

HB0186HS001

1 Page 2-line 2 Delete "(j)" insert "(h)".
2
3 Page 2-line 5 After "assets" delete balance of line and
4 insert "subject to the jurisdiction of the
5 court:".
6
7 Page 2-line 6 Delete entirely.
8
9 Page 2-line 10 After "article" insert ";" and delete
10 balance of line.
11
12 Page 2-line 11 Delete "state," insert "(B)".
13
14 Page 2-line 14 Delete "(B)" insert "(C)".
15
16 Page 2-line 15 After "intent" insert "to,".
17
18 Page 2-line 19 Delete "(C)" insert "(D)".
19
20 Page 3-line 7 After "transport" insert "victims".
21
22 Page 3-line 8 After "transportation" insert "of victims".
23
24 Page 5-line 13 After "warrant;" insert "or".
25
26 Page 5-line 18 Delete "; or" insert ".".
27
28 Page 5-lines 20 through 22 Delete entirely.
29
30 Page 6-line 6 Delete "(j)" insert "(h)".
31
32 Page 6-lines 15 through 22 Delete entirely and insert:
33
34 "(ii) All property shall be returned to the person
35 from whom it was seized unless there is a finding or verdict of
36 guilt, an admission of guilt or a plea of nolo contendere to a
37 felony under this act;
38
39 "(iii) After a verdict or finding of guilty, or after
40 a plea of guilty or nolo contendere is accepted, the court shall
41 conduct a forfeiture hearing to determine if the property is
42 subject to forfeiture under this section. If the court finds
43 under a preponderance of evidence standard that property is

1 subject to forfeiture, the court shall enter a preliminary order
2 directing the forfeiture;".

3

4 Page 7-line 1 Delete "(iii)" insert "(iv)"; delete "shall"
5 insert "may".

6

7 Page 7-line 2 After "forfeiture" insert "additional".

8

9 Page 7-line 3 Delete ";" insert ".".

10

11 Page 7-lines 5 through 23 Delete entirely.

12

13 Page 8-lines 1 through 14 Delete entirely and insert:

14

15 "(e) If the court makes a preliminary order of forfeiture
16 of property, legal interests of persons other than a party to
17 the criminal action shall be determined, subject to the
18 following:"

19

20 Page 8-line 19 Delete "to" insert "by first class mail to
21 the last known address of".

22

23 Page 8-line 20 Delete "reasonably" insert ", after
24 reasonable inquiry,"; delete "claimant"
25 insert "owner or lien holder in the
26 property".

27

28 Page 9-line 2 After "notice" insert "or, if notice is
29 mailed under this paragraph, not later than
30 thirty (30) days after mailing written
31 notice".

32

33 Page 9-line 4 Delete "petition" insert "timely response".

34

35 Page 9-line 6 Delete "an ancillary" insert "a".

36

37 Page 9-line 22 Delete "an ancillary" insert "a".

38

39 Page 10-line 7 Delete "(g)" insert "(f)".

40

41 Page 10-line 8 Delete "if" insert "to the extent that";
42 after "establishes" insert "it has a
43 perfected lien in the property or proves".

44

45 Page 10-line 9 After "that" insert "he has a perfected
46 security interest in the property or
47 proves".

1
2 Page 10-line 15 Delete ":" insert "could not have reasonably
3 known of the conduct of the defendant
4 related to the violation;".
5
6 Page 10-lines 17 through 23 Delete entirely.
7
8 Page 11-line 1 through 3 Delete entirely.
9
10 Page 11-line 18 Delete "(h)" insert "(g)".
11
12 Page 12-line 2 After "value" insert "or may sell the
13 property for value and hold the proceeds
14 thereof".
15
16 Page 12-lines 6 through 8 Delete entirely and insert:
17
18 "(h) Within six (6) months after a final order of
19 forfeiture is affirmed on appeal or the deadline to appeal
20 passes without a notice of appeal being filed, the state shall,
21 by public sale or auction, liquidate forfeited tangible property
22 and distribute the total proceeds of the forfeiture as follows:"
23
24 Page 12-lines 13 through 15 Delete entirely and insert:
25
26 "(ii) Civil judgments entered against the forfeiting
27 defendant in favor of that defendant's victim, already existing
28 at the time proceeds are received, to the extent that such
29 judgments cannot be satisfied out of the forfeiting defendant's
30 assets;
31
32 (iii) Costs of storing and maintaining the forfeited
33 property incurred by the court;
34
35 (iv) Costs of forfeiture proceedings and the sale of
36 forfeited property incurred by the state;".
37
38 Page 12-line 17 Delete "(iii)" insert "(v)". MILLER,
39 CHAIRMAN
40