

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0305.02 Owen Hatch x2698

HOUSE BILL 26-1250

HOUSE SPONSORSHIP

DeGraaf and Bacon,

SENATE SPONSORSHIP

(None),

House Committees

Judiciary
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROCEDURES RELATING TO STATE ACTION RESULTING IN**
102 **THE RELINQUISHMENT OF PRIVATE PROPERTY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill clarifies an existing requirement for the criminal conviction of an owner by requiring that one or more criminal charges must be brought as a prerequisite to any nuisance abatement or forfeiture proceeding.

Existing law provides an exception to the conviction requirement that no criminal conviction is necessary if the plaintiff proves its case by

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

clear and convincing evidence. The bill repeals this exception, while retaining other various exceptions that allow forfeiture actions to proceed against the interest of a claimant.

The bill establishes a right to forfeiture defense counsel and creates a procedure for the appointment of forfeiture defense counsel in nuisance abatement and forfeiture proceedings. The bill creates a forfeiture counsel defense fund, in the care of the state court administrator, to pay for appointed forfeiture defense counsel who are authorized to represent persons against whom a nuisance abatement or forfeiture proceeding has been filed in connection with criminal charges. The bill transfers \$1.1 million from the law enforcement community services grant program fund to the forfeiture counsel defense fund.

The bill alters the disposition of property and proceeds ordered forfeited in a nuisance abatement or forfeiture action. Currently, forfeited property and proceeds are applied first toward restitution and cost recovery for a list of stakeholders, and 50% of the remainder is granted to the local governmental body with authority over the seizing agency, 25% of the remainder is granted to the local behavioral health administrative services organization, and 25% of the remainder is granted to the law enforcement community services grant program fund. The bill amends the disposition of the remainder so that 50% is granted to the local governmental body with authority over the seizing agency, 25% is granted to the forfeiture counsel defense fund, and 25% is granted to the law enforcement community services grant program fund.

The bill appropriates \$1.1 million to the judicial department from the forfeiture counsel defense fund.

1 *Be it enacted by the General Assembly of the State of Colorado:*
2 **SECTION 1.** In Colorado Revised Statutes, 16-13-302, **amend**
3 (2) introductory portion and (2)(f); and **repeal** (2)(e) as follows:
4 **16-13-302. Public nuisances - policy.**
5 (2) It is also the policy of the general assembly that asset forfeiture
6 pursuant to this part 3 ~~shall be~~ IS carried out pursuant to the following:
7 ~~(e) Each seizing agency retaining forfeited property for official~~
8 ~~law enforcement use shall ensure that the property is subject to controls~~
9 ~~consistent with controls which are applicable to property acquired through~~
10 ~~the normal appropriations process.~~

1 (f) Each seizing agency ~~which receives forfeiture proceeds~~ shall
2 conform with reporting, audit, and disposition procedures enumerated in
3 this ~~article~~ ARTICLE 13.

4 **SECTION 2.** In Colorado Revised Statutes, 16-13-307, **amend**
5 (1.5), (1.6), (1.7) introductory portion, (1.7)(a)(II), (1.7)(b), (1.7)(c),
6 (1.7)(d), (1.7)(e), (1.7)(f), and (5) as follows:

