

By: Representative Criswell

To: Judiciary B

HOUSE BILL NO. 600

1 AN ACT TO AMEND SECTION 41-29-177, MISSISSIPPI CODE OF 1972,
 2 TO PROHIBIT WAIVERS REGARDING FORFEITURES; TO AMEND SECTION
 3 41-29-179, MISSISSIPPI CODE OF 1972, TO REVISE THE STANDARD OF
 4 PROOF; TO BRING FORWARD SECTIONS 41-29-153, 41-29-176.1,
 5 41-29-181, 41-29-183 and 41-29-107.1, MISSISSIPPI CODE OF 1972,
 6 WHICH RELATE TO THE MISSISSIPPI BUREAU OF NARCOTICS WEBSITE ON
 7 SEIZED PROPERTY AND THE PROSECUTION OF CASES AND PROCEDURES FOR
 8 THE DISPOSITION OF SEIZED PROPERTY, FOR PURPOSES OF POSSIBLE
 9 AMENDMENT; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** Section 41-29-177, Mississippi Code of 1972, is
 12 amended as follows:

13 41-29-177. (1) Except as otherwise provided in * * *
 14 Section 41-29-107.1, when any property, other than a controlled
 15 substance, raw material or paraphernalia, is seized under the
 16 Uniform Controlled Substances Law, proceedings under this section
 17 shall be instituted within thirty (30) days from the date of
 18 seizure or the subject property shall be immediately returned to
 19 the party from whom seized.

20 (2) A petition for forfeiture shall be filed by the district
 21 attorney or his or her designee, or an attorney for the bureau, as



22 applicable, in the name of the State of Mississippi, the county or
23 the municipality and may be filed in the county in which the
24 seizure is made, the county in which the criminal prosecution is
25 brought or the county in which the owner of the seized property is
26 found. Forfeiture proceedings may be brought in the circuit court
27 or the county court if a county court exists in the county and the
28 value of the seized property is within the jurisdictional limits
29 of the county court as set forth in Section 9-9-21 * * *. A copy
30 of such petition shall be served upon the following persons by
31 service of process in the same manner as in civil cases:

32 (a) The owner of the property, if address is known;

33 (b) Any secured party who has registered his lien or
34 filed a financing statement as provided by law, if the identity of
35 such secured party can be ascertained by the Bureau of Narcotics
36 or the local law enforcement agency by making a good faith effort
37 to ascertain the identity of such secured party as described in
38 subsections (3), (4), (5), (6) and (7) of this section;

39 (c) Any other bona fide lienholder or secured party or
40 other person holding an interest in the property in the nature of
41 a security interest of whom the Mississippi Bureau of Narcotics or
42 the local law enforcement agency has actual knowledge;

43 (d) Any holder of a mortgage, deed of trust, lien or
44 encumbrance of record, if the property is real estate, by making a
45 good faith inquiry as described in subsection (8) of this section;

46 and



47 (e) Any person in possession of property subject to
48 forfeiture at the time that it was seized.

49 (3) If the property is a motor vehicle susceptible of
50 titling under the Mississippi Motor Vehicle Title Law and if there
51 is any reasonable cause to believe that the vehicle has been
52 titled, the Bureau of Narcotics or the local law enforcement
53 agency shall make inquiry of the Department of Revenue as to what
54 the records of the Department of Revenue show as to who is the
55 record owner of the vehicle and who, if anyone, holds any lien or
56 security interest which affects the vehicle.

57 (4) If the property is a motor vehicle and is not titled in
58 the State of Mississippi, then the Bureau of Narcotics or the
59 local law enforcement agency shall attempt to ascertain the name
60 and address of the person in whose name the vehicle is licensed,
61 and if the vehicle is licensed in a state which has in effect a
62 certificate of title law, the bureau or the local law enforcement
63 agency shall make inquiry of the appropriate agency of that state
64 as to what the records of the agency show as to who is the record
65 owner of the vehicle and who, if anyone, holds any lien, security
66 interest or other instrument in the nature of a security device
67 which affects the vehicle.

