

**SENATE BILL NO. 2371**

Introduced by

Senator Watne

1 A BILL for an Act to create and enact a new section to chapter 19-03.1 of the North Dakota  
2 Century Code, relating to a presumption in drug forfeiture cases.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 19-03.1 of the North Dakota Century Code is  
5 created and enacted as follows:

6 **Drug currency forfeiture.**

- 7 1. There is a disputable presumption of forfeiture for money, coin, currency and  
8 everything of value, furnished or intended to be furnished, in exchange for a  
9 controlled substance in violation of chapter 19-03.1 or imitation controlled  
10 substance in violation of chapter 19-03.2, if the state offers a reasonable basis to  
11 believe, based on the following circumstances, that there is a substantial  
12 connection between the property and an offense listed in chapter 19-03.1 or  
13 19-03.2:
- 14 a. The property at issue is currency in excess of ten thousand dollars which, at  
15 the time of seizure, was being transported through an airport, on a highway,  
16 or at a port-of-entry, and the property was packaged or concealed in a highly  
17 unusual manner, the person transporting the property provided false  
18 information to any law enforcement officer who lawfully stopped the person for  
19 investigative purposes, the property was found in close proximity to a  
20 measurable quantity of any controlled substance, or the property was the  
21 subject of a positive alert by a properly trained dog.
- 22 b. The property at issue was acquired during a period of time when the person  
23 who acquired the property was engaged in an offense under chapter 19-03.1

- 1                   or 19-03.2 or within a reasonable time after the period, and there is no likely  
2                   source for the property other than that offense.
- 3           c.   The property at issue was, or was intended to be, transported, transmitted, or  
4                   transferred to or from a major drug-transit country, a major illicit drug  
5                   producing country, or a major money laundering country, and the transaction  
6                   giving rise to the forfeiture:
- 7                   (1)   Occurred in part in a state or foreign country whose bank secrecy laws  
8                           render this state unable to obtain records relating to the transaction; or  
9                   (2)   Was conducted by, to, or through a corporation that does not conduct  
10                           any ongoing and significant commercial or manufacturing business or  
11                           any other form of commercial operation which was not engaged in any  
12                           legitimate business activity.
- 13           d.   A person involved in the transaction giving rise to the forfeiture action has  
14                   been convicted in a federal, state, or foreign jurisdiction of an offense  
15                   equivalent to an offense under chapter 19-03.1 or 19-03.2 or a felony  
16                   involving money laundering, or is a fugitive from prosecution for any of these  
17                   offenses.
- 18           2.   The presumption in this section does not preclude the use of other presumptions or  
19                   the establishment of probable cause based on criteria other than those set forth in  
20                   this section.