

040128104

HOUSE BILL NO. 419

House Amendments in [] — February 4, 2004

A BILL to amend the Code of Virginia by adding in Article 2.1 of Chapter 4 of Title 18.2 a section numbered 18.2-46.3:1, relating to forfeiture.

Patron Prior to Engrossment—Delegate Lingamfelter

Referred to Committee for Courts of Justice**Be it enacted by the General Assembly of Virginia:**

1. That the Code of Virginia is amended by adding in Article 2.1 of Chapter 4 of Title 18.2 a section numbered 18.2-46.3:1 as follows:

§ 18.2-46.3:1. Forfeiture.

All property, both personal and real, of any kind or character used in substantial connection with, intended for use in the course of, derived from, traceable to, or realized through, including any profit or interest derived from, any conduct in violation of any provision of this article is subject to civil forfeiture to the Commonwealth. Further, all property, both personal and real, of any kind or character used or intended to be used in substantial connection with, during the course of, derived from, traceable to, or realized through, including any profit or interest derived from, criminal street gang member recruitment [as prohibited under § 18.2-46.3] is subject to civil forfeiture to the Commonwealth. The forfeiture proceeding shall utilize the provisions of Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2 and the procedures specified therein shall apply, mutatis mutandis, to all forfeitures under this article. The application of one civil remedy under the article does not preclude the application of any other remedy, civil or criminal, under this article or any other provision of the Code.

ENGROSSED

HB419E