

The House Committee on Judiciary Non-Civil offers the following substitute to HB 1086:

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  
4 exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **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. Failure to respond to the action or failure to appear in  
16 court on the action shall constitute a waiver.

17 (b)(1) An acquittal or dismissal in a criminal proceeding shall ~~not~~ preclude civil  
18 forfeiture proceedings.

19 (2) A disposition pursuant to the first offender act contained in Article 3 of Chapter 8 of  
20 Title 42, the provisions of Code Section 16-13-2, a juvenile court disposition, or a pretrial  
21 diversion program shall not preclude civil forfeiture proceedings."

22 **SECTION 2.**

23 All laws and parts of laws in conflict with this Act are repealed.