

H.B. 384

PROPERTY DISPOSITION AMENDMENTS

SENATE FLOOR AMENDMENTS

AMENDMENT 1

MARCH 8, 2013 8:54 AM

Senator **Curtis S. Bramble** proposes the following amendments:

1. *Page 1, Line 20:*

20 Grant Program;

► provides that the Commission on Criminal and Juvenile Justice may retain up to 3% of the State Asset Forfeiture Grant Program appropriated funds to pay for administrative costs;

2. *Page 1, Line 22:*

22 those sections into Title 24, Forfeiture of Property Act;

► repeals the State Law Enforcement Forfeiture Account and addresses distribution of money in the account;

3. *Page 1, Line 36:*

36 This bill takes effect on July 1, 2013.

This bill coordinates with H.B. 287, Return of Weapons Recovered by Law Enforcement, by providing for a July 1, 2013 effective date.

This bill coordinates with H.B. 355, Unclaimed Property Amendments, by providing superceding amendments.

4. *Page 4, Line 112:*

112 77-24-5, as last amended by Laws of Utah 2005, Chapter 126

Utah Code Sections Affected by Coordination Clause:

77-24-2, as last amended by Laws of Utah 2012, Chapters 47 and 284

77-24a-5, as last amended by Laws of Utah 2009, Chapter 388

Uncodified Material Affected:

ENACTS UNCODIFIED MATERIAL

5. *Page 6, Line 158:*

158 TITLE 24. FORFEITURE AND DISPOSITION OF PROPERTY ACT

6. *Page 6, Line 161:*

161 (1) This title is known as the "Forfeiture and Disposition of Property Act."

7. Page 6, Line 167:

167 24-4- ~~{115}~~ 116 .

8. Page 8, Line 236:

236 commission of an offense that gives rise to forfeiture; ~~{and}~~ or

9. Page 12, Lines 363 through 365:

363 (3) (a) Before the agency may release property to a person claiming ownership of the
364 property, the person shall establish to the agency pursuant to Subsection (3)(b) that the person:
365 ~~{(a)}~~ (i) is the rightful owner; and

10. Page 12, Line 366:

366 ~~{(b)}~~ (ii) may lawfully possess the property.
(b) The person shall establish ownership under Subsection (3)(a) by providing to the agency:
(i) identifying proof or documentation of ownership of the property; or
(ii) a notarized statement, if proof or documentation is not available,

11. Page 20, Line 596:

596 claimant's ~~{last}~~ known address.

12. Page 30, Lines 910 through 911:

910 (3) (a) When property is forfeited under this chapter and transferred to the account, upon
appropriation the
911 commission shall allocate and administer grants ~~{from the account}~~ to state, local, or

13. Page 32, Line 987:

987 32B-4-206. Searches, seizures, ~~{forfeitures,}~~ and fines.

14. Page 43, Line 1313:

1313 Utah's Public Legal Notice Website established in Subsection 45-1-101(2)(b); ~~{and}~~

15. Page 43, Line 1315:

1315 ~~[(B) as required in Section 45-1-101; and]~~ (ii) post a similar notice on the public website of the political subdivision within which the law

enforcement agency is located; and

16. Page 43, Line 1316:

1316 {~~(ii)~~} (iii) post a similar notice in a public place designated for notice within the law

17. Page 45, Lines 1381 through 1382:

1381 Section 77-24-5, Property seized from person -- Duplicate receipts.

Section 41. Transfer of funding from repealed account to enacted account.

On July 1, 2013, all money in the Criminal Forfeiture Restricted Account created in Section 24-1-18, which is repealed by this bill on July 1, 2013, shall be transferred by the Division of Finance to the Criminal Forfeiture Restricted Account created in this bill by Section 24-4-116 and which has the same purpose as the repealed account.

Section 42. Transfer of any remaining funds in repealed account.

On July 1, 2013, the Division of Finance is authorized to distribute appropriations for FY 2013 and 2014 from the State Law Enforcement Forfeiture Account, which is repealed by this bill. The Division of Finance shall transfer any money that remains in this account after these distributions to the Criminal Forfeiture Restricted Account created in this bill by Section 24-4-116.

Section 43. Coordinating H.B. 384 with H.B. 287 -- Providing an effective date.

If this H.B. 384 and H.B. 287, Return of Weapons Recovered by Law Enforcement, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, provide that H.B. 287 takes effect on July 1, 2013.

Section 44. Coordinating H.B. 384 with H.B. 355 -- Providing an effective date and superseding amendments.

If this H.B. 384 and H.B. 355, Unclaimed Property Amendments, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, provide that H.B. 355 takes effect on July 1, 2013, and provide that Section 77-24a-5 in this H.B. 384 supersedes Section 77-24a-5 in H.B. 355.

1382 Section {~~41~~} 43 . Effective date.