

2026 Regular Session

HOUSE BILL NO. 789

BY REPRESENTATIVE GALLE

CRIMINAL/PROCEDURE: Provides with respect to the seizure of off-road vehicles

1 AN ACT

2 To amend and reenact R.S. 14:99.2(B)(2) and to enact R.S. 14:99.3 and 99.4 and to repeal
3 R.S. 14:99.2(E)(4), relative to the seizure of off-road vehicles; to provide for
4 forfeiture; to provide for the sale of seized off-road vehicles and disbursement of
5 funds; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:99.2(B)(2) is hereby amended and reenacted and R.S. 14:99.3 and
8 99.4 are hereby enacted to read as follows:

9 §99.2. Reckless operation of an off-road vehicle

10 * * *

11 B.

12 * * *

13 (2) For the purposes of this Section and R.S. 14:99.3, acts which may
14 constitute reckless operation of an off-road vehicle shall include but not be limited
15 to operating the vehicle on a public roadway or right of way in a manner that does
16 any of the following:

- 17 (a) Forces another vehicle to leave the roadway.
- 18 (b) Collides with another vehicle or person.
- 19 (c) Exceeds the posted speed limit.
- 20 (d) Travels against the flow of traffic.
- 21 (e) Disregards traffic control devices.

1 (f) Drives around or between standing or moving vehicles without regard to
2 lanes of traffic.

3 (g) Impedes traffic flow.

4 (h) ~~Travels~~ Deliberately travels off the roadway and back ~~on to~~ onto the
5 roadway ~~deliberately~~.

6 * * *

7 §99.3. Seizure of an off-road vehicle alleged to be used in violation of R.S. 14:99.2

8 A. Any off-road vehicle that is not evidence of a criminal violation may be
9 seized for forfeiture by any law enforcement agency designated by the district
10 attorney, with or without process issued by any district court, on probable cause to
11 believe that the off-road vehicle was used in violation of R.S. 14:99.2. Within
12 seventy-two hours, exclusive of holidays or weekends, after actual or constructive
13 seizure, the seizing agency shall apply to the court for a warrant of seizure to hold
14 the property pending forfeiture, unless such warrant has been previously obtained.
15 Such application shall be on an affidavit under oath demonstrating that probable
16 cause exists for seizure of the property. The sufficiency of the warrant of seizure and
17 affidavit under oath shall be determined in accordance with the law on search
18 warrants. The court may order that the property be held pending forfeiture on such
19 terms and conditions as are reasonable in the discretion of the court. Upon a finding
20 of no probable cause, the property shall be released to the established owner.

21 B. A seizure for forfeiture without process is reasonable if made under
22 circumstances in which a warrantless seizure or arrest would be reasonable in
23 accordance with law.

24 C. Any off-road vehicle that is alleged to be evidence of a criminal violation
25 may be seized for forfeiture by any law enforcement agency designated by the
26 district attorney, with or without process issued by any district court, on probable
27 cause to believe that the property is subject to forfeiture pursuant to this Section.
28 Within seventy-two hours, exclusive of holidays or weekends, after service of notice
29 of pending forfeiture, the seizing agency shall apply to the court for a warrant of

1 seizure to hold the property pending forfeiture, unless such warrant has been
2 previously obtained. Such application shall be on an affidavit under oath
3 demonstrating that probable cause exists for seizure of the property, regardless of
4 whether the proceedings to forfeit property are brought pursuant to federal or state
5 action and regardless of whether the property has been the subject of a previous final
6 judgment of forfeiture in the courts of any state or the United States. The sufficiency
7 of seizure and affidavit under oath shall be determined in accordance with the law
8 on search warrants. The court may order that the property be held pending forfeiture
9 on such terms and conditions as are reasonable in the discretion of the court.

10 D. Any seizing agency designated by the district attorney to make seizures
11 for forfeiture shall notify the district attorney within ten days after such seizure.

12 E. The forfeiture of off-road vehicles may be prosecuted in conjunction with
13 the underlying violations of R.S. 14:99.2, or the prosecutor may file a separate in rem
14 action against the off-road vehicle. The district attorney may transfer this seizure
15 action to any other agency that may be prosecuting the associated criminal violations
16 of R.S. 14:99.2.

17 F. For the purposes of this Section and R.S. 14:99.4, when the office of the
18 attorney general acts as the ad hoc district attorney for the prosecution of the
19 underlying violation of R.S. 14:99.2, the office of the attorney general shall have all
20 of the powers and duties of the office of the district attorney. In all such cases, the
21 office of the attorney general may elect to prosecute the forfeiture in addition to the
22 underlying crime. Upon successful prosecution of the forfeiture by the office of the
23 attorney general, the share of the proceeds that would have otherwise gone to the
24 office of the district attorney shall be paid to the office of the attorney general as the
25 agency that employs the attorneys handling the prosecution.

26 §99.4. Judicial disposition of off-road vehicles; disbursement of proceeds

27 A. If after thirty days of the Notice of Pending Forfeiture having been given
28 to the owner and no claims are timely filed in an action in rem, the district attorney
29 may apply for an order of forfeiture and allocation of forfeited property with the

1 court of jurisdiction. Upon a determination by the court that the prosecuting
2 agency's written application establishes the court's jurisdiction, the giving of proper
3 notice, and facts sufficient to show probable cause for forfeiture, the court shall order
4 the property forfeited to the state.

