

274 proceedings and shall give these proceedings the same priority as is given to criminal cases.

275 ~~[(6)]~~ (7) In all suits or actions brought under this section for the civil forfeiture of any
 276 property, the burden of proof is on the prosecuting attorney to establish by clear and convincing
 277 evidence the extent to which, if any, the property is subject to forfeiture.

278 ~~[(7)]~~ (8) A claimant may file an answer to a complaint for civil forfeiture without
 279 posting bond with respect to the property subject to forfeiture.

280 Section 5. Section **24-4-107** is amended to read:

281 **24-4-107. Innocent owners.**

282 (1) An innocent owner's interest in property may not be forfeited under any provision
 283 of state law.

284 (2) In a forfeiture proceeding [~~under this chapter~~] ~~H~~→ [regarding property belonging to a
 285 claimant other than a person charged or convicted for a crime subjecting that property to
 286 forfeiture] of a claimant under this section ←~~H~~, the prosecuting attorney has the burden of
 286a establishing by clear and convincing
 287 evidence that [a] the claimant:

288 (a) is responsible for the conduct giving rise to the forfeiture, subject to Subsection (4);

289 (b) knew of the conduct giving rise to the forfeiture, and allowed the property to be
 290 used in furtherance of the conduct, subject to Subsection (4);

291 (c) acquired the property with notice of its actual or constructive seizure for forfeiture
 292 under this chapter;

293 (d) acquired the property knowing the property was subject to forfeiture under this
 294 chapter; or

295 (e) acquired the property in an effort to conceal, prevent, hinder, or delay its lawful
 296 seizure or forfeiture under any provision of state law.

297 (3) ~~[(a)]~~ A claimant [~~under this chapter is not required to~~] does not have an obligation
 298 under this section to take steps to prevent illegal use or criminal activity regarding the seized
 299 property [that the claimant reasonably believes would be likely to result in physical harm or
 300 danger to any person].

301 ~~[(b)]~~ (4) A claimant may demonstrate that the claimant was not responsible for the
 302 conduct giving rise to forfeiture or did not allow the property to be used in the furtherance of
 303 the conduct by providing evidence that the claimant took reasonable action to prohibit the
 304 illegal use of the property by: