

SECOND REGULAR SESSION

# HOUSE BILL NO. 2861

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE LOVASCO.

5963H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

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

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*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:

**513.655. 1. No law enforcement agency or prosecuting authority shall refer,  
2 transfer, or otherwise relinquish possession of property seized under state law to a  
3 federal agency by way of adoption of the seized property or other means for the purpose  
4 of the property's forfeiture under the Controlled Substances Act (21 U.S.C. Section 881)  
5 or the Comprehensive Drug Abuse Prevention and Control Act of 1970, Pub. L. 91-513,  
6 Section 413, except as provided by this section and section 513.647.**

**7 2. Law enforcement agencies may participate in a joint task force or other  
8 multijurisdictional collaboration, including a task force with federal agencies to fight  
9 crime.**

**10 3. All law enforcement agencies and task forces shall transfer responsibility for  
11 the seized property to the state prosecuting authority for forfeiture under state law,  
12 except as provided under subsection 4 of this section.**

**13 4. Notwithstanding any other provision of law to the contrary, a joint task force  
14 with a federal agency may transfer a seizure of property to the United States  
15 Department of Justice for forfeiture under federal law if the seizure includes United  
16 States currency that exceeds fifty thousand dollars. Notice of the transfer shall be given  
17 to the last known address of the property owner that the property is subject to being  
18 transferred to the federal government and that the property owner may state legitimate**

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.

19 **grounds for challenging the transfer. Notice of the transfer shall be given no less than**  
20 **ninety-six hours prior to the transfer.**

21 **5. A law enforcement agency is prohibited from accepting payment of any kind**  
22 **or distribution of forfeiture proceeds from the federal agency if the seizure of property**  
23 **did not include United States currency in excess of fifty thousand dollars as provided**  
24 **under subsection 4 of this section.**

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

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

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