

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

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

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

A BILL  
TO BE ENTITLED  
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For the purposes of this act, the term "motor vehicle or other equipment used in the theft of 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.