

S.B. 87
CIVIL ASSET FORFEITURE REVISIONS

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

1. *Page 12, Lines 348g through 348r*
Senate 2nd Reading Amendments
1-31-2017:

348g (b) A seizing agency or prosecuting attorney who receives a claim from a potentially
348h innocent owner utilizing the procedure in Subsection (5)(a) shall issue a written response to
348i that claim within ~~{30}~~ 45 days of receipt, indicating whether the claim has been granted, denied on
348j the merits, or denied for failure to provide the information required by statute subject to the
348k following:

348l (i) if the claim is denied for failure to provide the information required by statute, the
348m potentially innocent owner has 15 days from the date of denial to submit additional
348n information before the prosecuting attorney may commence a civil action seeking to forfeit the
348o property; and

348p (ii) ~~{failure of}~~ if the seizing agency or prosecuting attorney fails to issue a written
response
348q within ~~{30}~~ 45 days the property shall be ~~{considered a denial on the~~
merits} returned .

(c) Any property returned under Subsection (5)(b), either because the claim was granted or because the seizing agency or prosecuting attorney failed to respond within 45 days, may not include any expenses, costs, or attorney fees.

348r ~~{(c)}~~ (d) Notwithstanding Subsection 24-4-110(2), an innocent owner who utilizes the