

Regular Session, 2010
HOUSE BILL NO. 320
BY REPRESENTATIVE RICHARDSON

ACT No. 363

1 AN ACT

2 To enact R.S. 15:33, relative to forfeiture; to provide for the confiscation and destruction of
3 items used in the commission of an offense; to provide for exceptions; to provide for
4 definitions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 15:33 is hereby enacted to read as follows:

7 §33. Confiscation and destruction of criminal instruments

8 A.(1) All law enforcement officers are hereby authorized to confiscate and
9 dispose of any criminal instrument in accordance with the procedures provided for
10 in R.S. 15:41.

11 (2) If the criminal instrument is a firearm, it shall be disposed of in
12 accordance with the provisions of R.S. 40:1798.

13 B. For purposes of this Section:

14 (1) "Criminal instrument" refers to anything specially designed, made,
15 adapted for use, or actually used in the commission of an offense, regardless of
16 whether the possession, manufacture, or sale of the thing itself is unlawful and shall
17 be considered contraband for purposes of Article I, Section 4 of the Constitution of
18 Louisiana.

19 (2) "Law enforcement officer" means any officer, as defined in R.S. 40:2402,
20 and includes any constable, marshal, deputy marshal, sheriff, deputy sheriff, local
21 or state police officer, commissioned wildlife enforcement agent, federal law
22 enforcement officer, jail or prison guard, judge, attorney general, assistant attorney
23 general, attorney general's investigator, inspector general, inspector general's

1 investigator, district attorney, assistant district attorney, or district attorney's
2 investigator.

3 C. The provisions of this Section shall apply only to criminal instruments
4 which are not to be used as evidence, are no longer needed as evidence, or are no
5 longer necessary for judicial proceedings.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____