

Date: (Filing No. H- )

JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT " " to H.P. 1002, L.D. 1368, "An Act To Require Due Process in Asset Seizure"

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 15 MRSA §5821, first ¶, as amended by PL 2017, c. 409, Pt. B, §1, is further amended to read:

Except as provided in section 5821-A or 5821-B or 5821-C, the following are subject to forfeiture to the State and no property right may exist in them:

Sec. 2. 15 MRSA §5821-C is enacted to read:

§5821-C. Property not subject to forfeiture

1. Exempt property. The following property is exempt from seizure and forfeiture:

A. United States currency totaling not more than \$100; and

B. A motor vehicle of less than \$1,000 in market value.

2. District attorney; publications. For the purposes of subsection 1, paragraph B, the district attorney shall advise which publications law enforcement agencies may use to establish the value of a motor vehicle in the district attorney's jurisdiction.

3. District attorney powers. The district attorney may establish higher values in subsection 1, paragraphs A and B if the interests of justice and efficient use of governmental resources are served in the jurisdiction based on the district attorney's determination of the:

A. Type and number of occurrences of offenses that include the seizure of property; and

B. Average value of forfeited property, less the costs to seize and forfeit it.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

COMMITTEE AMENDMENT

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**SUMMARY**

This amendment is a report of the committee. It changes the description of the property exempt from seizure and forfeiture to include United States currency totaling not more than \$100 and a motor vehicle of less than \$1,000 in market value. It states that the district attorney is required to advise which publications law enforcement agencies may use to establish the value of a motor vehicle in the district attorney's jurisdiction. It states that a district attorney may establish higher values of exempt properties if the interests of justice and efficient use of governmental resources are served in the jurisdiction based on the district attorney's determination of the type and number of occurrences of offenses that include the seizure of property and average value of forfeited property less the costs to seize and forfeit it.