

PERSON CLAIMING THAT ALL OR ANY OF THE SEIZED MONEY, CURRENCY, OR CASH IS NOT CONTRABAND OF LAW UNDER (A) AND SHOULD BE RETURNED TO THE CLAIMANT, WITHIN ONE YEAR AFTER THE DATE THE JUDGMENT OR ORDER WAS ENTERED OR THE ACTION WAS TAKEN WHICH CONSTITUTED THE ULTIMATE DISPOSITION, MAY MAKE APPLICATION ON GIVING TEN DAYS' PRIOR WRITTEN NOTICE TO THE STATE TREASURER, CUSTODIAN COUNTY TREASURER OR DIRECTOR OF FINANCE, TO THE APPROPRIATE COURT FOR A DETERMINATION THAT THE MONEY, CURRENCY, OR CASH IS THE PROPERTY OF THE CLAIMANT AND FOR AN ORDER THAT IT BE RETURNED.

(2) IN A PROCEEDING UPON THAT APPLICATION AN ACQUITTAL, A DISMISSAL, ~~A STET~~ OR A NOLLE PROSEQUI WITH RESPECT TO THE GAMBLING CHARGES OF INDICTMENTS INVOLVED IN THE SEIZURE OF THE MONEY, CASH, OR CURRENCY IS PRIMA FACIE EVIDENCE THAT IT IS NOT CONTRABAND. A CONVICTION, PLEA OF GUILTY OR OF NOLO CONTENDERE, AND PARDON PRIOR TO JUDGMENT IS PRIMA FACIE EVIDENCE THAT IT IS CONTRABAND. NO PRESUMPTION IN THE PROCEEDING SHALL ATTACH TO AN ENTRY OF STET.

(3) IF A PETITION IS NOT TIMELY AND PROPERLY FILED, OR IF IT IS FINALLY DECIDED AGAINST THE CLAIMANT, THE SEIZED MONEYS NOT DISPOSED OF SHALL BE FORFEITED TO THE CUSTODIAN WITHOUT FURTHER JUDICIAL ACTION.

(4) TIMELY NOTICE MUST BE GIVEN BY CERTIFIED MAIL OR OTHER APPROPRIATE MEANS TO ANY KNOWN CLAIMANTS, AT THEIR LAST KNOWN ADDRESS, OF THE REQUIREMENTS OF THIS SECTION FOR MAKING CLAIM FOR THE RETURN OF SEIZED MONEYS, OR THE SEIZED MONEYS SHALL NOT BE FORFEITED AS PROVIDED BY PARAGRAPH (3) OF THIS SECTION.

(E) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "ULTIMATE ~~DISPOSITION~~ DISPOSITION" OF CHARGES AND OF INDICTMENTS INCLUDES ACQUITTAL, DISMISSAL, GUILTY, PARDON PRIOR TO JUDGMENT, PLEAS OF GUILTY AND OF NOLO CONTENDERE, A STET, A NOLLE PROSEQUI, AND TERMINATION OF THE CRIMINAL PROCEEDINGS PURSUANT TO APPEAL.

(3) "RECORD OF CONVICTION" INCLUDES PLEAS OF GUILTY AND OF NOLO CONTENDERE.

(4) THIS SECTION DOES NOT PROHIBIT THE TRIAL JUDGE AFTER AN ACQUITTAL OR DISMISSAL FROM ORDERING IMMEDIATE RETURN OF ALL PROPERTY SEIZED.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1977.

Approved May 26, 1977.