HLS 18RS-358 ORIGINAL

2018 Regular Session

HOUSE BILL NO. 92

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BY REPRESENTATIVE ZERINGUE

CRIMINAL/FORFEITURE: (Constitutional Amendment) Expands the type of property that may be forfeited and disposed of in a civil proceeding

A JOINT RESOLUTION

Proposing to amend Article I, Section 4(D) of the Constitution of Louisiana, relative to prosperity; to expand the type of property that may be forfeited and disposed of in a civil proceeding as provided by law; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to

amend Article I, Section 4(D) of the Constitution of Louisiana, to read as follows:

§4. Right to Property

* * *

(D) The following property may be forfeited and disposed of in a civil proceeding, as provided by law: contraband drugs; property derived in whole or in part from contraband drugs; property used in the distribution, transfer, sale, felony possession, manufacture, or transportation of contraband drugs; property furnished or intended to be furnished in exchange for contraband drugs; property used or intended to be used to facilitate any of the above conduct; or other property because the above-described property has been rendered unavailable. <u>In addition, all property, immovable or movable, including money, used in the course of, intended</u>

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1 for use in the course of, derived from, or realized through a pattern of racketeering 2 activity may be forfeited and disposed of in a civil proceeding, as provided by law. 3 4 Section 2. Be it further resolved that this proposed amendment shall be submitted 5 to the electors of the state of Louisiana at the statewide election to be held on November 6, 6 2018. 7 Section 3. Be it further resolved that on the official ballot to be used at the election. 8 there shall be printed a proposition, upon which the electors of the state shall be permitted 9 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as 10 follows: 11 Do you support an amendment to expand the type of property that may be 12 forfeited and disposed of in a civil proceeding, as provided by law, to include 13 all property used or intended for use in the course of, derived from, or 14 realized through a pattern of racketeering activity? (Amends Article I, 15 Section 4(D))

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 92 Original

2018 Regular Session

Zeringue

Abstract: Expands the type of property that may be forfeited and disposed of in a civil proceeding, as provided by law, to include all property used or intended for use in the course of, derived from, or realized through a pattern of racketeering activity.

<u>Present constitution</u> authorizes the forfeiture and disposition of the following property in a civil proceeding, as provided by law: contraband drugs; property derived in whole or in part from contraband drugs; property used in the distribution, transfer, sale, felony possession, manufacture, or transportation of contraband drugs; property furnished or intended to be furnished in exchange for contraband drugs; property used or intended to be used to facilitate any of the above conduct; or other property because the above-described property has been rendered unavailable.

<u>Proposed constitutional amendment</u> retains <u>present constitution</u> and expands the type of property that may be forfeited and disposed of in a civil proceeding, as provided by law, to include all property, immovable or movable, including money, used or intended for use in the course of, derived from, or realized through a pattern of racketeering activity.

"A pattern of racketeering activity" is defined by <u>present law</u> as engaging in at least two incidents of "racketeering activity" (which includes certain enumerated <u>present law</u> criminal

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offenses) that occur within five years of each other and that have the same or similar intents, results, principals, victims, or methods of commission or otherwise are interrelated by distinguishing characteristics and are not isolated incidents.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 6, 2018.

(Amends Const. Art. I, §4(D))