

FIRST REGULAR SESSION

HOUSE BILL NO. 868

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LOVASCO.

1705H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 513, RSMo, by adding thereto one new section relating to asset forfeiture.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 513, RSMo, is amended by adding thereto one new section, to be
2 known as section 513.655, to read as follows:

3 **513.655. 1. No law enforcement agency or prosecuting authority shall refer,**
4 **transfer, or otherwise relinquish possession of property or currency owned by a**
5 **Missouri resident and seized under state law to a federal agency by way of adoption of**
6 **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**
8 **Prevention and Control Act of 1970, Pub. L. 91-513, Section 413. This subsection only**
9 **applies to a seizure by a law enforcement agency under its own authority under state**
10 **law and without involvement of the federal government. Nothing in this subsection shall**
11 **be construed to limit a law enforcement agency from participating in a joint task force**
12 **with the federal government.**

13 **2. Nothing in this section shall be construed to restrict a law enforcement agency**
14 **from acting alone or collaborating with another agency, including a federal agency, to**
15 **seize contraband, property, or currency that a law enforcement agency has probable**
16 **cause to believe is the proceeds or instrument of a crime.**

17 **3. Nothing in this section shall be construed to prohibit a federal agency, acting**
without the involvement of a local, county, or state law enforcement agency, from seizing
property or currency and seeking forfeiture under federal law.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

18 **4. As used in this section, "Missouri resident" means a natural human being who**
19 **has a fixed place of residence in Missouri.**

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