7 **16-13-307. Jurisdiction - venue - parties - process.**

8 (1.5) ~~No~~ A COURT SHALL NOT ENTER judgment of forfeiture of
9 property in any forfeiture proceeding ~~shall be entered~~ unless and until an
10 owner of the property is convicted of an offense listed in section
11 16-13-301 or 16-13-303, or a lesser included offense of an eligible
12 offense if the conviction is the result of a negotiated guilty plea. Nothing
13 in this section ~~shall be construed to require~~ REQUIRES the conviction to be
14 obtained in the same jurisdiction as the jurisdiction in which the forfeiture
15 action is brought. ~~In the event~~ ONE OR MORE criminal charges MUST BE
16 FILED arising from the ~~same~~ activity giving rise to the forfeiture,
17 ~~proceedings are filed against any individual claiming an interest in the~~
18 ~~property subject to the forfeiture proceeding, the trial and discovery~~
19 ~~phases of the forfeiture proceeding shall be stayed by the court~~ AND THE
20 COURT SHALL STAY THE FORFEITURE PROCEEDING until the disposition of
21 the criminal charges. ~~A~~ THE stay ~~shall not~~ MUST be maintained during an
22 appeal or post-conviction proceeding challenging a criminal conviction.
23 Nothing in this section ~~shall be construed to prohibit or prevent~~ PROHIBITS
24 OR PREVENTS the parties from contemporaneously resolving criminal
25 charges and a forfeiture proceeding arising from the same activity.

26 (1.6) Upon acquittal or dismissal of a criminal action against a
27 person named in a forfeiture action related to the criminal action; ~~unless~~

1 ~~the forfeiture action was brought pursuant to one or more of paragraphs~~
2 ~~(a) to (f) of subsection (1.7)~~ EXCEPT THAT, IF A PROVISION OF SUBSECTION
3 (1.7) of this section APPLIES, the forfeiture claim shall be dismissed and
4 the seized property shall be returned as respects the subject matter
5 property or interest ~~therein~~ of that person, if the case has been adjudicated
6 as to all other claims, interests, and owners, unless possession of the
7 property is illegal. If the forfeiture action is dismissed or judgment is
8 entered in favor of the claimant, the claimant ~~shall not be~~ IS NOT subject
9 to any monetary charges by the state for storage of the property or
10 expenses incurred in the preservation of the property, unless at the time
11 of dismissal the plaintiff shows that those expenses would have been
12 incurred to prevent waste of the property even if it had not been seized.

13 (1.7) Notwithstanding ~~the provisions of~~ subsection (1.5) of this
14 section:

15 (a) (II) If a person lacks standing pursuant to this ~~paragraph (a)~~
16 SUBSECTION (1.7)(a), the forfeiture action may proceed AGAINST THE
17 PERSON'S INTEREST IN THE PROPERTY, and a judgment of forfeiture may
18 be entered without ~~a~~ THE PERSON'S criminal conviction, ~~of an owner,~~ upon
19 motion and notice as provided in the rules of civil procedure.

20 (b) If, following THE DISPOSITION OF THE CRIMINAL CASE AND
21 notice to all persons known to have an interest, or who have asserted an
22 interest in the property subject to forfeiture, ~~an~~ NO owner ~~fails to file~~
23 FILES an answer or other appropriate pleading with the court claiming an
24 interest in the subject matter property, or no person establishes standing
25 to contest the forfeiture action pursuant to section 16-13-303 (5), a
26 forfeiture action may proceed and a judgment of forfeiture may be entered
27 without a criminal conviction of an owner.

1 (c) If the plaintiff proves by clear and convincing evidence that
2 the property was instrumental in the commission of an offense listed in
3 section 16-13-303 (1) or that the property is traceable proceeds of the
4 offense or related criminal activity by a nonowner and the plaintiff proves
5 by clear and convincing evidence that an owner is not an innocent owner
6 pursuant to section 16-13-303 (5.2)(a), a judgment of forfeiture may be
7 entered ~~without~~ ONLY AFTER a criminal conviction of ~~an owner~~ THE
8 NONOWNER IN THE UNDERLYING CRIMINAL OFFENSE RELATED TO THE
9 PROPERTY SUBJECT TO THE FORFEITURE PROCEEDING.

