

---

**SENATE COMMITTEE AMENDMENTS**

2022 Regular Session

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 359  
by Senator Jackson

---

1 AMENDMENT NO. 1

2 On page 1, line 3, after "2608," insert "2610(A),"

3 AMENDMENT NO. 2

4 On page 7, delete lines 26 through 29 and insert the following:

5           "(1)(a) When the district attorney intends to forfeit property, pursuant to the  
6 provisions of this Chapter, he shall provide the owner and interest holder with a  
7 written assertion within forty-five days after actual or constructive seizure, except  
8 in cases in which the property is held for evidentiary purpose, the district attorney  
9 shall institute forfeiture proceedings within forty-five days after the final disposition  
10 of all criminal proceedings associated with the conduct giving rise to forfeiture.

11           **(b)** If the district attorney fails to initiate forfeiture proceedings against  
12 property seized for forfeiture by serving Notice of Pending Forfeiture within one  
13 hundred twenty days after its seizure for forfeiture or if the state fails to pursue  
14 forfeiture of the property upon which a timely claim has been properly served by  
15 filing a Petition for Forfeiture proceeding within ninety days after Notice of Pending  
16 Forfeiture, or if the district attorney fails to provide a written assertion, pursuant to  
17 the provisions of this Paragraph, the property shall be released from its seizure for  
18 forfeiture on the request of an owner or interest holder, pending further proceedings  
19 pursuant to the provisions of this Chapter.

20           ~~(b)~~ **(c)** When no written assertion has been given to the claimant, within the  
21 time delays provided herein, the claimant may file a Motion for Release of Seized  
22 Property pursuant to the criminal jurisdiction of the court.

23           (2) If, after Notice of Pending Forfeiture, a claimant files a request for  
24 stipulation of exemption **pursuant to R.S. 40:2609 or is granted an extension to**  
25 **file a claim** pursuant to R.S. 40:2610, the district attorney may delay filing the  
26 judicial forfeiture proceeding for a total of one hundred eighty days after the service  
27 of Notice of Pending Forfeiture.

28           (3) Whenever Notice of Pending Forfeiture or service of an in rem petition  
29 is required under the provisions of this Chapter, notice or service shall be given in  
30 accordance with one of the following:

31           (a) If the owner's or interest holder's name and current address are known, by  
32 either personal service or by mailing a copy of the notice by certified mail to that  
33 address.

34           (b) If the owner's or interest holder's name and address are required by law  
35 to be recorded with the parish clerk of court, the motor vehicle division of the  
36 Department of Public Safety and Corrections, or another state or federal agency to  
37 perfect an interest in the property, and the owner's or interest holder's current address  
38 is not known, by mailing a copy of the notice by certified mail, return receipt  
39 requested, to any address of record with any of the described agencies.

40           (c) If the owner's or interest holder's address is not known and is not on  
41 record as provided in Subparagraph (b) of this Paragraph, or the owner or interest  
42 holder's interest is not known, by publication in one issue of the official journal in  
43 the parish in which the seizure occurs.

44           (4) Notice is effective upon personal service, publication, or the **receipt**  
45 **mailing** of a written notice **by certified mail**, whichever is earlier, and shall include  
46 a description of the property, the date and place of seizure, the conduct giving rise  
47 to forfeiture or the violation of law alleged, and a summary of procedures and  
48 procedural rights applicable to the forfeiture action."

1 AMENDMENT NO. 3

2 Delete page 8

3 AMENDMENT NO. 4

4 On page 9, delete lines 1 through 10

5 AMENDMENT NO. 5

6 On page 12, between lines 4 and 5, insert the following:

7 "§2610. Claims

8 A. Only an owner of or interest holder in property seized for forfeiture may  
9 file a claim, and shall do so in the manner provided in this Section. The claim shall  
10 be mailed to the seizing agency and to the district attorney by certified mail, return  
11 receipt requested, within thirty days after Notice of Pending Forfeiture. ~~No extension~~  
12 ~~of time for the filing of a claim shall be granted.~~ **The court may grant an extension**  
13 **for good cause shown. A motion requesting an extension shall be filed within**  
14 **sixty days after receipt of the Notice of Pending Forfeiture.**

15 \* \* \*