

Sponsored By: Representative(s) Connolly, Berger, Halverson,
Kroeker, Krone and Northrup and Senator(s)
Burns, Craft and Rothfuss

AN ACT relating to human trafficking; providing for forfeiture and seizure of specified property; specifying the procedures for forfeiture and seizure of property; providing exceptions; specifying distribution of proceeds from forfeited property; and providing for an effective date.

1/23/2015 Bill Number Assigned
1/27/2015 H Received for Introduction
1/29/2015 H Introduced and Referred to H01 - Judiciary
2/3/2015 Judiciary:Recommend Amend and Do Pass 9-0-0-0-0

ROLL CALL

Ayes: Representative(s) Baker, Esquibel, K., Halverson, Kroeker, Krone, Miller, Pelkey, Pownall, Winters

Ayes 9 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/3/2015 H Placed on General File

HB0186HS001/ADOPTED

Page 2-line 2 Delete "(j)" insert "(h)".
Page 2-line 5 After "assets" delete balance of line and insert "subject to the jurisdiction of the court:".

Page 2-line 6 Delete entirely.
Page 2-line 10 After "article" insert ";" and delete balance of line.

Page 2-line 11 Delete "state," insert "(B)".
Page 2-line 14 Delete "(B)" insert "(C)".
Page 2-line 15 After "intent" insert "to,".
Page 2-line 19 Delete "(C)" insert "(D)".
Page 3-line 7 After "transport" insert "victims".
Page 3-line 8 After "transportation" insert "of victims".
Page 5-line 13 After "warrant;" insert "or".
Page 5-line 18 Delete "; or" insert ".".
Page 5-lines 20 through 22 Delete entirely.
Page 6-line 6 Delete "(j)" insert "(h)".
Page 6-lines 15 through 22 Delete entirely and insert:
 "(ii) All property shall be returned to the person from whom it was seized unless there is a finding or verdict of guilt, an admission of guilt or a plea of nolo contendere to a felony under this act;
 (iii) After a verdict or finding of guilty, or after a plea of guilty or nolo contendere is accepted, the court shall conduct a forfeiture hearing to determine if the property is subject to forfeiture under this section. If the court finds under a preponderance of evidence standard that property is subject to forfeiture, the court shall enter a preliminary order directing the forfeiture;".
Page 7-line 1 Delete "(iii)" insert "(iv)"; delete "shall" insert "may".

Page 7-line 2 After "forfeiture" insert "additional".
 Page 7-line 3 Delete ";" insert ".".
 Page 7-lines 5 through 23 Delete entirely.
 Page 8-lines 1 through 14 Delete entirely and insert:
 "(e) If the court makes a preliminary order of forfeiture of
 property, legal interests of persons other than a party to the criminal
 action shall be determined, subject to the following:"
 Page 8-line 19 Delete "to" insert "by first class mail to the
 last known address of".
 Page 8-line 20 Delete "reasonably" insert ", after reasonable
 inquiry,"; delete "claimant" insert "owner or
 lien holder in the property".
 Page 9-line 2 After "notice" insert "or, if notice is mailed
 under this paragraph, not later than thirty
 (30) days after mailing written notice".
 Page 9-line 4 Delete "petition" insert "timely response".
 Page 9-line 6 Delete "an ancillary" insert "a".
 Page 9-line 22 Delete "an ancillary" insert "a".
 Page 10-line 7 Delete "(g)" insert "(f)".
 Page 10-line 8 Delete "if" insert "to the extent that"; after
 "establishes" insert "it has a perfected lien
 in the property or proves".
 Page 10-line 9 After "that" insert "he has a perfected
 security interest in the property or proves".
 Page 10-line 15 Delete ":" insert "could not have reasonably
 known of the conduct of the defendant related
 to the violation;".
 Page 10-lines 17 through 23 Delete entirely.
 Page 11-line 1 through 3 Delete entirely.
 Page 11-line 18 Delete "(h)" insert "(g)".
 Page 12-line 2 After "value" insert "or may sell the property
 for value and hold the proceeds thereof".
 Page 12-lines 6 through 8 Delete entirely and insert:
 "(h) Within six (6) months after a final order of forfeiture is
 affirmed on appeal or the deadline to appeal passes without a notice of
 appeal being filed, the state shall, by public sale or auction,
 liquidate forfeited tangible property and distribute the total proceeds
 of the forfeiture as follows:"
 Page 12-lines 13 through 15 Delete entirely and insert:
 "(ii) Civil judgments entered against the forfeiting
 defendant in favor of that defendant's victim, already existing at the
 time proceeds are received, to the extent that such judgments cannot be
 satisfied out of the forfeiting defendant's assets;
 (iii) Costs of storing and maintaining the forfeited
 property incurred by the court;
 (iv) Costs of forfeiture proceedings and the sale of
 forfeited property incurred by the state;".
 Page 12-line 17 Delete "(iii)" insert "(v)". MILLER, CHAIRMAN

