

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
Appropriations

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 ■ ■

3 **SECTION 1.** In Colorado Revised Statutes, 16-13-307, **amend**

4 (1.5), (1.6), (1.7) introductory portion, (1.7)(a)(II), (1.7)(b), (1.7)(c),

5 (1.7)(d), (1.7)(e), (1.7)(f), and (5) as follows:

6 **16-13-307. Jurisdiction - venue - parties - process.**

7 (1.5) ~~No~~ A COURT SHALL NOT ENTER judgment of forfeiture of

8 property in any forfeiture proceeding ~~shall be entered~~ unless and until an

9 owner of the property is convicted of an offense listed in section

10 16-13-301 or 16-13-303, or a lesser included offense of an eligible

1 offense if the conviction is the result of a negotiated guilty plea. Nothing
2 in this section ~~shall be construed to require~~ REQUIRES the conviction to be
3 obtained in the same jurisdiction as the jurisdiction in which the forfeiture
4 action is brought. ~~In the event~~ ONE OR MORE criminal charges MUST BE
5 FILED arising from the ~~same~~ activity giving rise to the forfeiture,
6 ~~proceedings are filed against any individual claiming an interest in the~~
7 ~~property subject to the forfeiture proceeding, the trial and discovery~~
8 ~~phases of the forfeiture proceeding shall be stayed by the court~~ AND THE
9 COURT SHALL STAY THE FORFEITURE PROCEEDING until the disposition of
10 the criminal charges. ~~A~~ THE stay ~~shall not~~ MUST be maintained during an
11 appeal or post-conviction proceeding challenging a criminal conviction.
12 Nothing in this section ~~shall be construed to prohibit or prevent~~ PROHIBITS
13 OR PREVENTS the parties from contemporaneously resolving criminal
14 charges and a forfeiture proceeding arising from the same activity.

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

1 incurred to prevent waste of the property even if it had not been seized.

2 (1.7) Notwithstanding ~~the provisions of~~ subsection (1.5) of this
3 section:

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

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

17 (c) If the plaintiff proves by clear and convincing evidence that
18 the property was instrumental in the commission of an offense listed in
19 section 16-13-303 (1) or that the property is traceable proceeds of the
20 offense or related criminal activity by a nonowner and the plaintiff proves
21 by clear and convincing evidence that an owner is not an innocent owner
22 pursuant to section 16-13-303 (5.2)(a), a judgment of forfeiture may be
23 entered ~~without~~ ONLY AFTER a criminal conviction of ~~an owner~~ THE
24 NONOWNER IN THE UNDERLYING CRIMINAL OFFENSE RELATED TO THE
25 PROPERTY SUBJECT TO THE FORFEITURE PROCEEDING.

26 (d) If an owner of the property who was involved in the public
27 nuisance act or conduct giving rise to the claim of forfeiture subsequently

1 dies, THE FORFEITURE ACTION MAY PROCEED AGAINST THE OWNER'S
2 INTEREST IN THE PROPERTY, and IF THE PLAINTIFF PROVES THAT THE
3 DECEASED OWNER was not an innocent owner pursuant to section
4 16-13-303 (5.2)(a), a judgment of forfeiture may be entered without a THE
5 OWNER'S criminal conviction. ~~of an owner.~~

6 (e) If an owner received a deferred judgment, deferred sentence,
7 or participated in a diversion program, or in the case of a juvenile a
8 deferred adjudication or deferred sentence or participated in a diversion
9 program for the offense, THE FORFEITURE ACTION MAY PROCEED AGAINST
10 THE OWNER'S INTEREST IN THE PROPERTY, AND a judgment of forfeiture
11 may be entered without a criminal conviction.

