

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 auction sales of certain forfeited property. (gov sig)

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

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

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not 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 was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Dawn Romero Watson.

DIGEST

Adley (SB 97)

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 sale 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.

Also, in Opinion No. 12-0243, the attorney general has opined that present law does not prohibit the disposition of seized motor vehicles at dealer-only auctions provided that the auction is conducted by a licensed auctioneer and the auctioneer accepts the highest or most favorable bid for the property auctioned.

Proposed law retains present law and adds a requirement that any auction of property forfeited under the Uniform Controlled Dangerous Substances Law is to be a public auction.

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

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

Summary of Amendments Adopted by Senate

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

1. Makes technical change.