

1997 SESSION

INTRODUCED

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HOUSE BILL NO. 2774

Offered January 20, 1997

A BILL to amend and reenact § 18.2-249 of the Code of Virginia, relating to seizure of property used in connection with or derived from illegal drug transactions.

Patrons—McDonnell, Croshaw, Drake, Purkey, Tata and Wagner; Senators: Earley, Schrock and Stolle

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-249 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-249. Seizure of property used in connection with or derived from illegal drug transactions.

A. The following property shall be subject to lawful seizure by any officer charged with enforcing the provisions of this article: (i) all money, medical equipment, office equipment, laboratory equipment, motor vehicles, and all other personal and real property of any kind or character, used *or presently intended to be used* in substantial connection with *or facilitation of* the illegal manufacture, sale or distribution of controlled substances or possession with intent to sell or distribute controlled substances in violation of § 18.2-248 or the sale or distribution of marijuana or possession with intent to distribute marijuana in violation of subdivisions (a) (2), (a) (3) and (c) of § 18.2-248.1, except real property shall not be subject to lawful seizure unless the minimum prescribed punishment for the violation is a term of not less than five years; (ii) everything of value furnished, or intended to be furnished, in exchange for a controlled substance in violation of § 18.2-248 or of marijuana in violation of § 18.2-248.1; and (iii) all moneys or other property, real or personal, traceable to such an exchange, together with any interest or profits derived from the investment of such money or other property.

B. All seizures and forfeitures under this section shall be governed by the procedures contained in Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2.

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