

2026 Regular Session

HOUSE BILL NO. 789

BY REPRESENTATIVE GALLE

CRIMINAL/PROCEDURE: Provides with respect to the seizure of off-road vehicles

1 AN ACT

2 To amend and reenact R.S. 14:99.2(B)(2) and to enact R.S. 14:99.3 and 99.4 and to repeal  
3 R.S. 14:99.2(E)(4), relative to the seizure of off-road vehicles; to provide for  
4 forfeiture; to provide for the sale of seized off-road vehicles and disbursement of  
5 funds; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:99.2(B)(2) is hereby amended and reenacted and R.S. 14:99.3 and  
8 99.4 are hereby enacted to read as follows:

9 §99.2. Reckless operation of an off-road vehicle

10 \* \* \*

11 B.

12 \* \* \*

13 (2) For the purposes of this Section and R.S. 14:99.3, acts which may  
14 constitute reckless operation of an off-road vehicle shall include but not be limited  
15 to operating the vehicle on a public roadway or right of way in a manner that does  
16 any of the following:

- 17 (a) Forces another vehicle to leave the roadway.
- 18 (b) Collides with another vehicle or person.
- 19 (c) Exceeds the posted speed limit.
- 20 (d) Travels against the flow of traffic.

1 (e) Disregards traffic control devices.

2 (f) Drives around or between standing or moving vehicles without regard to  
3 lanes of traffic.

4 (g) Impedes traffic flow.

5 (h) ~~Travels~~ Deliberately travels off the roadway and back ~~on to~~ onto the  
6 roadway ~~deliberately~~.

7 \* \* \*

8 §99.3. Seizure of an off-road vehicle alleged to be used in violation of R.S. 14:99.2

9 A. Any off-road vehicle that is not evidence of a criminal violation may be  
10 seized for forfeiture by any law enforcement agency designated by the district  
11 attorney, with or without process issued by any district court, on probable cause to  
12 believe that the off-road vehicle was used in violation of R.S. 14:99.2. Within  
13 seventy-two hours, exclusive of holidays or weekends, after actual or constructive  
14 seizure, the seizing agency shall apply to the court for a warrant of seizure to hold  
15 the property pending forfeiture, unless such warrant has been previously obtained.  
16 Such application shall be on an affidavit under oath demonstrating that probable  
17 cause exists for seizure of the property. The sufficiency of the warrant of seizure and  
18 affidavit under oath shall be determined in accordance with the law on search  
19 warrants. The court may order that the property be held pending forfeiture on such  
20 terms and conditions as are reasonable in the discretion of the court. Upon a finding  
21 of no probable cause, the property shall be released to the established owner.

22 B. A seizure for forfeiture without process is reasonable if made under  
23 circumstances in which a warrantless seizure or arrest would be reasonable in  
24 accordance with law.

25 C. Any off-road vehicle that is alleged to be evidence of a criminal violation  
26 may be seized for forfeiture by any law enforcement agency designated by the  
27 district attorney, with or without process issued by any district court, on probable  
28 cause to believe that the property is subject to forfeiture pursuant to this Section.  
29 Within seventy-two hours, exclusive of holidays or weekends, after service of notice

1 of pending forfeiture, the seizing agency shall apply to the court for a warrant of  
2 seizure to hold the property pending forfeiture, unless such warrant has been  
3 previously obtained. Such application shall be on an affidavit under oath  
4 demonstrating that probable cause exists for seizure of the property, regardless of  
5 whether the proceedings to forfeit property are brought pursuant to federal or state  
6 action and regardless of whether the property has been the subject of a previous final  
7 judgment of forfeiture in the courts of any state or the United States. The sufficiency  
8 of seizure and affidavit under oath shall be determined in accordance with the law  
9 on search warrants. The court may order that the property be held pending forfeiture  
10 on such terms and conditions as are reasonable in the discretion of the court.

11 D. Any seizing agency designated by the district attorney to make seizures  
12 for forfeiture shall notify the district attorney within ten days after such seizure.

13 E. The forfeiture of off-road vehicles may be prosecuted in conjunction with  
14 the underlying violations of R.S. 14:99.2, or the prosecutor may file a separate in rem  
15 action against the off-road vehicle. The district attorney may transfer this seizure  
16 action to any other agency that may be prosecuting the associated criminal violations  
17 of R.S. 14:99.2.

18 §99.4. Judicial disposition of off-road vehicles; disbursement of proceeds

19 A. If after thirty days of the Notice of Pending Forfeiture having been given  
20 to the owner and no claims are timely filed in an action in rem, the district attorney  
21 may apply for an order of forfeiture and allocation of forfeited property with the  
22 court of jurisdiction. Upon a determination by the court that the prosecuting  
23 agency's written application establishes the court's jurisdiction, the giving of proper  
24 notice, and facts sufficient to show probable cause for forfeiture, the court shall order  
25 the property forfeited to the state.

