



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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March 1, 2017

Mr. Speaker,

The Judiciary Committee recommends **S.B. 87**, CIVIL ASSET FORFEITURE REVISIONS, by Senator D. W. Thatcher, be replaced and reports a favorable recommendation on **4th Sub. S.B. 87**, CIVIL ASSET FORFEITURE REVISIONS with the following amendments, and, due to unknown fiscal impact, recommends it be referred to the Rules Committee pending completion of a fiscal note.

1. *Page 3, Line 81 through 84:*

81 (10) (a) "Interest holder" means a secured party as defined in Section 70A-9a-102,
82 a party with a right-of-offset, a
83 mortgagee, lien creditor, or the beneficiary of a security interest or encumbrance
84 pertaining to
85 an interest in property, whose interest would be perfected against a good faith purchaser
86 for
87 value.

2. *Page 12, Line 345 through 359:*

345 (8) (a) ~~{An innocent owner}~~ A claimant may recover possession of
346 seized property that is subject to
347 forfeiture by contacting the seizing agency or prosecuting attorney prior to the
348 commencement of a civil asset forfeiture proceeding, or within 30 days of the
349 seizure , whichever is longer,
350 and providing to the seizing agency or prosecuting attorney:
351 (i) evidence that establishes proof of ownership; and
352 (ii) a brief description of the date, time, and place that the ~~{innocent owner~~
353 ~~}~~ claimant mislaid or
354 relinquished possession of the seized property.

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351 (b) A seizing agency or prosecuting attorney who receives a claim from a {
352 ~~potentially~~
~~innocent owner~~} claimant utilizing the procedure in Subsection (8)(a) shall
353 issue a written response to
354 that claim within 30 days of receipt, indicating whether the claim has been granted,
denied on
355 the merits, or denied for failure to provide the information required by statute subject to
the
356 following:
357 (i) if the claim is denied for failure to provide the information required by statute, the
358 ~~potentially innocent owner~~ claimant has 15 days from the date of denial
to submit additional information
359 before the prosecuting attorney may commence a civil action seeking to forfeit the
property;
and

3. *Page 13, Line 372 through 373:*

372 (e) All communications between or evidence provided to the parties in
connection with a claim submitted
373 pursuant to Subsection (8) are subject to the Utah Rules of Evidence, Rules 408 and 410.

Respectfully,

Michael K. McKell
Chair

Voting: 11-0-1

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