68 (5) If the property is of a nature that a financing
69 statement is required by the laws of this state to be filed to
70 perfect a security interest affecting the property and if there is
71 any reasonable cause to believe that a financing statement



72 covering the security interest has been filed under the laws of
73 this state, the Bureau of Narcotics or the local law enforcement
74 agency shall make inquiry of the appropriate office designated in
75 Section 75-9-501 * * * as to what the records show as to who is
76 the record owner of the property and who, if anyone, has filed a
77 financing statement affecting the property.

78 (6) If the property is an aircraft or part thereof and if
79 there is any reasonable cause to believe that an instrument in the
80 nature of a security device affects the property, then the Bureau
81 of Narcotics or the local law enforcement agency shall make
82 inquiry of the Mississippi Department of Transportation as to what
83 the records of the Federal Aviation Administration show as to who
84 is the record owner of the property and who, if anyone, holds an
85 instrument in the nature of a security device which affects the
86 property.

87 (7) In the case of all other personal property subject to
88 forfeiture, if there is any reasonable cause to believe that an
89 instrument in the nature of a security device affects the
90 property, then the Bureau of Narcotics or the local law
91 enforcement agency shall make a good faith inquiry to identify the
92 holder of any such instrument.

93 (8) If the property is real estate, the Bureau of Narcotics
94 or the local law enforcement agency shall make inquiry of the
95 chancery clerk of the county wherein the property is located to
96 determine who is the owner of record and who, if anyone, is a



97 holder of a bona fide mortgage, deed of trust, lien or
98 encumbrance.

99 (9) In the event the answer to an inquiry states that the
100 record owner of the property is any person other than the person
101 who was in possession of it when it was seized, or states that any
102 person holds any lien, encumbrance, security interest, other
103 interest in the nature of a security interest, mortgage or deed of
104 trust which affects the property, the Bureau of Narcotics or the
105 local law enforcement agency shall cause any record owner and also
106 any lienholder, secured party, other person who holds an interest
107 in the property in the nature of a security interest, or holder of
108 an encumbrance, mortgage or deed of trust which affects the
109 property to be named in the petition of forfeiture and to be
110 served with process in the same manner as in civil cases.

111 (10) If the owner of the property cannot be found and served
112 with a copy of the petition of forfeiture, or if no person was in
113 possession of the property subject to forfeiture at the time that
114 it was seized and the owner of the property is unknown, the Bureau
115 of Narcotics or the local law enforcement agency shall file with
116 the clerk of the court in which the proceeding is pending an
117 affidavit to such effect, whereupon the clerk of the court shall
118 publish notice of the hearing addressed to "the Unknown Owner of
119 _____," filling in the blank space with a reasonably
120 detailed description of the property subject to forfeiture.
121 Service by publication shall contain the other requisites



122 prescribed in Section 11-33-41, and shall be served as provided in
123 Section 11-33-37 * * * for publication of notice for attachments
124 at law.

125 (11) No proceedings instituted pursuant to the provisions of
126 this article shall proceed to hearing unless the judge conducting
127 the hearing is satisfied that this section and Section 41-29-107.1
128 has been complied with. Any answer received from an inquiry
129 required by subsections (3) through (8) of this section shall be
130 introduced into evidence at the hearing.

131 (12) A law enforcement officer other than an officer of the
132 court may not request, require or induce a person to waive, for
133 purposes of forfeiture, his or her interest in any property under
134 this chapter. Any such waiver must be considered null and void
135 and is inadmissible in court.

