

1st Sub. H.B. 22

CIVIL ASSET FORFEITURE - PROCEDURAL REFORMS

Representative **Brian M. Greene** proposes the following amendments:

1. Page 2, Lines 32 through 37:

- 32 {→provides that the proceeds from civil forfeiture actions shall be placed in the
33 **Uniform School Fund, and that proceeds from criminal forfeiture actions shall**
34 **continue to be placed in the Criminal Forfeiture Restricted Account for use by the**
35 **State Asset Forfeiture Program;**}
36 ▶ modifies the allocation of the proceeds from asset forfeiture {to provide
 for} regarding :
37 • {~~victim~~} innocent claimant restitution; and

2. Page 2, Lines 39 through 40:

- 39 enforcement agencies involved in the case {→; and
40 ~~allocation of remaining proceeds to the Uniform School Fund; and~~}

3. Page 4, Lines 100 through 102:

- 100 (ii) did not {~~give permission for the conduct or~~} participate directly or indirrectly in the
 conduct; and
101 {~~(iii) did not directly commit the offense; and~~}
102 {~~(iv)~~} (iii) did not solicit, request, command, encourage, or intentionally aid another person to

4. Page 9, Lines 252 through 254:

- 252 {+} (2) (a) After a complaint is filed, the prosecuting attorney shall serve a copy of the
253 **complaint and summons** within 30 days upon each claimant known to the prosecuting attorney
 {~~within 30~~
254 **days**} . {+}

5. Page 10, Line 276:

- 276 [~~(3)~~(a)] {~~(2)~~} (3) In any case where the prosecuting attorney files a complaint for civil

6. Page 10, Line 282:

- 282 {+} (4) {+} {~~(3)~~} Except as otherwise provided in this chapter, forfeiture proceedings are

7. Page 10, Line 284:

284 {+} (5) {+} {-(4)} The court shall take all reasonable steps to expedite civil forfeiture

8. Page 10, Line 286:

286 {+} (6) {+} {-(5)} In all suits or actions brought under this section for the civil forfeiture
of any

9. Page 10, Line 289:

289 {+} (7) {+} {-(6)} A claimant may file an answer to a complaint for civil forfeiture
without

10. Page 15, Line 455:

455 (c) interest on the fair market value of all forfeited property or proceeds **shall be paid to the**
claimant ; and

11. Page 15, Line 457:

457 forfeiture action **shall be paid to the claimant** .

12. Page 20, Lines 598 through 600:

598 (b) pay the office of the prosecuting attorney the {legal} **direct** costs associated with the
599 litigation of the forfeiture proceeding, and up to 20% of the value of the forfeited property in
600 attorney fees.

13. Page 20, Lines 605 through 609:

605 shall then be transferred {:-}
606 ~~—— (a) to the Uniform School Fund if the proceeds are from a civil forfeiture proceeding~~
607 ~~under this chapter; and~~
608 ~~—— (b) }~~ to the commission and deposited into the {+} account {+} {~~Criminal Forfeiture~~
Restricted
609 **Account, if the proceeds are from a criminal forfeiture proceeding under this chapter** } .

14. Page 20, Line 614 through Page 21, Line 615:

614 (2) Proceeds from {+} **forfeited** {+} property and {+} **forfeited** {+} money
{~~forfeited~~} through state
615 {+} **forfeitures** {+} {~~criminal forfeiture actions under Section 24-4-105~~} shall be deposited
into the