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

15 (5) An action to abate a public nuisance, other than a class 4
16 public nuisance, and any action in which a temporary restraining order,
17 temporary writ of injunction, or preliminary injunction is requested, ~~shall~~
18 MUST be commenced by the filing of a complaint, which ~~shall~~ MUST be
19 verified or supported by affidavit. A summons ~~shall~~ MUST be issued and
20 served as in civil cases; except that a copy of the complaint, ~~and~~ copies
21 of any orders issued by the court at the time of filing, ~~shall~~ AND NOTICE
22 OF THE ABILITY TO ACCESS LEGAL REPRESENTATION PURSUANT TO
23 SECTION 16-13-318 MUST be served with the summons.

24 **SECTION 2.** In Colorado Revised Statutes, 16-13-311, **amend**
25 (3)(a) introductory portion, (3)(a)(VII)(C) and (6) as follows:

26 **16-13-311. Disposition of seized personal property.**

27 (3) (a) If the prosecution prevails in the forfeiture action, the court

1 shall order the property forfeited. ~~Such~~ THE COURT'S order perfects the
2 state's right and interest in and title to ~~such~~ THE property and relates back
3 to the date when title to the property vested in the state pursuant to section
4 16-13-316. Except as otherwise provided in subsection (3)(c) of this
5 section, the court shall also order ~~such~~ THE property to be sold at a public
6 sale by the law enforcement agency in possession of the property in the
7 manner provided for sales on execution, or in another commercially
8 reasonable manner. Property forfeited pursuant to this section or proceeds
9 therefrom must be distributed or applied in the following order:

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

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

16 [REDACTED]
17 (6) The state shall issue a certificate of title for a vehicle to the
18 purchaser ~~or seizing agency~~ if ~~said~~ THE vehicle is acquired pursuant to
19 this part 3.

20 [REDACTED]
21 **SECTION 3.** In Colorado Revised Statutes, **add** 16-13-318 as
22 follows:

23 **16-13-318. Forfeiture defense counsel [REDACTED] - fund - definitions.**

24 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
25 REQUIRES:

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

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

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

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

8 (e) "PRIVATE CONTRACTOR" MEANS THE PRIVATE CONTRACTOR
9 SELECTED BY THE ADMINISTRATOR PURSUANT TO SUBSECTION (3)(c) OF
10 THIS SECTION.

11 (2) (a) AN INDIGENT FORFEITURE DEFENDANT HAS THE ABILITY TO
12 ACCESS TO LEGAL REPRESENTATION UTILIZING THE FUND.

13 (b) UPON A FORFEITURE DEFENDANT'S REQUEST, THE COURT SHALL
14 ■ ■ CONTINUE THE FORFEITURE PROCEEDING FOR TWENTY-ONE DAYS OR
15 MORE AFTER THE FORFEITURE DEFENSE COUNSEL BEGINS REPRESENTATION
16 UNLESS THE FORFEITURE DEFENSE COUNSEL WAIVES THE CONTINUANCE.
17 AT ANY TIME BEFORE THE CONTINUANCE ENDS, THE FORFEITURE
18 DEFENDANT IS ALLOWED TO FILE AN INITIAL OR AMENDED ANSWER OR
19 OTHER APPROPRIATE PLEADING TO THE COMPLAINT OR PETITION.

20 (c) A FORFEITURE DEFENDANT MAY CHOOSE TO APPOINT PRIVATE
21 COUNSEL FOR A FORFEITURE PROCEEDING, OR MAY CHOOSE TO REPRESENT
22 THEMSELF.

23 ■ ■
24 (d) THE PRIVATE CONTRACTOR SHALL, PURSUANT TO THE SERVICE
25 AGREEMENT ENTERED INTO PURSUANT TO SUBSECTION (3)(c) OF THIS
26 SECTION, PAY THE FORFEITURE DEFENSE COUNSEL AN AMOUNT NOT TO
27 EXCEED THREE THOUSAND FIVE HUNDRED DOLLARS FOR REPRESENTING

1 THE FORFEITURE DEFENDANT IN A FORFEITURE PROCEEDING UNLESS THE
2 COURT FINDS GOOD CAUSE FOR A HIGHER PAYMENT. IF THE COURT FINDS
3 GOOD CAUSE FOR A HIGHER PAYMENT, THE PRIVATE CONTRACTOR SHALL
4 PAY THE FORFEITURE DEFENSE COUNSEL THE AMOUNT ORDERED.

