

S.B. 98

ASSET FORFEITURE AMENDMENTS

Senator **Todd D. Weiler** proposes the following amendments:

1. *Page 13, Lines 370 through 387:*

370 (3) An agency or prosecuting attorney may transfer or release seized property to a
371 federal agency or to a governmental entity not created or subject to the laws of this state if:
372 (a) (i) the property is cash or another readily negotiable instrument; and
373 (ii) the property is evidence in, or subject to, a federal criminal indictment, a federal
374 criminal information, or a federal criminal complaint **that is filed** before the property is seized;
375 (b) (i) the property is not cash or another readily negotiable instrument; and
376 (ii) the property is evidence in, or subject to, a federal criminal indictment, federal
377 criminal information, or federal criminal complaint **that is filed** before the day on which the agency with
378 custody of the property is required to return the property if no criminal or civil action is filed by
379 the prosecuting attorney or a federal prosecutor in accordance with Section 24-4-103.5;
380 (c) (i) the property was used in the commission of an offense in another state; and
381 (ii) an agency of that state requests the transfer of the property before the day on which
382 the agency with custody of the property is required to return the property if no criminal or civil
383 action is filed by the prosecuting attorney or a federal prosecutor in accordance with Section
384 24-4-103.5; or
385 (d) a district court authorizes, in accordance with Subsection (5), the transfer or release
386 of the property to an agency of another state or a federal agency upon a petition by a
387 prosecuting attorney or a federal prosecutor.