§ 71-0909. Forfeitures.

1. If the defendant in any prosecution, civil or criminal, for a violation involving the taking of deer with the aid of an artificial light, is held liable or found guilty, or shall effect a civil settlement of any action or cause of action in favor of the state arising out of such violation, the defendant's interest in all things seized as provided in paragraph f of subdivision 4 of section 71-0907 in connection with such violation shall be declared confiscated by and forfeit to the state. Unless a claim of ownership by some other person is made to the department within thirty days after the date of seizure and is established by order of a court or to the satisfaction of the department, all such things shall be disposed of as the department shall direct.

2. If the defendant in any prosecution, civil or criminal, for a violation involving the illegal taking, possession, or transportation of any fish, shellfish, crustacea, wildlife, game or protected insects, is held liable or found guilty, the ownership and right of possession thereof shall be deemed vested or revested in the state for all purposes, notwithstanding any claim of the defendant or of any other person to private ownership lawfully acquired prior to the act or possession constituting such violation, unless such claim shall be established or the operation of this subdivision shall be stayed by order of a court having jurisdiction of the prosecution or an appeal therefrom, or of the subject matter of the claim, before judgment in such prosecution is rendered. If any such claim is asserted by or on behalf of any person in the course of any such prosecution, the court in which the proceedings are had may make such order, or may stay the judgment for such time as he deems proper to permit determination of the claim or application for a stay of the operation of this subdivision.

3. If the defendant is held liable or found guilty in any prosecution, civil or criminal, for a violation involving: a. the illegal use of a net or other device, other than a boat, vehicle, aircraft or firearm, the use of which is prohibited under any and all circumstances for taking the species for which it was used in the violation involved, or

is so prohibited except in accordance with a permit issued by the department or; b. possession of nets in any case where such possession is prohibited by section 11-1517 or subdivision 16 of section 13-0343, or if the defendant shall effect a civil settlement of any action or cause of action in favor of the state arising out of such violation, the defendant's interest in the device shall be forfeited to the state. Unless a claim of ownership of such device shall be made to the department by some other person within thirty days thereafter, and shall be established by order of a court or to the satisfaction of the department, such device shall be disposed of as the department shall direct.

4. If the defendant is held liable or found guilty in any prosecution, civil or criminal, of the taking of shellfish in violation of subdivisions 1 or 2 of section 13-0309 or if the defendant shall effect a civil compromise of any action or cause of action in favor of the state arising out of such violation, the defendant's interest in any and all rakes, tongs, dredges or devices other than a boat or vehicle, used for the purpose of taking shellfish in violation of such provisions shall be forfeited to the state. Unless a claim of ownership of such device shall be made to the department by some other person within thirty days thereafter, and shall be established by order of a court or to the satisfaction of the department, such device shall be disposed of as the department shall direct.

4-a. In addition to any other penalties imposed by this chapter, the violation of subdivision 2 or 3 of section 13-0309 of this chapter shall be punishable by forfeiture of any boat or vehicle employed in the violation of such subdivisions.

5. a. For the purposes of this section, a claim of ownership shall mean any lawful interest, including a part interest or security interest.

b. A claim of ownership shall not prevent vesting or revesting of ownership and right of possession in the state pursuant to subdivision 2 of this section unless the person establishing it either establishes a

right of ownership exclusive of any interest in the defendant or shall purchase or redeem from the state any interest of the defendant by payment to the state of the value thereof together with the reasonable expenses of safekeeping of such property between the time of seizure and such redemption. Establishment of a claim of ownership shall not in any event prevent such revesting in the state if the state shall establish that the illegal possession or transportation of which the defendant is held liable or found guilty was expressly or impliedly permitted by the person establishing the claim of ownership.

c. Establishment of a claim of ownership consisting of a part ownership or a security interest shall not entitle the person establishing it to delivery of property as to which the interest of the defendant is declared confiscated or forfeit as provided in subdivision 1 of this section or is forfeited as provided in subdivisions 3 and 4 of this section unless the person establishing it shall redeem any interest of the defendant by payment to the state of the value thereof together with the reasonable expenses of safekeeping of such property between the time of seizure and such redemption. Establishment of a claim of ownership shall not in any event entitle the person establishing it to delivery of the property if the state shall establish that the illegal use or possession of such property, in the manner or for the purposes or in the circumstances making such use or possession illegal, was expressly or impliedly permitted by the person establishing such claim of ownership.

d. Where a person establishing a claim of ownership is required to purchase or redeem any interest of the defendant in a civil or criminal prosecution in order to be entitled to delivery of property in which such claim of ownership is established, such interest of the defendant must be so purchased or redeemed not less than ten days after the price of purchase or redemption shall have been fixed by order of the court or agreed between the person whose claim is so established and the department. The department shall have power to enter into such agreement on behalf of the state. If a person establishing a claim of ownership shall fail to purchase or redeem the interest of the defendant within the time provided in this subdivision, or such longer time as may be

provided by order of the court or agreement of the department, he shall be deemed to have abandoned his claim of ownership, and the property may be disposed of as if no such claim had been asserted.

e. All moneys received in payment of the price of redeemption or purchase of the defendant's interest shall be deposited in the conservation fund provided by section 83 of the State Finance Law.

6. A person asserting a claim of ownership as provided in this section shall have the burden of proof.

7. In any action or proceeding in which any person asserts a claim of ownership with respect to property in which the interest of the defendant is declared confiscated and forfeited as provided in subdivision 1 of this section or is forfeited as provided in subdivision 3 of this section, the testimony of such person, or of the defendant in the civil or criminal prosecution, or of both, shall not be deemed sufficient to establish his claim unless corroborated by documentary evidence or by testimony of some other person not interested in the event.