

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 444
100TH GENERAL ASSEMBLY

0909H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 513, RSMo, by adding thereto one new section relating to asset forfeiture.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 513, RSMo, is amended by adding thereto one new section, to be
2 known as section 513.655, to read as follows:

**513.655. 1. No law enforcement agency or prosecuting authority shall refer,
2 transfer, or otherwise relinquish possession of property seized under state law to a federal
3 agency by way of adoption of the seized property or other means for the purpose of the
4 property's forfeiture under the Controlled Substances Act (21 U.S.C. Section 881), or the
5 Comprehensive Drug Abuse Prevention and Control Act of 1970, Pub. L. 91-513, Section
6 413.**

**7 2. Law enforcement agencies that participate in a joint task force or other
8 multijurisdictional collaboration, including a task force with federal agencies, shall
9 transfer responsibility for the seized property to the state prosecuting authority for
10 forfeiture under state law.**

**11 3. If a federal agency prohibits the transfer of seized property and currency to the
12 state prosecuting authority and instead requires the property to be transferred to a federal
13 agency for forfeiture under federal law, the law enforcement agency is prohibited from
14 accepting payment of any kind or distribution of forfeiture proceeds from the federal
15 agency.**

**16 4. Nothing in subsection 2 or 3 of this section shall be construed to restrict a law
17 enforcement agency from acting alone or collaborating with another agency, including a
18 federal agency, to seize contraband or property that a law enforcement agency has
19 probable cause to believe is the proceeds or instrument of a crime.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

20 **5. Nothing in this section shall be construed to prohibit a federal agency, acting**
21 **without the involvement of a local, county, or state law enforcement agency, from seizing**
22 **property and seeking forfeiture under federal law.**

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