

RÉSUMÉ DIGEST

ACT 839 (HB 789)

2026 Regular Session

Galle

Existing 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.

New law provides that reckless operation applies only to public roadways and rights of way located within the territorial jurisdiction of a municipality or incorporated area of a parish.

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

New law repeals prior law.

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

New 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.

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

New law authorizes 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.

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

New 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. Requires any proceeds from the forfeiture to be paid to the office of the attorney general.

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

New law authorizes the district attorney, after 30 days from giving notice to the owner of the off-road vehicle and all lienholders of record, to apply for an order of forfeiture and allocation.

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

New law authorizes 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.

New law provides for attorney fees.

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

Effective August 1, 2026.

(Amends R.S. 14:99.2(A) and (B)(2) and (3)(intro. para.); Adds R.S. 14:99.3 and 99.4; Repeals R.S. 14:99.2(E)(4))