

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 10: SPECIAL ACT FOR FIREARMS ENFORCEMENT (SAFE)

§ 10311. Seizure and forfeiture of conveyances.

(a) For the purposes of this section, the term “owner” means a person with an ownership interest in the specific conveyance sought to be forfeited. The term “owner” does not include:

- (1) A person with only a general unsecured interest in, or claim against, the conveyance;
- (2) A bailee; or
- (3) A nominee who exercises no dominion or control over the conveyance.

(b) Any conveyance, including motor vehicles, vessels, and airplanes, in which any person or persons transport or possess a firearm while committing a misdemeanor or felony offense under this Division, shall be seized and forfeited to the Commonwealth, provided that:

(1) No conveyance used by any person as a duly licensed common carrier in the course of transacting business as a licensed common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or has knowledge of a violation of this section; and

(2) The forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of, nor consented to, the illegal act giving rise to forfeiture.

(3) An innocent owner’s interest in a conveyance which has been seized shall not be forfeited under this section. A person is an innocent owner if he or she establishes, by a preponderance of the evidence:

(i) That he or she did not know that a person or persons in the conveyance was transporting, possessing, or concealing any firearm or that the conveyance was involved in or was being used in the commission of any illegal act involving any firearm; or

(ii) That, upon receiving knowledge of the presence of any illegal firearm in or on the conveyance or that the conveyance was being used in the commission of an illegal act involving a firearm, he or she took action to terminate the presence in or on the conveyance of the person, persons, or firearms.

(4) A claimant who establishes a lack of knowledge under subsection (b)(3)(i) of this section shall be considered an innocent owner unless the government, in rebuttal, establishes the existence of facts and circumstances that should have created a suspicion that the conveyance was being or would be used for an illegal purpose. In that case, the claimant must establish that, in light of such facts and circumstances, he or she did all that reasonably could be expected to prevent the use of the conveyance in the commission of any such illegal act.

(i) A person who willfully blinds himself or herself to a fact shall be considered to have had knowledge of that fact.

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(ii) Except as otherwise expressly provided by this section, all seizures and forfeitures of conveyances under this section shall follow the procedures set forth in [6 CMC § 2150](#).

Source: [PL 19-42](#) § 7 (Apr. 11, 2016), modified.

Commission Comment: According to the Section-by-Section Analysis of Proposed “Special Act for Firearm Enforcement (SAFE)”, this section is based upon a 2015 version of § 7-2507.06a of the Code of the District of Columbia, included in the Appendix to that Analysis. The Commission did not change the outline structure of the section during codification of [PL 19-42](#) § 7. The Commission numbered this section, renumbered subsections (b)(3)(Z)–(AA) to (b)(3)(i)–(ii), and renumbered subsections (b)(4)(BB)–(CC) to (b)(4)(i)–(ii) pursuant to [1 CMC § 3806](#)(a). The Commission changed the reference number in subsection (b)(4) to agree with the renumbered subsection pursuant to [1 CMC § 3806](#)(c). The Commission struck the repeated phrase “that reasonably could be expected to prevent the” in subsection (b)(4) pursuant to [1 CMC § 3806](#)(g).