

AMENDMENTS TO SENATE BILL NO. 8

Sponsor: SENATOR STREET

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1 Amend Bill, page 25, by inserting between lines 15 and 16

2 5806.3. Representation.

3 Amend Bill, page 46, by inserting between lines 27 and 28

4 § 5806.3. Representation.

5 Notwithstanding the act of December 2, 1968 (P.L.1144,
6 No.358), known as the Public Defender Act, the following shall
7 apply:

8 (1) If a person with standing to contest the forfeiture
9 of property in a civil forfeiture proceeding under this
10 chapter is financially unable to obtain representation by an
11 attorney and the property subject to forfeiture is real
12 property, the court, at the request of the person, shall
13 ensure that the person is represented by an attorney with
14 respect to the claim.

15 (2) If a person who has not been charged in a related
16 criminal case and who has standing to contest the forfeiture
17 of property in a civil forfeiture proceeding under this
18 chapter is financially unable to obtain representation by an
19 attorney, the court may authorize an attorney to represent
20 that person with respect to the claim.

21 (3) In determining whether to authorize an attorney to
22 represent a person under this section, the court shall take
23 into account the following factors:

24 (i) the person's standing to contest the forfeiture;
25 and
26 (ii) whether the claim appears to be made in good
27 faith.