

HOW TO INITIATE A FORFEITURE ACTION ON SEIZED PROPERTY

The first step in the forfeiture process requires that all potential claimants receive actual notice that the property has been seized for forfeiture. The Utah Uniform Forfeiture Procedures Act requires that an agency which seizes property for forfeiture shall, "as soon as practicable" but at least **within 30 days** after seizure, give written notice to all owners and interest holders of the following:

- (i) the date of the seizure and the property seized;
- (ii) the owner's or interest holder's rights and obligations under this chapter, including the availability of hardship relief in appropriate circumstances; and
- (iii) a brief description of the statutory basis for the forfeiture and the judicial proceedings by which property is forfeited under this chapter. U.C.A. § 24-1-4(1).

If the seizing agency fails to provide a potential claimant with notice of the seizure within 30 days, the court can void the forfeiture unless the seizing agency can show good cause for the failure to give notice to that owner or by demonstrating that the owner had actual notice of the seizure. U.C.A. § 24-1-4(2). This notice requirement can easily be met if the officer provides each potential claimant with a copy of a *Notice of Asset Seizure Form* at the time of the seizure. Many police departments have generated such a form within their department or one is available on the UNOA website at <http://www.unoa.org/id45.html>.

Thereafter the case should immediately be screened with the local prosecutor so that a complaint for forfeiture can be filed in court and a summons and notice of intent to seek forfeiture can be served on any potential claimants within the specified 60 days period. U.C.A. § 24-1-4(3).