

HB19 (1st sub)	SB87
Property may be forfeited civilly only if a criminal conviction is obtained, unless no claimants can be found (e.g. deportations, guilty people wanting to avoid prosecution, etc.).	Criminal filing only required if the civil forfeiture is for less than \$10,000 cash and if the claimant files an answer in court; no criminal filing required if the seizure included a car, computer, or other property, or if monetary amount exceeds \$10,000.
A direct nexus is required between the seized assets and the alleged crime.	No direct nexus is required; property may be seized if “indirectly” connected to the alleged crime.
Attorney fees are not arbitrarily capped, allowing claimants to fully recover their costs if they successfully fight the forfeiture.	Attorney fees arbitrarily capped at 20% creating a disincentive to hire an attorney to fight the forfeiture; cap is removed only if third party innocent owner approached the prosecutor within 30 days of the seizure to claim innocence.
“Innocent owner” definition does not require the property owner to take steps to stop criminal activity.	“Innocent owner” definition requires the property owner to take steps to stop criminal activity.
“Innocent owner” includes any claimant who meets the definition, including the person from whom the property was seized.	“Innocent owner” definition limited only to third parties; the claimant him or herself cannot enjoy innocent owner protections.
“Proceeds” definition limited only to profit directly connected to the criminal activity.	“Proceeds” definition is not limited only to profit directly connected to the criminal activity.
Prosecutors are required to conclude forfeiture cases in a timely manner.	No statutory obligation on prosecutors to proceed in timely fashion.
Burden is on prosecutors to return property unless they comply with specific statutory guidelines.	Burden is on third party innocent owner to speak with prosecutor within 30 days of seizure.