



1 Section 1. R.S. 40:2623 and Chapter 26-A of Title 40 of the Louisiana Revised  
2 Statutes of 1950, comprised of R.S. 40:2624 through 2658, are hereby enacted to read as  
3 follows:

4 §2623. Applicability

5 The provisions of this Chapter shall apply only to seizures that include United  
6 States currency that exceeds one hundred fifty thousand dollars and subsequent  
7 forfeitures related to these seizures.

8 CHAPTER 26-A. THE LOUISIANA CRIMINAL FORFEITURE PROCESS ACT

9 §2624. Short title and application

10 This Chapter may be cited as the Louisiana Criminal Forfeiture Process Act.  
11 It shall apply to the seizure and forfeiture of property used in and derived directly  
12 from an act or omission punishable by confinement for more than one year under  
13 R.S. 40:961 et seq.

14 §2625. Definitions

15 The terms defined in this Section have the following meanings in this  
16 Chapter:

17 (1) "Abandoned property" means personal property left by an owner who  
18 relinquishes all rights to its control. Real property may not be abandoned.

19 (2) "Actual knowledge" means direct and clear awareness of information, a  
20 fact, or a condition.

21 (3) "Contraband" means goods that, in themselves, are unlawful to possess,  
22 including scheduled drugs without a lawful prescription and a firearm that is illegal  
23 to possess.

24 (4) "Conveyance" means a device used for transportation and includes a  
25 motor vehicle, trailer, snowmobile, airplane, vessel, or any equipment attached to  
26 one of these devices. The term does not include stolen property.

27 (5) "Innocent owner" means an owner, co-owner, defendant's heir, or a  
28 person who regularly uses property subject to forfeiture who does not have actual

1 knowledge of the use of the property in a crime that authorizes the forfeiture of the  
2 property. The term does not include the defendant or a secured interest holder.

3 (6) "Instrumentality" means property otherwise lawful to possess that is used  
4 in a crime that authorizes the forfeiture of property. It includes land, buildings,  
5 containers, conveyances, equipment, materials, products, tools, computers, computer  
6 software, telecommunications devices, firearms, ammunition and accessories of  
7 ammunition and firearms.

8 (7) "Law enforcement agency" means any non-federal police force, or other  
9 local, county, or state agency that has the authority under state law to engage in  
10 seizure and forfeiture.

11 (8) "Proceeds" means United States currency, other currency, securities,  
12 negotiable instruments, or other means of exchange obtained from the sale of  
13 property or contraband.

14 (9) "Prosecuting authority" means a municipal attorney, solicitor, district  
15 attorney, attorney general, and other attorney acting under specific direction and  
16 authority, appointed or charged by law with the responsibility for prosecuting crime.

17 (10) "Real property" means land and anything growing on, attached to, or  
18 erected on it including a building.

19 (11) "Secured interest holder" means a person who is a secured creditor,  
20 mortgagee, lienholder, or other person who has a valid claim, security interest,  
21 mortgage, lien, leasehold, or other interest in the property subject to forfeiture. The  
22 term does not include the defendant or an innocent owner.

23 (12) "State" means the state of Louisiana.

24 §2625. Purpose

25 The purpose of this Chapter is to:

26 (1) Deter crime by reducing its economic incentives.

27 (2) Confiscate property used in the violation of the law.

28 (3) Disgorge the fruit of illegal conduct.

29 (4) Protect the due process rights of property owners.

1        §2626. Jurisdiction2                A. There shall be no civil forfeiture under this Chapter.3                B. The court that has jurisdiction in the related criminal matter shall have  
4        jurisdiction over the forfeiture proceeding.5                C. Forfeiture proceedings shall be subject to all of the following:6                    (1) Be part of the trial of the related crime.7                    (2) Follow a finding of the defendant's guilt or be conducted at the court's  
8        discretion.9                    (3) Be conducted by the court without a jury.10        §2627. Seizure of personal property with process11                At the request of the prosecuting authority, a court may issue an ex parte  
12        order to attach, seize, or secure personal property for which forfeiture is sought and  
13        to provide for its custody.14        §2628. Seizure of personal property without process15                A. Except as provided in R.S. 40:2633, personal property may be seized, as  
16        part of a lawful search, without a court order if any of the following circumstances  
17        exist:18                    (1) The personal property subject to forfeiture is seized incident to a lawful  
19        arrest.20                    (2) There is probable cause to believe the delay caused by the necessity of  
21        obtaining process would result in the removal or destruction of the personal property  
22        that is subject to forfeiture under this Chapter.23                    (3) The personal property is the subject of a prior and valid judgment of  
24        forfeiture in favor of the state.25        §2629. Seizure or restraint of real property with process26                A. Real property shall not be seized or restrained without a court order.27                B. A court shall not issue an order unless the defendant and any other person  
28        with a known interest in the property receive proper notice and are given an

1 opportunity for a contested hearing to determine the existence of probable cause for  
2 the seizure.

3 C. Notice may be made by publication if personal service has not been made  
4 after a reasonable attempt has been made to serve the defendant and any other person  
5 with a known interest in the property.

6 D. Nothing in this Section prohibits the prosecuting authority from seeking  
7 a lis pendens or restraining order to hinder the sale or destruction of real property.  
8 However, if the prosecuting authority obtains a lis pendens or restraining order, the  
9 prosecuting authority shall notify the defendant and any other person with a known  
10 interest in the property within thirty days of obtaining an order of lis pendens.

11 §2630. Stolen property and contraband

12 A. No property right exists in stolen property or contraband. Stolen property  
13 and contraband are subject to seizure.

14 B. Stolen property shall be returned, and contraband shall be disposed of in  
15 accordance with state law.

16 C. Notwithstanding Subsection B, the court may impose reasonable  
17 conditions on the release of stolen property and the disposal of contraband, including  
18 the use of photographic evidence, to preserve the property for later use as evidence  
19 in proceedings under this Chapter.

20 §2631. Depositing seized currency

21 A. The seizing agency shall deposit seized currency in an interest-bearing  
22 account pending the exhaustion of appeals or receiving an order from the court to  
23 return or distribute the seized currency.

24 B. Notwithstanding Subsection A, the seizing agency may take reasonable  
25 actions, including the use of photography, to preserve the property for later use as  
26 evidence in proceedings under this Chapter.

27 §2632. Receipt

28 A. When property is seized, the law enforcement officer shall give an  
29 itemized receipt to the person possessing the property at the time of the seizure.