10 (d) If an owner of the property who was involved in the public
11 nuisance act or conduct giving rise to the claim of forfeiture subsequently
12 dies, THE FORFEITURE ACTION MAY PROCEED AGAINST THE OWNER'S
13 INTEREST IN THE PROPERTY, and IF THE PLAINTIFF PROVES THAT THE
14 DECEASED OWNER was not an innocent owner pursuant to section
15 16-13-303 (5.2)(a), a judgment of forfeiture may be entered without a THE
16 OWNER'S criminal conviction. ~~of an owner.~~

17 (e) If an owner received a deferred judgment, deferred sentence,
18 or participated in a diversion program, or in the case of a juvenile a
19 deferred adjudication or deferred sentence or participated in a diversion
20 program for the offense, THE FORFEITURE ACTION MAY PROCEED AGAINST
21 THE OWNER'S INTEREST IN THE PROPERTY, AND a judgment of forfeiture
22 may be entered without a criminal conviction.

23 (f) A defendant or claimant ~~shall be~~ IS permitted to waive the
24 requirement of a criminal conviction in order to settle a forfeiture action
25 AS TO THE DEFENDANT'S OR CLAIMANT'S INTEREST IN THE PROPERTY.

26 (5) An action to abate a public nuisance, other than a class 4
27 public nuisance, and any action in which a temporary restraining order,


1 temporary writ of injunction, or preliminary injunction is requested, shall
2 MUST be commenced by the filing of a complaint, which shall MUST be
3 verified or supported by affidavit. A summons shall MUST be issued and
4 served as in civil cases; except that a copy of the complaint, and copies
5 of any orders issued by the court at the time of filing, shall AND NOTICE
6 OF THE ABILITY TO ACCESS LEGAL REPRESENTATION PURSUANT TO
7 SECTION 16-13-318 MUST be served with the summons.

8 **SECTION 3.** In Colorado Revised Statutes, 16-13-311, **amend**
9 (3)(a) introductory portion, (3)(a)(VII)(C), (5), and (6) as follows:

10 **16-13-311. Disposition of seized personal property.**

11 (3) (a) If the prosecution prevails in the forfeiture action, the court
12 shall order the property forfeited. ~~Such~~ THE COURT'S order perfects the
13 state's right and interest in and title to ~~such~~ THE property and relates back
14 to the date when title to the property vested in the state pursuant to section
15 16-13-316. Except as otherwise provided in subsection (3)(c) of this
16 section, the court shall also order ~~such~~ THE property to be sold at a public
17 sale by the law enforcement agency in possession of the property in the
18 manner provided for sales on execution, or in another commercially
19 reasonable manner. Property forfeited pursuant to this section or proceeds
20 therefrom must be distributed or applied in the following order:

21 (VII) The balance must be delivered, upon order of the court, as
22 follows:

23 
24 (C) Twenty-five percent to the ~~law enforcement community~~
25 ~~services grant program fund, created pursuant to section 24-32-124 (5)~~
26 ~~FORFEITURE DEFENSE COUNSEL FUND, CREATED IN SECTION 16-13-318 (3).~~

27 (5) If more than one seizing agency was substantially involved in

1 effecting the forfeiture, the agencies shall enter into a stipulation with
2 regard to costs incurred by the agencies. ~~and the percentage of any~~
3 ~~remaining proceeds to be deposited for the benefit of the agencies or any~~
4 ~~property to be directly forfeited for use of such agencies.~~ Upon the filing
5 by ~~such~~ THE agencies of ~~such~~ THE stipulation with the court, the court
6 shall order the ~~proceeds or property so distributed~~ COSTS BE REIMBURSED.
7 If the agencies are unable to reach an agreement, the court shall take
8 testimony and equitably ~~distribute~~ REIMBURSE the ~~proceeds~~ COSTS.

9 (6) The state shall issue a certificate of title for a vehicle to the
10 purchaser ~~or seizing agency if said~~ THE vehicle is acquired pursuant to
11 this part 3.

