

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB23-1086 be amended as follows:

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 ~~net equity~~ VALUE of the
17 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
28 the state constitution against this act or an item, section, or part of this act
29 within the ninety-day period after final adjournment of the general
30 assembly, then the act, item, section, or part will not take effect unless
31 approved by the people at the general election to be held in November
32 2024 and, in such case, will take effect January 1, 2025, or on the date of
33 the official declaration of the vote thereon by the governor, whichever is
34 later.

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

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