

SENATE BILL NO. 109

INTRODUCED BY N. SWANDAL

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR ATTORNEY FEES AND COSTS FOR THE PROPERTY OWNER IN AN ASSET FORFEITURE PROCEEDING; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Property owner entitled to costs and attorney fees.** In an action under this part, if the owner or claimant of seized property is the prevailing party, the court ~~may~~ SHALL award reasonable attorney fees and costs to the owner or claimant. The attorney fees awarded may not exceed the value of the property at issue in the forfeiture proceeding.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 44, chapter 12, part 2, and the provisions of Title 44, chapter 12, part 2, apply to [section 1].

COORDINATION SECTION. SECTION 3. COORDINATION INSTRUCTION. IF BOTH [THIS ACT] AND HOUSE BILL NO. 463 ARE PASSED AND APPROVED, THEN [THIS ACT] IS VOID.

NEW SECTION. **Section 4. Applicability.** [This act] applies to forfeiture proceedings under Title 44, chapter 12, part 2, that are filed on or after October 1, 2015.

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