12

13 **SECTION 4.** In Colorado Revised Statutes, 16-13-316, **amend**
14 (2) as follows:

15 **16-13-316. Prior liens not subject to forfeiture - vesting of title.**

16 (2) Title to real or personal property subject to forfeiture pursuant
17 to ~~the provisions of~~ this section shall vest in the state ~~and the seizing~~
18 ~~agency~~ at the earliest of:

19 (a) For currency, the time of the commission of the public
20 nuisance act;

21 (b) The time of the physical seizure of said property, except for
22 real property;

23 (c) The time of filing of a notice of seizure, as provided in
24 subsection (3) of this section;

25 (d) The time of the filing of a notice of lis pendens on real
26 property; or

27 (e) The time of the issuance of court process for seizure of

1 property, as against anyone with prior actual notice. ~~thereof~~.

2 **SECTION 5.** In Colorado Revised Statutes, **add** 16-13-318 as
3 follows:

4 **16-13-318. Forfeiture defense counsel - fund - definitions.**

5 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

7 (a) "ADMINISTRATOR" MEANS THE STATE COURT ADMINISTRATOR
8 APPOINTED PURSUANT TO SECTION 13-3-101.

9 (b) "FORFEITURE DEFENDANT" MEANS A PERSON WHO CLAIMS AN
10 INTEREST IN PROPERTY SUBJECT TO A FORFEITURE PROCEEDING. ■ ■

11 (c) "FORFEITURE PROCEEDING" MEANS AN ACTION TO ABATE A
12 PUBLIC NUISANCE PURSUANT TO THIS PART 3, OR AN ACTION FOR
13 FORFEITURE DESCRIBED IN PART 5 OF THIS ARTICLE 13.

14 (d) "FUND" MEANS THE FORFEITURE DEFENSE COUNSEL FUND
15 ESTABLISHED IN SUBSECTION (3) OF THIS SECTION.

16 (e) "PRIVATE CONTRACTOR" MEANS THE PRIVATE CONTRACTOR
17 SELECTED BY THE ADMINISTRATOR PURSUANT TO SUBSECTION (3)(c) OF
18 THIS SECTION.

19 (2) (a) AN INDIGENT FORFEITURE DEFENDANT HAS THE ABILITY TO
20 ACCESS TO LEGAL REPRESENTATION.

21 (b) UPON A FORFEITURE DEFENDANT'S REQUEST, THE COURT SHALL
22 ■ ■ CONTINUE THE FORFEITURE PROCEEDING FOR TWENTY-ONE DAYS OR
23 MORE AFTER THE FORFEITURE DEFENSE COUNSEL BEGINS REPRESENTATION
24 UNLESS THE FORFEITURE DEFENSE COUNSEL WAIVES THE CONTINUANCE.
25 AT ANY TIME BEFORE THE CONTINUANCE ENDS, THE FORFEITURE
26 DEFENDANT IS ALLOWED TO FILE AN INITIAL OR AMENDED ANSWER OR
27 OTHER APPROPRIATE PLEADING TO THE COMPLAINT OR PETITION.

1 (c) A FORFEITURE DEFENDANT MAY CHOOSE TO APPOINT PRIVATE
2 COUNSEL FOR A FORFEITURE PROCEEDING, OR MAY CHOOSE TO REPRESENT
3 THEMSELF.

4 [REDACTED]
5 (d) THE PRIVATE CONTRACTOR SHALL, PURSUANT TO THE SERVICE
6 AGREEMENT ENTERED INTO PURSUANT TO SUBSECTION (3)(c) OF THIS
7 SECTION, PAY THE FORFEITURE DEFENSE COUNSEL AN AMOUNT NOT TO
8 EXCEED THREE THOUSAND FIVE HUNDRED DOLLARS FOR REPRESENTING
9 THE FORFEITURE DEFENDANT IN A FORFEITURE PROCEEDING UNLESS THE
10 COURT FINDS GOOD CAUSE FOR A HIGHER PAYMENT. IF THE COURT FINDS
11 GOOD CAUSE FOR A HIGHER PAYMENT, THE PRIVATE CONTRACTOR SHALL
12 PAY THE FORFEITURE DEFENSE COUNSEL THE AMOUNT ORDERED.

