

**§5828. Post-seizure proceedings**

**1. Prompt post-seizure hearing.** This subsection governs post-seizure proceedings for assets seized pursuant to this chapter.

A. Following the seizure of property, a defendant or any person with an interest in the property has a right to a prompt post-seizure hearing. [PL 2021, c. 454, §14 (NEW).]

B. A person with an interest in the property may petition the court for a hearing. [PL 2021, c. 454, §14 (NEW).]

C. At the court's discretion, the court may hold a prompt post-seizure hearing:

(1) As a separate hearing; or

(2) At the same time as a probable-cause determination, a post-arraignment hearing or other pretrial hearing. [PL 2021, c. 454, §14 (NEW).]

D. A party, by agreement of all parties or for good cause, may move for one extension of the hearing date of no more than 10 days. Any motion may be supported by affidavits or other submissions. [PL 2021, c. 454, §14 (NEW).]

E. The court shall order the return of seized property if it finds:

(1) The seizure was invalid;

(2) A criminal charge has not been filed and no extension of the filing period established under this section is available;

(3) The property is not reasonably required to be held as evidence; or

(4) The final judgment likely will be in favor of the claimant. [PL 2021, c. 454, §14 (NEW).]

[PL 2021, c. 454, §14 (NEW).]

**SECTION HISTORY**

PL 2021, c. 454, §14 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1, 2023. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.