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**HOUSE BILL NO. 2553**

Offered January 20, 2009

A *BILL to amend and reenact § 19.2-386.16 of the Code of Virginia, relating to forfeiture of motor vehicle for third offense of driving with a suspended operator's license.*

Patron—Crockett-Stark

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 19.2-386.16 of the Code of Virginia is amended and reenacted as follows:**

§ 19.2-386.16. Forfeiture of motor vehicles used in commission of certain crimes.

Any vehicle knowingly used by the owner thereof or used by another with his knowledge of and during the commission of, or in an attempt to commit, a second or subsequent offense of §§ 18.2-346, 18.2-347, 18.2-348, 18.2-349, 18.2-355, 18.2-356 or § 18.2-357 or of a similar ordinance of any county, city or town or knowingly used for the transportation of any stolen goods, chattels or other property, when the value of such stolen goods, chattels or other property is \$200 or more, or any stolen property obtained as a result of a robbery, without regard to the value of the property, shall be forfeited to the Commonwealth. *Any vehicle operated by the owner thereof while he knew his license was suspended or revoked after having been previously convicted thereof on two or more occasions, or operated by another with the owner's knowledge that (i) the operator of the vehicle was operating the vehicle while his license was suspended or revoked and (ii) the operator of the vehicle had been previously convicted on two or more occasions of operating the vehicle while his license was suspended or revoked, shall be forfeited to the Commonwealth.* The vehicle to be forfeited shall be seized by any law-enforcement officer arresting the operator of such vehicle for the criminal offense, and delivered to the sheriff of the county or city in which the offense occurred. The officer shall take a receipt therefor.

Forfeiture of such vehicle shall be enforced as is provided in §§ 4.1-339 through 4.1-348 as to vehicles used for the transportation of illegally acquired alcoholic beverages, and the provisions of §§ 4.1-339 through 4.1-348 shall apply, mutatis mutandis, to proceedings for the enforcement of such forfeiture except that (i) venue for the forfeiture proceeding shall be in the county or city in which the offense occurred and (ii) *proof of unlawful operation of the vehicle in the forfeiture proceeding shall be established by proof of conviction of the underlying offense of operation of the vehicle while the operator's license was suspended or revoked.*

The agency seizing the motor vehicle or other conveyance shall, for such period of time as the court prescribes, be permitted the use and operation of the motor vehicle or other conveyance, after court forfeiture, for the investigation of crimes against the Commonwealth by the agency seizing the motor vehicle or other conveyance. The agency using or operating each motor vehicle shall have insurance on each vehicle used or operated for liability and property damage.

INTRODUCED

HB2553