 2/4/2015 H COW Passed
 2/5/2015 H 2nd Reading:Passed
 2/6/2015 H 3rd Reading:Passed 59-0-1-0-0

ROLL CALL

Ayes: Representative(s) Allen, Baker, Baldwin, Barlow, Berger,
 Blackburn, Blake, Brown Speaker, Burkhart, Byrd, Campbell, Cannady,
 Clem, Connolly, Dayton, Edmonds, Edwards, Eklund, Esquibel, Freeman,

Gay, Greear, Halverson, Harshman, Harvey, Hunt, Jaggi, Kasperik, Kirkbride, Kroeker, Krone, Larsen Lloyd, Laursen Dan, Lindholm, Lockhart, Loucks, Madden, McKim, Miller, Moniz, Nicholas, Northrup, Patton, Paxton, Pelkey, Petroff, Piiparinen, Pownall, Reeder, Schwartz, Sommers, Steinmetz, Stubson, Throne, Walters, Wilson, Winters, Zwonitzer,Dn, Zwonitzer,Dv

Excused: Representative Jennings

Ayes 59 **Nays** 0 **Excused** 1 **Absent** 0 **Conflicts** 0

2/9/2015 S Received for Introduction

2/10/2015 S Introduced and Referred to S01 - Judiciary

2/23/2015 Judiciary:Recommend Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Christensen, Esquibel, F., Hicks, Kinskey, Von Flatern

Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/23/2015 S Placed on General File

2/24/2015 S COW Passed

HB0186S2001/FAILED

(TO ENGROSSED COPY)

Page 11-line 20 Delete "to the crime victims" insert "that amount shall be credited as provided by W.S. 8-1-109."

Page 11-line 21 Delete. SCOTT

2/25/2015 S 2nd Reading:Passed

2/26/2015 S 3rd Reading:Failed 6-23-1-0-0

ROLL CALL

Ayes: Senator(s) Burns, Craft, Esquibel, Hastert, Rothfuss, Von Flatern

Nays: Senator(s) Anderson, J.D. (SD02), Anderson, J.L. (SD28), Barnard, Bebout, Case, Christensen, Coe, Cooper, Dockstader, Emerich, Geis, Hicks, Johnson, Kinskey, Landen, Meier, Nicholas Pres, Pappas, Perkins, Peterson, Ross, Scott, Wasserburger

Excused: Senator Driskill

Ayes 6 **Nays** 23 **Excused** 1 **Absent** 0 **Conflicts** 0

2/26/2015 S 3rd Reading:Motion to reconsider failed: 14-15-1-0-0

ROLL CALL

Ayes: Senator(s) Bebout, Burns, Christensen, Craft, Esquibel, Hastert, Hicks, Johnson, Kinskey, Landen, Nicholas Pres, Rothfuss, Scott, Von Flatern

Nays: Senator(s) Anderson, J.D. (SD02), Anderson, J.L. (SD28), Barnard, Case, Coe, Cooper, Dockstader, Emerich, Geis, Meier, Pappas, Perkins, Peterson, Ross, Wasserburger

Excused: Senator Driskill

Ayes 14 **Nays** 15 **Excused** 1 **Absent** 0 **Conflicts** 0