

338 ~~[(c) there was no likely source for the purchase or acquisition of the property other than~~  
 339 ~~the conduct giving cause for forfeiture.]~~

340 ~~[(7) A finding that property is the proceeds of conduct giving cause for forfeiture does~~  
 341 ~~not require proof that the property was the proceeds of any particular exchange or transaction.]~~

342 ~~§→ [(5) An innocent owner may recover possession of seized property that is subject to~~  
 343 ~~forfeiture at any time subsequent to the seizure of property by:~~

344 ~~—— (a) contacting the seizing agency or prosecuting attorney; and~~

345 ~~—— (b) providing to the seizing agency or the prosecuting attorney:~~

346 ~~—— (i) evidence that establishes proof of ownership; and~~

347 ~~—— (ii) a brief description of the date, time, and place that the innocent owner mislaid or~~

348 ~~relinquished possession of the seized property:]~~ **(5) (a) An innocent owner may recover**  
 348a **possession of seized property that is subject to forfeiture by contacting the seizing agency or**  
 348b **prosecuting attorney within 30 days of the seizure and providing to the seizing agency or**  
 348c **prosecuting attorney:**

348d **(i) evidence that establishes proof of ownership; and**

348e **(ii) a brief description of the date, time, and place that the innocent owner mislaid or**  
 348f **relinquished possession of the seized property.**

348g **(b) A seizing agency or prosecuting attorney who receives a claim from a potentially**  
 348h **innocent owner utilizing the procedure in Subsection (5)(a) shall issue a written response to**  
 348i **that claim within §→ [30] 45 ←§ days of receipt, indicating whether the claim has been**  
 348j1 **granted, denied on**  
 348j **the merits, or denied for failure to provide the information required by statute subject to the**  
 348k **following:**

348l **(i) if the claim is denied for failure to provide the information required by statute, the**  
 348m **potentially innocent owner has 15 days from the date of denial to submit additional**  
 348n **information before the prosecuting attorney may commence a civil action seeking to forfeit the**  
 348o **property; and**

348p **(ii) §→ [failure of] if ←§ the seizing agency or prosecuting attorney §→ fails ←§ to**  
 348p1 **issue a written response**

348q **within §→ [30] 45 ←§ days §→ the property ←§ shall be §→ [considered a denial on the**  
 348q1 **merits] returned ←§ .**

348q2 **§→ (c) Any property returned under Subsection (5)(b), either because the claim was**  
 348q3 **granted or because the seizing agency or prosecuting attorney failed to respond within 45 days,**  
 348q4 **may not include any expenses, costs, or attorney fees. ←§**

348r            **§→ [(c)] (d) ←§ Notwithstanding Subsection 24-4-110(2), an innocent owner who**  
348r1 **utilizes the**  
348s **procedures in Subsection (5)(a) and whose claim is denied on the merits by the seizing agency**  
348t **or prosecuting attorney, but who is later determined by a court of competent jurisdiction in a**  
348u **civil forfeiture action to be an innocent owner within the meaning of Section 24-4-107, may**  
348v **collect reasonable attorney fees and court costs from the date on which the seizing agency or**  
348w **prosecuting attorney denied the claim. ←§**

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**Legislative Review Note  
Office of Legislative Research and General Counsel**