

Selected Asset Forfeiture Statutes by State

Appendix 1

State	Statutes (Criminal and Civil)
Alabama	Ala. Code § 13A-8-117, Forfeiture/Computers, software, etc.; Ala. Code § 13A-11-37, Forfeiture/ Eavesdropping devices; Ala. Code § 20-2-93(h), Innocent Owner
Alaska	A.S. § 17.30.112, Forfeiture Proceedings; A.S. §§ 17.30.110, Burden of Proof and Innocent Owner
Arizona	A.R.S. § 13-4312, Judicial <i>in personam</i> Forfeiture Proceedings; A.R.S. § 13-4311(M); Burden of Proof A.R.S. §§ 13-4304(4)–(5), 13-4311(M); Innocent Owner
Arkansas	Ark. Code Ann. § 5-5-201, Forfeiture/ Criminal Conveyances; Ark. Code Ann. § 5-64-505(g)(5)(B)(i), (h)(1), Burden of Proof; Ark. Code Ann. § 5-64-505(a)(4)(B), (a)(6)(B), (a)(8)(A), Innocent Owner
California	Cal. Fin. Code § 5320, Forfeiture/ Savings Association Fraud, Theft; Cal. Health & Safety Code § 11470, Forfeiture/ Controlled Substances; Cal. Penal Code § 236.7, Forfeiture/ Human Trafficking
Colorado	Colo. Rev. Stat. § 16-13-505, Forfeiture proceedings Colo. Rev. Stat. §§ 16-13-303(5.1)(a), (5.2)(c), 16-13-504(2.1)(a), (2.2)(C), Innocent Owner.
Connecticut	Conn. Gen. Stat. Ann. § 53-402; Conn. Gen. Stat. §§ 54-36h(b), 54-36p(b), Burden of Proof; Conn. Gen. Stat. § 54-36h(b)–(c), Innocent Owner
Delaware	Del. Super. Ct. Crim. R. 40, Criminal Forfeiture; Del. Code Ann. 16, § 4784(c)–(j); Burden of Proof; Del. Code Ann. 16, §§ 4784(a)(7), 4785(a), Innocent Owner.
District of Columbia	D.C. Code Ann. § 22-1838, Forfeiture for Human Trafficking; D.C. Code § 41-308(d)(1), (4), Burden of Proof; D.C. Code §§ 41-302(b), 41-308(d)(1), Innocent Owner
Florida	Fla. Stat. § 932.701-932.707, Civil and Criminal Forfeiture; Fla. Stat. § 932.704(8); Burden of Proof; Fla. Stat. § 932.703(6)(a) and (c) and 932.704(7); Innocent Owner
Georgia	Ga. Code Ann. § 9-16-17(a)(1), Burden of Proof; Ga. Code Ann. § 9-16-17(a)(2), Innocent Owner; <i>But see, Cisco v. State, 2009, 285 Ga. 656, 680 S.E.2d 831</i> , reconsideration denied, on remand 2009 WL 9539003 . ((RICO) provision for an <i>in personam</i> action for forfeiture is unconstitutional because it deprives defendants of the safeguards of criminal procedure.)
Hawaii	Haw. Rev. Stat. § 712A-13, Judicial <i>in personam</i> forfeiture; Haw. Rev. Stat. § 712A-12(8), Innocent Owner.

