

HOUSE BILL NO. HB0206

Asset forfeiture.

Sponsored by: Representative(s) Lone, Biteman, Clem,
Edwards, Gray and Jennings

A BILL

for

1 AN ACT relating to asset forfeiture; specifying disposition
2 of property and proceeds from forfeited assets; allowing a
3 person to present evidence and cross examine witnesses at a
4 probable cause hearing to determine validity of a seizure
5 of assets; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 7-2-105(c) and (n) and
10 35-7-1049(b)(iii)(B)(I), (w), (y)(ii) and (z) are amended
11 to read:

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13 **7-2-105. Disposition and appraisal of property seized**
14 **or held; notice and order to show cause; judgment.**

15

1 (c) If the property is lost, mislaid, abandoned or
2 unclaimed or if possession of the property is unlawful, the
3 law enforcement agency shall seek in circuit court or
4 district court an order to show cause why the property
5 should not be sold or forfeited and sold at public auction.
6 ~~or transferred to the use of the law enforcement agency.~~ If
7 the lawful owner of the property can reasonably be
8 ascertained, the property shall be delivered to him without
9 judicial action unless the property constitutes evidence of
10 a crime, the possession of the property would be unlawful
11 or ownership and interest are in dispute.

12
13 (n) The balance of the proceeds, if any, shall be
14 deposited ~~in~~ into the state general ~~operating account of~~
15 ~~the state, county or municipal entity that has fiscal~~
16 ~~authority over the law enforcement agency confiscating the~~
17 ~~property~~ fund.

18
19 **35-7-1049. Forfeitures and seizures generally;**
20 **property subject to forfeiture.**

21
22 (b) Property subject to forfeiture under this act may
23 be seized by any law enforcement officer of the state upon

1 process issued by any district court or district court
2 commissioner having jurisdiction over the property. Seizure
3 without process may be made if:

4

5 (iii) The board or commissioner has probable
6 cause to believe that the property was used or is intended
7 to be used in violation of this act. Prior to property
8 being seized by any law enforcement officer of the state
9 pursuant to this paragraph, the following procedures shall
10 be followed:

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12 (B) If the commissioner determines there is
13 probable cause to seize the property, he shall direct the
14 officer to seize the property. At the time of the seizure,
15 the person or persons from whom the property was seized
16 shall be given written notice that the seized property is
17 subject to forfeiture. The notice shall include an
18 advisement that:

19

20 (I) The person has the right to attend
21 the hearing required by subsection (c) of this section, ~~but~~
22 and shall ~~not~~ have the right to present evidence ~~or~~ and
23 cross examine any witness;

1

2 (w) Any law enforcement agency of this state may
3 accept, and receive, ~~dispose of and expend~~ the property or
4 proceeds from any property forfeited to the federal
5 government or any state and allocated to the agency by the
6 United States attorney general pursuant to 21 U.S.C. 881(e)
7 or any law of another state. The property ~~or~~ shall be
8 disposed of pursuant to subsection (r) of this section and
9 proceeds shall be ~~in addition to funds appropriated to the~~
10 ~~law enforcement agency by the state legislature or any unit~~
11 ~~of local government. The property or proceeds may be~~
12 credited to ~~any lawfully created fund or account designated~~
13 ~~to receive proceeds of forfeitures~~ the state general fund.

14

15 (y) Any law enforcement agency of this state which
16 receives property or proceeds pursuant to subsection (w) of
17 this section shall report to the attorney general on forms
18 to be prescribed by the attorney general:

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20 (ii) The disposition ~~or expenditure~~ of any
21 property ~~or~~ and the deposit into the state general fund of
22 any proceeds within ninety (90) days from the disposition
23 or ~~expenditure~~ deposit.

1

2 (z) The attorney general shall submit an annual
3 report to the joint appropriations ~~interim~~ committee and
4 the joint judiciary interim committee not later than August
5 1 concerning recipients and the amount of property and
6 proceeds accepted, received, disposed of or ~~expended~~
7 deposited into the state general fund during the prior
8 calendar year under this section by law enforcement
9 agencies, other than property subject to summary
10 forfeiture.

11

12 **Section 2.** W.S. 35-7-1049(r)(v) is repealed.

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14 **Section 3.** This act applies to seizures and
15 forfeitures of property and proceeds on and after July 1,
16 2017.

17

18 **Section 4.** This act is effective July 1, 2017.

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20

(END)