

24-4-102 Property subject to forfeiture.

- (1) Except as provided in Subsection (3), all property that has been used to facilitate the commission of a federal or state offense and any proceeds of criminal activity may be forfeited under this chapter, including:
 - (a) real property, including things growing on, affixed to, and found in land; and
 - (b) tangible and intangible personal property, including money, rights, privileges, interests, claims, and securities of any kind.
- (2) If the property is used to facilitate a violation of Section 76-10-1204, 76-10-1205, 76-10-1206, or 76-10-1222, the property subject to forfeiture under this section is limited to property, the seizure or forfeiture of which would not constitute a prior restraint on the exercise of an affected party's rights under the First Amendment to the Constitution of the United States or Utah Constitution, Article I, Section 15, or would not otherwise unlawfully interfere with the exercise of those rights.
- (3) A motor vehicle used in a violation of Section 41-6a-502, 41-6a-517, a local ordinance that complies with the requirements of Subsection 41-6a-510(1), Subsection 58-37-8(2)(g), or Section 76-5-207 may not be forfeited unless:
 - (a) the operator of the vehicle has previously been convicted of a violation, committed after May 12, 2009, of:
 - (i) a felony driving under the influence violation under Section 41-6a-502;
 - (ii) a felony violation under Subsection 58-37-8(2)(g); or
 - (iii) automobile homicide under Section 76-5-207; or
 - (b) the operator of the vehicle was driving on a denied, suspended, revoked, or disqualified license; and
 - (i) the denial, suspension, revocation, or disqualification under Subsection (3)(b)(ii) was imposed because of a violation under:
 - (A) Section 41-6a-502;
 - (B) Section 41-6a-517;
 - (C) a local ordinance that complies with the requirements of Subsection 41-6a-510(1);
 - (D) Section 41-6a-520;
 - (E) Subsection 58-37-8(2)(g);
 - (F) Section 76-5-207; or
 - (G) a criminal prohibition that the person was charged with violating as a result of a plea bargain after having been originally charged with violating one or more of the sections or ordinances described in Subsections (3)(b)(i)(A) through (F); or
 - (ii) the denial, suspension, revocation, or disqualification described in Subsections (3)(b)(i)(A) through (G):
 - (A) is an extension imposed under Subsection 53-3-220(2) of a denial, suspension, revocation, or disqualification; and
 - (B) the original denial, suspension, revocation, or disqualification was imposed because of a violation described in Subsections (3)(b)(i)(A) through (G).

Enacted by Chapter 394, 2013 General Session