

By: Representative Horan

To: Judiciary A

HOUSE BILL NO. 1677

1 AN ACT TO REENACT SECTION 41-29-176, MISSISSIPPI CODE OF  
2 1972, WHICH WAS REPEALED BY OPERATION OF LAW ON JULY 1, 2018; TO  
3 PROVIDE ADMINISTRATIVE FORFEITURE PROCEDURES FOR CERTAIN SEIZED  
4 PROPERTY UNDER THE UNIFORM CONTROLLED SUBSTANCES LAW THAT HAS A  
5 VALUE OF LESS THAN TWENTY THOUSAND DOLLARS; TO PROVIDE THAT IF THE  
6 VALUE OF FORFEITED PROPERTY DOES NOT EXCEED TEN THOUSAND DOLLARS,  
7 SUBSTITUTE NOTICE OF INTENTION TO ADMINISTRATIVELY FORFEIT THE  
8 PROPERTY MAY BE MADE BY POSTING A NOTICE ON AN OFFICIAL STATE  
9 GOVERNMENT FORFEITURE SITE FOR AT LEAST THIRTY CONSECUTIVE DAYS;  
10 TO PROVIDE THAT SUCH SITE SHALL BE CREATED AND MAINTAINED BY THE  
11 MISSISSIPPI BUREAU OF NARCOTICS; TO AUTHORIZE THE BUREAU TO CHARGE  
12 A REASONABLE FEE IF OTHER SEIZING LAW ENFORCEMENT AGENCIES CHOOSE  
13 TO UTILIZE SUCH SITE FOR INTERNET PUBLICATION; TO PROVIDE CERTAIN  
14 REQUIREMENTS FOR SUCH NOTICE OF PUBLICATION; TO AUTHORIZE ANY  
15 PERSON CLAIMING AN INTEREST IN PROPERTY WHICH IS THE SUBJECT OF A  
16 NOTICE TO FILE A PETITION TO CONTEST FORFEITURE WITHIN THIRTY DAYS  
17 AFTER RECEIPT OF SUCH NOTICE OR OF THE DATE OF THE FIRST  
18 PUBLICATION OF SUCH NOTICE; TO REQUIRE THE DISTRICT ATTORNEY OR  
19 HIS OR HER DESIGNEE TO PREPARE A WRITTEN DECLARATION OF FORFEITURE  
20 OF THE SUBJECT PROPERTY IF NO PETITION TO CONTEST FORFEITURE IS  
21 TIMELY FILED AND A SEIZURE WARRANT WAS PROPERLY OBTAINED; TO  
22 PROVIDE THAT THE FORFEITED PROPERTY SHALL BE USED, DISTRIBUTED OR  
23 DISPOSED OF IF NO PETITION TO CONTEST FORFEITURE IS TIMELY FILED  
24 AND A SEIZURE WARRANT WAS PROPERLY OBTAINED; AND FOR RELATED  
25 PURPOSES.

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

27 **SECTION 1.** Section 41-29-176, Mississippi Code of 1972,  
28 which was repealed by operation of law on July 1, 2018, is  
29 reenacted as follows:



30 41-29-176. (1) Except as otherwise provided in Section  
31 41-29-107.1, when any property other than a controlled substance,  
32 raw material or paraphernalia, the value of which does not exceed  
33 Twenty Thousand Dollars (\$20,000.00), is seized under the Uniform  
34 Controlled Substances Law, the property may be forfeited by the  
35 administrative forfeiture procedures provided for in this section.

36 (2) The attorney for or any representative of the seizing law  
37 enforcement agency shall provide notice of intention to forfeit  
38 the seized property administratively, either by certified mail,  
39 return receipt requested, or by personal delivery, to all persons  
40 who are required to be notified pursuant to Section 41-29-177(2).

41 (3) If notice of intention to forfeit the seized property  
42 administratively cannot be given as provided in subsection (2) of  
43 this section because of refusal, failure to claim, insufficient  
44 address or any other reason, the attorney for or representative of  
45 the seizing law enforcement agency shall provide notice by  
46 publication in a newspaper of general circulation in the county in  
47 which the seizure occurred for once a week for three (3)  
48 consecutive weeks. However, if the value of the property does not  
49 exceed Ten Thousand Dollars (\$10,000.00), substitute notice under  
50 this subsection (3) of intention to administratively forfeit the  
51 property may be made by posting a notice on an official state  
52 government forfeiture site for at least thirty (30) consecutive  
53 days. The site shall be created and maintained by the Mississippi  
54 Bureau of Narcotics. Should other seizing law enforcement agencies



55 choose to utilize the site for Internet publication, the bureau  
56 may charge a reasonable fee for such usage.

57 (4) Notice pursuant to subsections (2) and (3) of this  
58 section shall include the following information:

59 (a) A description of the property;

60 (b) The approximate value of the property;

61 (c) The date and place of the seizure;

62 (d) The connection between the property and the  
63 violation of the Uniform Controlled Substances Law;

64 (e) The instructions for filing a request for judicial  
65 review; and

66 (f) A statement that the property will be forfeited to  
67 the seizing law enforcement agency if a request for judicial  
68 review is not timely filed.

69 (5) Any person claiming an interest in property which is the  
70 subject of a notice under this section may, within thirty (30)  
71 days after receipt of the notice or of the date of the first  
72 publication of the notice, file a petition to contest forfeiture  
73 signed by the claimant in the county court, if a county court  
74 exist, or otherwise in the circuit court of the county in which  
75 the seizure is made or the county in which the criminal  
76 prosecution is brought, in order to claim an interest in the  
77 property. Upon the filing of the petition and the payment of the  
78 filing fees, service of the petition shall be made on the attorney  
79 for or representative of the seizing law enforcement agency, and



80 the proceedings shall thereafter be governed by the rules of civil  
81 procedure.

82 (6) If no petition to contest forfeiture is timely filed and  
83 a seizure warrant was properly obtained, the district attorney or  
84 his or her designee or the bureau, as applicable, shall prepare a  
85 written declaration of forfeiture of the subject property and the  
86 forfeited property shall be used, distributed or disposed of in  
87 accordance with the provisions of Section 41-29-181.

88 **SECTION 2.** This act shall take effect and be in force from  
89 and after July 1, 2024.

