Fabian

1 DeBlase no rec.

1 Tim Kelly - No Rec
Chairman signature and recommendation

1 IN THE HOUSE

BY THE LABOR AND
COMMERCE COMMITTEE

2 HOUSE BILL NO. 197 (efd am)

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 delivery of supplies purchased
7 under the State Procurement Code; and providing for
8 an effective date."

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

10 * Section 1. AS 36.30 is amended by adding a new section to article 1
11 to read:

12 Sec. 36.30.090. DELIVERY OF SUPPLIES. Supplies purchased under
13 this chapter shall be delivered at a location within the state unless
14 the department determines that a point of delivery outside the state
15 would be in the best interest of the state. A bid or proposal
16 involving the procurement of supplies shall specify the delivery
17 location and shall state that the price is the delivered price at that
18 location.

19 * Sec. 2. This Act takes effect July 1, 1988.
20
21
22
23
24
25
26
27
28
29
H

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: HB 197
Publish Date: HOUSE 4/3/87

REQUEST

Revision Date: _____ Agency Affected: Dept. of Administration
 Title: An act relating to the ()ery BRU: General Services & Supply
of supplies purchased under the State
procurement code
 Sponsor: Labor & Commerce Committee Components: Purchasing
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

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

The impact on the Department of Administration will be minimal since nearly all Invitations to Bid already contain this requirement.

Prepared By: Robert J. Link *RJL* Phone: 465-2253
 Division: General Services & Supply Date: March 26, 1987

Approved by Commissioner: Garrey Peska *GP* Date: 3/27/87
 Agency: Department of Administration

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Administration
 Title: An Act Relating To The Delivery of BRU: General Services & Supply
Supplies Purchased Under the Procurement
 Code: _____ Components: Purchasing
 Sponsor: Labor & Commerce Committee
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

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

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)

The impact on the Department of Administration will be minimal since nearly all Invitations To Bid already contain this requirement.

Prepared By: Robert J. Link, Director *Robert J. Link* Phone: 465-2250
 Division: General Services & Supply Date: 1/17/88
 Approved by Commissioner: John M. Andrews *John M. Andrews* Date: 1/20/88
 Agency: Department of Administration

Distribution (by preparer):

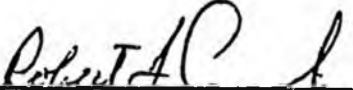
Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

POSITION PAPER
Bill HB 197

The bill provides that all supplies purchased by the State will be delivered to a location within the state, unless the department making the purchase determines that a point of delivery outside the state would be in the best interest of the State. Invitations to Bid (ITB) and other means of procurement must state that the bid price includes delivery at the location named in the ITB.

The impact on the Department of Administration (DOA) will be minimal since nearly all ITBs and negotiated purchases already contain this requirement.

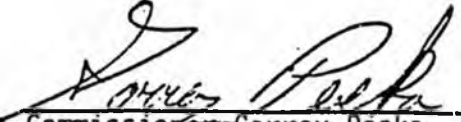
The DOA is neutral on this bill.



Robert J. Vink, Director
Division of General Services & Supply

3/27/87

Date



Commissioner Garrey Peska
Department of Administration

3/27/87

Date

Geo² analysis

3/31/86

ALASKA STATE LEGISLATURE

15th Legislature Session
 SECOND FIRST

HOUSE BILL NO. 197

By THE LABOR AND COMMERCE COMMITTEE

"An Act relating to delivery of supplies purchased under the State Procurement Code; and providing for an effective date."

Introduced in the House . . . 3/20 19 87..

