

Recovering Crime Victims' Property

This Act establishes a process to enable crime victims or their advocates to recover property held by law enforcement agencies.

Submitted as:

Alaska

[SB 30 \(Enrolled version\)](#)

Status: Enacted into law in 2012.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title*.] This Act shall be cited as “An Act to Help Crime Victims Recover
2 Property Lost to Crime.”

3
4 Section 2. [*Return of Property by Hearing*.]

5 (A) As used in this section, “crime victim” means the same as defined in [insert citation].

6 (B) A crime victim who is the owner of property not belonging to a law enforcement agency
7 that is in the custody of the agency under this Act may ask the [office of victims’ rights] established
8 under [insert citation] to request that the agency return the property to the crime victim. The request
9 under this subsection shall be filed by the [office of victims’ rights] on behalf of the crime victim
10 after the [office] has conducted an investigation and has concluded that the crime victim is entitled to
11 the return of the property under the factors listed in subsection (D) of this section.

12 (C) Within [10] days after receipt of a request under subsection (A) of this section and
13 following reasonable notice to the prosecution, defense, and other interested parties, the agency shall
14 request a hearing before the court to determine if the property shall be released to the crime victim.
15 If the property is being held in connection with a criminal case, the hearing shall be before the court
16 with jurisdiction of the criminal case. If no criminal case is pending regarding the property, the
17 hearing shall be before a district or superior court where the property is located.

18 (D) At the hearing, a party that objects to the return of the property shall state the reason on
19 the record. After a hearing, the court may order the return of the property in the custody of a law
20 enforcement agency to the crime victim if the crime victim by a preponderance of the evidence
21 provides satisfactory proof of ownership and the party that objects to the return of the property fails
22 to prove by a preponderance of the evidence that the property must be retained by the agency for
23 evidentiary purposes under the provisions of this Act or another law.

24 (E) If the court orders the return of the property to the crime victim, the court may impose
25 reasonable conditions on the return. Those conditions may include an order that the crime victim
26 retain and store the property so that the property is available for future court hearings, requiring
27 photographs of the property to be taken, or any other condition the court considers necessary to
28 maintain the evidentiary integrity of the property.

29 (F) Notwithstanding another provision of [insert citation], a crime victim’s advocate may file
30 a request under this Act with a law enforcement agency for the return of property to a crime victim
31 after having conducted an investigation and determining that the crime victim is entitled to the return
32 of the property under the factors listed in subsection (D) of this section. In fulfilling the requirements
33 of this subsection, a victim’s advocate may use any of the powers granted to the advocate under
34 [insert citation].

35
36 Section 3. [*Severability.*] [Insert severability clause.]
37
38 Section 4. [*Repealer.*] [Insert repealer clause.]
39
40 Section 5. [*Effective Date.*] [Insert effective date.]