136 **SECTION 2.** Section 41-29-179, Mississippi Code of 1972, is
137 amended as follows:

138 41-29-179. (1) Except as otherwise provided in * * *
139 Section 41-29-107.1, an owner of property, other than a controlled
140 substance, raw material or paraphernalia, that has been seized
141 shall file an answer within thirty (30) days after the completion
142 of service of process. If an answer is not filed, the court shall
143 hear evidence that the property is subject to forfeiture and
144 forfeit the property to the Mississippi Bureau of Narcotics or the
145 local law enforcement agency. If an answer is filed, a time for
146 hearing on forfeiture shall be set within thirty (30) days of



147 filing the answer or at the succeeding term of court if court
148 would not be in progress within thirty (30) days after filing the
149 answer. * * * However, * * * upon request by the Bureau of
150 Narcotics, the local law enforcement agency or the owner of the
151 property, the court may postpone * * * the forfeiture hearing to a
152 date past the time any criminal action is pending against * * *
153 the owner.

154 (2) If the owner of the property has filed an answer denying
155 that the property is subject to forfeiture, then the burden is on
156 the petitioner to prove that the property is subject to
157 forfeiture. However, if an answer has not been filed by the owner
158 of the property, the petition for forfeiture may be introduced
159 into evidence and is prima facie evidence that the property is
160 subject to forfeiture. The standard of proof placed upon the
161 petitioner in regard to property forfeited under the provisions of
162 this article shall be by * * * clear and convincing evidence.

163 (3) At the hearing any claimant of any right, title or
164 interest in the property may prove his lien, encumbrance, security
165 interest, other interest in the nature of a security interest,
166 mortgage or deed of trust to be bona fide and created without
167 knowledge or consent that the property was to be used so as to
168 cause the property to be subject to forfeiture.

169 (4) If it is found that the property is subject to
170 forfeiture, then the judge shall forfeit the property to the
171 Mississippi Bureau of Narcotics or the local law enforcement



172 agency. However, if proof at the hearing discloses that the
173 interest of any bona fide lienholder, secured party, other person
174 holding an interest in the property in the nature of a security
175 interest, or any holder of a bona fide encumbrance, mortgage or
176 deed of trust is greater than or equal to the present value of the
177 property, the court shall order the property released to him. If
178 such interest is less than the present value of the property and
179 if the proof shows that the property is subject to forfeiture, the
180 court shall order the property forfeited to the Mississippi Bureau
181 of Narcotics or the local law enforcement agency.

182 (5) Upon a petition filed in the name of the State of
183 Mississippi, the county or the municipality with the clerk of the
184 circuit court of the county in which the seizure of any controlled
185 substance or raw material is made, the circuit court having
186 jurisdiction may order the controlled substance or raw material
187 summarily forfeited except when lawful possession and title can be
188 ascertained. If a person is found to have had lawful possession
189 and title prior to seizure, the court shall order the controlled
190 substance or raw material returned to the owner, if the owner so
191 desires. Upon a petition filed in the name of the State of
192 Mississippi, the county or the municipality with the clerk of the
193 circuit court of the county in which the seizure of any purported
194 paraphernalia is made, the circuit court having jurisdiction may
195 order such seized property summarily forfeited when the court has



196 determined the seized property to be paraphernalia as defined in
197 Section 41-29-105(v).

198 **SECTION 3.** Section 41-29-153, Mississippi Code of 1972, is
199 brought forward as follows:

200 41-29-153. (a) The following are subject to forfeiture:

201 (1) All controlled substances which have been
202 manufactured, distributed, dispensed or acquired in violation of
203 this article or in violation of Article 5 of this chapter;

204 (2) All raw materials, products and equipment of any
205 kind which are used, or intended for use, in manufacturing,
206 compounding, processing, delivering, importing, or exporting any
207 controlled substance in violation of this article or in violation
208 of Article 5 of this chapter;

209 (3) All property which is used, or intended for use, as
210 a container for property described in paragraph (1) or (2) of this
211 subsection;