13 (e) NOTHING IN THIS SECTION PREVENTS FORFEITURE DEFENSE
14 COUNSEL FROM WITHDRAWING REPRESENTATION OF AN INDIGENT
15 FORFEITURE DEFENDANT IN ACCORDANCE WITH THE COLORADO RULES OF
16 PROFESSIONAL CONDUCT. IF A FORFEITURE DEFENSE COUNSEL WITHDRAWS
17 REPRESENTATION OF AN INDIGENT FORFEITURE DEFENDANT, THE COURT
18 MAY REQUIRE THE PRIVATE CONTRACTOR TO APPOINT ANOTHER
19 FORFEITURE DEFENSE COUNSEL FOR THE DEFENDANT IF THE COURT FINDS
20 THE INTEREST OF JUSTICE REQUIRES ANOTHER APPOINTMENT.

21 (f) (I) IF A FORFEITURE DEFENDANT IS REPRESENTED BY
22 FORFEITURE DEFENSE COUNSEL AND PREVAILS IN THE FORFEITURE
23 PROCEEDING, THE COURT SHALL ORDER THE PLAINTIFF TO REIMBURSE THE
24 FORFEITURE COUNSEL DEFENSE FUND IN THE AMOUNT OF THE PAYMENT
25 MADE TO THE FORFEITURE DEFENSE COUNSEL PURSUANT TO SUBSECTION
26 (2)(d) OF THIS SECTION. THE ADMINISTRATOR SHALL TRANSMIT ALL
27 MONEY RECEIVED PURSUANT TO THIS SUBSECTION (2)(f)(I) AS

1 REIMBURSEMENT TO THE FUND TO THE STATE TREASURER, WHO SHALL
2 CREDIT THE MONEY TO THE FUND.

3 (II) IF A FORFEITURE DEFENDANT IS REPRESENTED BY PRIVATE
4 COUNSEL AND PREVAILS IN THE FORFEITURE PROCEEDING, THE COURT
5 SHALL ORDER THE PLAINTIFF TO REIMBURSE PRIVATE COUNSEL FOR
6 REASONABLE ATTORNEY FEES INCURRED DEFENDING THE FORFEITURE
7 PROCEEDING.

8 (3) (a) THE FORFEITURE DEFENSE COUNSEL FUND IS CREATED IN
9 THE STATE TREASURY.

10 (b) THE FUND CONSISTS OF MONEY TRANSFERRED TO THE FUND
11 PURSUANT TO SECTIONS 16-13-311 AND 24-32-124 (8) AND ANY OTHER
12 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
13 TO THE FUND. THE ADMINISTRATOR MAY SEEK, ACCEPT, AND EXPEND
14 GIFTS, GRANTS, OR DONATIONS FROM PUBLIC OR PRIVATE SOURCES FOR
15 THE PURPOSES OF THIS SECTION. THE ADMINISTRATOR SHALL TRANSMIT
16 ALL MONEY RECEIVED FROM GIFTS, GRANTS, OR DONATIONS TO THE STATE
17 TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND. SUBJECT TO
18 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE
19 ADMINISTRATOR MAY EXPEND ANY STATE MONEY FROM THE FUND TO
20 MAKE PAYMENTS TO THE PRIVATE CONTRACTOR AND FOR DIRECT AND
21 INDIRECT COSTS ASSOCIATED WITH ADMINISTERING THIS SECTION. THE
22 STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
23 FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE
24 FUND.

25 (c) (I) ON OR BEFORE SEPTEMBER 1, 2026, THE ADMINISTRATOR
26 SHALL ENTER INTO A SERVICE AGREEMENT WITH A PRIVATE CONTRACTOR
27 WHO REGULARLY PROVIDES LEGAL SERVICES FOR INDIGENT CLIENTS OR

1 LITIGANTS TO PROVIDE A LEGAL DEFENSE TO A CIVIL ASSET FORFEITURE
2 PROCEEDING OR TO CONTRACT WITH AN ATTORNEY TO PROVIDE A LEGAL
3 DEFENSE TO A CIVIL ASSET FORFEITURE PROCEEDING.

