

Bill No.: SF0046 **Effective:** 7/1/2016

LSO No.: 16LSO-0009

Enrolled Act No.: SEA No. 0005

Chapter No.: 1

Prime Sponsor: Joint Judiciary Interim Committee

Catch Title: Asset forfeiture-1.

Subject: Seizure and forfeiture of assets involved in controlled substance violations

Summary/Major Elements:

- This act provides safeguards, procedures and requirements for the seizure and forfeiture of assets involved in a controlled substance violation.
- The act requires notice and hearings before forfeiture actions may be filed.
- This act requires the Commissioner of Drugs and Substances Control to establish by clear and convincing evidence the extent to which, if any, the seized property is subject to forfeiture.
- The act establishes and modifies time limits applicable to forfeiture actions.
- This act requires attorney's fees and damages be awarded to prevailing property owners in forfeiture proceedings.
- The act provides procedural protections for third parties with an interest in seized property, requires proportionality between the seriousness of a controlled substance offense and the value of the property subject to forfeiture, enumerates factors to be used in proportionality determinations and confers immunity on governmental entities for claims of improper seizure.

Comments:

- This act requires an annual report from the Attorney General regarding recipients and the amount of property and proceeds accepted, received, disposed of or expended during the previous calendar year by law enforcement agencies, other than property subject to summary forfeiture. The report must be submitted to the Joint Appropriations Committee and the Joint Judiciary Interim Committee by August 1.
- This act applies to property seized on or after July 1, 2016, and to forfeiture proceedings related to property seized on or after that date.

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