

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 789** HLS 26RS 763

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: March 31, 2026 4:25 PM	Author: GALLE
Dept./Agy.: District Attorneys, Sheriffs, State Police, and Judiciary	Analyst: Daniel Druilhet
Subject: Seizure of Off-Road Vehicles	

CRIMINAL/PROCEDURE

OR SEE FISC NOTE LF EX

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Provides with respect to the seizure of off-road vehicles

Current law provides for the crime of reckless operation of an off-road vehicle; authorizes the district attorney (DA) to seize, impound, and destroy an off-road vehicle and requires a written motion at least five days prior to taking action. Proposed law allows law enforcement agencies to seize any off-road vehicle with probable cause that the vehicle was used recklessly; requires a seizing agency to apply for a warrant of seizure within 72 hours of seizure and requires sufficiency of the warrant to be determined based on probable cause; provides for occasions when seizure for forfeiture without process is reasonable; allows 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; requires the seizing agency to notify the DA within 10 days of the seizure; allows a forfeiture to be prosecuted in conjunction with the crime of reckless operation of an off-road vehicle or to be filed in a separate in rem action; allows the DA, after 30 days from giving notice to the owner of the off-road vehicle, to apply for an order of forfeiture and allocation; requires the court, after final disposition, to enter an order that the state has clear title to the vehicle; allows 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; provides for attorney fees and the order in which seizure and auction proceeds are to be paid.

EXPENDITURES	2026-27	2027-28	2028-29	2029-30	2030-31	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW					

Annual Total

REVENUES	2026-27	2027-28	2028-29	2029-30	2030-31	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW					

Annual Total

EXPENDITURE EXPLANATION

Proposed law may result in an indeterminable increase in workload in local district attorney offices, to the extent that after issuing notices to owners of seized off-road vehicles, they file orders of forfeiture and allocation, or seek forfeitures in conjunction with prosecutions for the crime of reckless operation of an off-road vehicle. The exact impact is indeterminable, because it is unknown the number of separate in rem actions or seizures and forfeitures (in conjunction with prosecutions for reckless operation of an off-road vehicle) that district attorneys will pursue with enactment of the proposed law.

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in Local Funds revenues in municipal police departments, Sheriffs, judicial district courts, and district attorneys, to the extent that they seize off-road vehicles involved in the conduct giving rise to the forfeiture. The proposed law, after seizure and disbursement of funds (to satisfy any bona fide security interests or liens and payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs), requires any remaining funds to be allocated as follows: 60% to the law enforcement agency or agencies making the seizure, 20% to the criminal court fund, and 20% to the office of the prosecuting agency that employs the attorneys who execute the forfeiture action for the state. The exact fiscal impact is indeterminable, because it is unknown the number of seizures that will lead to the sale of property seized, with the resulting proceeds being distributed in accordance with the proposed law.

Senate

Dual Referral Rules

House

13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Patrice Thomas
Deputy Fiscal Officer