

S.B. 87
CIVIL ASSET FORFEITURE REVISIONS

Senator **Daniel W. Thatcher** proposes the following amendments:

1. *Page 12, Lines 342 through 348:*

- 342 ~~{(5) An innocent owner may recover possession of seized property that is subject to~~
343 ~~forfeiture at any time subsequent to the seizure of property by:~~
344 ~~—— (a) contacting the seizing agency or prosecuting attorney; and~~
345 ~~—— (b) providing to the seizing agency or the prosecuting attorney:~~
346 ~~—— (i) evidence that establishes proof of ownership; and~~
347 ~~—— (ii) a brief description of the date, time, and place that the innocent owner mislaid or~~
348 ~~relinquished possession of the seized property.}~~ = (5) (a) An innocent owner may recover possession
of seized property that is subject to forfeiture by contacting the seizing agency or prosecuting attorney
within 30 days of the seizure and providing to the seizing agency or prosecuting attorney:
(i) evidence that establishes proof of ownership; and
(ii) a brief description of the date, time, and place that the innocent owner mislaid or relinquished
possession of the seized property.
(b) A seizing agency or prosecuting attorney who receives a claim from a potentially innocent
owner utilizing the procedure in Subsection (5)(a) shall issue a written response to that claim within 30
days of receipt, indicating whether the claim has been granted, denied on the merits, or denied for
failure to provide the information required by statute subject to the following:
(i) if the claim is denied for failure to provide the information required by statute, the potentially
innocent owner has 15 days from the date of denial to submit additional information before the
prosecuting attorney may commence a civil action seeking to forfeit the property; and
(ii) failure of the seizing agency or prosecuting attorney to issue a written response within 30 days
shall be considered a denial on the merits.
(c) Notwithstanding Subsection 24-4-110(2), an innocent owner who utilizes the procedures in
Subsection (5)(a) and whose claim is denied on the merits by the seizing agency or prosecuting attorney,
but who is later determined by a court of competent jurisdiction in a civil forfeiture action to be an
innocent owner within the meaning of Section 24-4-107, may collect reasonable attorney fees and court
costs from the date on which the seizing agency or prosecuting attorney denied the claim.