HISTORY IN THE HOUSE

19 87	Read first time and referred to Committee on
Mar 20	L&C AND FINANCE
Apr 3	Reported back with recommendation that <i>Labor & Commerce</i> <i>5 Ayes, 1 No Rec, 2 Y/A</i> <i>To Finance</i>
1988	
Mar 21	<i>Finance - 6 Ayes, 4 No Rec</i> <i>2 Y/A To Rules</i>
Apr 14	Read second time and <i>eff date</i> <i>amended order</i>
Apr 14	Read third time and
Apr 14	PASSED Effective Date Yeas 35 Yeas Nays 0 Nays <i>Same</i> Excused 4 Excused Absent 1 Absent
	Reconsideration Reconsideration not taken up
	PASSED Effective Date Yeas Yeas Nays Nays Excused Excused Absent Absent
4 14	Reported correctly engrossed
4 14	Signed by Speaker
4 14	Sent to Senate <i>Irene Pashen</i>
	CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19 98	Read first time and referred to Committee on
4/15	L&C, FIN
5/3	Reported back with recommendation that <i>53 Ayes, 2 Ayes, 2 Ayes, 2 Ayes</i> <i>rec; Name of V to Fin</i>
	Read second time and
	Read third time and
	PASSED Effective Date Yeas Yeas Nays Nays Excused Excused Absent Absent
	Reconsideration Reconsideration not taken up
	PASSED Effective Date Yeas Yeas Nays Nays Excused Excused Absent Absent
	Reported correctly engrossed
	Signed by President
	Returned to House
	SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19	Received from Senate
	Concurred in Senate amendment thus adopting: VOTE
	Failed to concur in Senate amendment; asked Senate to recede VOTE
	Senate receded from amendment VOTE
	Senate failed to recede from amendment VOTE
	CC appointed by House
	CC appointed by Senate
	CC adopted by House VOTE
	CC adopted by Senate VOTE
	To enrolling Reported correctly enrolled Sent to Governor
 by Governor
	Filed with Lt. Governor
	Chapter No.

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Administration
 Title: An Act Relating To The Delivery of BRU: General Services & Supply
Supplies Purchased Under the Procurement
Code.
 Components: Purchasing
 Sponsor: Labor & Commerce Committee
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

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

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)

The impact on the Department of Administration will be minimal since nearly all Invitations To Bid already contain this requirement.

Prepared By: Robert J. Link, Director *Robert J. Link* Phone: 465-2250
 Division: General Services & Supply Date: 1/17/88
 Approved by Commissioner: John M. Andrews *John M. Andrews* Date: 1/20/88
 Agency: Department of Administration

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

HB

203

HOUSE COMMITTEE REPORT

(11)

Date referred: 5/5/87

FURTHER REFERRALS:

DATE: 5-12-87

The Finance Committee has considered HB 203

"An Act relating to forfeiture of weapons used to commit a crime."

RECOMMENDS:

- replace with CS HB 203 (FIN) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

SIGNING OTHER RECOMMENDATIONS:

Taylor Brown - No Rec

[Signature]
 Chairman's signature

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: CS HB 203 (Fin)

Publish Date: _____

REQUEST

Revision Date: _____

Agency Affected: Public Safety

Title: "An Act relating to forfeiture of weapons used to commit a crime."

BRU: Alaska State Troopers

Sponsor: Rep. Larson

Components: Detachments & CIB

Requestor: House Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUNDS		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Francis C. Allan *fca*

Phone: 269-5691

Division: Alaska State Troopers

Date: 3/26/87

Approved by Commissioner: William R. Nix *W. Nix*

Date: 3/31/87

Agency: Public Safety

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

RECEIVED
APR 01 1987

LEGISLATIVE FINANCE page ____ of ____

JNR
3/31/87

200-211

Original sponsors: Larson, Swackhammer,
Koponen and Taylor

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 203 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to forfeiture of weapons used to
7 commit a crime."

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

9 * Section 1. AS 12.36 is amended by adding new sections to read:

10 Sec. 12.36.050. REMISSION OF FORFEITED PROPERTY. (a) A claim-
11 ant seeking remission of, or remittance of the value of, the claim-
12 ant's interest in a weapon ordered forfeited under AS 12.55.015(a)(9)
13 shall prove to the court by a preponderance of evidence that the
14 claimant

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

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

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

21 (b) Upon a showing that a claimant is entitled to relief under
22 (a) of this section, the court may order that the claimant receive an
23 amount equal to the value of the claimant's interest in the weapon or
24 the court may order that the weapon be released to the claimant.

25 (c) A claim may not be filed under this section more than 120
26 days after the entry of the last final judgment in the case in which
27 the weapon was ordered forfeited.

28 Sec. 12.36.060. DISPOSAL OF FORFEITED DEADLY WEAPONS. (a) A
29 deadly weapon forfeited under AS 12.55.015(a)(9), unless remitted

1 under AS 12.36.050, shall be disposed of by the commissioner of public
2 safety under this section. The commissioner of public safety may
3 declare a weapon surplus and transfer it to the commissioner of admin-
4 istration. A weapon suitable for law enforcement purposes, ballistics
5 testing, training, or identification may be retained by the Department
6 of Public Safety or transferred to the municipal law enforcement
7 agency making the arrest that led to the forfeiture. A weapon that is
8 unsafe or unlawful shall be destroyed.

