

## RÉSUMÉ DIGEST

ACT 352 (SB 383)

2020 Regular Session

Reese

Prior law required personal property to be forfeited following the conviction of certain sex offenses.

Prior law required 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 prior law to be destroyed.

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

New 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, new 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.

Prior law provided 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. Prior law further provided that the restitution granted to the victim be paid after the foregoing costs are satisfied.

New law retains prior law.

New law deletes from prior law provisions relative to forfeiture and sale of property and disposition of evidence relative to certain sex offenses that are redundant with new 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))