

Code of Ala. § 13A-8-117

Current through the end of the 2023 First Special, Regular, and Second Special Sessions, but not including corrections and changes made to the 2023 session laws by the Code Commissioner.

Michie's™ Alabama Code > *TITLE 13A Criminal Code (Chs. 1 — 14)* > *CHAPTER 8 Offenses Involving Theft (Arts. 1 — 11)* > *Article 5A The Alabama Digital Crime Act (§§ 13A-8-110 — 13A-8-119)*

§ 13A-8-117. Forfeiture of computer and/or digital property.

(a) On conviction of a violation of this article or any other violation of the criminal laws of Alabama, the court shall order that any computer, computer system, computer network, instrument of communication, software or data that was owned or used by the defendant with the owner's knowledge of the unlawful act or where the owner had reason to know of the unlawful act, and that was used in the commission of the offense be forfeited to the State of Alabama and sold, destroyed, or otherwise properly disposed. If the defendant is a minor, it also includes the above listed property of the parent or guardian of the defendant. The manner, method, and procedure for the forfeiture and condemnation or forfeiture of such thing shall be the same as that provided by law for the confiscation or condemnation or forfeiture of automobiles, conveyances, or vehicles in which alcoholic beverages are illegally transported. If the computer, computer system, computer network, instrument of communication, software, or data that was used by a defendant, in conjunction with a violation of this article, is owned or leased by the defendant's employer or a client or vendor of the defendant's employer and such owner or lessor did not authorize the activity violating the act, this section shall not apply.

(b) When property is forfeited under this article or any other violation of the criminal laws of Alabama, the court may award the property to any state, county, or municipal law enforcement agency or department who participated in the investigation or prosecution of the offense given rise to the seizure. The recipient law enforcement agency shall use such property for law enforcement purposes but, at its discretion, may transfer the tangible property to another governmental department or agency to support crime prevention. The agencies may sell that which is not required to be destroyed and which is not harmful to the public. The proceeds from a sale authorized by this article shall be used first for payment of all proper expenses of the proceedings for forfeiture and sale and the remaining proceeds from the sale shall be awarded and distributed by the court to the participating agencies to be used exclusively for law enforcement purposes.

(c) Pursuant to Section 15-18-67 of the Code of Alabama 1975, and in addition to any other cost ordered pursuant to law, the district attorney may request and the court may order the defendant to pay the cost of prosecution or investigation, or both. Restitution shall include any and all costs associated with the violation of the criminal laws of this state.

History

Acts 2012, No. 12-432, § 8, Aug. 1, 2012.

§ 13A-8-117. Forfeiture of computer and/or digital property.

Michie's™ Alabama Code

Copyright © 2024 Matthew Bender & Company, Inc.,
a member of the LexisNexis Group. All rights reserved.

End of Document