212 (4) All conveyances, including aircraft, vehicles or
213 vessels, which are used, or intended for use, to transport, or in
214 any manner to facilitate the transportation, sale, receipt,
215 possession or concealment of property described in paragraph (1)
216 or (2) of this subsection, however:

217 A. No conveyance used by any person as a common
218 carrier in the transaction of business as a common carrier is
219 subject to forfeiture under this section unless it appears that



220 the owner or other person in charge of the conveyance is a
221 consenting party or privy to a violation of this article;

222 B. No conveyance is subject to forfeiture under
223 this section by reason of any act or omission proved by the owner
224 thereof to have been committed or omitted without his knowledge or
225 consent; if the confiscating authority has reason to believe that
226 the conveyance is a leased or rented conveyance, then the
227 confiscating authority shall notify the owner of the conveyance
228 within five (5) days of the confiscation;

229 C. A forfeiture of a conveyance encumbered by a
230 bona fide security interest is subject to the interest of the
231 secured party if he neither had knowledge of nor consented to the
232 act or omission;

233 D. A conveyance is not subject to forfeiture for a
234 violation of Section 41-29-139(c) (2) (A) 1, 2 or (B)1 or (C)1, 2,
235 3;

236 (5) All money, deadly weapons, books, records, and
237 research products and materials, including formulas, microfilm,
238 tapes and data which are used, or intended for use, in violation
239 of this article or in violation of Article 5 of this chapter;

240 (6) All drug paraphernalia as defined in Section
241 41-29-105(v); and

242 (7) Everything of value, including real estate,
243 furnished, or intended to be furnished, in exchange for a
244 controlled substance in violation of this article, all proceeds



245 traceable to such an exchange, and all monies, negotiable
246 instruments, businesses or business investments, securities, and
247 other things of value used, or intended to be used, to facilitate
248 any violation of this article. All monies, coin and currency
249 found in close proximity to forfeitable controlled substances, to
250 forfeitable drug manufacturing or distributing paraphernalia, or
251 to forfeitable records of the importation, manufacture or
252 distribution of controlled substances are presumed to be
253 forfeitable under this paragraph; the burden of proof is upon
254 claimants of the property to rebut this presumption.

255 A. No property shall be forfeited under the
256 provisions of subsection (a)(7) of this section, to the extent of
257 the interest of an owner, by reason of any act or omission
258 established by him to have been committed or omitted without his
259 knowledge or consent.

260 B. Neither personal property encumbered by a bona
261 fide security interest nor real estate encumbered by a bona fide
262 mortgage, deed of trust, lien or encumbrance shall be forfeited
263 under the provisions of subsection (a)(7) of this section, to the
264 extent of the interest of the secured party or the interest of the
265 mortgagee, holder of a deed of trust, lien or encumbrance by
266 reason of any act or omission established by him to have been
267 committed or omitted without his knowledge or consent.

268 (b) Property subject to forfeiture may be seized by the
269 bureau, local law enforcement officers, enforcement officers of



270 the Mississippi Department of Transportation, highway patrolmen,
271 the board, or the State Board of Pharmacy upon process issued by
272 any appropriate court having jurisdiction over the property.

273 Seizure without process may be made if:

274 (1) The seizure is incident to an arrest or a search
275 under a search warrant or an inspection under an administrative
276 inspection warrant;

277 (2) The property subject to seizure has been the
278 subject of a prior judgment in favor of the state in a criminal
279 injunction or forfeiture proceeding based upon this article;

280 (3) The bureau, the board, local law enforcement
281 officers, enforcement officers of the Mississippi Department of
282 Transportation, or highway patrolmen, or the State Board of
283 Pharmacy have probable cause to believe that the property is
284 directly or indirectly dangerous to health or safety;

285 (4) The bureau, local law enforcement officers,
286 enforcement officers of the Mississippi Department of
287 Transportation, highway patrolmen, the board, or the State Board
288 of Pharmacy have probable cause to believe that the property was
289 used or is intended to be used in violation of this article; or

290 (5) The seizing law enforcement agency obtained a
291 seizure warrant as described in paragraph (f) of this section.

