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SENATE BILL NO. 721

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on January 14, 2015)

(Patron Prior to Substitute—Senator Marsden)

A *BILL to amend and reenact § 19.2-386.2 of the Code of Virginia, relating to seizure of property; receipt required.*

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-386.2 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-386.2. Seizure of named property.

A. When any property subject to seizure under Chapter 22.2 (§ 19.2-386.15 et seq.) or other provision under the Code has not been seized at the time an information naming that property is filed, the clerk of the circuit court or a judge of the circuit court, upon motion of the attorney for the Commonwealth wherein the information is filed, shall issue a warrant to the sheriff or other state or local law-enforcement officer authorized to serve criminal process in the jurisdiction where the property is located, describing the property named in the complaint and authorizing its immediate seizure.

B. In all cases of seizure of real property, a notice of lis pendens shall be filed with the clerk of the circuit court of the county or city wherein the property is located and shall be indexed in the land records in the name or names of those persons whose interests appear to be affected thereby.

C. *When any property is seized for the purposes of forfeiture under Chapter 22.2 (§ 19.2-386.15 et seq.) or other forfeiture provision under the Code, the agency seizing the property shall within three days after the seizure provide the person from whom the property was seized a receipt itemizing the property seized. Saturdays, Sundays, or any federal or state legal holiday shall not be counted in computing the three-day period. Failure to comply with the provisions of this subsection shall not invalidate any forfeiture.*