4 (II) UPON ENTERING INTO AN AGREEMENT WITH A PRIVATE
5 CONTRACTOR, AND ON JULY 1 OF EACH YEAR THEREAFTER, THE
6 ADMINISTRATOR SHALL DISTRIBUTE THE UNENCUMBERED MONEY IN THE
7 FUND TO THE PRIVATE CONTRACTOR.

8 (III) THE PRIVATE CONTRACTOR SHALL MAINTAIN A LIST OF
9 QUALIFIED ATTORNEYS THAT THE PRIVATE CONTRACTOR MAY PROVIDE OR
10 CONTRACT WITH TO REPRESENT INDIGENT FORFEITURE DEFENDANTS. THE
11 PRIVATE CONTRACTOR SHALL UPDATE AND PROVIDE THE LIST FOR THE
12 ADMINISTRATOR OF CONTRACTED ATTORNEYS ON AN ANNUAL BASIS.

13 (d) UPON REQUEST OF A FORFEITURE DEFENDANT, THE PRIVATE
14 CONTRACTOR SHALL APPOINT A FORFEITURE DEFENSE COUNSEL FOR THE
15 FORFEITURE DEFENDANT. THE PRIVATE CONTRACTOR SHALL ROTATE THE
16 ATTORNEYS, AS MUCH AS IS PRACTICABLE, TO DISTRIBUTE FORFEITURE
17 DEFENSE COUNSEL CASES EVENLY AMONG QUALIFYING ATTORNEYS
18 SELECTED BY THE PRIVATE CONTRACTOR.

19 (e) THE PRIVATE CONTRACTOR MAY RETAIN UNSPENT MONEY AT
20 THE END OF A BUDGET YEAR FOR THE PURPOSES OF PROVIDING A LEGAL
21 DEFENSE TO A CIVIL ASSET FORFEITURE PROCEEDING PURSUANT TO THIS
22 SECTION.

23 (f) IF THERE IS ANY UNSPENT MONEY AT THE END OF THE SERVICE
24 AGREEMENT, THE PRIVATE CONTRACTOR SHALL RETURN THE UNSPENT
25 MONEY TO THE ADMINISTRATOR. THE ADMINISTRATOR SHALL TRANSMIT
26 ALL MONEY RECEIVED FROM THE PRIVATE CONTRACTOR TO THE STATE
27 TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

1 (4) ON OR BEFORE MARCH 1, 2027, AND ON OR BEFORE OCTOBER
2 1, 2027, AND EACH OCTOBER 1 THEREAFTER, THE PRIVATE CONTRACTOR
3 SHALL REPORT TO THE ADMINISTRATOR THE FOLLOWING:

4 (a) THE NUMBER OF ATTORNEYS APPOINTED PURSUANT TO THIS
5 SECTION;

6 (b) THE COSTS ASSOCIATED WITH EACH CASE;

7 (c) ANY CHALLENGES OR DIFFICULTIES IN RETAINING ATTORNEYS
8 TO SERVE AS APPOINTED FORFEITURE DEFENSE COUNSEL; AND

9 (d) THE AMOUNT OF UNSPENT MONEY THE PRIVATE CONTRACTOR
10 RETAINS AT THE END OF THE BUDGET YEAR.