1           B. When practicable, the receipt shall be numbered for future reference and  
2           shall constitute notice of seizure.

3           C. If the person possessing the property is not present, the seizing officer  
4           shall leave a receipt in the place where the property was found, if reasonably  
5           possible.

6           §2633. Property exempt from seizure and forfeiture

7           A. Both of the following shall be exempt from seizure and forfeiture:

8           (1) United States currency totaling two hundred dollars or less.

9           (2) A motor vehicle of two thousand dollars or less in market value.

10          B. The prosecuting authority shall advise law enforcement agencies on the  
11          industry-accepted publications that may be used to establish the value of a motor  
12          vehicle in the prosecuting authority's jurisdiction.

13          C. The prosecuting authority may establish higher values than those provided  
14          in Subsections B and C of this Section in the interests of justice and efficient use of  
15          governmental resources. The higher values shall be based on the prosecuting  
16          authority's exclusive determination of both of the following:

17          (1) The type and number of occurrences of offenses that include the seizure  
18          of property.

19          (2) The average value of seized property is less than the costs to seize and  
20          forfeit the property.

21          §2634. Waiver prohibition

22          A. A law enforcement officer, other than the prosecuting authority, shall not  
23          request, induce, or require a person to waive, for purpose of seizure or forfeiture, the  
24          person's interest in property.

25          B. A document purporting to waive interest or rights in seized property is  
26          void and inadmissible in court unless the prosecuting authority obtained the waiver.

1        §2635. Title

2                A. Title to the property subject to forfeiture vests with the state when the  
3                court issues a forfeiture judgment and relates back to the time when the state seizes  
4                or restrains the property.

5                B. Title to substitute assets vests when the court issues an order forfeiting  
6                substitute assets.

7        §2636. Counsel

8                A. If a defendant in a criminal matter is represented by a public defender or  
9                counsel appointed by the court, the public defender or appointed counsel shall  
10               represent the defendant in the forfeiture proceeding.

11               B. If the defendant or an innocent owner petitioner engages in pro se  
12               representation in the forfeiture proceeding before a judge, the court may exercise its  
13               discretion applying the rules of pleading, procedure, or evidence.

14        §2637. Notice to other known owners

15               A. The prosecuting authority shall perform a reasonable search of vehicle  
16               registrations, property records, and other public records to identify any person, other  
17               than the defendant, known to have an interest in the property subject to forfeiture.

18               B. The prosecuting authority shall give notice to any person identified to  
19               have an interest in the property subject to forfeiture, who is not charged or indicted.  
20               The notice shall include the seizure receipt number provided in R.S. 40:2632, if  
21               available. Notice may be made by publication if personal service has not been made  
22               after a reasonable attempt has been made to serve any other person identified as  
23               having an interest in the property.

24               C. The following language substantially and conspicuously shall appear in  
25               the notice:

26               "WARNING: You may lose the right to be heard in court if you do not file  
27               promptly a statement of interest or ownership. You do not have to pay a filing fee to  
28               file your notice."

1           D. If notice is not served on any persons appearing to have an interest in the  
2           property and no time extension is granted or the extension period has expired, the  
3           prosecuting authority or court shall order the return of the property to the person who  
4           makes a request. Contraband shall not be returned.

5           §2638. Prompt post-seizure hearing

6           A. Following seizure, a defendant or any other person with an interest in the  
7           property has a right to a prompt post-seizure hearing.

8           B. A person with an interest in the property may petition the court for a  
9           hearing.

10          C. At the court's discretion, the court may hold a prompt post-seizure hearing  
11          in any of the following manners:

12                 (1) As a separate hearing.

13                 (2) At the same time as a probable cause determination, a post-arraignment  
14                 hearing, a suppression hearing, or other pretrial hearing.

15                 D. A party, by agreement or for good cause, may move for one extension of  
16                 the hearing date. Any motion may be supported by affidavits or other submissions.

17                 E. The court shall order the return of property if it finds any of the following:

18                         (1) The seizure was invalid.

19                         (2) A criminal charge has not been filed and no extension of the filing period  
20                         is available.

21                         (3) There is a substantial likelihood that final judgment will be in favor of  
22                         the defendant or any other person with an interest in the property.

23                 F. At the court's discretion, it may order the return of sufficient funds to the  
24                 defendant, not needed as evidence, for the defendant to obtain counsel of choice but  
25                 less than the total amount seized.

26                 G. Notwithstanding Subsections E and F of this Section, the court may  
27                 impose reasonable conditions on the return of the property, including the use of  
28                 photographic evidence, to preserve the property for later use as evidence in  
29                 proceedings under this Chapter.

1           H. The provisions of this Section shall not apply to contraband.

2           §2639. Notice of Proposed Forfeiture

3           A. In a case in which the state seeks forfeiture of property, the prosecuting  
4           authority shall file with the court a Notice of Proposed Forfeiture. The notice shall  
5           be a separate document, may accompany the initial charging instrument, or may be  
6           filed later. The notice shall include all of the following information:

7                   (1) A description of the property seized.

8                   (2) The time, date, and place of the seizure.

9                   (3) The seizure receipt number as provided in R.S. 40:2632, if available.

10                  (4) A description of how the property was used in or derived from the  
11                  alleged crime.

12                  B. The prosecuting authority may allege, in the notice, the forfeiture of  
13                  property as a sanction related to the crime for which the defendant is charged or as  
14                  part of sentencing consideration.

15                  C. The notice shall not be read to the jury.

16                  D. The prosecuting authority shall serve the notice in any of the following  
17                  methods:

18                   (1) With the initial charging instrument.

19                   (2) Separately but not later than ninety days after the presentment of the  
20                   charging instrument for a misdemeanor.

21                   (3) The earlier of ninety days after presentment to a grand jury or one  
22                   hundred eighty days after an arrest for a felony.

23                   (4) At the court's discretion.

24                  E. At the court's discretion, the court may allow the prosecuting authority to  
25                  amend the notice as required in the interest of justice.

26                  F. The court shall order the return of the property to the owner if the  
27                  prosecuting authority does not file a charging instrument as provided by the court's  
28                  rules, if the period of an extension expires, or if the court does not grant an  
29                  extension.

1        §2640. Discovery

2                Discovery related to the forfeiture proceeding is subject to the Code of  
3        Criminal Procedure.

4        §2641. Trial, conviction required and standard of proof

5                A. Property may be forfeited if both of the following occur:

6                    (1) The state secures a conviction of a crime as provided in R.S. 40:2624.