9 (b) The commissioner of public safety may adopt regulations
10 necessary to carry out the provisions of this section.

11 * Sec. 2. AS 12.55.015(a) is amended to read:

12 (a) Except as limited by AS 12.55.125 - 12.55.175, the court, in
13 imposing sentence on a defendant convicted of an offense, may singly
14 or in combination

15 (1) impose a fine when authorized by law and as provided in
16 AS 12.55.035;

17 (2) order the defendant to be placed on probation under
18 conditions specified by the court that [WHICH] may include provision
19 for active supervision;

20 (3) impose a definite term of periodic imprisonment;

21 (4) impose a definite term of continuous imprisonment;

22 (5) order the defendant to make restitution under [AS
23 PROVIDED IN] AS 12.55.045;

24 (6) order the defendant to carry out a continuous or peri-
25 odic program of community work under [AS PROVIDED IN] AS 12.55.055;

26 (7) suspend execution of all or a portion of the sentence
27 imposed under [AS PROVIDED IN] AS 12.55.080;

28 (8) suspend imposition of sentence under [AS PROVIDED IN]
29 AS 12.55.085;

1 (9) order the forfeiture to the commissioner of public
2 safety of a deadly weapon that was in the actual possession of or used
3 by the defendant during the commission of an offense described in
4 AS 11.41, AS 11.56, or AS 11.61.

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

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

Alaska State Legislature



Session Address:
STATE CAPITOL BUILDING
BOX V
JUNEAU, ALASKA 99811
(907) 465-3727

Interim Address:
BOX 53
PALMER, ALASKA 99645
(907) 745-3826 - Palmer
(907) 376-8628 - Wasilla

Representative Ronald L. Larson
District 16B

DATE: May 8, 1987
TO: House Finance Committee
FROM: Representative Ron Larson
SUBJ: Analysis of Committee Substitute for House Bill
No. 203 (Judiciary)

General Analysis:

HB 203 would authorize the court to order the forfeiture to the state of a deadly weapon used or possessed by a defendant during the commission of a crime. Forfeiture would not be required by the bill, but could be imposed at the court's discretion.

Currently, forfeiture of weapons is authorized only for offenses involving fish and game or controlled substances laws. There is statutory silence regarding weapons used in all other crimes, including murder, robbery, or assault.

Section by Section Analysis:

Section 1 of the bill amends existing law at AS 12.36, Disposition of Recovered or Seized Property, by adding two new sections to the chapter.

Sec. 12.36.050(a) adds a procedure for the actual return of the weapon or the return in partial value of the claimant's interest in a weapon ordered forfeited under AS 12.55.015. The claimant of the weapon is required to prove three things: That he or she (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.

Sec. 12.36.050(b) directs the court to make the return in one of the two options specified if the claimant is entitled to relief.

Sec. 12.36.050(c) stipulates that claims for remission must be made within a year after the entry of the last final judgment in the case leading to the forfeiture.

Sec. 12.36.060 provides instructions for the Commissioner of Public Safety as to the disposition of weapons not returnable to a claimant.

Section 2 of the bill amends AS 12.55.015(a). Apart from some technical improvements in the law, the substantive change occurs by the addition of Sec. 12.55.015(a)(9), which would allow the court to "order the forfeiture to the commissioner of public safety of a deadly weapon that was in the actual possession of or used by the defendant during the commission of a crime described in AS 11.41, AS 11.56, or AS 11.61."

Section 3 of the bill adds a definition of "deadly weapon"; the definition used is that in criminal code at AS 11.81.900(13) (i.e., "any firearm, or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knuckles, or an explosive").

The bill does not have an affirmative effective date. Accordingly, it takes effect 90 days after enactment.

BILL NO: CSHB 203 (JUD)

DATE: 5/08/87

TITLE: "An Act relating to
forfeiture of weapons
used to commit a crime."

CONTACT: Maj. Walter J. Gilmour
Alaska State Troopers

DEPARTMENT OF
PUBLIC SAFETY

This legislation adds a new paragraph to the general sentencing provisions' statute which would authorize a court to order the forfeiture, as part of the defendant's sentence upon conviction, of a deadly weapon which was possessed or used by a defendant during the commission of a crime.