292 (c) Controlled substances listed in Schedule I of Section
293 41-29-113 that are possessed, transferred, sold, or offered for
294 sale in violation of this article are contraband and shall be



295 seized and summarily forfeited to the state. Controlled
296 substances listed in the said Schedule I, which are seized or come
297 into the possession of the state, the owners of which are unknown,
298 are contraband and shall be summarily forfeited to the state.

299 (d) Species of plants from which controlled substances in
300 Schedules I and II of Sections 41-29-113 and 41-29-115 may be
301 derived which have been planted or cultivated in violation of this
302 article, or of which the owners or cultivators are unknown, or
303 which are wild growths, may be seized and summarily forfeited to
304 the state.

305 (e) The failure, upon demand by the bureau and/or local law
306 enforcement officers, or their authorized agents, or highway
307 patrolmen designated by the bureau, the board, or the State Board
308 of Pharmacy, of the person in occupancy or in control of land or
309 premises upon which the species of plants are growing or being
310 stored, to produce an appropriate registration, or proof that he
311 is the holder thereof, constitutes authority for the seizure and
312 forfeiture of the plants.

313 (f) (1) When any property is seized under the Uniform
314 Controlled Substances Law, except as otherwise provided in
315 paragraph (3) of this subsection, by a law enforcement agency with
316 the intent to be forfeited, the law enforcement agency that seized
317 the property shall obtain a seizure warrant from the county or
318 circuit court having jurisdiction of such property within
319 seventy-two (72) hours of any seizure, excluding weekends and



320 holidays. Any law enforcement agency that fails to obtain a
321 seizure warrant within seventy-two (72) hours as required by this
322 section shall notify the person from whom the property was seized
323 that it will not be forfeited and shall provide written
324 instructions advising the person how to retrieve the seized
325 property.

326 (2) A circuit or county judge having jurisdiction of
327 any property other than a controlled substance, raw material or
328 paraphernalia, may issue a seizure warrant upon proper oath or
329 affirmation from a law enforcement agency. The law enforcement
330 agency that is seeking a seizure warrant shall provide the
331 following information to the judge:

332 A. Probable cause to believe that the property was
333 used or intended to be used in violation of this article;

334 B. The name of the person from whom the property
335 was seized; and

336 C. A detailed description of the property which is
337 seized, including the value of the property.

338 (3) This subsection does not apply to seizures
339 performed pursuant to Section 41-29-157 when property is
340 specifically set forth in a search and seizure warrant.

341 **SECTION 4.** Section 41-29-176.1, Mississippi Code of 1972, is
342 brought forward as follows:

343 41-29-176.1. The seizing law enforcement agency shall within
344 thirty (30) days of a seizure, request either the district



345 attorney of the county in which property is seized or the
346 Mississippi Bureau of Narcotics to prosecute any cases involving
347 seized property. No one other than the district attorney of the
348 county in which the seizure occurred or an attorney from the
349 Mississippi Bureau of Narcotics shall have authority to prosecute
350 the forfeiture of the seized property. If the district attorney
351 and the Mississippi Bureau of Narcotics decline to prosecute the
352 forfeiture of the seized property, the seizing law enforcement
353 agency shall notify the person from whom the property was seized
354 that the property will not be forfeited, within thirty (30) days
355 of receiving the notice not to prosecute, and shall provide
356 written instructions advising the person how to retrieve the
357 seized property.

358 **SECTION 5.** Section 41-29-181, Mississippi Code of 1972, is
359 brought forward as follows:

360 41-29-181. (1) Regarding all controlled substances, raw
361 materials and paraphernalia which have been forfeited, the circuit
362 court shall by its order direct the Bureau of Narcotics to:

363 (a) Retain the property for its official purposes;

364 (b) Deliver the property to a government agency or
365 department for official purposes;

366 (c) Deliver the property to a person authorized by the
367 court to receive it; or

368 (d) Destroy the property that is not otherwise
369 disposed, pursuant to the provisions of Section 41-29-154.