7                    (2) The state establishes by a preponderance of the evidence that the property  
8        is an instrumentality of or proceeds derived directly from the crime for which the  
9        state secured a conviction.

10                B. After the defendant's conviction, the court has the discretion to hold the  
11        forfeiture proceeding as soon as practicable, including concurrent with sentencing.

12        The court shall conduct the forfeiture proceeding without a jury.

13                C. Except as required by R.S. 40:2633, nothing in this Chapter shall prevent  
14        property from being forfeited as part of any of the following:

15                    (1) A plea agreement.

16                    (2) A diversion agreement.

17                    (3) A grant of immunity or reduced punishment, with or without the filing  
18        of a criminal charge, in exchange for testifying or assisting a law enforcement  
19        investigation or prosecution.

20                D. To effectuate a forfeiture pursuant to Subsection (C)(3) of this Section,  
21        the parties may file notice, under seal, with the court if the person is represented by  
22        counsel. If the person is not represented by counsel, the prosecuting authority may  
23        file an ex parte notice, under seal, with the court. The notice shall advise the court  
24        of the reason for granting immunity, reducing punishment, or not filing a charge.

25                E. The court may use the notice provided in Subsection D of this Section in  
26        its consideration of an order to transfer title to the property to the state and dispose  
27        of the property pursuant to R.S. 40:2653.

1        §2642. Exceptions to the conviction requirement

2            A. The court may waive the conviction requirement provided in R.S.  
3        40:2641 and grant title to the property to the state if the prosecuting authority files  
4        a motion no fewer than ninety days after seizure and shows by a preponderance of  
5        the evidence that any of the following occurred before conviction:

6            (1) The defendant died.

7            (2) The defendant was deported by the United States Government.

8            (3) The defendant abandoned the property.

9            (4) The defendant fled the jurisdiction.

10          B.(1) The death of the defendant does not preclude any heir or legatee of the  
11        defendant from filing a claim for recovery of the seized property.

12          (2) The prosecuting authority shall attempt to notify any heir or legatee of  
13        the defendant's seized property upon the defendant's death.

14        §2643. Proportionality

15          A. The defendant may petition the court to determine whether the forfeiture  
16        is unconstitutionally excessive under the state or United States Constitution.

17          B. At the court's discretion, the court may hold a proportionality hearing in  
18        any of the following manners:

19          (1) As a separate hearing.

20          (2) At the same time as a probable-cause determination, a post-arraignment  
21        hearing, a suppression hearing, or other pretrial hearing.

22          (3) At trial.

23          (4) Upon conviction.

24          C. The defendant has the burden of establishing that the forfeiture is  
25        unconstitutionally excessive by a preponderance of the evidence at a hearing  
26        conducted by the court without a jury.

27          D. When the hearing is held prior to conviction, the court shall determine,  
28        by a preponderance of the evidence, the likelihood that the prosecuting attorney will

1 secure a conviction. The court shall then determine if the forfeiture is  
2 unconstitutionally excessive.

3 E. At a hearing at any time, the court may consider all of the following  
4 relevant factors to determine if the forfeiture is unconstitutionally excessive:

5 (1) The seriousness of the crime and its impact on the community, including  
6 the duration of the activity, use of a firearm, and harm caused by the defendant.

7 (2) The extent to which the defendant participated in the crime.

8 (3) The extent to which the property was used in committing the crime.

9 (4) Whether the crime was completed or attempted.

10 (5) The sentence or fine to be imposed for committing the crime.

11 (6) The hardship to the defendant if the forfeiture of a motor vehicle would  
12 deprive the defendant of the defendant's livelihood.

13 (7) An unjust hardship to the defendant's family if the property is forfeited.

14 F. In determining the value of the instrumentality subject to forfeiture, the  
15 court may consider all relevant factors related to the fair market value of the  
16 property, including any publication advised by the prosecuting authority as provided  
17 in R.S. 40:2633(D).

18 G. The court may not consider the value of the property to the state in  
19 determining whether the forfeiture is unconstitutionally excessive.

20 §2644. Secured interest holder

21 A. Property encumbered by a security interest shall not be forfeited.

22 B. The prosecuting authority shall return property to a secured interest  
23 holder, other than the defendant or an innocent owner, up to the value of the interest.  
24 Contraband shall not be returned.

25 C. If the property is not summarily returned, the secured interest holder may  
26 petition the court at any time before the court enters judgment in the criminal  
27 prosecution or grants the motion filed pursuant to R.S. 40:2642 . The petition may  
28 include the seizure receipt number as provided in R.S. 40:2632, if available.

1           D. The court shall hear the petition within thirty days after its filing or at the  
2           court's discretion. The hearing shall be held before the court without a jury. The  
3           court may consolidate the hearing on the petition with any other hearing before the  
4           court in the case.

5           E. The secured interest holder shall establish by a preponderance of the  
6           evidence the validity of the security interest, mortgage, lien, leasehold, lease, rental  
7           agreement, or other agreement.

8           F. If the secured interest holder alleges a valid interest but the prosecuting  
9           authority seeks to proceed, the prosecuting authority shall prove by a preponderance  
10          of the evidence any of the following:

11           (1) The interest is invalid.

12           (2) The interest resulted from a fraudulent conveyance.

13           (3) The interest is held through a straw purchase, trust, or otherwise for the  
14          benefit of the defendant.

15           (4) The secured interest holder consented to the use of the property in the  
16          crime for which the defendant is charged.

17          G. If the state fails to meet its burden provided in Subsection F of this  
18          Section, the court shall order the state to relinquish claims to the property, up to the  
19          value of the interest, and return the interest to the secured interest holder.

20          H. Notwithstanding Subsection G of this Section, the court may impose  
21          reasonable conditions on the return of the property, including the use of photographic  
22          evidence, to preserve the property for later use as evidence in proceedings under this  
23          Chapter.

24          §2645. Innocent owner

25           A. Property of an innocent owner shall not be forfeited.

26           B. The prosecuting authority shall return property to an innocent owner  
27          without a court order. Contraband shall not be returned.

28           C. If the property is not returned pursuant to Subsection B of this Section,  
29          the innocent owner may petition the court at any time before the court enters

1 judgment in the criminal prosecution or grants the motion filed pursuant to R.S.  
2 40:2642.

