

**FORTY-EIGHTH LEGISLATURE
FIRST SESSION, 2007**

SB 338/a

February 20, 2007

Madam President:

Your **PUBLIC AFFAIRS COMMITTEE**, to whom has been referred

SENATE BILL 338

has had it under consideration and reports same with recommendation that it **DO NOT PASS**, but that

**SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 338**

DO PASS, amended as follows:

1. On page 1, line 12, after the comma insert "A HEARING,".
2. On page 4, line 23, strike "and".
3. On page 4, line 25, strike the period and insert in lieu thereof "; and".
4. On page 4, after line 25, insert a new subsection to read:

"E. within twenty-four hours after a seizure conducted pursuant to Subsection A of this section, hold a hearing during which a person affected by the seizure may challenge whether probable cause existed for the seizure. The hearing shall be conducted by a hearing officer appointed by the agency and the hearing officer shall render a decision immediately upon the conclusion of the hearing. The decision of the hearing officer may be appealed to a magistrate or district court in the county where the seizure took place. The appeal shall be heard within forty-eight hours of the conclusion of the hearing conducted by the hearing officer.".,

and thence referred to the **JUDICIARY COMMITTEE**.

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Respectfully submitted,

Dede Feldman, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: Ingle

Absent: None

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