

Sponsored By: Joint Judiciary Interim Committee

AN ACT relating to the Wyoming Controlled Substances Act; amending and expanding procedures and requirements for forfeiting and seizing property; providing definitions; conforming provisions; and providing for an effective date.

12/16/2014 Bill Number Assigned
 1/13/2015 S Received for Introduction
 1/14/2015 S Introduced and Referred to S01 - Judiciary
 1/19/2015 Judiciary:Recommend Amend and Do Pass 3-2-0-0-0

ROLL CALL

Ayes: Senator(s) Christensen, Hicks, Kinskey

Nays: Senator(s) Esquibel, F., Von Flatern

Ayes 3 **Nays** 2 **Excused** 0 **Absent** 0 **Conflicts** 0

1/19/2015 S Placed on General File

SF0014SS001/ADOPTED

Page 3-line 4 Delete "shall" insert "may".
 Page 3-line 18 Delete "shall" insert "may".
 Page 4-line 4 Delete "ancillary".
 Page 4-line 13 After "the" insert "empaneled".
 Page 4-line 14 Delete "be retained to" insert "also".
 Page 5-line 1 After "the" insert "empaneled"; delete "be".
 Page 5-line 2 Delete "retained to" insert "also".
 Page 5-line 23 Delete "ancillary".
 Page 7-line 2 After "establishes" insert "it has a perfected lien in the property or proves". CHRISTENSEN, CHAIRMAN

1/21/2015 S COW Passed

SF0014S2001/ADOPTED

Page 3-line 4 Delete the Senate Standing Committee Amendment (SF0014SS001/A) to this line.
 Page 3-line 18 Delete the Senate Standing Committee Amendment (SF0014SS001/A) to this line. CHRISTENSEN

SF0014S2002/ADOPTED

Page 1-line 9 Delete "(g)" insert "(f)".
 Page 1-line 10 Delete "(h) and (j)" insert "(g) and (h)".
 Page 1-line 11 Delete "(k)" insert "(j)"; delete "(m)" insert "(k)".
 Page 1-line 12 Delete "(n)" insert "(m)"; delete "(o)" insert "(n)".
 Page 1-line 13 Delete "(p) through (r)" insert "(o) through (q)".
 Page 2-line 5 Delete "(r)" insert "(q)".
 Page 2-line 23 Delete "(n)" insert "(m)".
 Page 3-line 3 Delete "(j) (vi)" insert "(h) (vi)"; delete "(k) through (n)" insert "(j) through (m)".

Page 3-lines 12 through 19 Delete including the Senate Standing Committee Amendment (SF0014SS001/A) and the Christensen Second Reading Amendment (SF0014S2001/A) to these lines and insert:

"(ii) Upon dismissal, acquittal or conviction of a violation that is not a felony, the property shall be returned to the person from whom it was seized;

(iii) After a verdict or finding of guilty, or after a plea of guilty or nolo contendere is accepted, the court shall conduct a forfeiture hearing to determine if the property is subject to forfeiture under this section. If the court finds under a preponderance of evidence standard that property is subject to forfeiture, the court shall enter a preliminary order directing the forfeiture;".

Page 3-line 21 Delete "(iii)" insert "(iv)"; delete "shall" insert "may".

Page 3-line 22 After "forfeiture" insert "additional".

Page 3-line 23 Delete ";" insert ".".

Page 4-lines 2 through 22 Delete including the Senate Standing Committee Amendment (SF0014SS001/A) to these lines.

Page 5-lines 1 through 8 Delete and insert:

(e) If the court makes a preliminary order of forfeiture of property, legal interests of persons other than a party to the criminal action shall be determined, subject to the following:

Page 5-line 13 Delete "to" insert "by first class mail to the last known address of".

Page 5-line 14 Delete "reasonably" insert ", after reasonable inquiry,"; delete "claimant" insert "owner or lien holder in the property".