3 D. The petitioner shall file with the court a simple statement that sets forth  
4 all of the following:

5 (1) The petitioner's interest or regular use of the property.

6 (2) Additional facts supporting the petitioner's claim.

7 (3) The relief sought by the petitioner.

8 (4) The seizure receipt number provided in R.S. 40:2632, if available.

9 E. The filing fee for the statement under this Section is waived.

10 F. The court shall hear the petition within thirty days after its filing or at the  
11 court's discretion. The hearing shall be held before the court without a jury. The  
12 court may consolidate the hearing on the petition with any other hearing before the  
13 court in the case.

14 G. The petitioner shall establish by a preponderance of the evidence the  
15 validity of interest or regular use of the property.

16 H. If the provisions of Subsection G of this Section are satisfied and the  
17 prosecuting authority seeks to proceed, the prosecuting authority shall prove by a  
18 preponderance of the evidence that the petitioner is not an innocent owner based on  
19 any of the following:

20 (1) The petitioner's interest in the property is invalid.

21 (2) The petitioner did not regularly use the property.

22 (3) The petitioner had actual knowledge the property was used in or derived  
23 directly from the crime for which the defendant is charged.

24 (4) The petitioner was willfully blind to the crime which the defendant is  
25 charged.

26 (5) The petitioner was not a bona fide purchaser without notice of any defect  
27 in title and for valuable consideration.

1           I. If the prosecuting authority fails to meet its burden provided in Subsection  
2           H of this Section, the court shall order the state to relinquish all claims and return the  
3           property to the innocent owner.

4           J. Notwithstanding Subsection I of this Section, the court may impose  
5           reasonable conditions on the return of the property, including the use of photographic  
6           evidence, to preserve the property for later use as evidence in proceedings under this  
7           Chapter.

8           K. No information contained in the petitioner's statement provided in  
9           Subsection D of this Section shall be used as evidence in the criminal portion of the  
10           case.

11           L. Nothing in this Section shall prohibit the petitioner from providing  
12           information to any party or testifying in any trial as to facts of which the petitioner  
13           has knowledge.

14           M. The defendant or convicted offender may invoke the right against  
15           self-incrimination or the marital privilege during the forfeiture proceeding. The trier  
16           of fact may draw an adverse inference from the invocation of the right or privilege.

17           §2646. Judgment

18           A. If the prosecuting authority fails to meet its burden in the criminal or  
19           forfeiture proceeding, the court shall enter judgment dismissing the forfeiture  
20           proceeding and ordering the return of property to the rightful owner, unless the  
21           owner's possession of the property is illegal.

22           B. If the prosecuting authority meets its burden in the criminal and forfeiture  
23           proceeding, the court shall enter judgment forfeiting the property.

24           C. A court may enter judgment following a hearing, pursuant to a stipulation  
25           or plea agreement, or at the court's discretion.

26           §2647. Substitution of assets

27           Upon the prosecuting authority's motion following conviction or at the court's  
28           discretion, the court may order the forfeiture of substitute property owned solely by  
29           the defendant up to the value of property that is beyond the court's jurisdiction or

1 unable to be located through due diligence, only if the state proves by a  
2 preponderance of the evidence that the defendant intentionally did any of the  
3 following:

4 (1) Dissipated the property.

5 (2) Transferred, sold, or deposited property with a third party to avoid  
6 forfeiture.

7 (3) Substantially diminished the value of property.

8 (4) Commingled property with other property that cannot be divided without  
9 difficulty.

10 §2648. No additional remedies

11 The state shall not seek personal money judgments or other remedies related  
12 to the forfeiture of property not provided by this Chapter.

13 §2649. No joint and several liability

14 A defendant is not jointly and severally liable for forfeiture awards owed by  
15 other defendants. When ownership is unclear, a court may order each defendant to  
16 forfeit property on a pro rata basis or by another means the court finds equitable.

17 §2650. Appeals

18 A. A party to a forfeiture proceeding, other than the defendant, may appeal  
19 the court's order concerning the disposition of the property upon the issuance of the  
20 order.

21 B. The defendant may appeal the court's decision regarding the seizure or  
22 forfeiture of property following final judgement in the forfeiture proceeding.

23 §2651. Attorney fees

24 In any proceeding in which a property owner's claims prevail by recovering  
25 at least half of the value of the property or currency claimed, the court shall order the  
26 seizing agency or prosecuting authority at fault to pay all of the following costs:

27 (1) Reasonable attorney fees and other litigation costs incurred by the  
28 petitioner.

29 (2) Post-judgment interest.

1           (3) Any interest actually paid from the date of seizure in cases involving  
2           currency, other negotiable instruments, or the proceeds of an interlocutory sale.

3           §2652. Return of property, damages and costs

4           A. If the court orders the return of property, the law enforcement agency that  
5           holds the property shall return the property to the rightful owner within a reasonable  
6           period not to exceed five days after the date of the order.

7           B. The rightful owner shall not be subject to any expenses related to towing,  
8           storage, or preservation of the property.

9           C. The law enforcement agency that holds the property is responsible for any  
10           damages, storage fees, and related costs applicable to property returned under this  
11           Section.

12           §2653. Disposition of property and proceeds

13           A. At any time when contraband is no longer needed as evidence, the court  
14           may order it to be destroyed.

15           B. At any time when abandoned property or property seized from a  
16           defendant who died, was deported, or fled the jurisdiction is no longer needed as  
17           evidence, the court may order it be sold.

18           C. If the forfeiture is granted, the court shall order the sale of forfeited  
19           property other than currency.

20           D. The court may order, upon exhaustion of all appeals or at its discretion,  
21           the distribution of forfeited currency and sale proceeds to as follows in order of  
22           preference:

23           (1) Restitution to the victim of the crime.

24           (2) Satisfaction of recorded liens, mortgages, or filed security interests in the  
25           forfeited property.

26           (3) Payment of reasonable costs for the towing, storage, maintenance,  
27           repairs, advertising, sale, and other operating costs related to the forfeited property.

1           (4) Reimbursement to the seizing law enforcement agency for non-personnel  
2           operating costs, including the value of any assets used to stage drug transactions,  
3           related to the investigation of the crime.

4           (5) Reimbursement to the prosecuting authority, public defender, or  
5           court-appointed attorney for non-personnel court costs, including filing fees,  
6           subpoenas, court reporters, and transcripts.

