

1 AMENDMENT TO HOUSE BILL 1089

2 AMENDMENT NO. _____. Amend House Bill 1089 as follows:

3 on page 6, line 16, by inserting "the date of", after "on";
4 and

5 on page 8, by replacing line 11 with the following:

6 "Sec. 37.5-30. Exemptions from forfeiture.

7 (a) A property"; and

8 on page 8, by inserting between lines 13 and 14 the
9 following:

10 "(5)(A) With respect to a property interest in
11 existence at the time the illegal conduct giving rise to
12 the forfeiture took place,

13 (i) did not know of the conduct giving rise to
14 forfeiture; or

15 (ii) upon learning of the conduct giving rise
16 to the forfeiture, did all that reasonably could be
17 expected under the circumstances to terminate such
18 use of the property.

19 (B)(i) For the purposes of this paragraph (5),
20 ways in which a person may show that he or she did
21 all that reasonably could be expected may include
22 demonstrating that he or she, to the extent

1 permitted by law:

2 (I) gave timely notice to an appropriate
3 law enforcement agency of information that led
4 the person to know the conduct giving rise to a
5 forfeiture would occur or has occurred; and

6 (II) in a timely fashion revoked or made a
7 good faith attempt to revoke permission for
8 those engaging in such conduct to use the
9 property or took reasonable actions in
10 consultation with a law enforcement agency to
11 discourage or prevent the illegal use of the
12 property.

13 (ii) A person is not required by this
14 subparagraph to take steps that the person
15 reasonably believes would be likely to subject any
16 person (other than the person whose conduct gave
17 rise to the forfeiture) to physical danger.

18 (b) If the court determines, in accordance with this
19 Section, that an innocent owner has a partial interest in
20 property otherwise subject to forfeiture, or a joint tenancy
21 or tenancy by the entirety in that property, the court may
22 enter an appropriate order:

23 (1) severing the property;

24 (2) transferring the property to the State with a
25 provision that the State compensate the innocent owner to
26 the extent of his or her ownership interest once a final
27 order of forfeiture has been entered and the property has
28 been reduced to liquid assets; or

29 (3) permitting the innocent owner to retain the
30 property subject to a lien in favor of the State to the
31 extent of the forfeitable interest in the property.

32 (c) In this Section, the term "owner":

33 (1) means a person with an ownership interest in
34 the specific property sought to be forfeited, including a

1 leasehold, lien, mortgage, recorded security interest, or
2 valid assignment of an ownership interest; and

3 (2) does not include:

4 (i) a person with only a general unsecured
5 interest in, or claim against, the property or
6 estate of another;

7 (ii) a bailee unless the bailor is identified
8 and the bailee shows a colorable legitimate interest
9 in the property seized; or

10 (iii) a nominee who exercises no dominion or
11 control over the property."