

1 SB189
2 115644-1
3 By Senator Mitchell
4 RFD: Judiciary
5 First Read: 12-JAN-10

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8 SYNOPSIS: Existing law does not provide for the
9 seizure, condemnation, forfeiture, and sale of
10 motor vehicles and other equipment used in the
11 theft of livestock.

12 This bill would provide for the seizure,
13 condemnation, forfeiture, and sale of motor
14 vehicles and other equipment used in the theft of
15 livestock.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

20
21 Relating to the theft of livestock; to provide for
22 the seizure, condemnation, forfeiture, and sale of motor
23 vehicles and other equipment used in the theft of livestock.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. (a) For the purposes of this act, the
26 term "motor vehicle or other equipment used in the theft of
27 livestock" means any motor vehicle, trailer, all-terrain

1 vehicle, or other animal handling equipment, including, but
2 not limited to, corral panels, squeeze chutes, head catches,
3 sweep tubs, crowding alleys, pens, stalls, calf tables,
4 scales, and gates which have been or are being used for the
5 theft of livestock.

6 (b) At the discretion of the circuit court any motor
7 vehicle or other equipment used in the theft of livestock may
8 be declared to be contraband and may be forfeited to the state
9 as provided for by this act.

10 (c) The sheriff or any other person authorized to
11 enforce the laws of this state who apprehends a person
12 stealing livestock shall have the authority to seize any
13 vehicle or other equipment which is being used or has been
14 used in the theft of livestock, including any equipment found
15 within the vehicle that is being used or has been used in the
16 theft of livestock.

17 (d) The sheriff or other person authorized to
18 enforce the laws of this state who apprehends a person for
19 stealing livestock shall report the seizure of all contraband
20 seized pursuant to this act and the facts connected therewith
21 to the district attorney or other prosecuting official in the
22 judicial circuit. The report shall contain a full description
23 of the contraband seized, the name of the person in whose
24 possession the contraband was found and the name of the person
25 making claim to the same, or any interest therein, if the name
26 is known or can be ascertained, the date of seizure, and a

1 statement of the circumstances surrounding the seizing of the
2 contraband.

3 (e) The district attorney or other prosecuting
4 officer of the judicial circuit, upon receiving the report,
5 shall at once institute or cause to be instituted condemnation
6 proceedings in the circuit court on any contraband under this
7 act in the same manner he or she is directed by law to
8 institute proceedings for the condemnation, forfeiture, and
9 sale of any motor vehicle used in the illegal transportation
10 of alcoholic beverages. Except as otherwise provided by this
11 act, the procedures for the condemnation, forfeiture, and sale
12 of contraband under this act used in the theft of livestock
13 shall be governed by the laws relating to the proceedings for
14 the condemnation, forfeiture, and sale of vehicles used in the
15 illegal transportation of alcoholic beverages pursuant to
16 Sections 28-4-286 and 28-4-287, Code of Alabama 1975.

17 (f) The proceeds of the sale of any contraband
18 condemned and forfeited to the state pursuant to this act,
19 after payment of all expenses in the cause, including the cost
20 of seizure and keeping of the contraband during the
21 proceedings, shall be paid into the State Treasury to the
22 credit of the Alabama Board of Agriculture and Industries.

23 Section 2. This act shall become effective on the
24 first day of the third month following its passage and
25 approval by the Governor, or its otherwise becoming law.