

2013 APR 23 AM 9:04

SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2013



**ENROLLED**

COMMITTEE SUBSTITUTE  
FOR

**House Bill No. 2521**

(By Delegate(s) Skaff and Marcum)



Passed April 9, 2013

In effect ninety days from passage.

HB 2521

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COMMITTEE SUBSTITUTE

FOR

## H. B. 2521

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(BY DELEGATE(S) SKAFF AND MARCUM)

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[Passed April 9, 2013; in effect ninety days from passage.]

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-7-705a, relating to the West Virginia Contraband Forfeiture Act; providing procedures for voluntary administrative forfeiture of forfeitable money used in or obtained through the illegal trafficking of controlled substances; establishing time frames; providing notice requirements; and providing for use of existing forfeiture law in contested cases.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §60A-7-705a, to read as follows:

**ARTICLE 7. WEST VIRGINIA CONTRABAND FORFEITURE ACT.**

**§60A-7-705a. Additional procedures for forfeiture.**

1 (a) Notwithstanding the provisions of section seven hundred  
2 five of this article, forfeitable moneys are subject to administra-  
3 tive forfeiture by the prosecuting attorney of a county or duly  
4 appointed special prosecutor.

5 (b) An administrative forfeiture notice shall be provided by  
6 the prosecuting attorney after the seizure of the money in  
7 question. The notice shall contain the following:

8 (1) A description of the money seized;

9 (2) A statement as to who is responsible for the seizure;

10 (3) A statement of the time and place of seizure;

11 (4) The identity of the owner or owners of the money, if  
12 known; and

13 (5) The identity of the person or persons in possession of the  
14 money at the time seized.

15 (c) At the time of filing or as soon as practicable thereafter,  
16 a copy of the petition for forfeiture shall be served upon the  
17 owner or owners of the seized money. Should diligent efforts fail  
18 to disclose the lawful owner or owners of the seized money, a  
19 copy of the petition for forfeiture shall be served upon any  
20 person who was in possession or alleged to be in possession of  
21 the money at the time of seizure, where such person's identity is  
22 known. The above service shall be made pursuant to the provi-  
23 sions of the West Virginia Rules of Civil Procedure.

24 (d) The administrative forfeiture notice shall include a  
25 statement substantially as follows: "To any claimant: "The  
26 confiscated money is subject to administrative forfeiture unless  
27 you provide a written notice, within thirty days of receipt of this

28 notice, that you wish to contest this forfeiture. If you fail to  
29 provide a notice to the prosecuting attorney, you will immedi-  
30 ately and forever lose all right, claim, title and interest to the  
31 confiscated money, and it will be disposed of according to law.”

32 (e) If, after thirty days of the delivery of notice from the  
33 prosecuting attorney as provided in subsections (c) and (d) of  
34 this section, no notice is received from any person indicating a  
35 desire to contest the administrative forfeiture, all right, title and  
36 interest to the confiscated money shall immediately vest in the  
37 state, and shall be disposed of in the same manner as in a civil  
38 forfeiture.

39 (f) If notice is received from any person, within the required  
40 period of time, indicating a desire to contest the administrative  
41 forfeiture, then no forfeiture may be obtained except through a  
42 civil forfeiture proceeding under section seven hundred five of  
43 this article.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Danny Wells*

Chairman, House Committee

*Robert Fisher*

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

*Suzanne M. Bradford*

Clerk of the House of Delegates

*Joseph M. Minard*

Clerk of the Senate

*Robert*

Speaker of the House of Delegates

*Jeffrey*

President of the Senate

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The within is approved this the 22nd  
day of April, 2013.

*Carl Ray Tomblin*  
Governor

PRESENTED TO THE GOVERNOR

APR 22 2013

Time 2:10 pm