

## 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 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 }~~ .

3. *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

4. *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:

5. *Page 5a, Line 150:*

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

6. *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.~~}

7. Page 14, Line 422:

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