370 (2) All other property, real or personal, which is forfeited
371 under this article, except as otherwise provided in Section
372 41-29-185, and except as provided in subsections (3), (7) and (8)
373 of this section, shall be liquidated and, after deduction of court
374 costs and the expenses of liquidation, the proceeds shall be
375 divided and deposited as follows:

376 (a) In the event only one (1) law enforcement agency
377 participates in the underlying criminal case out of which the
378 forfeiture arises, twenty percent (20%) of the proceeds shall be
379 forwarded to the State Treasurer and deposited in the General Fund
380 of the state and eighty percent (80%) of the proceeds shall be
381 deposited and credited to the budget of the participating law
382 enforcement agency.

383 (b) In the event more than one (1) law enforcement
384 agency participates in the underlying criminal case out of which
385 the forfeiture arises, eighty percent (80%) of the proceeds shall
386 be deposited and credited to the budget of the law enforcement
387 agency whose officers initiated the criminal case and twenty
388 percent (20%) shall be divided equitably between or among the
389 other participating law enforcement agencies, and shall be
390 deposited and credited to the budgets of the participating law
391 enforcement agencies. In the event that the other participating
392 law enforcement agencies cannot agree on the division of their
393 twenty percent (20%), a petition shall be filed by any one of them



394 in the court in which the civil forfeiture case is brought and the
395 court shall make an equitable division.

396 If the criminal case is initiated by an officer of the Bureau
397 of Narcotics and more than one (1) law enforcement agency
398 participates in the underlying criminal case out of which the
399 forfeiture arises, the proceeds shall be divided equitably between
400 or among the Bureau of Narcotics and other participating law
401 enforcement agencies and shall be deposited and credited to the
402 budgets of the participating law enforcement agencies. In the
403 event that the Bureau of Narcotics and the other participating law
404 enforcement agencies cannot agree on an equitable division of the
405 proceeds, a petition shall be filed by any one of them in the
406 court in which the civil forfeiture case is brought and the court
407 shall make an equitable division.

408 (3) All money which is forfeited under this article, except
409 as otherwise provided by Section 41-29-185, shall be divided,
410 deposited and credited in the same manner as set forth in
411 subsection (2) of this section.

412 (4) All property forfeited, deposited and credited to the
413 Mississippi Bureau of Narcotics under this article shall be
414 forwarded to the State Treasurer and deposited in a special fund
415 for use by the Mississippi Bureau of Narcotics upon appropriation
416 by the Legislature.

417 (5) All real estate which is forfeited under the provisions
418 of this article shall be sold to the highest and best bidder at a



419 public auction for cash, such auction to be conducted by the chief
420 law enforcement officer of the initiating law enforcement agency,
421 or his designee, at such place, on such notice and in accordance
422 with the same procedure, as far as practicable, as is required in
423 the case of sales of land under execution at law. The proceeds of
424 such sale shall first be applied to the cost and expense in
425 administering and conducting such sale, then to the satisfaction
426 of all mortgages, deeds of trust, liens and encumbrances of record
427 on such property. The remaining proceeds shall be divided,
428 forwarded and deposited in the same manner set out in subsection
429 (2) of this section.

