

House Bill 107

By: Representative Turner of the 21<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 9-16-17 of the Official Code of Georgia Annotated, relating to  
2 burden of proof and presumptions, so as to change the burden of proof required for civil  
3 forfeiture proceedings; to provide for related matters; to repeal conflicting laws; and for other  
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 9-16-17 of the Official Code of Georgia Annotated, relating to burden of proof  
8 and presumptions, is amended by revising paragraph (1) of subsection (a) and subsection (b)  
9 as follows:

10 "(a)(1) The state's burden of proof shall be to show by a ~~preponderance of the~~ clear and  
11 convincing evidence that seized property is subject to forfeiture."

12 "(b) There shall be a rebuttable presumption that any property of a person is subject to  
13 forfeiture under this chapter if the state attorney establishes by a ~~preponderance of the~~ clear  
14 and convincing evidence that:

15 (1) The person has engaged in conduct giving rise to forfeiture;

16 (2) The property was acquired by the person during the period of the conduct giving rise  
17 to forfeiture or within a reasonable time after such period; and

18 (3) There was no likely source for the property other than the conduct giving rise to  
19 forfeiture."

20 style="text-align:center">**SECTION 2.**

21 All laws and parts of laws in conflict with this Act are repealed.