Idaho	Idaho Code § 37-2801, Criminal forfeiture; Idaho Code § 37-2744, Civil Forfeiture.
Illinois	725 IL.C.S. Act 150 – Drug Asset Forfeiture Procedure Act 720 IL.C.S. 550/12 – Cannabis Control Act 720 IL.C.S. 570/505 – Illinois Controlled Substances Act 720 IL.C.S. 5/29B-1(h) – Money Laundering Article 720 IL.C.S. 646/85 – Methamphetamine 725 IL.C.S. 5/124B – Part 300 – Involuntary Servitude/Trafficking in Persons 725 IL.C.S. 5/124B – Part 400 – Obscenity 725 IL.C.S. 5/124B – Part 500 – Other Sex Offenses 725 IL.C.S. 5/124B – Part 600 – Computer Crimes 725 IL.C.S. 5/124B – Part 700 – WIC Fraud 725 IL.C.S. 5/124B – Part 800 – Terrorism 725 IL.C.S. 5/124B – Part 900 – Animals 725 IL.C.S. 5/124B – Part 1000 – Unlawful Telecommunications Device 725 IL.C.S. 175 – Narcotics Profit Forfeiture Act 725 IL.C.S. 150/9(G), 725 IL.C.S. 150/6(C)–(D), Burden of Proof; 725 IL.C.S. 150/8, 150/9(G), Innocent Owner.
Indiana	Ind. Code § 16-42-20-5, Forfeiture; Ind. Code § 34-24-1-1, Civil Forfeiture; Ind. Code § 34-24-1-1(a)(10), (b), (c), (e), 34-24-1-4(a), Innocent Owner.
Iowa	Iowa Code 809A.14, <i>In personam</i> proceedings; Iowa Code § 809A.13(7), Burden of Proof and Innocent Owner.
Kansas	Kan. Stat. Ann. § 60-4101 et seq., (Civil forfeiture, no criminal forfeiture); Kan. Stat. Ann. § 60-4113(g), Burden of Proof; Kan. Stat. Ann. §§ 60-4112(g)–(h), 60-4113(g)–(h), Innocent Owner
Kentucky	Ky. Rev. Stat. Ann. § 500.090; Criminal Forfeiture; Ky. Rev. Stat. Ann. § 218A.410(1)(j), Burden of Proof and Innocent Owner.
Louisiana	<i>State v. Edwards</i> , Sup.2001, 787 So.2d 981, 2000-1246 (Criminal forfeiture of contraband and property associated with contraband drug offenses). La. Stat. Ann. § 40:2612(G), Burden of Proof; La. Stat. Ann. § 40:2605, Innocent Owner.
Maine	Me. Rev. Stat. tit. 15, § 5826, Criminal forfeiture; Me. Stat. tit. 15, § 5822(3), Burden of Proof; Me. Stat. tit. 15, §§ 5821(7)(A), 5822(3), Innocent Owner.
Maryland	Md. Code Ann., Crim. Proc. § 13-502, Criminal Forfeiture; Md. Code Ann., Crim. Proc. § 13-301, Forfeiture/Explosives Violations; Md. Code Ann., Crim. Proc. § 12-312(a), Burden of Proof; Md. Code Ann., Crim. Proc. §§ 12-103(a), (e), 12-312(b), Innocent Owner.
Massachusetts	Mass. Gen. Laws Ann. Ch. 266, § 143H, Forfeiture/Violations of § 143A to 143C or § 143F; Mass. Gen. Laws Ch. 94C, § 47(d), Burden of Proof; Mass. Gen. Laws Ch. 94C, § 47(d), Innocent Owner.

Michigan	Mich. Comp. Laws Ann. § 750.159j, Violation of § 750.159i; Mich. Comp. Laws § 333.7521(2), Burden of Proof; Mich. Comp. Laws § 333.7531(1); Innocent Owner; Mich. Comp. Laws § 600.4707(6)
Minnesota	Minn. Stat. § 609.531, Subd. 6(a); Civil Forfeiture requires Criminal Conviction Minn. Stat. § 609.5311, Subd. 3;
Mississippi	Miss. Code Ann. § 97-37-3, Forfeiture/Weapons and Explosives; Miss. Code Ann. § 41-29-179(2); Burden of Proof; Miss. Code Ann. § 41-29-179(2); Miss. Code Ann. § 41-29-153(a)(4)(B), (a)(7)(A)
Missouri	Mo. Rev. Stat. §§ 513.607(2), (6), .617(1), .645(6), Burden of Proof; Mo. Rev. Stat. § 513.615, Innocent Owner; Mo. Ann. Stat. § 513.617, Stay of Civil Proceedings.
Montana	Mont. Code Ann. § 44-12-207(1), Burden of Proof; Mont. Code Ann. § 44-12-211; § 45-9-206, Innocent Owner; Mont. Code Ann. 44-12-210, Forfeiture upon criminal conviction
Nebraska	Neb. Rev. Stat. Ann. § 28-416 (18)-(19), Criminal Forfeiture; (Nebraska abolished civil forfeiture statute, criminal conviction now required)
Nevada	Nev. Rev. Stat. Ann. § 207.420, et seq. Criminal Forfeiture; Nev. Rev. Stat. § 179.1173, Burden of Proof; Nev. Rev. Stat. § 179.1164(2), Innocent Owner.
New Hampshire	N.H. Rev. Stat. Ann. § 617:1-a, Criminal Forfeiture; N.H. Rev. Stat. Ann. § 318-B:17-b(IV)(b), (d), Burden of Proof; N.H. Rev. Stat. Ann. § 318-B:17-b(IV)(b), Innocent Owner.
New Jersey	N.J. Stat. Ann. § 2C:41-3(d), Criminal forfeiture; N.J. Stat. Ann. § 2C:64-5(b), Innocent Owner.
New Mexico	N.M. Stat. Ann. § 31-27-6(I), Forfeiture Proceedings; N.M. Stat. Ann. § 31-27-4, Burden of Proof; N.M. Stat. Ann. § 31-27-7.1(D), Innocent Owner.
New York	N.Y. Penal Law § 480.05, Forfeiture/Controlled Substance Offenses; N.Y. Penal Law § 460.30, Forfeiture/Enterprise Corruption. N.Y. C.P.L.R. §§ 1310(5)–(6), (9)–(10), 1311(3)(a)–(b), Burden of Proof; N.Y. C.P.L.R. § 1311(3), Innocent Owner.
North Carolina	N.C. Gen. Stat. Ann. § 106-202.20, Forfeiture/Illegally Possessed Plants; [North Carolina requires conviction of controlled substance offense. City of Concord, N.C. v. Robinson, 2012, 914 F.Supp.2d 696.] N.C. Gen. Stat. Ann. § 14-2.3, Forfeiture/ Illegal Gain Acquired; N.C. Gen. Stat. §§ 75D-5, 90-112, Burden of Proof; N.C. Gen. Stat. § 75D-5(i), Innocent Owner.
North Dakota	N.D. Cent. Code Ann. § 62.1-05-01. Forfeiture/Firearms N.D. Cent. Code § 19-03.1-36.6, Burden of Proof; N.D. Cent. Code § 19-03.1-37(1), Innocent Owner.