430 (6) All other property that has been forfeited shall, except
431 as otherwise provided, be sold at a public auction for cash by the
432 chief law enforcement officer of the initiating law enforcement
433 agency, or his designee, to the highest and best bidder after
434 advertising the sale for at least once each week for three (3)
435 consecutive weeks, the last notice to appear not more than ten
436 (10) days nor less than five (5) days prior to such sale, in a
437 newspaper having a general circulation in the jurisdiction in
438 which said law enforcement agency is located. Such notices shall
439 contain a description of the property to be sold and a statement
440 of the time and place of sale. It shall not be necessary to the
441 validity of such sale either to have the property present at the
442 place of sale or to have the name of the owner thereof stated in



443 such notice. The proceeds of the sale shall be disposed of as
444 follows:

445 (a) To any bona fide lienholder, secured party or other
446 party holding an interest in the property in the nature of a
447 security interest, to the extent of his interest; and

448 (b) The balance, if any, remaining after deduction of
449 all storage, court costs and expenses of liquidation shall be
450 divided, forwarded and deposited in the same manner set out in
451 subsection (2) of this section.

452 (7) (a) Any county or municipal law enforcement agency may
453 maintain, repair, use and operate for official purposes all
454 property, other than real property, money or such property that is
455 described in subsection (1) of this section, that has been
456 forfeited to the agency if it is free from any interest of a bona
457 fide lienholder, secured party or other party who holds an
458 interest in the property in the nature of a security interest.
459 Such county or municipal law enforcement agency may purchase the
460 interest of a bona fide lienholder, secured party or other party
461 who holds an interest so that the property can be released for its
462 use. If the property is a motor vehicle susceptible of titling
463 under the Mississippi Motor Vehicle Title Law, the law enforcement
464 agency shall be deemed to be the purchaser, and the certificate of
465 title shall be issued to it as required by subsection (9) of this
466 section.



467 (b) (i) If a vehicle is forfeited to or transferred to
468 a sheriff's department, then the sheriff may transfer the vehicle
469 to the county for official or governmental use as the board of
470 supervisors may direct.

471 (ii) If a vehicle is forfeited to or transferred
472 to a police department, then the police chief may transfer the
473 vehicle to the municipality for official or governmental use as
474 the governing authority of the municipality may direct.

475 (c) If a motor vehicle forfeited to a county or
476 municipal law enforcement agency becomes obsolete or is no longer
477 needed for official or governmental purposes, it may be disposed
478 of in accordance with Section 19-7-5 or in the manner provided by
479 law for disposing of municipal property.

480 (8) The Mississippi Bureau of Narcotics may maintain,
481 repair, use and operate for official purposes all property, other
482 than real property, money or such property as is described in
483 subsection (1) of this section, that has been forfeited to the
484 bureau if it is free from any interest of a bona fide lienholder,
485 secured party, or other party who holds an interest in the
486 property in the nature of a security interest. In such case, the
487 bureau may purchase the interest of a bona fide lienholder,
488 secured party or other party who holds an interest so that such
489 property can be released for use by the bureau.

490 The bureau may maintain, repair, use and operate such
491 property with money appropriated to the bureau for current



492 operations. If the property is a motor vehicle susceptible of
493 titling under the Mississippi Motor Vehicle Title Law, the bureau
494 is deemed to be the purchaser and the certificate of title shall
495 be issued to it as required by subsection (9) of this section.

496 (9) The Department of Revenue shall issue a certificate of
497 title to any person who purchases property under the provisions of
498 this section when a certificate of title is required under the
499 laws of this state.

500 **SECTION 6.** Section 41-29-107.1, Mississippi Code of 1972, is
501 brought forward as follows:

502 41-29-107.1. (1) The Mississippi Bureau of Narcotics shall
503 establish and maintain a public website that is searchable by case
504 numbers created by the bureau which tracks seized property from
505 the time of seizure to final disposition of the property. The
506 website shall be designed in a manner that allows the information
507 required by this section to be uploaded to the website. The
508 website shall include the following information regarding property
509 that is seized by a law enforcement agency pursuant to Section
510 41-29-153:

511 (a) The name of the law enforcement agency that seized
512 the property;

513 (b) A description of each item seized, including the
514 approximate value of the property;



515 (c) A copy of the notice of intent to forfeit as
516 described in Section 41-29-176 or the petition for forfeiture as
517 described in Section 41-29-177, whichever is applicable;

