

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, AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

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.

that no criminal conviction is necessary if the plaintiff proves its case by 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), (5), and (6); and **add**
26 (3)(a)(VI.5) as follows:

27 **16-13-311. Disposition of seized personal property.**

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

11 (VI.5) THE REMAINING PORTION OF THE BALANCE, UP TO
12 FIFTY-FIVE THOUSAND DOLLARS PER FISCAL YEAR, TO THE DEPARTMENT OF
13 LOCAL AFFAIRS CREATED IN SECTION 24-1-125 FOR GRANT AND PORTAL
14 ADMINISTRATION RELATED TO CIVIL ASSET FORFEITURE PROCEEDS
15 REQUIRED PURSUANT TO SECTION 16-13-701;

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

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

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

26 [REDACTED]
27 **SECTION 3.** In Colorado Revised Statutes, **add** 16-13-318 as

1 follows:

2 **16-13-318. Forfeiture defense counsel - fund - definitions.**

3 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
4 REQUIRES:

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

7 (b) "FORFEITURE DEFENDANT" MEANS A PERSON WHO CLAIMS AN
8 INTEREST IN PROPERTY SUBJECT TO A FORFEITURE PROCEEDING.

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

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

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

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

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

26 (c) A FORFEITURE DEFENDANT MAY CHOOSE TO APPOINT PRIVATE
27 COUNSEL FOR A FORFEITURE PROCEEDING, OR MAY CHOOSE TO REPRESENT

1 THEMSELF.

2

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

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

19 (3) (a) THE FORFEITURE DEFENSE COUNSEL FUND IS CREATED IN
20 THE STATE TREASURY.

21 (b) (I) THE FUND CONSISTS OF MONEY TRANSFERRED TO THE FUND
22 PURSUANT TO SECTIONS 16-13-311 AND 24-32-124 (8) AND ANY OTHER
23 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
24 TO THE FUND. THE ADMINISTRATOR MAY SEEK, ACCEPT, AND EXPEND
25 GIFTS, GRANTS, OR DONATIONS FROM PUBLIC OR PRIVATE SOURCES FOR
26 THE PURPOSES OF THIS SECTION. THE ADMINISTRATOR SHALL TRANSMIT
27 ALL MONEY RECEIVED FROM GIFTS, GRANTS, OR DONATIONS TO THE STATE

1 TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND. SUBJECT TO
2 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE
3 ADMINISTRATOR MAY EXPEND ANY STATE MONEY FROM THE FUND TO
4 MAKE PAYMENTS TO THE PRIVATE CONTRACTOR AND FOR DIRECT AND
5 INDIRECT COSTS ASSOCIATED WITH ADMINISTERING THIS SECTION. THE
6 STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
7 FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE
8 FUND.

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

16 (III) NOTWITHSTANDING THIS SUBSECTION (3)(b), BEGINNING IN
17 THE 2027-28 STATE FISCAL YEAR, THE FUND MUST ONLY BE FUNDED
18 THROUGH GIFTS, GRANTS, DONATIONS, AND MONEY TRANSMITTED
19 PURSUANT TO SECTION 16-13-311 (3)(a)(VII)(C). THE GENERAL
20 ASSEMBLY SHALL NOT APPROPRIATE MONEY FROM THE GENERAL FUND TO
21 THE FUND.

22 (IV) THE SERVICE AGREEMENT BETWEEN THE ADMINISTRATOR
23 AND THE PRIVATE CONTRACTOR MUST BE CONTINGENT ON MONEY BEING
24 IN THE FUND. IF THE FUND DOES NOT HAVE MONEY, THE GENERAL
25 ASSEMBLY IS NOT REQUIRED TO APPROPRIATE OR TRANSFER MONEY TO
26 THE FUND. THE PRIVATE CONTRACTOR IS NOT REQUIRED TO PROVIDE
27 LEGAL DEFENSE FOR INDIGENT CIVIL ASSET FORFEITURE DEFENDANTS IF

1 THERE IS NO BALANCE REMAINING FROM THE MONEY THE PRIVATE
2 CONTRACTOR RECEIVES FROM THE FUND.

3 (c) (I) ON OR BEFORE SEPTEMBER 1, 2026, THE ADMINISTRATOR
4 SHALL ENTER INTO A SERVICE AGREEMENT WITH A PRIVATE CONTRACTOR
5 WHO REGULARLY PROVIDES LEGAL SERVICES FOR INDIGENT CLIENTS OR
6 LITIGANTS TO PROVIDE A LEGAL DEFENSE TO A CIVIL ASSET FORFEITURE
7 PROCEEDING OR TO CONTRACT WITH AN ATTORNEY TO PROVIDE A LEGAL
8 DEFENSE TO A CIVIL ASSET FORFEITURE PROCEEDING.

9 (II) UPON ENTERING INTO AN AGREEMENT WITH A PRIVATE
10 CONTRACTOR, AND ON JULY 1 OF EACH YEAR THEREAFTER, THE
11 ADMINISTRATOR SHALL DISTRIBUTE THE UNENCUMBERED MONEY IN THE
12 FUND TO THE PRIVATE CONTRACTOR.

13 (III) THE PRIVATE CONTRACTOR SHALL MAINTAIN A LIST OF
14 QUALIFIED ATTORNEYS THAT THE PRIVATE CONTRACTOR MAY PROVIDE OR
15 CONTRACT WITH TO REPRESENT INDIGENT FORFEITURE DEFENDANTS. THE
16 PRIVATE CONTRACTOR SHALL UPDATE AND PROVIDE THE LIST FOR THE
17 ADMINISTRATOR OF CONTRACTED ATTORNEYS ON AN ANNUAL BASIS.

