

SECOND REGULAR SESSION

SENATE BILL NO. 804

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CURLS.

Read 1st time January 21, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S2885.011

AN ACT

To amend chapter 82, RSMo, by adding thereto one new section relating to the forfeiture of property used in criminal activity, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 82, RSMo, is amended by adding thereto one new section, to be known as section 82.1010, to read as follows:

82.1010. 1. In addition to forfeiture proceedings under sections 513.600 to 513.645, RSMo, the governing body of any city having a population of over four hundred thousand may enact ordinances to subject motor vehicles to forfeiture as provided in this section.

2. Any such city may by ordinance require the forfeiture of any motor vehicle which is used in the illegal dumping of solid waste or demolition waste as provided in sections 260.210 and 260.211, RSMo.

3. All forfeiture proceedings pursuant to this section shall be conducted in accordance with sections 513.600 to 513.645, RSMo, except the forfeiture proceeding shall be brought by the city attorney for the city which enacted such ordinances. In addition, the city may determine the manner of using the proceeds of its forfeiture activities.

4. The ordinance shall provide that any person claiming an ownership interest in the motor vehicle subject to forfeiture shall have all the defenses to the forfeiture proceeding available to them which they may be entitled to raise under sections 513.600 to 513.645, RSMo.

5. The ordinance shall also provide that a motor vehicle shall be returned to a nonoperating owner if:

(1) The title documents registered with the department of revenue at the time

of the action giving rise to the forfeiture proceeding list owners or coowners of the vehicle in addition to or other than the operator; and

(2) The nonoperating owner of the motor vehicle has not previously been the operator of a motor vehicle which has been the subject of a forfeiture proceeding authorized by this section.

If a vehicle is returned to the nonoperating owner, all costs associated with the seizure, towing, storage and impoundment of the vehicle, the payment of all court costs and reasonable attorney fees associated with the forfeiture proceeding shall be paid by the operator of the vehicle. To be entitled to return of the vehicle all owners shall execute a written agreement with the municipality stipulating and consenting to the seizure and forfeiture of the motor vehicle if the motor vehicle is subsequently operated by the same operator in violation of section 260.210 or 260.211, RSMo, which would allow the municipality to seek forfeiture of such vehicle under the ordinance enacted pursuant to this section.

6. The city may also prohibit such dumping of solid waste and demolition waste and may impose criminal fines in amounts not exceeding the fines set forth in section 260.212, RSMo. Such fines may only be imposed against the operator of the motor vehicle or others involved in the criminal act.

Bill ✓

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