7           E. After disbursements have been made pursuant to Subsection D of this  
8           Section, the court may order the remaining funds be disbursed as follows:

9           (1) One-third of the total to the state general fund.

10          (2) Two-thirds of the total to the Pre-K to Prosperity Literacy Fund.

11          F.(1) There is hereby created in the state treasury as a special fund the Pre-K  
12          to Prosperity Literacy Fund, referred to in this Subsection as the "fund". After  
13          compliance with the requirements of Article VII, Section 9(B) of the Constitution of  
14          Louisiana relative to the Bond Security and Redemption Fund, the state treasurer is  
15          hereby authorized and directed to deposit into the fund an amount equal to that  
16          required pursuant to Paragraph (E)(3) of this Section. The monies in the fund shall  
17          be invested by the state treasurer in the same manner as monies in the state general  
18          fund, and interest earned on the investment of these monies shall be credited to the  
19          fund following compliance with the requirements of Article VII, Section 9(B)  
20          relative to the Bond Security and Redemption Fund. All unexpended and  
21          unencumbered monies in the fund at the end of the fiscal year shall remain in the  
22          fund.

23          (2) Fifty percent of the monies in the fund shall be used by the Department  
24          of Education for literacy programs for students in pre-kindergarten through third  
25          grade. The remaining fifty percent of monies in the fund shall be used by the  
26          Louisiana Commission on Law Enforcement to supplement for statewide grants to  
27          law enforcement agencies for purchase of equipment.

1        §2654. Sale restrictions

2                No law enforcement agency may sell forfeited property directly or indirectly  
3        to any employee of the law enforcement agency, to a person related to an employee  
4        within the third degree of consanguinity or affinity, or to another law enforcement  
5        agency.

6        §2655. Preemption

7                This Chapter preempts laws by villages, municipalities, parishes, and other  
8        governments in the state which regulate civil and criminal forfeiture.

9        §2656. Limitation on federal adoption

10              A. A state or local law enforcement agency shall not transfer or offer for  
11        adoption property, seized under state law, to a federal agency for the purpose of  
12        forfeiture under 18 U.S.C. Chapter 46, or other federal law.

13              B. Subsection A of this Section only applies to a seizure by state or local law  
14        enforcement agencies pursuant to their own authority under state law and without the  
15        involvement of the federal government.

16              C. The state or local law enforcement is prohibited from accepting payment  
17        of any kind or distribution of forfeiture proceeds from the federal government if the  
18        state or local law enforcement agencies violate Subsection A of this Section. All  
19        such proceeds should be directed to the state's general fund.

20        §2657. Limitation on joint task forces; state and federal

21              A. Except as provided in Subsection B of this Section, a joint task force of  
22        a law enforcement agency and a federal agency shall transfer seized property to the  
23        prosecuting authority for forfeiture under this Chapter.

24              B. The joint task force may transfer seized property to the United States  
25        Department of Justice for forfeiture under federal law if the seized property includes  
26        United States currency that exceeds one hundred fifty thousand dollars.

27              C. A law enforcement agency is prohibited from accepting payment or  
28        distribution of any kind from the federal government if the federal government  
29        requires seized property that includes United States currency of one hundred fifty

1        thousand dollars or less as established in Subsection B of this Section to be  
2        transferred to the federal government for forfeiture under federal law.

3        §2658. Guidance

4                A prosecuting authority, after consulting with the responsible attorney for the  
5        United States Department of Justice, shall establish guidelines for joint task forces  
6        and multi-jurisdictional collaboration, based on federal guidelines to safeguard  
7        against the circumvention of state law in the prosecuting authority's jurisdiction.

#### 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 894 Original

2022 Regular Session

Jordan

**Abstract:** Provides relative to forfeiture of property and seizures that include United States currency exceeding \$150,000.

Proposed law provides that the provisions of the Seizure and Controlled Dangerous Substances Property Forfeiture Act of 1989 shall only apply to seizures that include United States currency that exceeds \$150,000 and subsequent forfeitures related to these seizures.

Proposed law provides for a citation as the Louisiana Criminal Forfeiture Process Act. Provides that proposed law shall apply to the seizure and forfeiture of property used in and derived directly from an act or omission punishable by confinement for more than one year under present law (R.S. 40:961 et seq).

Proposed law provides for definitions of "abandoned property", "actual knowledge", "contraband", "conveyance", "innocent owner", "instrumentality", "law enforcement agency", "proceeds", "prosecuting authority", "real property", "secured interest holder", and "state".

Proposed law provides for the purpose as follows:

- (1) Deter crime by reducing its economic incentives.
- (2) Confiscate property used in the violation of the law.
- (3) Disgorge the fruit of illegal conduct.
- (4) Protect the due process rights of property owners.

Proposed law provides for jurisdiction. Provides that all of the following shall apply to a forfeiture proceeding:

- (1) It shall be part of the trial of the related crime.
- (2) It shall follow a finding of the defendant's guilt or be conducted at the court's discretion.

- (3) It shall be conducted by the court without a jury.

Proposed law provides that a court may issue an ex parte order to attach, seize, or secure personal property for which forfeiture is sought and to provide for its custody at the request of the prosecuting authority.

Proposed law provides that except as provided in proposed law (R.S. 40:2633), personal property may be seized, as part of a lawful search, without a court order if any of the following circumstances exist:

- (1) The personal property subject to forfeiture is seized incident to a lawful arrest.
- (2) There is probable cause to believe the delay caused by the necessity of obtaining process would result in the removal or destruction of the personal property that is subject to forfeiture under proposed law.
- (3) The personal property is the subject of a prior and valid judgment of forfeiture in favor of the state.

Proposed law provides that real property shall not be seized or restrained without a court order. Provides that a court shall not issue an order unless the defendant and any other person with a known interest in the property receive proper notice and are given an opportunity for a contested hearing to determine the existence of probable cause for the seizure. Provides that notice may be made by publication if personal service has not been realized after reasonable attempts.

Proposed law provides that the prosecuting authority is not prohibited from seeking a lis pendens or restraining order to hinder the sale or destruction of real property. Provides that if the prosecuting authority obtains a lis pendens or restraining order, the prosecuting authority shall notify the defendant and any other person with a known interest in the property within 30 days.

Proposed law provides that no property right exists in stolen property or contraband and that such property is subject to seizure. Provides that stolen property shall be returned, and contraband shall be disposed of in accordance with state law.