5 B. After final disposition of all claims timely filed in an action in rem, the
6 court shall enter an order that the state has clear title to the forfeited off-road vehicle.
7 Title to the forfeited off-road vehicle and its proceeds shall be deemed to have vested
8 in the state on the commission of the conduct giving rise to the forfeiture pursuant
9 to R.S. 14:99.3.

10 C. On order of the court forfeiting the off-road vehicle, the state may transfer
11 good and sufficient title to any subsequent purchaser or transferee, and the title shall
12 be recognized by all courts, by this state, and by all agencies of this state and any
13 political subdivision.

14 D. Upon motion by the prosecuting attorney, if it appears after a hearing that
15 there was reasonable cause for the seizure for forfeiture or for the filing of the Notice
16 of Pending Forfeiture or petition, the court shall cause a finding to be entered that
17 reasonable cause existed, and the claimant is not entitled to costs or damages, and
18 the person or seizing agency who made the seizure and the prosecuting agency are
19 not liable to suit or judgment on account of the seizure, suit, or prosecution.

20 E. The court shall order a claimant who fails to establish that a substantial
21 portion of the claimant's interest is exempt from forfeiture pursuant to R.S. 14:99.3
22 to pay the reasonable costs and expenses of the state for the investigation and
23 prosecution of the matter, including reasonable attorney fees, in connection with that
24 claimant.

25 F. Off-road vehicles seized pursuant to the provisions of R.S. 14:99.3 shall
26 be destroyed or sold at public auction without appraisal, subject to the discretion of
27 the prosecuting attorney, and any proceeds resulting from the disposition of the
28 vehicles shall be disbursed in the order of priority as follows:

29 (1)(a) For satisfaction of any bona fide security interest or lien.

1 **(b) Thereafter, for payment of all proper expenses of the proceedings for**
2 **forfeiture and sale, including expenses of seizure, maintenance of custody,**
3 **advertising, and court costs.**

4 **(2) The remaining funds shall be allocated as follows:**

5 **(a) Sixty percent to the law enforcement agency or agencies making the**
6 **seizure, such proceeds to be used in drug law enforcement, including but not limited**
7 **to reward programs established by the agencies.**

8 **(b) Twenty percent to the criminal court fund.**

9 **(c) Twenty percent to the office of the prosecuting agency that employs the**
10 **attorneys who execute the forfeiture action for the state.**

11 Section 2. R.S. 14:99.2(E)(4) is hereby repealed in its entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 789 Engrossed

2026 Regular Session

Galle

Abstract: Authorizes the seizure and sale of off-road vehicles and provides for the use of proceeds.

Present law provides for the crime of reckless operation of an off-road vehicle (R.S. 14:99.2). Enumerates certain actions that constitute reckless operation.

Proposed law retains present law.

Present law (R.S. 14:99.2(E)(4)) authorizes the district attorney to seize, impound, and destroy an off-road vehicle. Requires a written motion at least five days prior to taking action.

Proposed law repeals present law.

Proposed law allows law enforcement agencies to seize any off-road vehicle with probable cause that the vehicle was used in violation of present law (R.S. 14:99.2), if the vehicle is not evidence of the commission of a separate crime.

Proposed law requires the seizing law enforcement agency to apply for a warrant of seizure within 72 hours of seizing the off-road vehicle on probable cause. Further requires sufficiency of the warrant to be determined in accordance with the law on search warrants.

Proposed law provides for occasions when seizure for forfeiture without process is reasonable.

Proposed law allows law enforcement agencies to seize an off-road vehicle that is evidence of the commission of a separate crime if there is probable cause that it is subject to forfeiture.

Proposed law requires the seizing agency to notify the district attorney within 10 days of the seizure.

Proposed law provides that when the office of the attorney general acts as the ad hoc district attorney, the office of the attorney general may prosecute the forfeiture in addition to the underlying crime, and any proceeds from the forfeiture shall be paid to the office of the attorney general.

Proposed law allows the forfeiture to be prosecuted in conjunction with the violation of present law (R.S. 14:99.2) or to be filed in a separate in rem action.

Proposed law allows the district attorney, after 30 days from giving notice to the owner of the off-road vehicle, to apply for an order of forfeiture and allocation.

Proposed law requires the court, after final disposition, to enter an order that the state of La. has clear title to the off-road vehicle.

Proposed law allows the prosecuting attorney to make a motion for the court to enter a finding stating that reasonable cause existed and the former owner is not entitled to costs or damages.

Proposed law provides for attorney fees.

Proposed law provides the order in which proceeds from a seizure and auction are to be paid.

(Amends R.S. 14:99.2(B)(2); Adds R.S. 14:99.3 and 99.4; Repeals R.S. 14:99.2(E)(4))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Provide for payment of proceeds from seizure and forfeiture to the office of the attorney general when the attorney general acts as the ad hoc district attorney.