

Regular Session, 2013

SENATE BILL NO. 97

BY SENATOR ADLEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL PROCEDURE. Provides relative to public sales and auctions. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 40:2616(A)(1), relative to public sales and auctions; to provide
3 that property forfeited under the Uniform Controlled Dangerous Substances Act is
4 subject to public sale or public auction; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:2616(A)(1) is hereby amended and reenacted to read as follows:

7 §2616. Allocation of forfeited property; creation of special funds; reporting

8 A.(1) Except as provided in Paragraph (2) of this Subsection, when property
9 is forfeited under the provisions of this Chapter, the district attorney shall authorize
10 a public sale or ~~an~~ **a public** auction sale conducted by a licensed auctioneer, without
11 appraisal, of that which is not required by law to be destroyed and which is not
12 harmful to the public. The proceeds of any sale and any monies forfeited or obtained
13 by judgment or settlement under this Section shall be deposited in the Special Asset
14 Forfeiture Fund as established herein until disposed of pursuant to court order.

15 * * *

16 Section 2. This Act shall become effective upon signature by the governor or, if not
17 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Present law provides that when property is forfeited under the provisions of the Uniform Controlled Dangerous Substances Law, the district attorney is to authorize a public sale or an auction conducted by a licensed auctioneer, without appraisal, of whatever forfeited property that is not required by law to be destroyed and that is not harmful to the public.

Proposed law clarifies that any auction of property forfeited under the Uniform Controlled Dangerous Substances Law is to be a public auction.

Proposed law otherwise retains present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:2616(A)(1))