18 (d) UPON REQUEST OF A FORFEITURE DEFENDANT, THE PRIVATE
19 CONTRACTOR SHALL APPOINT A FORFEITURE DEFENSE COUNSEL FOR THE
20 FORFEITURE DEFENDANT. THE PRIVATE CONTRACTOR SHALL ROTATE THE
21 ATTORNEYS, AS MUCH AS IS PRACTICABLE, TO DISTRIBUTE FORFEITURE
22 DEFENSE COUNSEL CASES EVENLY AMONG QUALIFYING ATTORNEYS
23 SELECTED BY THE PRIVATE CONTRACTOR.

24 (e) THE PRIVATE CONTRACTOR MAY RETAIN UNSPENT MONEY AT
25 THE END OF A BUDGET YEAR FOR THE PURPOSES OF PROVIDING A LEGAL
26 DEFENSE TO A CIVIL ASSET FORFEITURE PROCEEDING PURSUANT TO THIS
27 SECTION.

1 (f) IF THERE IS ANY UNSPENT MONEY AT THE END OF THE SERVICE
2 AGREEMENT, THE PRIVATE CONTRACTOR SHALL RETURN THE UNSPENT
3 MONEY TO THE ADMINISTRATOR. THE ADMINISTRATOR SHALL TRANSMIT
4 ALL MONEY RECEIVED FROM THE PRIVATE CONTRACTOR TO THE STATE
5 TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

6 (4) ON OR BEFORE MARCH 1, 2027, AND ON OR BEFORE OCTOBER
7 1, 2027, AND EACH OCTOBER 1 THEREAFTER, THE PRIVATE CONTRACTOR
8 SHALL REPORT TO THE ADMINISTRATOR THE FOLLOWING:

9 (a) THE NUMBER OF ATTORNEYS APPOINTED PURSUANT TO THIS
10 SECTION;

11 (b) THE COSTS ASSOCIATED WITH EACH CASE;

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

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

16

17 **SECTION 4.** In Colorado Revised Statutes, 16-13-505, **amend**
18 (1.5), (1.6), (1.7)(a)(II), (1.7)(b), (1.7)(c), (1.7)(d), (1.7)(e), (1.7)(f), and
19 (3) introductory portion; and **add** (3)(g) as follows:

20 **16-13-505. Forfeiture proceedings.**

21 (1.5) ~~No~~ A COURT SHALL NOT ENTER judgment of forfeiture of
22 property in any forfeiture proceeding ~~shall be entered~~ unless and until an
23 owner of the property is convicted of an offense involving the conduct
24 listed in section 16-13-503, or a lesser included offense of an eligible
25 offense if the conviction is the result of a negotiated guilty plea. Nothing
26 in this section ~~shall be construed to require~~ **REQUIRES** the conviction to be
27 obtained in the same jurisdiction as the jurisdiction in which the forfeiture

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

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

26 (1.7) Notwithstanding ~~the provisions of~~ subsection (1.5) of this
27 section:

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

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

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

23 (d) If an owner of the property who was involved in the public
24 nuisance act or conduct giving rise to the claim of forfeiture subsequently
25 dies, THE FORFEITURE ACTION MAY PROCEED AGAINST THE OWNER'S
26 INTEREST IN THE PROPERTY, and IF THE PLAINTIFF PROVES THAT THE
27 DECEASED OWNER was not an innocent owner pursuant to section

1 16-13-504 (2.2), a judgment of forfeiture may be entered without a THE
2 OWNER'S criminal conviction. ~~of an owner.~~

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

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

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

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

16 ■ ■ ■

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

19 **24-32-124. Law enforcement community services grant**
20 **program - committee - policies and procedures - fund - rules - report**
21 **- definitions.**

22 (5) (b) The law enforcement community services grant program
23 fund is created in the state treasury. The fund consists of money
24 transferred to the fund pursuant to ~~section 16-13-311~~, SECTION 16-13-318
25 (3)(b), AND any other money that the general assembly may appropriate
26 or transfer to the fund and any gifts, grants, or donations received by the
27 division. Subject to annual appropriation by the general assembly, the

1 division may only expend money from the fund for the grants awarded
2 pursuant to this section and for up to five percent of the money in the
3 fund for the direct and indirect costs incurred in administering the
4 program. Any unexpended and unencumbered money from an
5 appropriation made for the purposes of this section remains available for
6 expenditure by the division in the next fiscal year without further
7 appropriation.

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

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

15 **13-3-101. State court administrator - duties - report -**
16 **definitions - repeal.**

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

22 **SECTION 7. Appropriation.** (1) For the 2026-27 state fiscal
23 year, \$556,750 is appropriated to the judicial department for use by state
24 courts administration. This appropriation is from the forfeiture defense
25 counsel fund created in section 16-13-318 (3)(a), C.R.S. To implement
26 this act, the administration may use this appropriation for civil assets
27 forfeiture defense contract.

1 (2) For the 2026-27 state fiscal year, \$55,000 is appropriated to the
2 department of local affairs for use by the division of local government.
3 This appropriation is from the proceeds of property forfeited pursuant to
4 section 16-13-311 (3), C.R.S., that is allocated pursuant to section
5 16-13-311 (3)(a)(VI.5), C.R.S. To implement this act, the division may
6 use this appropriation for civil asset forfeiture portal administration.

7 **SECTION 8. Effective date - applicability.** This act takes effect
8 July 1, 2026, and applies to forfeiture actions commenced on or after said
9 date.

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