

H.B. 22

CIVIL ASSET FORFEITURE - PROCEDURAL REFORMS

Representative **Brian M. Greene** proposes 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);~~

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 with the~~
260 ~~requirements of Subsections (1) and (2), the prosecuting attorney shall serve a copy of the~~
261 ~~complaint and summons upon each claimant known to the prosecuting attorney within 30 days.~~

262 ~~—— (b) The prosecuting attorney is not required to serve a copy of the complaint or the~~
263 ~~summons upon any claimant who has disclaimed, in writing, an ownership interest in the~~
264 ~~seized property.~~

265 ~~—— (c) Service of the complaint and summons shall be by:~~

266 ~~—— (i) personal service;~~

267 ~~—— (ii) certified mail, return receipt requested, to the claimant's known address; or~~

268 ~~—— (iii) service by publication, if the prosecuting attorney demonstrates to the court that~~
269 ~~service cannot reasonably be made by personal service or certified mail.~~

270 ~~—— (d) Service by publication shall be by publication of two notices, in two successive~~
271 ~~weeks, of the forfeiture proceeding:~~

272 ~~—— (i) in a newspaper of general circulation in the county in which the seizure occurred;~~

273 ~~and~~

274 ~~—— (ii) on [Utah's Public Legal Notice Website] the public legal notice website established~~
275 ~~in Subsection 45-1-101(2)(b);~~

276 ~~—— (e) Service is effective upon the earlier of:~~

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.