

CHAPTER 419

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 23-1086

BY REPRESENTATIVE(S) DeGraaf and Joseph, Bradley, Soper, Bacon, Bockenfeld, Duran, Herod, Marshall, Ricks;
also SENATOR(S) Baisley and Winter F., Cutter.

AN ACT

CONCERNING ENACTMENT OF THE "DUE PROCESS ASSET FORFEITURE ACT", AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

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

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

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

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

(V) The type of property seized:

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

(VIII) Information relating to any forfeiture proceeding including:

(D) ~~If any owner was determined by the court to be an innocent owner~~ THE OUTCOME OF THE FORFEITURE PROCEEDING, INCLUDING WHETHER THE PROPERTY

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

OWNER DEFAULTED IN THE FORFEITURE LITIGATION; THE COURT DETERMINED THE PROPERTY OWNER WAS AN INNOCENT OWNER; OR THE PROPERTY WAS FORFEITED BY COURT ORDER, SETTLEMENT, OR PART OF A PLEA AGREEMENT;

SECTION 3. Appropriation. (1) For the 2023-24 state fiscal year, \$22,549 is appropriated to the department of local affairs. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the purchase of information technology services.

(2) For the 2023-24 state fiscal year, \$22,549 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of local affairs under subsection (1) of this section and is based on the assumption that the office will require an additional 0.2 FTE. To implement this act, the office may use this appropriation to provide information technology services for the department of local affairs.

SECTION 4. Act subject to petition - effective date - applicability. (1) This act takes effect September 1, 2023; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect January 1, 2025, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

(2) This act applies to seizures on or after the applicable effective date of this act.

Approved: June 7, 2023