This legislation would provide a means by which the department may dispose of the numerous deadly weapons seized or forfeited by the court each year after being used to commit a violent crime. Further, this bill would provide a means by which persons with a legal interest in a deadly weapon seized after being used to commit a violent crime can voice claim to the weapon prior to its forfeiture.

Amend Section 1 (c) to read: A claim may not be filed under this section more than six months after the entry of the last final judgement in the case in which the weapon was ordered forfeited.

The Department of Public Safety supports passage of this legislation.


Arthur English, Commissioner

RECEIVED
MAY 11 1987
ALASKA DEPARTMENT OF
PUBLIC SAFETY

1 IN THE HOUSE

BY LARSON, SWACKHAMMER,
KOPONEN AND TAYLOR

2

HOUSE BILL NO. 203

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to forfeiture of weapons used to
7 commit a crime."

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

9 * Section 1. AS 12.36 is amended by adding new sections to read:

10 Sec. 12.36.050. REMISSION OF FORFEITED PROPERTY. (a) A claim-
11 ant seeking remission of, or remittance of the value of, the claim-
12 ant's interest in a weapon ordered forfeited under AS 12.55.015 shall
13 prove to the court by a preponderance of evidence that the claimant

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

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

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

20 (b) Upon a showing that a claimant is entitled to relief under
21 (a) of this section, the court shall order that the claimant receive

22 (1) the weapon within 60 days after the final disposition
23 of the case; or

24 (2) if the claimant is entitled to remittance of less than
25 the total value of the weapon, either the value of the claimant's
26 interest or, upon payment by the claimant of the difference in value,
27 the weapon.

28 Sec. 12.36.060. DISPOSAL OF FORFEITED DEADLY WEAPONS. (a) A
29 deadly weapon forfeited under AS 12.55.015, unless remitted under

1 AS 12.36.050, shall be disposed of by the commissioner of public
2 safety under this section. The commissioner of public safety may
3 dispose of each weapon suitable for sporting purposes by public
4 auction. A weapon suitable for law enforcement purposes, ballistics
5 testing, or training may be retained by the Department of Public
6 Safety. A weapon that is unsafe or unlawful shall be destroyed.

7 (b) The commissioner of public safety may adopt regulations
8 necessary to carry out the provisions of this section.

9 * Sec. 2. AS 12.55.015(a) is amended to read:

10 (a) Except as limited by AS 12.55.125 - 12.55.175, the court, in
11 imposing sentence on a defendant convicted of an offense, may singly
12 or in combination

13 (1) impose a fine when authorized by law and as provided in
14 AS 12.55.035;

15 (2) order the defendant to be placed on probation under
16 conditions specified by the court that [WHICH] may include provision
17 for active supervision;

18 (3) impose a definite term of periodic imprisonment;

19 (4) impose a definite term of continuous imprisonment;

20 (5) order the defendant to make restitution under [AS
21 PROVIDED IN] AS 12.55.045;

22 (6) order the defendant to carry out a continuous or peri-
23 odic program of community work under [AS PROVIDED IN] AS 12.55.055;

24 (7) suspend execution of all or a portion of the sentence
25 imposed under [AS PROVIDED IN] AS 12.55.080;

26 (8) suspend imposition of sentence under [AS PROVIDED IN]
27 AS 12.55.085;

28 (9) order the forfeiture to the commissioner of public
29 safety of a deadly weapon possessed or used by the defendant during

1 the commission of an offense described in AS 11.41, AS 11.56, or
2 AS 11.61.

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

4 (f) In this section "deadly weapon" has the meaning given in

5 AS 11.81.900.

CSHB

203

SENATE COMMITTEE REPORT

FURTHER

3/24/88

DATE TURNED INTO OFFICE 5/7/88

Mr. President:

Finance Committee considered CSHB 203 (FIN)

forfeiture of weapons used to commit a crime

and recommended

[] replace with _____ CS _____) [] same title
[] or adopt 5 CS CSHB 203 (Jud)) [] new title

[] attached amendment(s) and

[] do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

[] letter of intent adopted _____

Committee [] attached or [] adopted fiscal note(s)

[] new [] updated or [] previous

[] zero _{DPS} [] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

[Signature]
Chairman signature and recommendation

[] Committee Backup attached

FISCAL NOTE

REQUEST

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

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

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

Phone: 269-5691
Date: 3/23/88

Approved by Commissioner: David A. Hartke
Agency: Public Safety
Dep. Comm.

