
SENATE COMMITTEE AMENDMENTS

2022 Regular Session

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 359
by Senator Jackson

1 AMENDMENT NO. 1

2 On page 1, line 3, after "2608," insert "2610(A),"

3 AMENDMENT NO. 2

4 On page 1, line 9, after "2608," insert "2610(A),"

5 AMENDMENT NO. 3

6 On page 7, delete lines 26 through 29 and insert the following:

7 "(1)(a) When the district attorney intends to forfeit property, pursuant to the
8 provisions of this Chapter, he shall provide the owner and interest holder with a
9 written assertion within forty-five days after actual or constructive seizure, except
10 in cases in which the property is held for evidentiary purpose, the district attorney
11 shall institute forfeiture proceedings within forty-five days after the final disposition
12 of all criminal proceedings associated with the conduct giving rise to forfeiture.

13 **(b)** If the district attorney fails to initiate forfeiture proceedings against
14 property seized for forfeiture by serving Notice of Pending Forfeiture within one
15 hundred twenty days after its seizure for forfeiture or if the state fails to pursue
16 forfeiture of the property upon which a timely claim has been properly served by
17 filing a Petition for Forfeiture proceeding within ninety days after Notice of Pending
18 Forfeiture, or if the district attorney fails to provide a written assertion, pursuant to
19 the provisions of this Paragraph, the property shall be released from its seizure for
20 forfeiture on the request of an owner or interest holder, pending further proceedings
21 pursuant to the provisions of this Chapter.

22 ~~(b)~~ **(c)** When no written assertion has been given to the claimant, within the
23 time delays provided herein, the claimant may file a Motion for Release of Seized
24 Property pursuant to the criminal jurisdiction of the court.

25 (2) If, after Notice of Pending Forfeiture, a claimant files a request for
26 stipulation of exemption **pursuant to R.S. 40:2609 or is granted an extension to**
27 **file a claim** pursuant to R.S. 40:2610, the district attorney may delay filing the
28 judicial forfeiture proceeding for a total of one hundred eighty days after the service
29 of Notice of Pending Forfeiture.

30 (3) Whenever Notice of Pending Forfeiture or service of an in rem petition
31 is required under the provisions of this Chapter, notice or service shall be given in
32 accordance with one of the following:

33 (a) If the owner's or interest holder's name and current address are known, by
34 either personal service or by mailing a copy of the notice by certified mail to that
35 address.

36 (b) If the owner's or interest holder's name and address are required by law
37 to be recorded with the parish clerk of court, the motor vehicle division of the
38 Department of Public Safety and Corrections, or another state or federal agency to
39 perfect an interest in the property, and the owner's or interest holder's current address
40 is not known, by mailing a copy of the notice by certified mail, return receipt
41 requested, to any address of record with any of the described agencies.

42 (c) If the owner's or interest holder's address is not known and is not on
43 record as provided in Subparagraph (b) of this Paragraph, or the owner or interest
44 holder's interest is not known, by publication in one issue of the official journal in
45 the parish in which the seizure occurs.

46 (4) Notice is effective upon personal service, publication, or the **receipt**
47 **mailing** of a written notice **by certified mail**, whichever is earlier, and shall include
48 a description of the property, the date and place of seizure, the conduct giving rise

1 to forfeiture or the violation of law alleged, and a summary of procedures and
2 procedural rights applicable to the forfeiture action."

3 AMENDMENT NO. 4

4 Delete page 8

5 AMENDMENT NO. 5

6 On page 9, delete lines 1 through 10

7 AMENDMENT NO. 6

8 On page 12, between lines 4 and 5, insert the following:

9 "§2610. Claims

10 A. Only an owner of or interest holder in property seized for forfeiture may
11 file a claim, and shall do so in the manner provided in this Section. The claim shall
12 be mailed to the seizing agency and to the district attorney by certified mail, return
13 receipt requested, within thirty days after Notice of Pending Forfeiture. ~~No extension~~
14 ~~of time for the filing of a claim shall be granted.~~ **The court may grant an extension**
15 **for good cause shown. A motion requesting an extension shall be filed within**
16 **sixty days after receipt of the Notice of Pending Forfeiture.**

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