

§5828. Post-seizure proceedings

1. Prompt post-seizure hearing. This subsection governs post-seizure proceedings for assets seized pursuant to this chapter.

A. Following the seizure of property, a defendant or any person with an interest in the property has a right to a prompt post-seizure hearing. [PL 2021, c. 454, §14 (NEW).]

B. A person with an interest in the property may petition the court for a hearing. [PL 2021, c. 454, §14 (NEW).]

C. At the court's discretion, the court may hold a prompt post-seizure hearing:

(1) As a separate hearing; or

(2) At the same time as a probable-cause determination, a post-arraignment hearing or other pretrial hearing. [PL 2021, c. 454, §14 (NEW).]

D. A party, by agreement of all parties or for good cause, may move for one extension of the hearing date of no more than 10 days. Any motion may be supported by affidavits or other submissions. [PL 2021, c. 454, §14 (NEW).]

E. The court shall order the return of seized property if it finds:

(1) The seizure was invalid;

(2) A criminal charge has not been filed and no extension of the filing period established under this section is available;

(3) The property is not reasonably required to be held as evidence; or

(4) The final judgment likely will be in favor of the claimant. [PL 2021, c. 454, §14 (NEW).]

[PL 2021, c. 454, §14 (NEW).]

SECTION HISTORY

PL 2021, c. 454, §14 (NEW).

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