

HOUSE BILL NO. HB0076

Property forfeitures and seizures.

Sponsored by: Representative(s) Kroeker, Baker, Gingery,
Hutchings, Jaggi, Loucks, McKim, Miller,
Reeder and Watt and Senator(s) Case

A BILL

for

1 AN ACT relating to forfeitures and seizures; specifying the
2 burden of proof for forfeiture of property; and providing
3 for an effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

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7 **Section 1.** W.S. 35-7-1049(a)(v)(A) and (c) is amended
8 to read:

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10 **35-7-1049. Forfeitures and seizures generally;**
11 **property subject to forfeiture.**

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13 (a) The following are subject to forfeiture:

14

15 (v) All conveyances including aircraft, vehicles
16 or vessels, knowingly used or intended for use to transport

1 or in any manner to knowingly facilitate the transportation
2 for the sale or receipt of property described in paragraph
3 (a)(i) or (ii) of this section may be seized by the
4 commissioner and forfeited to the state pursuant to
5 subsection (e) of this section:

6

7 (A) No conveyance used by any person as a
8 common carrier in the transaction of business as a common
9 carrier is subject to forfeiture under this section unless
10 ~~it appears~~ it is shown by clear and convincing evidence
11 that the owner or corporate officer is a consenting party
12 or privy to a violation of this act;

13

14 (c) Prompt institution of proceedings. - In the event
15 of seizure pursuant to subsection (b) of this section,
16 proceedings under subsection (d) of this section shall be
17 instituted promptly in a district court having jurisdiction
18 over the property. The commissioner shall prove by clear
19 and convincing evidence that the seized property is subject
20 to forfeiture under subsection (a) of this section.

21

1 **Section 2.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)