

(Underlined sections are new or replacements; [bracketed] sections are deleted.)

BEFORE THE BOARD OF COMMISSIONERS

FOR THE COUNTY OF MULTNOMAH

ORDINANCE NO. 575

An Ordinance amending MCC Chapter 7.85, relating to civil forfeitures, and declaring an emergency.

Multnomah County ordains as follows:

Section 1. Findings.

A. The ordinance governing civil forfeitures is in need of amendment to expand the scope of illegal activities that are subject to forfeiture proceedings, to increase the number of days between the seizure and the filing of the complaint and application for restraining order, and to provide for the allocation of proceeds in cases arising out of arrests by the City of Portland.

Section 2. Amendment.

MCC 7.85.010(E) is amended to read:

(E) "Illegal activity" means:

(1) Gambling or promotion of gambling;
or

(2) The manufacture or delivery of controlled substances; [or]

(3) The possession of controlled substances with the intent to deliver[.]; or

(4) Promoting prostitution.

Section 3. Amendment.

MCC 7.85.035(B) is amended to read:

(B) The proceedings shall be instituted promptly and in accordance with the Oregon Rules of Civil Procedure and the Oregon Rules of Evidence relating to civil actions. Within [three] ten judicial days after the seizure, the District Attorney

shall file the complaint and initiate an application for a temporary restraining order restraining the return of the seized property to the defendant or property owner. The defendant or the owner of the property may demand a trial by jury in any civil action brought pursuant to this section.

Section 4. Amendment.

MCC 7.85.035(C) is amended to read:

(C) In a case arising out of an arrest by County law enforcement officers the District Attorney shall be entitled to deduct from the proceeds any attorney fees, costs and expenses incurred in the litigation. In a case arising out of an arrest by City law enforcement officers, the amount deductible for attorney fees, costs and expenses shall be determined by intergovernmental agreement with the City.

Section 4. Adoption.

This Ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and the Ordinance shall take effect upon its execution by the County Chair, pursuant to Section 5.50 of the Charter of Multnomah County.

ADOPTED this 21st day of April, 1988, being the date of its 2nd reading before the Board of County Commissioners of Multnomah County.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

(SEAL)

By Gladys McCoy
Gladys McCoy
Multnomah County Chair

APPROVED AS TO FORM:

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By Laurence Kressel
Laurence Kressel
County Counsel

0710R/dm
041488:2:1