Date: 3-23-88

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

Original sponsors: Larson, Swackhammer,
Koponen and Taylor

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 203 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to forfeiture of weapons used to
7 commit a crime."

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

9 * Section 1. AS 12.36 is amended by adding new sections to read:

10 Sec. 12.36.050. REMISSION OF FORFEITED PROPERTY. (a) A claim-
11 ant seeking remission of, or remittance of the value of, the claim-
12 ant's interest in a weapon ordered forfeited under AS 12.55.015(a)(9)
13 shall prove to the court by a preponderance of evidence that the
14 claimant

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

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

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

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

24 (c) A claim may not be filed under this section more than 120
25 days after the entry of the last final judgment in the case in which
26 the weapon was ordered forfeited.

27 Sec. 12.36.060. DISPOSAL OF FORFEITED DEADLY WEAPONS. (a) A
28 deadly weapon forfeited under AS 12.55.015(a)(9), unless remitted
29 under AS 12.36.050, shall be disposed of by the commissioner of public

1 safety under this section. The commissioner of public safety may
2 declare a weapon surplus and transfer it to the commissioner of admin-
3 istration. A weapon suitable for law enforcement purposes, ballistics
4 testing, training, or identification may be retained by the Department
5 of Public Safety or transferred to the municipal law enforcement
6 agency making the arrest that led to the forfeiture. A weapon that is
7 unsafe or unlawful shall be destroyed.

8 (b) The commissioner of public safety may adopt regulations
9 necessary to carry out the provisions of this section.

10 * Sec. 2. AS 12.55.015(a) is amended to read:

11 (a) Except as limited by AS 12.55.125 - 12.55.175, the court, in
12 imposing sentence on a defendant convicted of an offense, may singly
13 or in combination

14 (1) impose a fine when authorized by law and as provided in
15 AS 12.55.035;

16 (2) order the defendant to be placed on probation under
17 conditions specified by the court that [WHICH] may include provision
18 for active supervision;

19 (3) impose a definite term of periodic imprisonment;

20 (4) impose a definite term of continuous imprisonment;

21 (5) order the defendant to make restitution under [AS
22 PROVIDED IN] AS 12.55.045;

23 (6) order the defendant to carry out a continuous or peri-
24 odic program of community work under [AS PROVIDED IN] AS 12.55.055;

25 (7) suspend execution of all or a portion of the sentence
26 imposed under [AS PROVIDED IN] AS 12.55.080;

27 (8) suspend imposition of sentence under [AS PROVIDED IN]
28 AS 12.55.085;

29 (9) order the forfeiture to the commissioner of public

1 safety of a deadly weapon that was in the actual possession of or used
2 by the defendant during the commission of an offense described in
3 AS 11.41, AS 11.46, AS 11.56, or AS 11.61.

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

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

Alaska State Legislature



Session Address:
STATE CAPITOL BUILDING
BOX V
JUNEAU, ALASKA 99811
(907) 465-3727

Interim Address:
BOX 53
PALMER, ALASKA 99645
(907) 745-3826 - Palmer
(907) 376-8628 - Wasilla

Representative Ronald L. Larson
District 16B

RECEIVED MAY 2 1988

TO: Senator Rick Halford, Chair
Senate Finance Committee

FROM: Representative Ronald L. Larson *R.L.*

SUBJ: Consideration of CS for CSHB 203 (Judiciary)

DATE: May 1, 1988

On March 29 and again on April 15 I respectfully requested that Senate Finance include CS for CSHB 203 (Judiciary) in one of its committee hearings. May I again make that request.

CS for CSHB 203 would authorize the court to order the forfeiture to the state of a deadly weapon used or possessed by a defendant during the commission of a crime. Forfeiture would not be required by the bill, but could be imposed at the court's discretion.

The bill is another effort at reducing violence in the state. It is supported by both the Department of Law and the Department of Public Safety. A similar version of the bill was introduced by the Administration during the Thirteenth and Fourteenth Legislatures, with CSSB 97 passing the Senate unanimously during the later. The bill died in the last committee of referral in the House.

With only a few days left in the session, it is important that the bill receive prompt attention. I would hate to see a noncontroversial bill that potentially would save peoples' lives die in the last committee of referral once again.

