

**Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO**

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 26-0305.02 Owen Hatch x2698

**HOUSE BILL 26-1250**

**HOUSE SPONSORSHIP**

**DeGraaf and Bacon**, Bradley, Brooks, Brown, English, Garcia, Gonzalez R., Keltie, Lieder, Lindsay, Luck, Mabrey, Marshall, Nguyen, Ricks, Sirota, Slaugh, Soper, Story, Titone, Zokaie

**SENATE SPONSORSHIP**

**Bright and Wallace**, Baisley, Amabile, Benavidez, Bridges, Carson, Coleman, Frizell, Gonzales J., Hinrichsen, Jodeh, Kipp, Kolker, Snyder, Weissman, Zamora Wilson

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**House Committees**

Judiciary  
Finance  
Appropriations

**Senate Committees**

Appropriations

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**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.**

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**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.*

SENATE  
3rd Reading Unamended  
May 13, 2026

SENATE  
2nd Reading Unamended  
May 12, 2026

HOUSE  
3rd Reading Unamended  
May 12, 2026

HOUSE  
Amended 2nd Reading  
May 11, 2026

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.

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

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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 stay shall not be maintained** during an appeal or  
11 post-conviction proceeding challenging a criminal conviction. Nothing in  
12 this section ~~shall be construed to prohibit or prevent~~ PROHIBITS OR  
13 PREVENTS the parties from contemporaneously resolving criminal charges  
14 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 DECEMBER 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) THE PRIVATE CONTRACTOR SHALL REPORT QUARTERLY TO THE  
7 ADMINISTRATOR THE FOLLOWING:

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

10 (b) THE COSTS ASSOCIATED WITH EACH CASE;

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

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

15

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

19 **16-13-505. Forfeiture proceedings.**

20 (1.5) ~~No~~ A COURT SHALL NOT ENTER judgment of forfeiture of  
21 property in any forfeiture proceeding ~~shall be entered~~ unless and until an  
22 owner of the property is convicted of an offense involving the conduct  
23 listed in section 16-13-503, or a lesser included offense of an eligible  
24 offense if the conviction is the result of a negotiated guilty plea. Nothing  
25 in this section ~~shall be construed to require~~ **REQUIRES** the conviction to be  
26 obtained in the same jurisdiction as the jurisdiction in which the forfeiture  
27 action is brought. ~~In the event~~ **ONE OR MORE** criminal charges **MUST BE**

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

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

25 (1.7) Notwithstanding ~~the provisions of~~ subsection (1.5) of this  
26 section:

27 (a) (II) If a person lacks standing pursuant to this ~~paragraph (a)~~

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

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

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

22 (d) If an owner of the property who was involved in the public  
23 nuisance act or conduct giving rise to the claim of forfeiture subsequently  
24 dies, THE FORFEITURE ACTION MAY PROCEED AGAINST THE OWNER'S  
25 INTEREST IN THE PROPERTY, and IF THE PLAINTIFF PROVES THAT THE  
26 DECEASED OWNER was not an innocent owner pursuant to section  
27 16-13-504 (2.2), a judgment of forfeiture may be entered without a THE

1 OWNER'S criminal conviction. ~~of an owner.~~

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

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

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

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

15 ■ ■ ■

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

18 **24-32-124. Law enforcement community services grant**  
19 **program - committee - policies and procedures - fund - rules - report**  
20 **- definitions.**

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

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

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

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

14 **13-3-101. State court administrator - duties - report -**  
15 **definitions - repeal.**

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

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

27 (2) For the 2026-27 state fiscal year, \$55,000 is appropriated to the

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

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

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