5 (e) NOTHING IN THIS SECTION PREVENTS FORFEITURE DEFENSE
6 COUNSEL FROM WITHDRAWING REPRESENTATION OF AN INDIGENT
7 FORFEITURE DEFENDANT IN ACCORDANCE WITH THE COLORADO RULES OF
8 PROFESSIONAL CONDUCT. IF A FORFEITURE DEFENSE COUNSEL WITHDRAWS
9 REPRESENTATION OF AN INDIGENT FORFEITURE DEFENDANT, THE COURT
10 MAY REQUIRE THE PRIVATE CONTRACTOR TO APPOINT ANOTHER
11 FORFEITURE DEFENSE COUNSEL FOR THE DEFENDANT IF THE COURT FINDS
12 THE INTEREST OF JUSTICE REQUIRES ANOTHER APPOINTMENT.

13 (3) (a) THE FORFEITURE DEFENSE COUNSEL FUND IS CREATED IN
14 THE STATE TREASURY.

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

1 FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE
2 FUND.

3 (II) NOTWITHSTANDING THIS SUBSECTION (3)(b), THE FUND'S
4 MAXIMUM BALANCE IS FIVE HUNDRED THOUSAND DOLLARS. IF THE FUND'S
5 BALANCE EXCEEDS THE MAXIMUM, THE ADMINISTRATOR SHALL TRANSMIT
6 THE DIFFERENCE OF THE BALANCE OF THE FUND MINUS FIVE HUNDRED
7 THOUSAND DOLLARS TO THE STATE TREASURER, WHO SHALL CREDIT THE
8 MONEY TO THE LAW ENFORCEMENT COMMUNITY SERVICES GRANT
9 PROGRAM FUND, CREATED PURSUANT TO SECTION 24-32-124 (5).

10 (c) (I) ON OR BEFORE SEPTEMBER 1, 2026, THE ADMINISTRATOR
11 SHALL ENTER INTO A SERVICE AGREEMENT WITH A PRIVATE CONTRACTOR
12 WHO REGULARLY PROVIDES LEGAL SERVICES FOR INDIGENT CLIENTS OR
13 LITIGANTS TO PROVIDE A LEGAL DEFENSE TO A CIVIL ASSET FORFEITURE
14 PROCEEDING OR TO CONTRACT WITH AN ATTORNEY TO PROVIDE A LEGAL
15 DEFENSE TO A CIVIL ASSET FORFEITURE PROCEEDING.

16 (II) UPON ENTERING INTO AN AGREEMENT WITH A PRIVATE
17 CONTRACTOR, AND ON JULY 1 OF EACH YEAR THEREAFTER, THE
18 ADMINISTRATOR SHALL DISTRIBUTE THE UNENCUMBERED MONEY IN THE
19 FUND TO THE PRIVATE CONTRACTOR.

20 (III) THE PRIVATE CONTRACTOR SHALL MAINTAIN A LIST OF
21 QUALIFIED ATTORNEYS THAT THE PRIVATE CONTRACTOR MAY PROVIDE OR
22 CONTRACT WITH TO REPRESENT INDIGENT FORFEITURE DEFENDANTS. THE
23 PRIVATE CONTRACTOR SHALL UPDATE AND PROVIDE THE LIST FOR THE
24 ADMINISTRATOR OF CONTRACTED ATTORNEYS ON AN ANNUAL BASIS.

25 (d) UPON REQUEST OF A FORFEITURE DEFENDANT, THE PRIVATE
26 CONTRACTOR SHALL APPOINT A FORFEITURE DEFENSE COUNSEL FOR THE
27 FORFEITURE DEFENDANT. THE PRIVATE CONTRACTOR SHALL ROTATE THE

1 ATTORNEYS, AS MUCH AS IS PRACTICABLE, TO DISTRIBUTE FORFEITURE
2 DEFENSE COUNSEL CASES EVENLY AMONG QUALIFYING ATTORNEYS
3 SELECTED BY THE PRIVATE CONTRACTOR.

