

RÉSUMÉ DIGEST

ACT 698 (SB 359)

2022 Regular Session

Jackson

Existing law provides relative to the seizure and forfeiture of property related to certain violations of existing law (Uniform Controlled Dangerous Substances Law).

Existing law provides for forfeiture proceedings that include, 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.

New law retains existing law and authorizes the delay if an extension to file a claim is granted.

Existing law provides that notice is effective upon personal service, publication, or mailing of the notice, whichever is earlier.

New law changes effectiveness from mailing the written notice to receipt of a written notice by certified mail.

Existing law requires the notice to 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.

New law retains existing law.

Existing law 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.

New law retains existing law and authorizes a court to grant an extension of time for the filing of a claim for good cause shown and that good cause includes incarceration of the owner or interest holder. Provides that incarceration of the owner or interest holder during the original 30 day period creates a rebuttable presumption of good cause as to the owner or interest holder.

New law requires that a motion for an extension 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))