

## 2021 South Dakota Legislature

**Senate Bill 164****AMENDMENT 164B FOR THE INTRODUCED BILL**

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

1 **An Act to ~~provide for a formal~~ modify the process ~~criminal for civil~~ forfeiture.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1.** That § 34-20B-70 be AMENDED.

4 **34-20B-70. Property subject to forfeiture.**

5 The following are subject to forfeiture pursuant to chapter 23A-49 and no property  
6 right exists in them:

7 (1) All controlled drugs and substances and marijuana which have been manufactured,  
8 distributed, dispensed, or acquired in violation of the provisions of this chapter or  
9 chapter 22-42;

10 (2) All raw materials, products, and equipment of any kind which are used or intended  
11 for use, in manufacturing, compounding, ~~or processing, importing, or exporting~~ any  
12 controlled drug or substance or marijuana in excess of one-half pound in violation  
13 of the provisions of this chapter or chapter 22-42;

14 (3) All property which is used, or intended for use, as a container for property described  
15 in subdivisions (1) and (2);

16 (4) All conveyances including aircraft, vehicles, or vessels, ~~which transport, possess, or~~  
17 ~~conceal, or~~ which are used, or intended for use, to ~~transport, or in any manner~~  
18 ~~facilitate the transportation, sale, receipt, unlawful distribution or possession, or~~  
19 ~~concealment of~~ with the intent to distribute marijuana in excess of one-half pound  
20 or any quantity of any other property described in subdivision (1) or (2), ~~except as~~  
21 ~~provided in §§ 34-20B-71 to 34-20B-73, inclusive. This subdivision includes those~~  
22 ~~instances in which a conveyance transports, possesses or conceals marijuana or a~~  
23 ~~controlled substance as described herein without the necessity of showing that the~~  
24 ~~conveyance is specifically being used to transport, possess, or conceal or facilitate~~

1 ~~the transportation, possession, or concealment of marijuana or a controlled~~  
2 ~~substance in aid of any other offense;~~

3 (5) All books, records, and research, including formulas, microfilm, tapes, and data  
4 which are used, or intended for use, in violation of this chapter;

5 (6) Any funds or other things of value used for the purposes of unlawfully purchasing,  
6 attempting to purchase, distributing, or attempting to distribute any controlled drug  
7 or substance or marijuana in an amount intended for distribution and not for  
8 personal use, and marijuana in excess of one-half pound; or

9 (7) Any assets, interest, profits, income, and proceeds acquired or derived from the  
10 unlawful purchase, attempted purchase, distribution, or attempted distribution of  
11 any controlled drug or substance or marijuana in an amount intended for  
12 distribution and not for personal use, and marijuana in excess of one-half pound.

13 Property described in subdivision (1) shall be deemed contraband and shall be  
14 summarily forfeited to the state, property described in subdivisions (2), (3), (5), (6), and  
15 (7) is subject to forfeiture under the terms of § 23A-49-14, and property described in  
16 subdivision (4) is subject to forfeiture under the terms of § 23A-49-15.