11

12 **SECTION 6.** In Colorado Revised Statutes, 16-13-505, **amend**
13 (1.5), (1.6), (1.7)(a)(II), (1.7)(b), (1.7)(c), (1.7)(d), (1.7)(e), (1.7)(f), and
14 (3) introductory portion; and **add** (3)(g) as follows:

15 **16-13-505. Forfeiture proceedings.**

16 (1.5) ~~No~~ A COURT SHALL NOT ENTER judgment of forfeiture of
17 property in any forfeiture proceeding ~~shall be entered~~ unless and until an
18 owner of the property is convicted of an offense involving the conduct
19 listed in section 16-13-503, or a lesser included offense of an eligible
20 offense if the conviction is the result of a negotiated guilty plea. Nothing
21 in this section ~~shall be construed to require~~ REQUIRES the conviction to be
22 obtained in the same jurisdiction as the jurisdiction in which the forfeiture
23 action is brought. ~~In the event~~ ONE OR MORE criminal charges MUST BE
24 FILED arising from the ~~same~~ activity giving rise to the forfeiture,
25 ~~proceedings are filed against any individual claiming an interest in the~~
26 ~~property subject to the forfeiture proceeding, the trial and discovery~~
27 ~~phases of the forfeiture proceeding shall be stayed by the court~~ AND THE

1 COURT SHALL STAY THE FORFEITURE PROCEEDING until the disposition of
2 the criminal charges. ~~A~~ THE stay shall not MUST be maintained during an
3 appeal or post-conviction proceeding challenging a criminal conviction.
4 Nothing in this section shall be construed to prohibit or prevent PROHIBITS
5 OR PREVENTS the parties from contemporaneously resolving criminal
6 charges and a forfeiture proceeding arising from the same activity.

7 (1.6) Upon acquittal or dismissal of a criminal action against a
8 person named in a forfeiture action related to the criminal action; unless
9 the forfeiture action was brought pursuant to one or more of paragraphs
10 (a) to (f) of subsection (1.7) EXCEPT THAT, IF A PROVISION OF SUBSECTION
11 (1.7) of this section APPLIES, the forfeiture claim shall be dismissed and
12 the seized property shall be returned as respects the subject matter
13 property or interest therein of that person, if the case has been adjudicated
14 as to all other claims, interests, and owners, unless possession of the
15 property is illegal. If the forfeiture action is dismissed or judgment is
16 entered in favor of the claimant, the claimant shall not be IS NOT subject
17 to any monetary charges by the state for storage of the property or
18 expenses incurred in the preservation of the property, unless at the time
19 of dismissal the plaintiff shows that those expenses would have been
20 incurred to prevent waste of the property even if it had not been seized.

21 (1.7) Notwithstanding the provisions of subsection (1.5) of this
22 section:

23 (a) (II) If a person lacks standing pursuant to this paragraph (a)
24 SUBSECTION (1.7)(a), the forfeiture action may proceed AGAINST THE
25 PERSON'S INTEREST IN THE PROPERTY and a judgment of forfeiture may be
26 entered without a THE PERSON'S criminal conviction, of an owner, upon
27 motion and notice as provided in the rules of civil procedure.

1 (b) If, following THE DISPOSITION OF THE CRIMINAL CASE AND
2 notice to all persons known to have an interest or who have asserted an
3 interest in the property subject to forfeiture, ~~an~~ NO owner ~~fails to file~~
4 FILES an answer or other appropriate response with the court claiming an
5 interest in the subject matter property, or no person establishes standing
6 to contest the forfeiture action pursuant to section 16-13-504 (2), a
7 forfeiture action may proceed and a judgment of forfeiture may be entered
8 without a criminal conviction of an owner.

9 (c) If the plaintiff proves by clear and convincing evidence that
10 the property was instrumental in the commission of an offense listed in
11 section 16-13-503 (1) or that the property is traceable proceeds of the
12 offense or related criminal activity by a nonowner and the plaintiff proves
13 by clear and convincing evidence that an owner is not an innocent owner
14 pursuant to section 16-13-504 (2.2), a judgment of forfeiture may be
15 entered ~~without~~ ONLY AFTER a criminal conviction of ~~an owner~~ THE
16 NONOWNER IN THE UNDERLYING CRIMINAL OFFENSE RELATED TO THE
17 PROPERTY SUBJECT TO THE FORFEITURE PROCEEDING.

