

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