

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1286

That the Senate recede from its amendments as printed on page 1419 and pages 1659 and 1660 of the House Journal and pages 1172 and 1173 and page 1185 of the Senate Journal and that Engrossed House Bill No. 1286 be amended as follows:

Page 1, line 3, after the second comma insert "and"

Page 1, line 3, remove ", 29-27-02.1, and subsection 1 of"

Page 1, line 4, remove "section 54-12-14"

Page 1, line 5, remove ", disposition of statutory fees,"

Page 1, line 6, remove "fines, forfeitures, and the attorney general assets forfeiture fund"

Page 1, line 17, remove the third "or"

Page 1, line 18, after the first "property" insert ", or it can be established beyond a reasonable doubt the property was used in the commission of a crime or constituted the proceeds of criminal activity"

Page 2, line 6, remove "clear and convincing"

Page 2, line 7, remove "evidence"

Page 2, line 7, overstrike "for instituting the forfeiture action following which" and insert immediately thereafter "the property meets the requirements of subsection 2 of section 19-03.1-36.2. Following the state's case."

Page 2, line 15, remove "order the proper costs and"

Page 2, remove lines 16 and 17

Page 2, line 18, replace "remaining proceeds to be deposited as provided in subsection 2 of section 29-27-02.1" with "order only the forfeited property or proceeds from the sale of forfeited property to be deposited with a political subdivision if the political subdivision has created a civil asset forfeiture fund. If the political subdivision does not have a civil asset forfeiture fund, any forfeited property and proceeds from the sale of forfeited property must be deposited in the attorney general's asset forfeiture fund."

3. A political subdivision that has a civil asset forfeiture fund shall establish an application process, including eligibility criteria, to accept and process applications from law enforcement agencies within the political subdivision's jurisdiction for an appropriation from the civil asset forfeiture fund.

4. This section does not prohibit the state and a political subdivision from entering an agreement to divide forfeited property and the proceeds from the sale of forfeited property"

Page 3, line 3, remove "Currency with the value of seven hundred and fifty United States dollars or less"

Page 3, remove line 4

Page 3, line 5, remove "c."

Page 3, line 6, replace "d." with "c."

Page 3, line 6, replace "determine" with "consider all factors, including"

Page 3, line 9, remove "sentence imposed for committing the offense"

Page 3, line 10, replace "subject to forfeiture" with "possible penalty that could be imposed for the alleged or committed offense subject to forfeiture"

Page 3, line 11, replace "e." with "d."

Page 3, line 19, after "forfeiture" insert "of property or to collaborate with a federal agency under federal law to conduct or engage in seizure and forfeiture of property. The term includes a multijurisdictional task force"

Page 3, line 20, remove "Annually, each law enforcement agency shall compile the following information"

Page 3, remove lines 21 through 27 with "Every civil forfeiture judgment issued by a district court must be made publicly available and include the following information in the findings of fact:

- a. Case number of the forfeiture proceeding and the district court where the case was filed.
- b. Who filed a claim or counterclaim for the seized property, if any.
- c. Date the forfeiture order was issued.
- d. Whether a forfeiture settlement agreement was reached.
- e. The date and the final disposition of the property.
- f. Estimated value of the forfeited property.
- g. Estimate of the total costs accrued by the law enforcement agency for storage and disposal of the civilly forfeited property.
- h. Amount of any attorney fees awarded to owners of seized and forfeited property."

Page 3, line 28, after "3." insert "Annually, a prosecutor who litigates the criminal case and forfeiture proceeding shall provide to the attorney general a copy of the judgment that includes the information required under subsection 2 and the total value of the forfeited property held by the agency at the end of the reporting period.

4. By November first of each year, the attorney general shall submit to the legislative management and the governor a written report summarizing activity in the state for the preceding fiscal year, the type, approximate value, and disposition of any civilly forfeited property, and the amount of proceeds received.
  - a. Summary data and civilly forfeited property must be disaggregated by agency.

- b. The attorney general shall make the report available on the attorney general's website.
- 5. The attorney general may recover any costs under this section by withdrawing money from the asset forfeiture fund.
- 6. A law enforcement agency may use forfeiture proceeds to pay the costs of compiling and reporting data under this section.
- 7. The data and reports compiled under this section are public information and not exempt from disclosure.
- 8."

page 3, line 30, remove "electronic data entry for"

Page 4, remove lines 1 through 6

page 4, line 7, replace the "5." with "9."

Page 4, remove lines 10 through 31

Page 5, remove lines 1 through 29

Renumber accordingly