Ohio	Ohio Rev. Code Ann. § 2941.1417, Criminal Forfeiture; Ohio Rev. Code Ann. § 2981.02, Civil Forfeiture.
Oklahoma	Okla. Stat. Ann. tit. 22, § 1405, Criminal Forfeiture; Okla. Stat. tit. 63, § 2-503(B)–(C), Burden of Proof; Okla. Stat. tit. 63, § 2-503(A)(4)(b), (A)(7), Innocent Owner.
Oregon	Or. Rev. Stat. Ann. §§ 131.550-131.604, Criminal Forfeiture; Or. Rev. Stat. § 131A.255(1), (3), Burden of Proof; Or. Rev. Stat. § 131A.255(2), (5), Innocent Owner.
Pennsylvania	42 Pa. C.S.A. § 6801, Civil Forfeiture; 18 Pa. C.S.A. § 3021, Asset Forfeiture/ Human Trafficking; 47 Pa. C.S.A. § 6-602, Forfeiture/ Liquor Code.
Rhode Island	7 R.I. Gen. Laws Ann. § 7-15-3.1, Criminal Forfeiture; 21 R.I. Gen. Laws § 28-5.04.2(p), Burden of Proof; 21 R.I. Gen. Laws § 28-5.04.2(p), Innocent Owner.
South Carolina	S.C. Code Ann. § 16-3-2090, Forfeiture/ Human Trafficking; S.C. Code Ann. § 16-8-260, Firearms Forfeiture/Gang Activity S.C. Code Ann. § 16-27-55, Forfeiture/ Animal Fighting; S.C. Code Ann. § 39-15-1195, Forfeiture/ Counterfeit Goods; S.C. Code Ann. § 44-53-520, Civil Forfeiture; S.C. Code Ann. § 44-53-540, Innocent Owner.
South Dakota	S.D. Codified Laws § 22-24A-15, Criminal Forfeiture; S.D. Codified Laws § 34-20B-80, Burden of Proof; S.D. Codified Laws § 34-20B-88, Innocent Owner.
Tennessee	Tenn. Code Ann. § 53-11-452, Criminal Forfeitures; Tenn. Code Ann. § 40-33-210(a), Burden of Proof; Tenn. Code Ann. §§ 40-33-108(a), 40-33-210(a)(2), (c)–(f), Innocent Owner.
Texas	Tex. Crim. Proc. Code Ann. § 18.18. Forfeiture of gambling paraphernalia, weapons, criminal instruments and contraband; Tex. Code Crim. Proc. Ann. § 59.05(b), Burden of Proof; Tex. Code Crim. Proc. Ann. § 59.02(c), (h)(1), Innocent Owner.
Utah	Utah Code Ann. § 24-4-105, Criminal Forfeiture; Utah Code Ann. § 24-4-104(6), Burden of Proof; Utah Code Ann. § 24-4-107(2), Innocent Owner;
Vermont	Vt. Stat. Ann. 18 § 4243, Judicial Forfeiture requires conviction; Vt. Stat. Ann. 18 §§ 4243(a), (c), 4244(e), Burden of Proof; Vt. Stat. Ann. 18 § 4244(d), Innocent Owner.
Virginia	Va. Code Ann. § 18.2-515, Criminal Forfeiture; Va. Code Ann. § 19.2-386.10(A), Burden of Proof; Va. Code Ann. §§ 19.2-386.10(A), 19.2-386.8(3), Innocent Owner.
Washington	Wash. Rev. Code Ann. § 10.105.010, Criminal Forfeiture; Wash. Rev. Code § 69.50.505(5), Burden of Proof; Wash. Rev. Code § 69.50.505(1)(d)(ii), (g), (h)(i), Innocent Owner.

West Virginia	WV R FRCRP Rule 32.2. Criminal Forfeiture; W. Va. Code § 60A-7-705(e), Burden of Proof; W. Va. Code § 60A-7-703(a)(5)(ii), (7), (8), Innocent Owner.
Wisconsin	Wis. Stat. Ann. § 946.86, Criminal Forfeiture; Wis. Stat. § 961.555(3), Burden of Proof; Wis. Stat. § 961.56(1), Innocent Owner.
Wyoming	Wyo. Stat. Ann. § 6-2-711, Criminal Forfeiture; Wyo. Stat. Ann. § 35-7-1050, Civil Forfeiture Innocent Owner.