
SENATE FLOOR AMENDMENTS

2019 Regular Session

Amendments proposed by Senator Claitor to Reengrossed House Bill No. 74 by Representative Terry Landry

1 AMENDMENT NO. 1

2 On page 3, line 23, after "(4)" delete "In" and insert "Except as provided in Subsection D of
3 this Section, in"

4 AMENDMENT NO. 2

5 On page 4, after line 3, insert the following:

6 "(c) When property is forfeited under the provisions of this Paragraph, the
7 district attorney shall authorize a public sale or a public auction conducted by a
8 licensed auctioneer, without appraisal, of that which is not required by law to be
9 destroyed and which is not harmful to the public.

10 (d) The proceeds of the public sale or public auction shall pay the costs of the
11 public sale or public auction, court costs, and fees related to the seizure and storage
12 of the property. Any proceeds remaining shall be distributed by the district attorney
13 in the following manner:

14 (i) Sixty percent to the seizing agency or agencies in an equitable manner.

15 (ii) Twenty percent to the prosecuting agency.

16 (iii) Twenty percent to the criminal court fund of the parish in which the
17 offender was prosecuted.

18 D.(1) Any property seized pursuant to the provisions of Paragraph (C)(4) of
19 this Section shall be exempt from forfeiture and sale if it was stolen or if the
20 possessor of the property was not the owner and the owner did not know that the
21 personal property was being used in the violation of the provisions of this Section.
22 If the exemption provided by this Subsection is applicable, the property shall not be
23 released until such time as all applicable fees related to its seizure and storage are
24 paid. However, an internet service provider shall not be required to pay seizure or
25 storage fees to secure the release of equipment leased to an offender.

26 (2)(a) Property subject to forfeiture pursuant to the provisions of Paragraph
27 (C)(4) of this Section shall be exempt from forfeiture and sale when a spouse, co-
28 owner, or interest holder in the property establishes by sworn affidavit executed
29 before a notary public the following:

30 (i) That he had no knowledge of the commission of the criminal conduct and
31 could not have reasonably known of the conduct.

32 (ii) That he did not consent to the use of property in the commission of the
33 criminal conduct.

34 (iii) That he owns an interest in the property otherwise subject to forfeiture.

35 (b) Intentionally falsifying the affidavit information required by the
36 provisions of this Paragraph shall subject the affiant to prosecution under the
37 provisions of R.S. 14:125.

38 (3) The property of an internet service provider shall be exempt from
39 forfeiture.

40 (4) Any property seized pursuant to the provisions of Paragraph (C)(4) shall
41 be exempt from sale if it is subject to a lien recorded prior to the date of the offense
42 and if the applicable fees related to the property's seizure and storage are paid by a
43 valid lien holder."