



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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January 28, 2016

Mr. Speaker:

The Judiciary Committee reports a favorable recommendation on **H.B. 22**, CIVIL ASSET FORFEITURE - PROCEDURAL REFORMS, by Representative B. Greene, with the following amendments:

1. *Page 6, Line 176:*

176 facilitate the commission of a federal or state criminal offense and any direct proceeds of criminal

2. *Page 8, Line 219:*

219 (b) The notice of intent to seek forfeiture shall describe with particularity the:

3. *Page 9, Line 252 through Page 10, Line 284:*

252 ~~{(b) A} (2) The complaint for civil forfeiture under Subsection (1)(a)(iv)~~
~~shall describe~~

253 ~~with reasonable particularity [the];~~

254 ~~—(i) (a) the property that is the subject of the forfeiture proceeding;~~

255 ~~—(b) a direct nexus between the seized property and the conduct giving~~
~~rise to the~~

256 ~~forfeiture under Subsection 24-4-102(2);~~

Bill Number



HB0022

Action Class



H

Action Code



HCRAMD

257 ~~—[(ii)] (c) the date and place of seizure; and~~
258 ~~—[(iii)] (d) the factual allegations that constitute a basis for forfeiture.~~
259 ~~—[(2)] (3) (a) After a complaint for civil forfeiture is filed in compliance~~
260 ~~with the~~
261 ~~requirements of Subsections (1) and (2), the prosecuting attorney shall serve a~~
262 ~~copy of the~~
263 ~~complaint and summons upon each claimant known to the prosecuting~~
264 ~~attorney within 30 days.~~
265 ~~—(b) The prosecuting attorney is not required to serve a copy of the~~
266 ~~complaint or the~~
267 ~~summons upon any claimant who has disclaimed, in writing, an ownership~~
268 ~~interest in the~~
269 ~~seized property.~~
270 ~~—(c) Service of the complaint and summons shall be by:~~
271 ~~—(i) personal service;~~
272 ~~—(ii) certified mail, return receipt requested, to the claimant's known~~
273 ~~address; or~~
274 ~~—(iii) service by publication, if the prosecuting attorney demonstrates to~~
275 ~~the court that~~
276 ~~service cannot reasonably be made by personal service or certified mail.~~
277 ~~—(d) Service by publication shall be by publication of two notices, in two~~
278 ~~successive~~
279 ~~weeks, of the forfeiture proceeding:~~
280 ~~—(i) in a newspaper of general circulation in the county in which the~~
281 ~~seizure occurred;~~
282 ~~and~~
283 ~~—(ii) on [Utah's Public Legal Notice Website] the public legal notice~~
284 ~~website established~~
285 ~~in Subsection 45-1-101(2)(b):~~
286 ~~—(e) Service is effective upon the earlier of:~~

Bill Number

Action Class

Action Code



HB0022

H

HCRAMD

277 ~~—(i) personal service;~~
 278 ~~—(ii) mailing of a written notice; or~~
 279 ~~—(iii) publication.~~
 280 ~~—(f) Upon motion of the prosecuting attorney and a showing of good cause,~~
~~the court~~
 281 ~~may extend the period to complete service under this section for an additional~~
~~60 days.~~
 282 ~~—(g) An answer made by a claimant under this Subsection (3) shall be filed~~
~~within 30~~
 283 ~~days after the complaint is served upon the claimant under this Subsection~~
~~(3).~~
 284 [(3)(a)] {~~(4)~~} (2) In any case where the prosecuting attorney files a
 complaint for civil

4. Page 10, Line 290:

290 [(4)] {~~(5)~~} (3) Except as otherwise provided in this chapter, forfeiture
 proceedings are

5. Page 10, Line 292:

292 [(5)] {~~(6)~~} (4) The court shall take all reasonable steps to expedite
 civil forfeiture

6. Page 10, Line 294:

294 [(6)] {~~(7)~~} (5) In all suits or actions brought under this section for the
 civil forfeiture of any



7. Page 10, Line 297:

297 [(7)] {~~(8)~~} (6) A claimant may file an answer to a complaint for civil
 forfeiture without

8. Page 17, Line 509:

509 criminal {~~forfeitures~~} forfeiture actions under Section 24-4-105 shall be
 deposited into the account.

Respectfully,

LaVar Christensen
Committee Chair

Voting: 11-0-0

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Bill Number



HB0022

Action Class



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