



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.

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