

House Bill 1338 (AS PASSED HOUSE AND SENATE)

By: Representatives Boggs of the 168th, Bordeaux of the 151st, Reichert of the 126th, Walker of the 141st, Jenkins of the 110th and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 16-13-49 of the Official Code of Georgia Annotated, relating to
2 forfeiture of certain contraband property, so as to change certain provisions relating to
3 exemptions; to change certain provisions relating to forfeiture of certain contraband property
4 relative to controlled substances; to provide for specific repeal of certain related provisions;
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1A.**

8 Code Section 16-13-49 of the Official Code of Georgia Annotated, relating to forfeiture of
9 certain contraband property, is amended by striking subsection (e) and inserting in lieu
10 thereof the following:

11 "(e)(1) A property interest shall not be subject to forfeiture under this Code section if the
12 owner of such interest or interest holder establishes that the owner or interest holder:

13 ~~(1)~~(A) Is not legally accountable for the conduct giving rise to its forfeiture, did not
14 consent to it, and did not know and could not reasonably have known of the conduct or
15 that it was likely to occur;

16 ~~(2)~~(B) Had not acquired and did not stand to acquire substantial proceeds from the
17 conduct giving rise to its forfeiture other than as an interest holder in an arm's length
18 commercial transaction;

19 ~~(3)~~(C) With respect to conveyances for transportation only, did not hold the property
20 jointly, in common, or in community with a person whose conduct gave rise to its
21 forfeiture;

22 ~~(4)~~(D) Does not hold the property for the benefit of or as nominee for any person
23 whose conduct gave rise to its forfeiture, and, if the owner or interest holder acquired
24 the interest through any such person, the owner or interest holder acquired it as a bona
25 fide purchaser for value without knowingly taking part in an illegal transaction; and

26 ~~(5)~~(E) Acquired the interest:

- 1 **SECTION 2.**
- 2 All laws and parts of laws in conflict with this Act are repealed.