18 (d) If an owner of the property who was involved in the public
19 nuisance act or conduct giving rise to the claim of forfeiture subsequently
20 dies, THE FORFEITURE ACTION MAY PROCEED AGAINST THE OWNER'S
21 INTEREST IN THE PROPERTY, and IF THE PLAINTIFF PROVES THAT THE
22 DECEASED OWNER was not an innocent owner pursuant to section
23 16-13-504 (2.2), a judgment of forfeiture may be entered without a THE
24 OWNER'S criminal conviction. ~~of an owner.~~

25 (e) If an owner received a deferred judgment, deferred sentence,
26 or participated in a diversion program, or in the case of a juvenile a
27 deferred adjudication or deferred sentence or participated in a diversion

1 program for the offense, THE FORFEITURE ACTION MAY PROCEED AGAINST
2 THE OWNER'S INTEREST IN THE PROPERTY, AND a judgment of forfeiture
3 may be entered without a criminal conviction.

4 (f) A defendant or claimant ~~shall be~~ IS permitted to waive the
5 requirement of a criminal conviction in order to settle a forfeiture action
6 AS TO THE DEFENDANT'S OR CLAIMANT'S INTEREST IN THE PROPERTY.

7 (3) The citation specified in ~~paragraph (b) of subsection (2)~~
8 SUBSECTION (2)(b) of this section ~~shall~~ MUST:

9 (g) ADVISE THE DEFENDANT OF THE ABILITY TO ACCESS
10 FORFEITURE DEFENSE COUNSEL PURSUANT TO SECTION 16-13-318.

11 ■ ■ ■

12 **SECTION 7.** In Colorado Revised Statutes, 24-32-124, **amend**
13 (5)(b); and **add** (8) as follows:

14 **24-32-124. Law enforcement community services grant**
15 **program - committee - policies and procedures - fund - rules - report**
16 **- definitions.**

17 (5) (b) The law enforcement community services grant program
18 fund is created in the state treasury. The fund consists of money
19 ~~transferred to the fund pursuant to section 16-13-311, any other money~~
20 that the general assembly may appropriate or transfer to the fund and any
21 gifts, grants, or donations received by the division. Subject to annual
22 appropriation by the general assembly, the division may only expend
23 money from the fund for the grants awarded pursuant to this section and
24 for up to five percent of the money in the fund for the direct and indirect
25 costs incurred in administering the program. Any unexpended and
26 unencumbered money from an appropriation made for the purposes of
27 this section remains available for expenditure by the division in the next


1 fiscal year without further appropriation.

2 (8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO
3 THE CONTRARY, ON JULY 1, 2026, THE STATE TREASURER SHALL TRANSFER
4 THE UNEXPENDED AND UNENCUMBERED MONEY IN THE LAW
5 ENFORCEMENT COMMUNITY SERVICES GRANT PROGRAM FUND TO THE
6 FORFEITURE DEFENSE COUNSEL FUND CREATED IN SECTION 16-13-318.

7 **SECTION 8.** In Colorado Revised Statutes, 13-3-101, **add** (18)
8 as follows:

9 **13-3-101. State court administrator - duties - report -**
10 **definitions - repeal.**

11 (18) PURSUANT TO SECTION 16-13-318, THE STATE COURT
12 ADMINISTRATOR SHALL CONTRACT WITH LEGAL COUNSEL THAT PROVIDES
13 A LEGAL DEFENSE TO A CIVIL ASSET FORFEITURE PROCEEDING OR TO
14 CONTRACT WITH AN ATTORNEY TO PROVIDE A LEGAL DEFENSE TO A CIVIL
15 ASSET FORFEITURE PROCEEDING.

16 
17 **SECTION 9. Effective date - applicability.** This act takes effect
18 July 1, 2026, and applies to forfeiture actions commenced on or after said
19 date.

20 **SECTION 10. Safety clause.** The general assembly finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety or for appropriations for
23 the support and maintenance of the departments of the state and state
24 institutions.