

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

March 7, 2023  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB23-1086 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3           **"SECTION 1. Short title.** The short title of this act is the "Due  
4 Process Asset Forfeiture Act".

5           **SECTION 2.** In Colorado Revised Statutes, 16-13-701, **amend**  
6 (5)(a)(V)(B) and (5)(a)(VIII)(D) as follows:

7           **16-13-701. Reports related to seizures and forfeitures -**  
8 **legislative declaration - definitions.** (5) Based upon the information  
9 received on the forms submitted pursuant to subsection (4) of this section,  
10 the department shall establish and maintain a searchable, public access  
11 database that includes the following, if known at the time of reporting:

12           (a) Information from each case in which a reporting agency  
13 received any forfeiture proceeds specifying:

14           (V) The type of property seized:

15           (B) If property other than currency, any make OR model ~~or serial~~  
16 ~~number~~ related to the property and the estimated VALUE AND net equity  
17 of the property;

18           (VIII) Information relating to any forfeiture proceeding including:

19           (D) ~~If any owner was determined by the court to be an innocent~~  
20 ~~owner~~ THE OUTCOME OF THE FORFEITURE PROCEEDING, INCLUDING  
21 WHETHER THE PROPERTY OWNER DEFAULTED IN THE FORFEITURE  
22 LITIGATION; THE COURT DETERMINED THE PROPERTY OWNER WAS AN  
23 INNOCENT OWNER; OR THE PROPERTY WAS FORFEITED BY COURT ORDER,  
24 SETTLEMENT, OR PART OF A PLEA AGREEMENT;

25           **SECTION 3. Act subject to petition - effective date -**  
26 **applicability.** (1) This act takes effect September 1, 2023; except that,  
27 if a referendum petition is filed pursuant to section 1 (3) of article V of

1 the state constitution against this act or an item, section, or part of this act  
2 within the ninety-day period after final adjournment of the general  
3 assembly, then the act, item, section, or part will not take effect unless  
4 approved by the people at the general election to be held in November  
5 2024 and, in such case, will take effect January 1, 2025, or on the date of  
6 the official declaration of the vote thereon by the governor, whichever is  
7 later.  
8 (2) This act applies to seizures on or after the applicable effective  
9 date of this act."

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