Thank you for your consideration.

cc. Representative Max Gruenberg, House Majority Leader

RECEIVED MAR 29 1988

Alaska State Legislature



Session Address:
STATE CAPITOL BUILDING
BOX V
JUNEAU, ALASKA 99811
(907) 465-3727

Interim Address:
BOX 53
PALMER, ALASKA 99645
(907) 745-3828 - Palmer
(907) 378-8628 - Wasilla

Representative Ronald L. Larson
District 16B

TO: Senator John Binkley, Co-Chair
Senator Rick Halford, Co-Chair
Senate Finance Committee

FROM: Representative Ron Larson *R.L.*

SUBJ: Consideration of CS for CSHB 203 (Judiciary)

DATE: March 29, 1988

file w/bill

I respectfully request that CS for CSHB 203 (Judiciary) be given consideration by the Senate Finance Committee.

CS for CSHB 203 would authorize the court to order the forfeiture to the state of a deadly weapon used or possessed by a defendant during the commission of a crime. Forfeiture would not be required by the bill, but could be imposed at the court's discretion.

Currently, forfeiture of weapons is authorized only for offenses involving fish and game or controlled substances. There is statutory silence regarding weapons used in all other crimes, including murder, robbery, or assault.

A similar bill was introduced by the Administration during the Thirteenth and Fourteenth Legislatures. CSSB 97 passed the Senate during the Fourteenth Legislature, but did not receive final consideration in the House.

In committee testimony over this year and last, CS for CSHB 203 has been endorsed by the current administration, the Department of Public Safety, and the Department of Law.

Sectional Analysis:

Section 1 of the bill amends existing law at AS 12.36 by adding two new sections to the chapter.

Sec. 12.36.050 adds a procedure for the return of a weapon to a claimant with an interest in the weapon forfeited under

AS 12.55.050(a)(9). The claimant must prove three things: That he or she (1) has a valid interest in the weapon, (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. A time limit is established by which a claim must be made, within 120 days after the entry of the last final judgment in the case in which the weapon was ordered forfeited.

Sec. 12.36.060 provides instructions for the Commissioner of Public Safety as to the disposition of weapons not returnable to a claimant. It also stipulates that the commissioner may adopt regulations necessary to carry out the disposition of weapons.

Section 2 amends AS 12.55.015 by adding a subsection (a)(9), which would allow the court to "order the forfeiture to the commissioner of public safety of a deadly weapon that was in the actual possession of or used by the defendant during the commission of a crime described in AS 11.41, AS 11.46, AS 11.56, or AS 11.61." The three statutory citations refer to crimes against the person, crimes against public peace, crimes against public administration, and crimes against public order.

Section 3 stipulates that "deadly weapon" has the meaning set out in AS 11.81.900 (i.e., "any firearm, or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knuckles, or an explosive").

The bill does not have an affirmative effective date. Accordingly, it takes effect 90 days after enactment.

FISCAL NOTE

REQUEST

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL

REVENUE

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

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

Phone: 269-5691

Date: 2/6/88

Approved by Commissioner: Arthur English
 Agency: Public Safety

Date: 2/6/88

Distribution: (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Original sponsors: Larson, Swackhammer,
Koponen and Taylor

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 203 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to forfeiture of weapons used to
7 commit a crime."

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

9 * Section 1. AS 12.36 is amended by adding new sections to read:

10 Sec. 12.36.050. REMISSION OF FORFEITED PROPERTY. (a) A claim-
11 ant seeking remission of, or remittance of the value of, the claim-
12 ant's interest in a weapon ordered forfeited under AS 12.55.015(a)(9)
13 shall prove to the court by a preponderance of evidence that the
14 claimant

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

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

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

21 (b) Upon a showing that a claimant is entitled to relief under
22 (a) of this section, the court may order that the claimant receive an
23 amount equal to the value of the claimant's interest in the weapon or
24 the court may order that the weapon be released to the claimant.

25 (c) A claim may not be filed under this section more than 120
26 days after the entry of the last final judgment in the case in which
27 the weapon was ordered forfeited.

28 Sec. 12.36.060. DISPOSAL OF FORFEITED DEADLY WEAPONS. (a) A
29 deadly weapon forfeited under AS 12.55.015(a)(9), unless remitted

1 under AS 12.36.050, shall be disposed of by the commissioner of public
2 safety under this section. The commissioner of public safety may
3 declare a weapon surplus and transfer it to the commissioner of admin-
4 istration. A weapon suitable for law enforcement purposes, ballistics
5 testing, training, or identification may be retained by the Department
6 of Public Safety or transferred to the municipal law enforcement
7 agency making the arrest that led to the forfeiture. A weapon that is
8 unsafe or unlawful shall be destroyed.

