

**First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0608.01 Jerry Barry x4341

**HOUSE BILL 23-1086**

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**HOUSE SPONSORSHIP**

**DeGraaf**, Bradley, Soper

**SENATE SPONSORSHIP**

**(None)**,

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING ENACTMENT OF THE "DUE PROCESS ASSET FORFEITURE**  
102      **ACT".**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill replaces existing statutes on public abatement and instead enacts provisions concerning criminal forfeiture. The bill:

- Limits forfeiture so it can occur only when a defendant is convicted of a crime of unlawful distribution, manufacturing, dispensing, or selling a controlled substance;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.

- Specifies that a forfeiture proceeding is not a separate civil proceeding but part of a defendant's criminal proceeding;
- Specifies when personal property may be seized with or without process;
- Establishes duties and procedures when property is seized;
- Establishes court procedures for various parties;
- Allows for the disposition of seized assets and proceeds consistent with prior law; and
- Establishes limitations on seizures involving the federal government.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Short title.** The short title of this act is the "Due  
3 Process Asset Forfeiture Act".

4 **SECTION 2.** In Colorado Revised Statutes, 16-13-701, **amend**  
5 (5)(a)(V)(B) and (5)(a)(VIII)(D) as follows:

6 **16-13-701. Reports related to seizures and forfeitures -**  
7 **legislative declaration - definitions.** (5) Based upon the information  
8 received on the forms submitted pursuant to subsection (4) of this section,  
9 the department shall establish and maintain a searchable, public access  
10 database that includes the following, if known at the time of reporting:

11 (a) Information from each case in which a reporting agency  
12 received any forfeiture proceeds specifying:

13 (V) The type of property seized:

14 (B) If property other than currency, any make OR model ~~or serial~~  
15 ~~number~~ related to the property and the estimated VALUE AND net equity  
16 of the property;

17 (VIII) Information relating to any forfeiture proceeding including:

18 (D) ~~If any owner was determined by the court to be an innocent~~  
19 ~~owner~~ THE OUTCOME OF THE FORFEITURE PROCEEDING, INCLUDING  
20 WHETHER THE PROPERTY OWNER DEFAULTED IN THE FORFEITURE

1 LITIGATION; THE COURT DETERMINED THE PROPERTY OWNER WAS AN  
2 INNOCENT OWNER; OR THE PROPERTY WAS FORFEITED BY COURT ORDER,  
3 SETTLEMENT, OR PART OF A PLEA AGREEMENT;

4 **SECTION 3. Act subject to petition - effective date -**  
5 **applicability.** (1) This act takes effect September 1, 2023; except that,  
6 if a referendum petition is filed pursuant to section 1 (3) of article V of  
7 the state constitution against this act or an item, section, or part of this act  
8 within the ninety-day period after final adjournment of the general  
9 assembly, then the act, item, section, or part will not take effect unless  
10 approved by the people at the general election to be held in November  
11 2024 and, in such case, will take effect January 1, 2025, or on the date of  
12 the official declaration of the vote thereon by the governor, whichever is  
13 later.

14 (2) This act applies to seizures on or after the applicable effective  
15 date of this act.