

HB 2295 -- CIVIL FORFEITURE

SPONSOR: Parkinson

Currently, in a civil forfeiture case the legal standard is "reasonable cause." This bill changes that standard to "clear and convincing evidence."

The bill specifies that the annual report of all seizures that must be submitted by the prosecuting attorney or Attorney General must cover the five previous calendar years. Currently, the report must only cover the previous calendar year. The State Auditor's report must also cover five previous calendar years, instead of the current one calendar year.

Where an intervening party invokes a claim of innocence on his or her interest in property to be forfeited, the state must prove by a preponderance of the evidence that the intervening party does not meet the definition of an innocent party under these provisions.

The clear proceeds of any sale of any forfeited property received by a state or local agency from another jurisdiction must be distributed pursuant to Section 7 of Article IX of the state constitution.