4 (e) THE PRIVATE CONTRACTOR MAY RETAIN UNSPENT MONEY AT
5 THE END OF A BUDGET YEAR FOR THE PURPOSES OF PROVIDING A LEGAL
6 DEFENSE TO A CIVIL ASSET FORFEITURE PROCEEDING PURSUANT TO THIS
7 SECTION.

8 (f) IF THERE IS ANY UNSPENT MONEY AT THE END OF THE SERVICE
9 AGREEMENT, THE PRIVATE CONTRACTOR SHALL RETURN THE UNSPENT
10 MONEY TO THE ADMINISTRATOR. THE ADMINISTRATOR SHALL TRANSMIT
11 ALL MONEY RECEIVED FROM THE PRIVATE CONTRACTOR TO THE STATE
12 TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

13 (4) ON OR BEFORE MARCH 1, 2027, AND ON OR BEFORE OCTOBER
14 1, 2027, AND EACH OCTOBER 1 THEREAFTER, THE PRIVATE CONTRACTOR
15 SHALL REPORT TO THE ADMINISTRATOR THE FOLLOWING:

16 (a) THE NUMBER OF ATTORNEYS APPOINTED PURSUANT TO THIS
17 SECTION;

18 (b) THE COSTS ASSOCIATED WITH EACH CASE;

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

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

23

24 **SECTION 4.** In Colorado Revised Statutes, 16-13-505, **amend**
25 (1.5), (1.6), (1.7)(a)(II), (1.7)(b), (1.7)(c), (1.7)(d), (1.7)(e), (1.7)(f), and
26 (3) introductory portion; and **add** (3)(g) as follows:

27 **16-13-505. Forfeiture proceedings.**

1 (1.5) ~~No~~ A COURT SHALL NOT ENTER judgment of forfeiture of
2 property in any forfeiture proceeding ~~shall be entered~~ unless and until an
3 owner of the property is convicted of an offense involving the conduct
4 listed in section 16-13-503, or a lesser included offense of an eligible
5 offense if the conviction is the result of a negotiated guilty plea. Nothing
6 in this section ~~shall be construed to require~~ REQUIRES the conviction to be
7 obtained in the same jurisdiction as the jurisdiction in which the forfeiture
8 action is brought. ~~In the event~~ ONE OR MORE criminal charges MUST BE
9 FILED arising from the ~~same~~ activity giving rise to the forfeiture,
10 ~~proceedings are filed against any individual claiming an interest in the~~
11 ~~property subject to the forfeiture proceeding, the trial and discovery~~
12 ~~phases of the forfeiture proceeding shall be stayed by the court~~ AND THE
13 COURT SHALL STAY THE FORFEITURE PROCEEDING until the disposition of
14 the criminal charges. ~~A~~ THE stay ~~shall not~~ MUST be maintained during an
15 appeal or post-conviction proceeding challenging a criminal conviction.
16 Nothing in this section ~~shall be construed to prohibit or prevent~~ PROHIBITS
17 OR PREVENTS the parties from contemporaneously resolving criminal
18 charges and a forfeiture proceeding arising from the same activity.

19 (1.6) Upon acquittal or dismissal of a criminal action against a
20 person named in a forfeiture action related to the criminal action; ~~unless~~
21 ~~the forfeiture action was brought pursuant to one or more of paragraphs~~
22 ~~(a) to (f) of subsection (1.7)~~ EXCEPT THAT, IF A PROVISION OF SUBSECTION
23 (1.7) of this section APPLIES, the forfeiture claim shall be dismissed and
24 the seized property shall be returned as respects the subject matter
25 property or interest ~~therein~~ of that person, if the case has been adjudicated
26 as to all other claims, interests, and owners, unless possession of the
27 property is illegal. If the forfeiture action is dismissed or judgment is

1 entered in favor of the claimant, the claimant ~~shall not be~~ IS NOT subject
2 to any monetary charges by the state for storage of the property or
3 expenses incurred in the preservation of the property, unless at the time
4 of dismissal the plaintiff shows that those expenses would have been
5 incurred to prevent waste of the property even if it had not been seized.

