

FIRST REGULAR SESSION

SENATE BILL NO. 494

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EMERY.

Read 1st time February 28, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2461S.011

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 known as section 513.655, to read as follows:

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

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

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

4. Nothing in subsection 2 or 3 of this section shall be construed to restrict a law enforcement agency from acting alone or collaborating with another agency, including a federal agency, to seize contraband or property that a law enforcement agency has probable cause to

22 **believe is the proceeds or instrument of a crime.**

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

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Unofficial

Bill

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