26 B. After final disposition of all claims timely filed in an action in rem, the  
27 court shall enter an order that the state has clear title to the forfeited off-road vehicle.  
28 Title to the forfeited off-road vehicle and its proceeds shall be deemed to have vested

1 in the state on the commission of the conduct giving rise to the forfeiture pursuant  
2 to R.S. 14:99.3.

3 C. On order of the court forfeiting the off-road vehicle, the state may transfer  
4 good and sufficient title to any subsequent purchaser or transferee, and the title shall  
5 be recognized by all courts, by this state, and by all agencies of this state and any  
6 political subdivision.

7 D. Upon motion by the prosecuting attorney, if it appears after a hearing that  
8 there was reasonable cause for the seizure for forfeiture or for the filing of the Notice  
9 of Pending Forfeiture or petition, the court shall cause a finding to be entered that  
10 reasonable cause existed, and the claimant is not entitled to costs or damages, and  
11 the person or seizing agency who made the seizure and the prosecuting agency are  
12 not liable to suit or judgment on account of the seizure, suit, or prosecution.

13 E. The court shall order a claimant who fails to establish that a substantial  
14 portion of the claimant's interest is exempt from forfeiture pursuant to R.S. 14:99.3  
15 to pay the reasonable costs and expenses of the state for the investigation and  
16 prosecution of the matter, including reasonable attorney fees, in connection with that  
17 claimant.

18 F. Off-road vehicles seized pursuant to the provisions of R.S. 14:99.3 shall  
19 be destroyed or sold at public auction without appraisal, subject to the discretion of  
20 the prosecuting attorney, and any proceeds resulting from the disposition of the  
21 vehicles shall be disbursed in the order of priority as follows:

22 (1)(a) For satisfaction of any bona fide security interest or lien.

23 (b) Thereafter, for payment of all proper expenses of the proceedings for  
24 forfeiture and sale, including expenses of seizure, maintenance of custody,  
25 advertising, and court costs.

26 (2) The remaining funds shall be allocated as follows:

27 (a) Sixty percent to the law enforcement agency or agencies making the  
28 seizure, such proceeds to be used in drug law enforcement, including but not limited  
29 to reward programs established by the agencies.

- 1                    (b) Twenty percent to the criminal court fund.
- 2                    (c) Twenty percent to the office of the prosecuting agency that employs the
- 3                    attorneys who execute the forfeiture action for the state.
- 4                    Section 2. R.S. 14:99.2(E)(4) is hereby repealed in its entirety.

## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 789 Original

2026 Regular Session

Galle

**Abstract:** Authorizes the seizure and sale of off-road vehicles and provides for the use of proceeds.

Present law provides for the crime of reckless operation of an off-road vehicle (R.S. 14:99.2). Enumerates certain actions that constitute reckless operation.

Proposed law retains present law.

Present law (R.S. 14:99.2(E)(4)) authorizes the district attorney to seize, impound, and destroy an off-road vehicle. Requires a written motion at least five days prior to taking action.

Proposed law repeals present law.

Proposed law allows law enforcement agencies to seize any off-road vehicle with probable cause that the vehicle was used in violation of present law (R.S. 14:99.2), if the vehicle is not evidence of the commission of a separate crime.

Proposed law requires the seizing law enforcement agency to apply for a warrant of seizure within 72 hours of seizing the off-road vehicle on probable cause. Further requires sufficiency of the warrant to be determined in accordance with the law on search warrants.

Proposed law provides for occasions when seizure for forfeiture without process is reasonable.

Proposed law allows law enforcement agencies to seize an off-road vehicle that is evidence of the commission of a separate crime if there is probable cause that it is subject to forfeiture.

Proposed law requires the seizing agency to notify the district attorney within 10 days of the seizure.

Proposed law allows the forfeiture to be prosecuted in conjunction with the violation of present law (R.S. 14:99.2) or to be filed in a separate in rem action.

Proposed law allows the district attorney, after 30 days from giving notice to the owner of the off-road vehicle, to apply for an order of forfeiture and allocation.

Proposed law requires the court, after final disposition, to enter an order that the state of La. has clear title to the off-road vehicle.

Proposed law allows the prosecuting attorney to make a motion for the court to enter a finding stating that reasonable cause existed and the former owner is not entitled to costs or damages.

Proposed law provides for attorney fees.

Proposed law provides the order in which proceeds from a seizure and auction are to be paid.

(Amends R.S. 14:99.2(B)(2); Adds R.S. 14:99.3 and 99.4; Repeals R.S. 14:99.2(E)(4))