Session 124 - (2021-2022)

H 3300 General Bill, By Rutherford, Robinson and J.L. Johnson

Summary: Controlled substances or seized items and forfeiture procedures

A BILL TO AMEND SECTION 44-53-520, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONTROLLED SUBSTANCES AND FORFEITURE PROCEDURES FOR PROPERTY SEIZED ACCORDINGLY, SO AS TO PROVIDE FOR THE EXPEDITED RETURN OF CERTAIN PROPERTY AND MONIES SEIZED WHEN FORFEITURE PROCEEDINGS HAVE NOT BEEN INSTITUTED AND CHARGES HAVE NOT BEEN FILED WITHIN THIRTY DAYS OF SEIZURE, TO PROVIDE THAT THE LAWFUL OWNER MAY NOT BE REQUIRED TO PROVE THAT THE PROPERTY OR MONIES SEIZED WERE LEGALLY ACQUIRED, TO PROHIBIT THE SEIZING AUTHORITY FROM REQUIRING A LAWFUL OWNER OF PROPERTY OR MONIES TO SIGN A RELEASE ABSOLVING THE SEIZING AUTHORITY FROM CIVIL LIABILITY RELATING TO AN UNLAWFUL SEIZURE BEFORE PROPERTY OR MONIES ARE RETURNED, AND TO PROVIDE THAT CRIMINAL CHARGES MAY BE BROUGHT AT A LATER DATE IF EVIDENCE WARRANTS; TO AMEND SECTION 44-53-530, RELATING TO CONTROLLED SUBSTANCES AND FORFEITURE PROCEDURES FOR PROPERTY SEIZED ACCORDINGLY, SO AS TO ALLOW FORFEITURE PROCEEDINGS TO BE HELD IN THE MAGISTRATES COURT IF THE VALUE OF THE PROPERTY SEIZED DOES NOT EXCEED SEVEN THOUSAND FIVE HUNDRED DOLLARS, CHANGE THE METHOD OF ALLOCATING VARIOUS ASSETS OBTAINED THROUGH DRUG FORFEITURES SO THAT AFTER THE FIRST ONE THOUSAND DOLLARS RETAINED BY THE APPROPRIATE LAW ENFORCEMENT AGENCY, THE REMAINING ASSETS MUST BE FORWARDED TO THE PROSECUTING AGENCY, AND MAKE TECHNICAL CHANGES REFLECTING THE NEW DISTRIBUTION OF THESE ASSETS; AND TO AMEND SECTION 44-53-586, RELATING TO THE RETURN OF SEIZED ITEMS UNDER DRUG FORFEITURE LAWS TO INNOCENT OWNERS, SO AS TO ALLOW PROCEEDINGS TO BE HELD IN THE MAGISTRATES COURT IF THE VALUE OF THE PROPERTY SEIZED DOES NOT EXCEED SEVEN THOUSAND FIVE HUNDRED DOLLARS.

12/09/20	**House**	**Prefiled**
12/09/20	**House**	**Referred to Committee on Judiciary**
01/12/21	**House**	**Introduced and read first time (House Journal-page 149)**
01/12/21	**House**	**Referred to Committee on Judiciary (House Journal-page 149)**
01/14/21	**House**	**Member(s) request name added as sponsor: J.L.Johnson**