

House Bill 1086

By: Representatives Setzler of the 35th, Efstration of the 104th, Smyre of the 135th, Burchett of the 176th, Boddie of the 62nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 9-16-15 of the Official Code of Georgia Annotated, relating to stay
2 of civil forfeiture proceedings during pendency of criminal proceedings, so as to require the
3 conclusion of criminal proceedings prior to civil forfeiture proceedings; to provide for an
4 exception; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 9-16-15 of the Official Code of Georgia Annotated, relating to stay of civil
8 forfeiture proceedings during pendency of criminal proceedings, is amended by revising
9 subsections (a) and (b) as follows:

10 ~~"(a) For good cause shown by the state or the owner or interest holder of the property, the~~
11 ~~court may~~ The court shall stay civil forfeiture proceedings during the pendency of criminal
12 proceedings resulting from a related indictment or accusation until such time as the
13 criminal proceedings result in a plea of guilty, a conviction after trial, or an acquittal after
14 trial or are otherwise concluded before the trial court unless the owner or interest holder
15 of the property waives such stay.

16 (b) An acquittal or dismissal in a criminal proceeding shall ~~not~~ preclude civil forfeiture
17 proceedings."

18 style="text-align:center">**SECTION 2.**

19 All laws and parts of laws in conflict with this Act are repealed.