

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Bill No. 2, Page 7, Section 313.220, Line 19, by inserting after said
2 section and line the following:

3
4 "513.655. 1. No law enforcement agency or prosecuting authority shall refer, transfer, or
5 otherwise relinquish possession of property seized under state law to a federal agency by way of
6 adoption of the seized property or other means for the purpose of the property's forfeiture under the
7 Controlled Substances Act (21 U.S.C. Section 881), or the Comprehensive Drug Abuse Prevention
8 and Control Act of 1970, Pub. L. 91-513, Section 413, unless the prosecuting attorney shows by
9 clear and convincing evidence that the person from whom the property was seized:

10 (1) Died;

11 (2) Was deported by the federal government;

12 (3) Abandoned or disclaimed interest or ownership in the property; or

13 (4) Agreed in writing with the prosecuting attorney and other parties as to the disposition of
14 the property.

15 2. Law enforcement agencies that participate in a joint task force or other multijurisdictional
16 collaboration, including a task force with federal agencies, shall transfer responsibility for the seized
17 property to the state prosecuting authority for forfeiture under state law.

18 3. If a federal agency prohibits the transfer of seized property and currency to the state
19 prosecuting authority and instead requires the property to be transferred to a federal agency for
20 forfeiture under federal law, the law enforcement agency is prohibited from accepting payment of
21 any kind or distribution of forfeiture proceeds from the federal agency.

22 4. Nothing in subsection 2 or 3 of this section shall be construed to restrict a law
23 enforcement agency from acting alone or collaborating with another agency, including a federal
24 agency, to seize contraband or property that a law enforcement agency has probable cause to believe
25 is the proceeds or instrument of a crime.

26 5. Nothing in this section shall be construed to prohibit a federal agency, acting without the
27 involvement of a local, county, or state law enforcement agency, from seizing property and seeking
28 forfeiture under federal law."; and

29
30 Further amend said bill by amending the title, enacting clause, and intersectional references
31 accordingly.

Action Taken _____ Date _____