

Provided by ACLU of OR

or in any manner facilitate the transportation, sale, receipt, possession or concealment of property described in subsection (1) or (2) of this section, and all conveyances, including aircraft, vehicles or vessels, that are used in prohibited conduct or that are used to facilitate prohibited conduct in any manner.

(5) All books, records, computers and research, including formulae, microfilm, tapes and data that are used to facilitate prohibited conduct in any manner.

(6) All moneys, negotiable instruments, balances in deposit accounts or other accounts, securities or other things of value furnished by any person in the course of prohibited conduct, all proceeds of prohibited conduct, and all moneys, negotiable instruments, balances in deposit and other accounts and securities used to facilitate any prohibited conduct.

(7) All real property, including any right, title and interest in the whole of any lot or tract of land and any appurtenances or improvements, that is used in any manner, in whole or part, to commit or facilitate prohibited conduct.

(8) All weapons possessed, used or available for use in any manner to facilitate prohibited conduct.

(9) Any property described in this section that was intended for use in committing or facilitating an attempt to commit a crime as described in ORS 161.405, a solicitation as described in ORS 161.435 or a conspiracy as described in ORS 161.450. [2009 c.78 §4]

**131A.025 Consensual search of motor vehicle; required notice.** (1) Notwithstanding any other provision of this chapter, property that is seized solely on the basis of a consensual search of a motor vehicle is not subject to forfeiture unless, before obtaining the consent of a person for the search, the person is provided with written, multilingual notice of the right of the person to refuse to consent to the search. The notice shall include at least the following information:

(a) Notice that the person has a right to refuse to consent to a search.

(b) Notice that a refusal to consent to a search cannot be used against the person for any purpose.

(c) Notice that anything found in the search can be seized as evidence of a crime or can be seized for forfeiture.

(2) A notice or consent form under this section shall be considered multilingual if the notice or form provides information in at least English and Spanish. [2009 c.78 §5]

**131A.030 Seizure of motor vehicle with hidden compartment.** (1) When a seizing agency lawfully seizes a motor vehicle with

a hidden compartment, the agency shall disable the hidden compartment, unless the motor vehicle is forfeited and the agency:

(a) Retains the motor vehicle for law enforcement purposes; or

(b) Determines that the cost of disabling the hidden compartment exceeds the value of the motor vehicle.

(2) Notwithstanding ORS 131A.360 and 131A.365, if the motor vehicle with a hidden compartment is forfeited and the seizing agency:

(a) Retains the motor vehicle for law enforcement purposes, the agency shall deduct the cost of disabling the hidden compartment from the value of the motor vehicle before making the distribution described in ORS 131A.360 and 131A.365.

(b) Does not retain the motor vehicle for law enforcement purposes and determines that the cost of disabling the hidden compartment exceeds the value of the motor vehicle, the agency shall sell the motor vehicle for scrap or salvage and distribute the proceeds of the sale according to ORS 131A.360 and 131A.365. The seizing agency shall ensure that the person to whom the motor vehicle is sold disables the hidden compartment or the motor vehicle.

(3) If a motor vehicle with a hidden compartment is forfeited and the seizing agency sells the motor vehicle, the agency shall deduct the cost of disabling the hidden compartment from the proceeds of the sale as a cost of prosecuting the case under ORS 131A.360 (3) and 131A.365 (2). [2009 c.874 §7]

**131A.035 Seizure of currency.** Notwithstanding any other provision of this chapter, United States currency in an amount less than \$15,000 may not be seized for forfeiture solely on the basis that the money is in the form of cash rather than some other form. [2009 c.78 §6]

**SEIZURE OF PROPERTY FOR FORFEITURE**

**(Generally)**

**131A.050 Seizure generally.** (1) Property seized for forfeiture is not subject to replevin, conveyance, sequestration or attachment, and is not subject to a motion or order to return under ORS chapter 133.

(2) Property that has been unconstitutionally seized may be forfeited if the property is determined to be subject to forfeiture under this chapter based on evidence that is not the fruit of the unconstitutional seizure.

(3) Property other than real property may be constructively seized by affixing a forfeiture notice to the property, or by recording a forfeiture notice in the public record. Real