Proposed law provides that the court may impose reasonable conditions on the release of stolen property and the disposal of contraband, including the use of photographic evidence, to preserve the property for later use as evidence in proceedings under proposed law.

Proposed law provides that the seizing agency shall deposit seized currency in an interest-bearing account pending the exhaustion of appeals or receiving an order from the court to return or distribute the seized currency. Provides that the seizing agency may take reasonable actions, including the use of photography, to preserve the property for later use as evidence in proceedings under proposed law.

Proposed law provides that when property is seized, the law enforcement officer shall give an itemized receipt to the person possessing the property at the time of the seizure. Provides that when practicable, the receipt shall be numbered for future reference and shall constitute notice of seizure. Provides that the seizing officer shall leave a receipt in the place where the property was found, if reasonably possible, if the person possessing the property is not present.

Proposed law provides that both of the following shall be exempt from seizure and forfeiture:

- (1) United States currency totaling \$200 or less.

- (2) A motor vehicle of \$2,000 or less in market value is exempt from seizure and forfeiture.

Proposed law provides that the prosecuting authority shall advise law enforcement agencies on the industry-accepted publications that may be used to establish the value of a motor vehicle in the prosecuting authority's jurisdiction. Provides that the prosecuting authority may establish higher values than those provided in proposed law in the interests of justice and efficient use of governmental resources.

Proposed law provides that the higher values shall be based on the prosecuting authority's exclusive determination of both of the following:

- (1) The type and number of occurrences of offenses that include the seizure of property.
- (2) The average value of seized property is less than the costs to seize and forfeit it.

Proposed law provides that a law enforcement officer, other than the prosecuting authority, may not request, induce, or require a person to waive, for purpose of seizure or forfeiture, the person's interest in property. Provides that a document purporting to waive interest or rights in seized property is void and inadmissible in court unless the prosecuting authority obtained the waiver.

Proposed law provides that title to the property subject to forfeiture vests with the state when the court issues a forfeiture judgment and relates back to the time when the state seizes or restrains the property. Provides that title to substitute assets vests when the court issues an order forfeiting substitute assets.

Proposed law provides that if a defendant in a criminal matter is represented by a public defender or counsel appointed by the court, the public defender or appointed counsel shall represent the defendant in the forfeiture proceeding.

Proposed law provides that if the defendant or an innocent owner petitioner engages in pro se representation in the forfeiture proceeding before a judge, the court may exercise its discretion applying the rules of pleading, procedure, or evidence.

Proposed law provides that the prosecuting authority shall perform a reasonable search of vehicle registrations, property records, and other public records to identify any person, other than the defendant, known to have an interest in the property subject to forfeiture.

Proposed law provides that the prosecuting authority shall give notice to any person identified to have an interest in the property subject to forfeiture, who is not charged or indicted. Provides that the notice shall include the seizure receipt number provided in proposed law, if available. Notice may be made by publication if personal service has not been realized after reasonable attempts.

Proposed law provides that the following language shall substantially and conspicuously appear in the notice:

"WARNING: You may lose the right to be heard in court if you do not file promptly a statement of interest or ownership. You do not have to pay a filing fee to file your notice."

Proposed law provides that if notice is not served on any persons appearing to have an interest in the property and no time extension is granted or the extension period has expired, the prosecuting authority or court shall order the return of the property to the person who makes a request. Provides that contraband shall not be returned.

Proposed law provides that following seizure, a defendant or any other person with an interest in the property has a right to a prompt post-seizure hearing. Provides that a person with an interest in the property may petition the court for a hearing.

Proposed law provides that at the court's discretion, the court may hold a prompt post-seizure hearing in any of the following manners:

- (1) As a separate hearing.
- (2) At the same time as a probable cause determination, a post-arraignment hearing, a suppression hearing, or other pretrial hearing.

Proposed law provides that a party, by agreement or for good cause, may move for one extension of the hearing date. Any motion may be supported by affidavits or other submissions. Provides that the court shall order the return of property if it finds any of the following:

- (1) The seizure was invalid.
- (2) A criminal charge has not been filed and no extension of the filing period is available.
- (3) The final judgment likely shall be in favor of the defendant or any other person with an interest in the property.

Proposed law provides that the court, at its discretion, may order the return of sufficient funds to the defendant that are less than the total amount seized and are not needed as evidence for the defendant to obtain counsel of choice.

Proposed law provides that the court may impose reasonable conditions on the return of the property, including the use of photographic evidence, to preserve the property for later use as evidence in proceedings under proposed law.

Proposed law provides that in a case where the state seeks forfeiture of property, the prosecuting authority shall file with the court a Notice of Proposed Forfeiture. Provides that the notice shall be a separate document, may accompany the initial charging instrument, or may be filed later. Provides that the Notice of Proposed Forfeiture shall include all of the following information:

- (1) A description of the property seized.
- (2) The time, date, and place of the seizure.
- (3) The seizure receipt number as provided in R.S. 40:2632, if available.
- (4) A description of how the property was used in or derived from the alleged crime.

Proposed law provides that, in the notice, the prosecuting authority may allege the forfeiture of property as a sanction related to the crime for which the defendant is charged or as part of sentencing consideration. Provides that the notice shall not be read to the jury.

Proposed law provides for services of the notice in any of the following methods:

- (1) With the initial charging instrument.
- (2) Separately but not later than ninety days after the presentment of the charging instrument for a misdemeanor.

- (3) The earlier of 90 days after presentment to a grand jury or 180 days after an arrest for a felony.
- (4) At the court's discretion.

Proposed law provides that at the court's discretion, the court may allow the prosecuting authority to amend the notice as required in the interest of justice.

Proposed law provides that the court shall order the return of the property to the owner if the prosecuting authority does not file a charging instrument as provided by the court's rules, the period of an extension expires, or the court does not grant an extension.

Proposed law provides for discovery.

Proposed law provides that property may be forfeited if both of the following occur:

- (1) The state secures a conviction of a crime as provided in proposed law.
- (2) The state establishes by a preponderance of the evidence that the property is an instrumentality of or proceeds derived directly from the crime for which the state secured a conviction.

Proposed law provides that after the defendant's conviction, the court has the discretion to hold the forfeiture proceeding as soon as practicable, including concurrent with sentencing. Provides that the court shall conduct the forfeiture proceeding without a jury.

Proposed law provides that nothing shall prevent property from being forfeited as part of any plea agreement, diversion agreement, or a grant of immunity or reduced punishment, with or without the filing of a criminal charge, in exchange for testifying or assisting a law enforcement investigation or prosecution.

