

S.B. 256
ASSET FORFEITURE AMENDMENTS

Senator **Howard A. Stephenson** proposes the following amendments:

1. *Page 1, Lines 19 through 20:*

19 ▶ provides that if the prosecuting attorney does not ~~{file a forfeiture complaint}~~ take
 specified action regarding forfeiture of the property within
20 ~~{-60}~~ 75 days after the seizure, the property shall be promptly returned and no further

2. *Page 1, Line 21:*

21 prosecutorial action may be taken;
 = ▶ requires prejudgment interest, in addition to the current requirement of postjudgment interest
 regarding forfeiture proceedings for currency or other negotiable instruments;

3. *Page 1, Line 27 through Page 2, Line 28:*

27 fees to 20% of the value of the property ~~{or the actual amount of attorney fees;~~
28 ~~whichever is less}~~ .

4. *Page 2, Lines 36 through 37:*

36 24-4-104, as enacted by Laws of Utah 2013, Chapter 394
37 24-4-105, as enacted by Laws of Utah 2013, Chapter 394
 24-4-109, as enacted by Laws of Utah 2013, Chapter 394

5. *Page 5, Lines 144 through 146:*

144 (1) (a) ~~{Within [90] 60 days from the date the property is seized, the prosecuting~~
145 ~~attorney [may elect to] shall file a complaint for civil forfeiture in the appropriate district court.}~~
 The law enforcement agency shall promptly return seized property, and the prosecuting
 attorney may take no further action to effect the forfeiture of the property, unless within 75
 days after the property is seized the prosecuting attorney:
 (i) files a criminal forfeiture indictment or information under Subsection 24-4-105(2);
 (ii) obtains a restraining order under Subsection 24-4-105(3);
 (iii) files a petition under Subsection 24-4-114(1); or
 (iv) files a civil forfeiture complaint.
146 (b) ~~{The}~~ A complaint for civil forfeiture shall describe with reasonable particularity the:

6. Page 5a, Line 150:

150 (2) (a) After ~~{the}~~ a complaint is filed, the prosecuting attorney shall serve a copy of the

7. Page 7, Lines 184 through 189:

184 bond with respect to the property subject to forfeiture.

185 ~~{(8) If the prosecuting attorney does not file a civil complaint for forfeiture within 60~~

186 ~~days of the seizure of the property, as required by Subsection 24-4-104(1):~~

187 ~~— (a) the seizing agency shall promptly return the property to the claimant; and~~

188 ~~— (b) the prosecuting attorney may take no further action to effect the forfeiture of the~~

189 ~~property.}~~

8. Page 11, Lines 313 through 314:

313 for the filing of petitions, the state has clear title to property subject to the order of forfeiture

314 and may warrant good title to any subsequent purchaser or transferee.

= **Section 4. Section 24-4-109 is amended to read:**
24-4-109. Prejudgment and postjudgment interest.

In any proceeding to forfeit currency or other negotiable instruments under this chapter, the court shall award a prevailing party prejudgment and postjudgment interest on the currency or negotiable instruments at the interest rate established under Section 15-1-4.

9. Page 14, Line 422:

422 ~~{seized}~~ forfeited property in attorney fees ~~{or the actual amount of the attorney fees, whichever is less}~~ .

Renumber remaining sections accordingly.