Page 5-line 19 After "notice" insert "or, if notice is mailed under this paragraph, not later than thirty (30) days after mailing written notice".

Page 5-line 21 Delete "a petition" insert "a timely response".

Page 7-line 1 Delete "(g)" insert "(f)".

Page 7-line 2 Delete "if" insert "to the extent that".

Page 7-line 3 After "that" insert "he has a perfected priority interest in the property or proves".

Page 7-line 9 Delete ":" insert "did not reasonably know of the conduct of the defendant related to the violation;".

Page 7-lines 11 through 19 Delete.

Page 8-line 11 Delete "(h)" insert "(g)".

Page 8-line 20 After "value" insert "or may sell the property for value and hold the proceeds thereof".

Page 9-line 10 Delete "(j)" insert "(h)".

Page 13-line 2 Delete "(k)" insert "(j)".

Page 13-line 11 Delete "(m)" insert "(k)".

Page 13-line 19 Delete "(n)" insert "(m)".

Page 14-line 5 Delete "(o)" insert "(n)".

Page 14-line 17 Delete "(p)" insert "(o)".

Page 14-line 19 Delete "(j) (vi)" insert "(h) (vi)"; delete "(k)" insert "(j)".

Page 14-line 20 Delete "(n)" insert "(m)".

Page 14-line 21 Delete "(o)" insert "(n)".

Page 15-line 9 Delete "(q)" insert "(p)".

Page 15-line 16 Delete "(j) (vi)" insert "(h) (vi)".

Page 15-line 17 Delete "(k) through (n)" insert "(j) through (m)".
Page 15-line 19 Delete "(r)" insert "(q)".
Page 15-line 20 Delete "(o)" insert "(n)". PERKINS

1/22/2015 S 2nd Reading:Passed

SF0014S3001/ADOPTED

Page 3-lines 12 through 19 In the Perkins Second Reading Amendment (SF0014S2002/A) to these lines delete paragraph (ii) created by that amendment and insert:

"(ii) All property shall be returned to the person from whom it was seized unless there is a finding or verdict of guilt, an admission of guilt or a plea of nolo contendere to a felony under this act;". PERKINS

1/23/2015 S 3rd Reading:Passed 26-3-1-0-0

ROLL CALL

Ayes: Senator(s) Anderson, J.D.(SD02), Anderson, J.L.(SD28), Bebout, Burns, Case, Christensen, Coe, Cooper, Craft, Dockstader, Emerich, Esquibel, Geis, Hastert, Hicks, Johnson, Kinskey, Landen, Nicholas Pres, Pappas, Perkins, Peterson, Ross, Rothfuss, Scott, Wasserburger

Nays: Senator(s) Barnard, Meier, Von Flatern

Excused: Senator Driskill

Ayes 26 **Nays** 3 **Excused** 1 **Absent** 0 **Conflicts** 0

1/27/2015 H Received for Introduction

1/29/2015 H Introduced and Referred to H01 - Judiciary

2/3/2015 Judiciary:Recommend Amend and Do Pass 7-2-0-0-0

ROLL CALL

Ayes: Representative(s) Baker, Esquibel, K., Halverson, Kroeker, Miller, Pelkey, Winters

Nays: Representative(s) Krone, Pownall

Ayes 7 **Nays** 2 **Excused** 0 **Absent** 0 **Conflicts** 0

2/3/2015 H Placed on General File

SF0014HS001/ADOPTED

(TO ENGROSSED COPY)

Page 5-line 20 Delete "ancillary".

Page 6-line 10 Delete "priority" insert "security".

Page 6-line 16 Delete "did not reasonably know" insert "could not have reasonably known". MILLER, CHAIRMAN

2/4/2015 H COW Passed

2/5/2015 H 2nd Reading:Passed

SF0014H3001/WITHDRAWN

SF0014H3002/ADOPTED

(TO ENGROSSED COPY)

Delete the standing committee amendment (SF0014HS001/A) entirely.
KROEKER, CONNOLLY, MILLER

SF0014H3003/FAILED

(TO ENGROSSED COPY)

Delete the standing committee amendment (SF0014HS001/A) entirely.

