

## HOUSE SUMMARY OF SENATE AMENDMENTS

HB 789

2026 Regular Session

Galle

CRIMINAL/PROCEDURE: Provides with respect to the seizure of off-road vehicles

### Synopsis of Senate Amendments

1. Provides that reckless operation of an off-road vehicle applies only to public roadways and rights of way located within the territorial jurisdiction of a municipality or incorporated area of a parish.
2. Requires the Notice of Pending Forfeiture to be sent to all lienholders of record in addition to the owner of the off-road vehicle before the district attorney may apply for an order of forfeiture and allocation of forfeited property.
3. Makes technical changes.

### Digest of Bill as Finally Passed by Senate

Present law provides for the crime of reckless operation of an off-road vehicle (R.S. 14:99.2). Enumerates certain actions that constitute reckless operation.

Proposed law retains present law and provides that reckless operation applies only to public roadways and rights of way located within the territorial jurisdiction of a municipality or incorporated area of a parish.

Present law (R.S. 14:99.2(E)(4)) authorizes the district attorney to seize, impound, and destroy an off-road vehicle. Requires a written motion at least five days prior to taking action.

Proposed law repeals present law.

Proposed law allows law enforcement agencies to seize any off-road vehicle with probable cause that the vehicle was used in violation of present law (R.S. 14:99.2), if the vehicle is not evidence of the commission of a separate crime.

Proposed law requires the seizing law enforcement agency to apply for a warrant of seizure within 72 hours of seizing the off-road vehicle on probable cause. Further requires sufficiency of the warrant to be determined in accordance with the law on search warrants.

Proposed law provides for occasions when seizure for forfeiture without process is reasonable.

Proposed law allows law enforcement 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.

Proposed law requires the seizing agency to notify the district attorney within 10 days of the seizure.

Proposed law provides that when the office of the attorney general acts as the ad hoc district attorney, the office of the attorney general may prosecute the forfeiture in addition to the underlying crime. Requires any proceeds from the forfeiture to be paid to the office of the attorney general.

Proposed law allows the forfeiture to be prosecuted in conjunction with the violation of present law (R.S. 14:99.2) or to be filed in a separate in rem action.

Proposed law allows the district attorney, after 30 days from giving notice to the owner of the off-road vehicle and all lienholders of record, to apply for an order of forfeiture and allocation.

Proposed law requires the court, after final disposition, to enter an order that the state of La. has clear title to the off-road vehicle.

Proposed law 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.

Proposed law provides for attorney fees.

Proposed law provides the order in which proceeds from a seizure and auction are to be paid.

(Amends R.S. 14:99.2(A) and (B)(2) and (3)(intro. para.); Adds R.S. 14:99.3 and 99.4; Repeals R.S. 14:99.2(E)(4))