



ADOPTED

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 427

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H427-ARK-94 [v.3]

Page 1 of 1

Comm. Sub. [NO]
Amends Title [NO]
Fourth Edition

Date 6.14, 2011

Senator Brown

1 moves to amend the bill on page 2, between lines 26 and 27, by inserting the following:
2

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

"(4) A nondefendant motor vehicle owner may file a petition with the clerk of court seeking a pretrial determination that the petitioner is an innocent owner. The clerk shall consider the petition and make a determination as soon as may be feasible. At any proceeding conducted pursuant to this subdivision, the clerk is not required to determine the issue of forfeiture, only the issue of whether the petitioner is an innocent owner. If the clerk determines that the petitioner is an innocent owner, the clerk shall release the motor vehicle to the petitioner. The clerk shall send a copy of the order authorizing or denying release of the vehicle to the district attorney and the sheriff. An order issued under this subdivision finding that the petitioner failed to establish that the petitioner is an innocent owner may be reconsidered by the court as part of the forfeiture hearing under this section."

SIGNED [Signature]
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED 49-0 FAILED _____ TABLED _____

Sarah Clapp
6.14.11



* H 4 2 7 - A R K - 9 4 - V - 3 *