Proposed law provides that the parties may file notice, under seal, with the court if the person is represented by counsel for the purposes of effectuating a forfeiture pursuant to proposed law. Provides that if the person is not represented by counsel, the prosecuting authority may file an ex parte notice, under seal, with the court. Provides that the ex parte notice shall advise the court of the reason for granting immunity, reducing punishment, or not filing a charge.

Proposed law provides that the court may use the ex parte notice in its consideration of an order to transfer of title to the property to the state and dispose the property pursuant to proposed law.

Proposed law provides that the court may waive the conviction requirement provided in proposed law and grant title to the property to the state if the prosecuting authority files a motion no fewer than 90 days after seizure and shows by a preponderance of the evidence that any of the following occurred before conviction:

- (1) The defendant died.
- (2) The defendant was deported by the U.S. government.
- (3) The defendant abandoned the property.
- (4) The defendant fled the jurisdiction.

Proposed law provides that the death of the defendant does not preclude any heir or legatee of the defendant from filing a claim for recovery of the seized property. Provides that the

prosecuting authority shall attempt to notify any heir or legatee of the defendant's seized property upon the defendant's death.

Proposed law provides that the defendant may petition the court to determine whether the forfeiture is unconstitutionally excessive under the state or U.S. Constitution. Provides that the court may, at its discretion, hold a proportionality hearing in any of the following manners:

- (1) As a separate hearing.
- (2) At the same time as a probable-cause determination, a post-arraignment hearing, a suppression hearing, or other pretrial hearing.
- (3) At trial.
- (4) Upon conviction.

Proposed law provides that the defendant has the burden of establishing that the forfeiture is unconstitutionally excessive by a preponderance of the evidence at a hearing conducted by the court without a jury.

Proposed law provides that when the hearing is held prior to conviction, the court shall determine, by a preponderance of the evidence, the likelihood of the prosecuting attorney will secure a conviction. Provides that the court shall then determine if the forfeiture is unconstitutionally excessive.

Proposed law provides that at a hearing at any time, the court may consider all of the following relevant factors to determine if the forfeiture is unconstitutionally excessive:

- (1) The seriousness of the crime and its impact on the community, including the duration of the activity, use of a firearm, and harm caused by the defendant.
- (2) The extent to which the defendant participated in the crime.
- (3) The extent to which the property was used in committing the crime.
- (4) Whether the crime was completed or attempted.
- (5) The sentence or fine to be imposed for committing the crime.
- (6) The hardship to the defendant if the forfeiture of a motor vehicle would deprive the defendant of the defendant's livelihood.
- (7) An unjust hardship to the defendant's family if the property is forfeited.

Proposed law provides that the court may consider all relevant factors related to the fair market value of the property in determining the value of the instrumentality subject to forfeiture, including any publication advised by the prosecuting authority as provided proposed law.

Proposed law provides that the court may not consider the value of the property to the state in determining whether the forfeiture is unconstitutionally excessive.

Proposed law provides that property encumbered by a security interest shall not be forfeited. Provides that the prosecuting authority shall return property to a secured interest holder, other than the defendant or an innocent owner, up to the value of the interest.

Proposed law provides that if the property is not summarily returned, the secured interest holder may petition the court at any time before the court enters judgment in the criminal prosecution or grants the motion filed pursuant to proposed law. Provides that the petition may include the seizure receipt number as provided in proposed law, if available.

Proposed law provides that the court shall hear the petition within 30 days after its filing or at the court's discretion. Provides that the hearing shall be held before the court without a jury and that the court may consolidate the hearing on the petition with any other hearing before the court in the case.

Proposed law provides that the secured interest holder shall establish by a preponderance of the evidence the validity of the security interest, mortgage, lien, leasehold, lease, rental agreement, or other agreement.

Proposed law provides that if the secured interest holder alleges a valid interest but the prosecuting authority seeks to proceed, the prosecuting authority shall prove by a preponderance of the evidence any of the following:

- (1) The interest is invalid.
- (2) The interest resulted from a fraudulent conveyance.
- (3) The interest is held through a straw purchase, trust, or otherwise for the benefit of the defendant.
- (4) The secured interest holder consented to the use of the property in the crime for which the defendant is charged.

Proposed law provides that if the state fails to meet its burden provided in proposed law, the court shall order the state to relinquish claims to the property, up to the value of the interest, and return the interest to the secured interest holder.

Proposed law provides that the court may impose reasonable conditions on the return of the property, including the use of photographic evidence, to preserve the property for later use as evidence in proceedings under proposed law.

Proposed law provides that property of an innocent owner shall not be forfeited. Provides that the prosecuting authority shall return property to an innocent owner without a court order.

Proposed law provides that if the property is not returned, the innocent owner may petition the court at any time before the court enters judgment in the criminal prosecution or grants the motion filed pursuant to proposed law.

Proposed law provides that the petitioner shall file with the court a simple statement that sets forth all of the following:

- (1) The petitioner's interest or regular use of the property.
- (2) Additional facts supporting the petitioner's claim.
- (3) The relief sought by the petitioner.
- (4) The seizure receipt number provided in proposed law, if available.

Proposed law provides for waiver of the filing fee for the statement under proposed law.

Proposed law provides that the court shall hear the petition within 30 days after its filing or at the court's discretion. Provides that the hearing shall be held before the court without a jury and that the court may consolidate the hearing on the petition with any other hearing before the court in the case.

Proposed law provides that the petitioner shall establish the validity of interest or regular use of the property by a preponderance of the evidence. Provides that if the provisions of proposed law are satisfied and the prosecuting authority seeks to proceed, the prosecuting authority shall prove by a preponderance of the evidence that the petitioner is not an innocent owner based on any of the following:

- (1) The petitioner's interest in the property is invalid.
- (2) The petitioner did not regularly use the property.
- (3) The petitioner had actual knowledge the property was used in or derived directly from the crime for which the defendant is charged.
- (4) The petitioner was willfully blind to the crime of which the defendant is charged.
- (5) The petitioner was not a bona fide purchaser without notice of any defect in title and for valuable consideration.

Proposed law provides that the court shall order the state to relinquish all claims and return the property to the innocent owner if the prosecuting authority fails to meet its burden.

Proposed law provides that the court may impose reasonable conditions on the return of the property, including the use of photographic evidence, to preserve the property for later use as evidence in proceedings under proposed law.

