The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Tyler McCloud.

DIGEST 2022 Regular Session

Jackson

SB 359 Reengrossed

<u>Present law</u> provides relative to the seizure and forfeiture of property related to certain violations of <u>present law</u> (Uniform Controlled Dangerous Substances Law).

<u>Present law</u> provides for forfeiture proceedings that includes authorizing the district attorney to delay filing the judicial forfeiture proceeding for 180 days, if a claimant files a request for a stipulation of exemption.

<u>Proposed law retains present law</u> and authorizes the delay if an extension to file a claim is granted.

<u>Present law</u> provides notice is effective upon personal service, publication, or mailing of the notice whichever is earlier. <u>Proposed law</u> changes effectiveness <u>from</u> mailing the written notice <u>to</u> receipt of a written notice by certified mail.

<u>Present law</u> requires the notice include a description of the property, the date and place of seizure, the conduct giving rise to forfeiture or the violation of law alleged, and a summary of procedures and procedural rights applicable to the forfeiture action. Proposed law retains present law.

<u>Present law</u> authorizes only an owner of or interest holder in property seized for forfeiture to file a claim. Further, requires the claim to be mailed to the seizing agency and to the district attorney by certified mail, return receipt requested, within 30 days after Notice of Pending Forfeiture.

<u>Proposed law</u> retains <u>present law</u> and authorizes a court to grant an extension for good cause shown and requires the motion requesting an extension to be filed within 60 days after receipt of the Notice of Pending Forfeiture.

Effective August 1, 2022.

(Amends R.S. 40: 2608(A)(1), (2), and (4) and 2610(A))

Summary of Amendments Adopted by Senate

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

- 1. Add provision to permit an extension to be granted to file a forfeiture claim under <u>present law.</u>
- 2. Require notice to be effective upon receipt of the written notice by certified mail.

3. Add provision to permit a motion to request an extension be filed within 60 days after the receipt of the Notice of Pending Forfeiture.

Senate Floor Amendments to engrossed bill

- 1. Removes proposed changes to the definition of "seizure for forfeiture".
- 2. Removes proposed changes to conduct giving rise to forfeiture.
- 3. Removes proposed changes to the property subject to forfeiture.
- 4. Removes proposed changes to property interests exempt from forfeiture.
- 5. Removes proposed notice requirements.
- 6. Removes proposed changes providing for liens filed by the district attorney.
- 7. Removes proposed determinations by the district attorney of further proceedings.
- 8. Removes proposed postdeprivation hearing provisions.
- 9. Removes proposed changes to judicial forfeiture proceedings.