

## DIGEST

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SB 383 Reengrossed

2020 Regular Session

Reese

Present law requires personal property to be forfeited following the conviction of certain sex offenses.

Present law requires the district attorney to conduct a public sale or public auction to sell or auction property forfeited following the conviction of certain sex offenses otherwise required by present law to be destroyed.

Proposed law removes misdemeanor offenses and includes all felony sex offenses from the list of offenses subject to asset forfeiture and sale.

Proposed law provides for the destruction of forfeited property upon motion of the district attorney and, after a contradictory hearing, that the seized property is no longer needed as evidence. However, proposed law provides that the contraband shall be presumed necessary as evidence if an appeal of the conviction is pending, if the convicted person is pursuing post-conviction remedies, or the time for pursuing an appeal or post-conviction remedies has not expired.

Present law provides that the proceeds received from the sale or auction of the forfeited property be used to pay the costs of the public sale or auction, court costs, and fees related to seizure and storage of the property. Present law further provides that the restitution granted to the victim be paid after the foregoing costs are satisfied.

Proposed law retains present law.

Proposed law deletes from present law provisions relative to forfeiture and sale of property and disposition of evidence relative to certain sex offenses that are redundant with proposed law.

Effective August 1, 2020.

(Amends R.S. 15:539.1 and 539.3(A)(intro. para.); Repeals R.S. 14:40.3(C)(4)(a) and (b), 46.2(B)(4)(a) and (b), 46.3(D)(3)(a) and (b), 80(D)(2)(a) and (b), 81(F), (G), and (H)(3)(a) and (b), 81.1(E)(5)(c) and (d) and (F)(1), 81.2(E)(1) and (2), 81.3(B)(4)(a) and (b), (G), and (H), 82.1(D)(4)(a) and (b), 83(B)(5)(a) and (b), 83.1(B)(4)(a) and (b), 83.2(B)(4)(a) and (b), 84(B)(4)(a) and (b), 85(B)(4)(a) and (b), 86(B)(2) and (3), 104(B)(4)(a) and (b), 105(B)(4)(a) and (b), 282(B)(4)(a) and (b), and 283(D) and (E))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Deletes from present law provisions relative to forfeiture and sale of property and disposition of evidence relative to certain sex offenses that are redundant with proposed law.

#### Summary of Amendments Adopted by House

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

1. Add that, for purposes of proposed law, contraband shall be presumed necessary as evidence if an appeal of the conviction is pending, if the convicted person is

pursuing post-conviction remedies, or the time for pursuing an appeal or post-conviction remedies has not expired.

2. Make technical changes.