Delete the Kroeker et al. third reading amendment (SF0014H3002/A) entirely. Further amend as follows:

Page 1-line 2 Delete "and expanding".

Page 1-line 3 Delete "providing definitions;".

Page 1-line 4 Delete "conforming provisions;".

Page 1-line 8 After "W.S." delete the balance of line and insert "35-7-1049(c) and (d) (intro) is amended to read:".

Page 1-lines 9 through 14 Delete entirely.

Page 2-lines 4 through 14 Delete entirely.

Page 2-line 17 through 23 Delete all new language, strike all existing language and insert:

"In the event of seizure pursuant to subsection (b) of this section, forfeiture proceedings shall be instituted promptly. The proceedings and judgment of forfeiture shall be in rem and shall be primarily against the property itself and shall be in accordance with the Wyoming Rules of Civil Procedure. Upon clear and convincing evidence that property subject to forfeiture was used in violation of the Wyoming Controlled Substances Act, the court shall order the seized property forfeited to the commissioner. The one (1) year statute of limitations under W.S. 1-3-105(a) (v) (D) shall apply to all forfeiture proceeds."

Page 3-line 2 through page-7 line 6 Delete entirely.

Page 7-line 8 Reinsert stricken "(d)"; delete "(g)".

Page 7-line 13 Reinsert all stricken language; after "proceedings." insert "Seized property shall be returned if the commissioner determines that the property is not subject to forfeiture.".

Page 7-line 14 through 22 Reinsert all stricken language; delete all new language.

Page 8-lines 1 through 6 Reinsert all stricken language.

Page 8-line 8 through page 14-line 21 Delete entirely. KRONE, POWNALL

2/6/2015 H 3rd Reading:Laid Back
 2/9/2015 H 3rd Reading:Passed 54-6-0-0-0

ROLL CALL

Ayes: Representative(s) Allen, Baker, Baldwin, Barlow, Blackburn, Blake, Brown Speaker, Burkhart, Byrd, Campbell, Cannady, Clem, Connolly, Edmonds, Edwards, Eklund, Esquibel, Freeman, Gay, Greear, Halverson, Harvey, Hunt, Jaggi, Jennings, Kasperik, Kirkbride, Kroeker, Larsen Lloyd, Laursen Dan, Lindholm, Lockhart, Loucks, Madden, McKim, Miller, Moniz, Nicholas, Northrup, Patton, Paxton, Pelkey, Petroff, Piiparinen, Reeder, Schwartz, Sommers, Steinmetz, Stubson, Throne, Wilson, Winters, Zwonitzer,Dn, Zwonitzer,Dv

Nays: Representative(s) Berger, Dayton, Harshman, Krone, Pownall, Walters

Ayes 54 **Nays** 6 **Excused** 0 **Absent** 0 **Conflicts** 0

2/11/2015 Assigned Number SEA No. 0001
 2/11/2015 S President Signed SEA No. 0001
 2/12/2015 H Speaker Signed SEA No. 0001
 2/27/2015 Governor Vetoed SEA No. 0001
 2/27/2015 S Did Not Override Veto 7-23-0-0-0

ROLL CALL

Ayes: Senator(s) Burns, Case, Christensen, Cooper, Meier, Peterson, Scott

Nays: Senator(s) Anderson, J.D.(SD02), Anderson, J.L.(SD28), Barnard, Bebout, Coe, Craft, Dockstader, Driskill, Emerich, Esquibel, Geis, Hastert, Hicks, Johnson, Kinskey, Landen, Nicholas Pres, Pappas, Perkins, Ross, Rothfuss, Von Flatern, Wasserburger

Ayes 7 **Nays** 23 **Excused** 0 **Absent** 0 **Conflicts** 0