6 (1.7) Notwithstanding ~~the provisions of~~ subsection (1.5) of this
7 section:

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

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

21 (c) If the plaintiff proves by clear and convincing evidence that
22 the property was instrumental in the commission of an offense listed in
23 section 16-13-503 (1) or that the property is traceable proceeds of the
24 offense or related criminal activity by a nonowner and the plaintiff proves
25 by clear and convincing evidence that an owner is not an innocent owner
26 pursuant to section 16-13-504 (2.2), a judgment of forfeiture may be
27 entered ~~without~~ ONLY AFTER a criminal conviction of ~~an owner~~ THE

1 NONOWNER IN THE UNDERLYING CRIMINAL OFFENSE RELATED TO THE
2 PROPERTY SUBJECT TO THE FORFEITURE PROCEEDING.

3 (d) If an owner of the property who was involved in the public
4 nuisance act or conduct giving rise to the claim of forfeiture subsequently
5 dies, THE FORFEITURE ACTION MAY PROCEED AGAINST THE OWNER'S
6 INTEREST IN THE PROPERTY, and IF THE PLAINTIFF PROVES THAT THE
7 DECEASED OWNER was not an innocent owner pursuant to section
8 16-13-504 (2.2), a judgment of forfeiture may be entered without a THE
9 OWNER'S criminal conviction. ~~of an owner.~~

10 (e) If an owner received a deferred judgment, deferred sentence,
11 or participated in a diversion program, or in the case of a juvenile a
12 deferred adjudication or deferred sentence or participated in a diversion
13 program for the offense, THE FORFEITURE ACTION MAY PROCEED AGAINST
14 THE OWNER'S INTEREST IN THE PROPERTY, AND a judgment of forfeiture
15 may be entered without a criminal conviction.

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

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

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

23 ■■ ■■ ■■
24 **SECTION 5.** In Colorado Revised Statutes, 24-32-124, **amend**
25 (5)(b); and **add** (8) as follows:

26 **24-32-124. Law enforcement community services grant**
27 **program - committee - policies and procedures - fund - rules - report**

1 **- definitions.**

2 (5) (b) The law enforcement community services grant program
3 fund is created in the state treasury. The fund consists of money
4 transferred to the fund pursuant to ~~section 16-13-311~~, SECTION 16-13-318
5 (3)(b), AND any other money that the general assembly may appropriate
6 or transfer to the fund and any gifts, grants, or donations received by the
7 division. Subject to annual appropriation by the general assembly, the
8 division may only expend money from the fund for the grants awarded
9 pursuant to this section and for up to five percent of the money in the
10 fund for the direct and indirect costs incurred in administering the
11 program. Any unexpended and unencumbered money from an
12 appropriation made for the purposes of this section remains available for
13 expenditure by the division in the next fiscal year without further
14 appropriation.

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

20 **SECTION 6.** In Colorado Revised Statutes, 13-3-101, **add** (18)
21 as follows:

22 **13-3-101. State court administrator - duties - report -**
23 **definitions - repeal.**

24 (18) PURSUANT TO SECTION 16-13-318, THE STATE COURT
25 ADMINISTRATOR SHALL CONTRACT WITH LEGAL COUNSEL THAT PROVIDES
26 A LEGAL DEFENSE TO A CIVIL ASSET FORFEITURE PROCEEDING OR TO
27 CONTRACT WITH AN ATTORNEY TO PROVIDE A LEGAL DEFENSE TO A CIVIL

1 ASSET FORFEITURE PROCEEDING.

2

3 SECTION 7. **Effective date - applicability.** This act takes effect
4 July 1, 2026, and applies to forfeiture actions commenced on or after said
5 date.

6 SECTION 8. **Safety clause.** The general assembly finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, or safety or for appropriations for
9 the support and maintenance of the departments of the state and state
10 institutions.