



House of Representatives *State of Utah*

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February 24, 2004

Mr. Speaker:

The Judiciary Committee reports a favorable recommendation on **2nd Sub. S.B. 175**, PROTECTION OF PRIVATE LAWFULLY OBTAINED PROPERTY, by Senator D. C. Buttars, et al, with the following amendments:

1. *Page 9, Lines 264 through 274:*

264 (2) The prosecuting attorney [~~shall have~~] has the burden of establishing by clear and
265 convincing evidence that an [~~individual is not an innocent~~] owner~~[-]or interest holder:~~
266 ~~[(3) With respect to an ownership interest in existence at the time the conduct~~
267 ~~subjecting the property to seizure took place, the term "innocent owner" means an owner~~
 ~~who:]~~
268 ~~[(a) did not have actual knowledge of the conduct subjecting the property to seizure;~~
269 ~~or]~~
270 ~~[(b) upon learning of the conduct subjecting the property to seizure, took reasonable~~
271 ~~steps to prohibit such use of the property.]~~
272 (a) is criminally responsible for the conduct giving rise to the forfeiture;
273 (b) knew of [[~~or could reasonably have been expected to know of~~]] the
 conduct giving rise
274 to the forfeiture, and allowed the property to be used in furtherance of the conduct;

Respectfully,

Ben C. Ferry
Committee Chair

Voting: 10-2-1

3 SB0175.HC1.WPD 2/24/04 7:59 pm cwhite/JDH SCA/JM1

Bill Number



SB0175S02

Action Class



H

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