9 (b) The commissioner of public safety may adopt regulations
10 necessary to carry out the provisions of this section.

11 * Sec. 2. AS 12.55.015(a) is amended to read:

12 (a) Except as limited by AS 12.55.125 - 12.55.175, the court, in
13 imposing sentence on a defendant convicted of an offense, may singly
14 or in combination

15 (1) impose a fine when authorized by law and as provided in
16 AS 12.55.035;

17 (2) order the defendant to be placed on probation under
18 conditions specified by the court that [WHICH] may include provision
19 for active supervision;

20 (3) impose a definite term of periodic imprisonment;

21 (4) impose a definite term of continuous imprisonment;

22 (5) order the defendant to make restitution under [AS
23 PROVIDED IN] AS 12.55.045;

24 (6) order the defendant to carry out a continuous or peri-
25 odic program of community work under [AS PROVIDED IN] AS 12.55.055;

26 (7) suspend execution of all or a portion of the sentence
27 imposed under [AS PROVIDED IN] AS 12.55.080;

28 (8) suspend imposition of sentence under [AS PROVIDED IN]
29 AS 12.55.085;

1 (9) order the forfeiture to the commissioner of public
2 safety of a deadly weapon that was in the actual possession of or used
3 by the defendant during the commission of an offense described in
4 AS 11.41, AS 11.56, or AS 11.61.

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

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

Original sponsors: Larson, Swackhammer,
Koponen and Taylor

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 203 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to forfeiture of weapons used to
7 commit a crime."

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

9 * Section 1. AS 12.36 is amended by adding new sections to read:

10 Sec. 12.36.050. REMISSION OF FORFEITED PROPERTY. (a) A claim-
11 ant seeking remission of, or remittance of the value of, the claim-
12 ant's interest in a weapon ordered forfeited under AS 12.55.015(a)(9)
13 shall prove to the court by a preponderance of evidence that the
14 claimant

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

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

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

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

24 (c) A claim may not be filed under this section more than 120
25 days after the entry of the last final judgment in the case in which
26 the weapon was ordered forfeited.

27 Sec. 12.36.060. DISPOSAL OF FORFEITED DEADLY WEAPONS. (a) A
28 deadly weapon forfeited under AS 12.55.015(a)(9), unless remitted
29 under AS 12.36.050, shall be disposed of by the commissioner of public

1 safety under this section. The commissioner of public safety may
2 declare a weapon surplus and transfer it to the commissioner of admin-
3 istration. A weapon suitable for law enforcement purposes, ballistics
4 testing, training, or identification may be retained by the Department
5 of Public Safety or transferred to the municipal law enforcement
6 agency making the arrest that led to the forfeiture. A weapon that is
7 unsafe or unlawful shall be destroyed.

8 (b) The commissioner of public safety may adopt regulations
9 necessary to carry out the provisions of this section.

10 * Sec. 2. AS 12.55.015(a) is amended to read:

11 (a) Except as limited by AS 12.55.125 - 12.55.175, the court, in
12 imposing sentence on a defendant convicted of an offense, may singly
13 or in combination

14 (1) impose a fine when authorized by law and as provided in
15 AS 12.55.035;

16 (2) order the defendant to be placed on probation under
17 conditions specified by the court that [WHICH] may include provision
18 for active supervision;

19 (3) impose a definite term of periodic imprisonment;

20 (4) impose a definite term of continuous imprisonment;

21 (5) order the defendant to make restitution under [AS
22 PROVIDED IN] AS 12.55.045;

23 (6) order the defendant to carry out a continuous or peri-
24 odic program of community work under [AS PROVIDED IN] AS 12.55.055;

25 (7) suspend execution of all or a portion of the sentence
26 imposed under [AS PROVIDED IN] AS 12.55.080;

27 (8) suspend imposition of sentence under [AS PROVIDED IN]
28 AS 12.55.085;

29 (9) order the forfeiture to the commissioner of public

1 safety of a deadly weapon that was in the actual possession of or used
2 by the defendant during the commission of an offense described in
3 AS 11.41, AS 11.46, AS 11.56, or AS 11.61.

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

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

