

SENATE BILL 2028

By Briggs

AN ACT to amend Tennessee Code Annotated, Title 40,  
Chapter 33, Part 2, relative to civil asset forfeiture.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-33-210, is amended by deleting subdivision (b)(1) and substituting instead the following:

(1)

(A) If the seizing agency, acting in good faith, fails to carry the burden of proof at the hearing:

(i) Forfeiture of the seized property is barred;

(ii) The property shall be immediately returned to the claimant;

and

(iii) A person who has property seized in accordance with this part and who prevails in a claim or action to recover the seized property shall be entitled to reasonable attorney fees and administrative hearing or court costs necessarily incurred in seeking the return of the seized property and in bringing the claim or action. Such fees and costs shall be paid or reimbursed by the seizing agency.

(B) If acting in good faith, the seizing officer and the agency employing the officer are immune from civil liability for the seizure.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to all seizures under the chapter occurring on or after that date.