**A** **BILL**

TO AMEND THE FIRST PARAGRAPH OF SECTION 44-53-530(a) OF THE 1976 CODE, RELATING TO CIVIL ASSET FORFEITURE PROCEDURES, TO PROVIDE THAT MONIES SEIZED MUST BE RETURNED TO THE PERSON FROM WHOM THE MONIES WERE SEIZED IF FORFEITURE PROCEEDINGS ARE NOT COMMENCED WITHIN NINETY DAYS OF THE SEIZURE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The first paragraph of Section 44-53-530(a) of the 1976 Code is amended to read:

“(a) Forfeiture of property defined in Section 44-53-520 must be accomplished by petition of the Attorney General or his designee or the circuit solicitor or his designee to the court of common pleas for the jurisdiction where the items were seized. The petition must be submitted to the court within a reasonable time period following seizure and shall set forth the facts upon which the seizure was made. If the petition is not filed within ninety days of seizing monies, then the monies shall be returned, together with interest, to the person from whom the monies were seized. The petition shall describe the property and include the names of all owners of record and lienholders of record. The petition shall identify any other persons known to the petitioner to have interests in the property. Petitions for the forfeiture of conveyances shall also include: the make, model, and year of the conveyance, the person in whose name the conveyance is registered, and the person who holds the title to the conveyance. The petition shall set forth the type and quantity of the controlled substance involved. A copy of the petition must be sent to each law enforcement agency which has notified the petitioner of its involvement in effecting the seizure. Notice of hearing or rule to show cause must be directed to all persons with interests in the property listed in the petition, including law enforcement agencies which have notified the petitioner of their involvement in effecting the seizure. Owners of record and lienholders of record may be served by certified mail, to the last known address as appears in the records of the governmental agency which records the title or lien.”

SECTION 2. This act takes effect upon approval by the Governor.

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