Proposed law provides that no information contained in the petitioner's statement provided in proposed law shall be used as evidence in the criminal portion of the case. Provides that nothing shall prohibit the petitioner from providing information to any party or testifying in any trial as to facts the petitioner knows.

Proposed law provides that the defendant or convicted offender may invoke the right against self-incrimination or the marital privilege during the forfeiture proceeding. Provides that the trier of fact may draw an adverse inference from the invocation of the right or privilege.

Proposed law provides that if the prosecuting authority fails to meet its burden in the criminal or forfeiture proceeding, the court shall enter judgment dismissing the forfeiture proceeding and ordering the return of property to the rightful owner, unless the owner's possession of the property is illegal.

Proposed law provides that the court shall enter judgment forfeiting the property if the prosecuting authority meets its burden in the criminal and forfeiture proceeding. Provides that a court may enter judgment following a hearing, pursuant to a stipulation or plea agreement, or at the court's discretion.

Proposed law provides that upon the prosecuting authority's motion following conviction or at the court's discretion, the court may order the forfeiture of substitute property owned solely by the defendant up to the value of property that is beyond the court's jurisdiction or unable to be located through due diligence, only if the state proves by a preponderance of the evidence that the defendant intentionally did any of the following:

- (1) Dissipated the property.
- (2) Transferred, sold, or deposited property with a third party to avoid forfeiture.

- (3) Substantially diminished the value of property.
- (4) Commingled property with other property that cannot be divided without difficulty.

Proposed law provides that the state shall not seek personal money judgments or other remedies related to the forfeiture of property not provided for in proposed law.

Proposed law provides that a defendant is not jointly and severally liable for forfeiture awards owed by other defendants. Provides that a court may order each defendant to forfeit property on a pro rata basis or by another means the court finds equitable when ownership is unclear.

Proposed law provides that a party to a forfeiture proceeding, other than the defendant, may appeal the court's order concerning the disposition of the property upon the issuance of the order. Provides that the defendant may appeal the court's decision regarding the seizure or forfeiture of property following final judgment in the forfeiture proceeding.

Proposed law provides that in any proceeding in which a property owner's claims prevail by recovering at least half of the value of the property or currency claimed, the court shall order the seizing agency or prosecuting authority at fault to pay all of the following costs:

- (1) Reasonable attorney fees and other litigation costs incurred by the petitioner.
- (2) Post-judgment interest.
- (3) Any interest actually paid from the date of seizure in cases involving currency, other negotiable instruments, or the proceeds of an interlocutory sale,

Proposed law provides that the law enforcement agency that holds the property shall return the property to the rightful owner within a reasonable period not to exceed five days after the date of a court order to return the property. Provides that the rightful owner shall not be subject to any expenses related to towing, storage or preservation of the property. Provides that the law enforcement agency that holds the property is responsible for any damages, storage fees, and related costs applicable to property returned under proposed law.

Proposed law provides that the court may order contraband to be destroyed when it is no longer needed as evidence. Provides for the sale of abandoned property or property seized from a defendant who died, was deported, or fled the jurisdiction when it is no longer needed as evidence.

Proposed law provides that if the forfeiture is granted, the court shall order the sale of forfeited property other than currency. Provides that the court may order, upon exhaustion of all appeals or at its discretion, the distribution of forfeited currency and sale proceeds to as follows in order of preference:

- (1) Restitution to the victim of the crime.
- (2) Satisfaction of recorded liens, mortgages, or filed security interests in the forfeited property.
- (3) Payment of reasonable costs for the towing, storage, maintenance, repairs, advertising and sale, and other operating costs related to the forfeited property.
- (4) Reimbursement to the seizing law enforcement agency for non-personnel operating costs, including the value of any assets used to stage drug transactions, related to the investigation of the crime.

- (5) Reimbursement to the prosecuting authority, public defender, or court-appointed attorney for non-personnel court costs, including filing fees, subpoenas, court reporters, and transcripts.

Proposed law provides that after disbursements have been made pursuant to proposed law, the court may order the remaining funds be disbursed as follows:

- (1) One-third of the total to the state general fund.
- (2) Two-thirds of the total to the Pre-K to Prosperity Literacy Fund.

Proposed law provides for the creation of the Pre-K to Prosperity Literacy Fund. Provides that the monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be credited to the fund following compliance with the requirements of present constitution.

Proposed law provides that 50% of the monies in the fund shall be used by the Dept. of Education for literacy programs for students in pre-kindergarten through third grade. Provides that the remaining 50% of monies in the fund shall be used by the La. Commission on Law Enforcement to supplement for statewide grants to law enforcement agencies for purchase of equipment.

Proposed law provides that all unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

Proposed law provides that no law enforcement agency may sell forfeited property directly or indirectly to any employee of the law enforcement agency, to a person related to an employee within the third degree of consanguinity or affinity, or to another law enforcement agency.

Proposed law preempts laws by villages, municipalities, parishes, and other governments in the state which regulate civil and criminal forfeiture.

Proposed law provides that a state or local law enforcement agency shall not transfer or offer for adoption property, seized under state law, to a federal agency for the purpose of forfeiture under federal law (18 U.S.C. Chapter 46).

Proposed law provides that seizure by state or local law enforcement agencies is pursuant to their own authority under state law and does not involve the federal government.

Proposed law provides that the state or local law enforcement is prohibited from accepting payment of any kind or distribution of forfeiture proceeds from the federal government if the state or local law enforcement agencies violates proposed law. Provides that all such proceeds should be directed to the state's general fund.

Proposed law provides that a joint task force of a law enforcement agency and a federal agency shall transfer seized property to the prosecuting authority for forfeiture under proposed law.

Proposed law provides that the joint task force may transfer seized property to the U.S. Dept. of Justice for forfeiture under federal law if the seized property includes U.S. currency that exceeds \$150,000.

Proposed law provides that a law enforcement agency is prohibited from accepting payment or distribution of any kind from the federal government if the federal government requires seized property that includes U.S. currency of \$150,000 or less to be transferred to the federal government for forfeiture under federal law.

Proposed law provides that a prosecuting authority, after consulting with the responsible attorney with the U.S. Dept. of Justice, shall establish guidelines for joint task forces and multi-jurisdictional collaboration, based on federal guidelines to safeguard against the circumvention of state law in the prosecuting authority's jurisdiction.

(Adds R.S. 40:2623-2658)