

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Chapter 22.2 of Title 19.2 a section numbered*  
3 *19.2-386.35, relating to forfeiture of property used in commission of certain crimes.*

4  
5 Approved

[H 660]

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

7 **1. That the Code of Virginia is amended by adding in Chapter 22.2 of Title 19.2 a section**  
8 **numbered 19.2-386.35 as follows:**

9 **§ 19.2-386.35. Seizure of property used in connection with certain offenses.**

10 *All money, equipment, motor vehicles, and other personal and real property of any kind or character*  
11 *together with any interest or profits derived from the investment of such proceeds or other property that*  
12 *(i) was used in connection with the commission of, or in an attempt to commit, a violation of subsection*  
13 *B of § 18.2-47, § 18.2-48 or 18.2-59, subsection B of § 18.2-346, or § 18.2-347, 18.2-348, 18.2-349,*  
14 *18.2-355, 18.2-356, 18.2-357, 40.1-29, 40.1-100.2, or 40.1-103; (ii) is traceable to the proceeds of some*  
15 *form of activity that violates subsection B of § 18.2-47, § 18.2-48 or 18.2-59, subsection B of § 18.2-346,*  
16 *or § 18.2-347, 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 40.1-29, 40.1-100.2, or 40.1-103; or*  
17 *(iii) was used to or intended to be used to promote some form of activity that violates subsection B of*  
18 *§ 18.2-47, § 18.2-48 or 18.2-59, subsection B of § 18.2-346, or § 18.2-347, 18.2-348, 18.2-349,*  
19 *18.2-355, 18.2-356, 18.2-357, 40.1-29, 40.1-100.2, or 40.1-103 is subject to lawful seizure by a*  
20 *law-enforcement officer and subject to forfeiture to the Commonwealth pursuant to Chapter 22.1*  
21 *(§ 19.2-386.1 et seq.). Any forfeiture action under this section shall be stayed until conviction, and*  
22 *property eligible for forfeiture pursuant to this section shall be forfeited only upon the entry of a final*  
23 *judgment of conviction for an offense listed in this section; if no such judgment is entered, all property*  
24 *seized pursuant to this section shall be released from seizure.*

25 *Real property shall not be subject to seizure unless the minimum prescribed punishment for the*  
26 *violation is a term of imprisonment of not less than five years.*

27 *All seizures and forfeitures under this section shall be governed by Chapter 22.1 (§ 19.2-386.1 et*  
28 *seq.), and the procedures specified therein shall apply, mutatis mutandis, to all forfeitures under this*  
29 *section.*

ENROLLED

HB660ER