518 (d) A copy of any petition to contest forfeiture filed
519 as described in Section 41-29-176;

520 (e) If a forfeiture was obtained because no petition to
521 contest forfeiture was timely filed as provided in Section
522 41-29-176, a copy of the written declaration of forfeiture as
523 required by Section 41-29-176;

524 (f) If a forfeiture is obtained under Section
525 41-29-177, a copy of any final judgment or dispositive order
526 regarding the merits of the petition for forfeiture; and

527 (g) If the forfeiture was initiated under Section
528 41-29-176 and a petition to contest is filed, a copy of any final
529 order or other dispositive order regarding the forfeiture.

530 (2) (a) Except as otherwise provided in this section for
531 the bureau, upon seizure of any property by a law enforcement
532 agency pursuant to Section 41-29-153, the seizing law enforcement
533 agency shall provide the applicable information required by
534 subsection (1) of this section to the district attorney of the
535 county in which the property was seized within thirty (30) days of
536 such seizure. However, if the bureau is conducting the seizure of
537 property on behalf of a law enforcement agency, the provisions of
538 paragraph (b) of this subsection shall apply. Within thirty (30)
539 days of receipt of notice of intent to forfeit as described in



540 Section 41-29-176 or the filing of a petition for forfeiture as
541 described in Section 41-29-177 in a court of competent
542 jurisdiction, the district attorney shall upload the information
543 required by this section to the bureau's website. Within thirty
544 (30) days of service of a petition to contest forfeiture as
545 described by Section 41-29-176, the district attorney shall upload
546 the information required by the section to the bureau's website.
547 Within thirty (30) days of dispositive actions regarding any
548 seized property, the district attorney shall upload the applicable
549 information required by subsection (1) of this section to the
550 bureau's website. The commander of a multijurisdictional
551 taskforce may appoint one (1) agency to report its seizures to the
552 district attorney of the county in which the property was seized.
553 Any law enforcement agency that fails to provide the information
554 required by this section shall be disqualified from applying for
555 or receiving state grants.

556 (b) Upon seizure of any property by the bureau pursuant
557 to Section 41-29-153 or pursuant to a request by a law enforcement
558 agency for the bureau to seize property on behalf of the law
559 enforcement agency, the bureau shall upload the information
560 required by this subsection on its website within thirty (30) days
561 of the seizure, or from the time of the receipt of the request
562 from the law enforcement agency.



563 (3) Failure to upload the information required by this
564 section shall not invalidate the seizure or otherwise preclude the
565 same.

566 (4) The Mississippi Bureau of Narcotics shall adopt rules
567 and regulations that are necessary to implement this section.

568 (5) For purposes of this section, the term "law enforcement
569 agency" includes any person or entity having seizure authority
570 under Section 41-29-159.

571 (6) Failure to substantially comply with the provisions of
572 this section shall disqualify the seizing law enforcement agency
573 from applying for or receiving federal or state grants until such
574 time as in compliance with this section.

575 (7) The provisions of this section shall be required only at
576 such time as the Legislature has appropriated funds for the bureau
577 to create and maintain the required website. The website shall be
578 created and functionally operational, not more than twelve (12)
579 months from the date that sufficient funds have been appropriated
580 for that purpose. The bureau shall provide at least thirty (30)
581 days notice in advance of the date when the website will be
582 operational to each district attorney in the state.

583 **SECTION 7.** Section 41-29-183, Mississippi Code of 1972, is
584 brought forward as follows:

585 41-29-183. The forfeiture procedure set forth in Sections
586 41-29-177 through 41-29-181 is the sole remedy of any claimant,



587 and no court shall have jurisdiction to interfere therewith by
588 replevin, injunction, supersedeas or in any other manner.

589 **SECTION 8.** This act shall take effect and be in force from
590 and after July 1, 2022.

