

House Bill 962

By: Representatives Scott of the 76th, Davis of the 87th, and Schofield of the 63rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 14 of Title 16 of the Official Code of Georgia Annotated, relating to
2 racketeer influenced and corrupt organizations, so as to provide that the Office of the
3 Attorney General establishes and maintains a public website regarding seized and forfeited
4 property; to provide a short title; to provide for applicability; to provide for definitions; to
5 provide for reporting requirements; to provide for violation and penalty; to provide for
6 exemptions in certain circumstances; to provide for reports; to provide for the disbursement
7 of funds; to provide for fees; to provide for disclosure; to provide for related matters; to
8 repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "Transparency and Accountability in Asset
12 Forfeiture Act."

SECTION 2.

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Chapter 14 of Title 16 of the Official Code of Georgia Annotated, relating to racketeer influenced and corrupt organizations, is amended by adding a new Code section to read as follows:

"16-14-7.1.

(a) As used in this Code section, the term:

(1) 'Asset' means property or a resource that has value.

(2) 'Law enforcement agency' shall have the same meaning as provided in Code Section 35-3-30.

(b) The provisions of this Code section shall apply to property seized and forfeited under this chapter.

(c)(1) The Office of the Attorney General shall establish and maintain a case-tracking system and searchable public website relative to property seized and forfeited under state law and shall assign data reporting responsibilities to relevant law enforcement agencies.

(2) The searchable public website established in paragraph (1) of this subsection shall include the following information as reported by each assigned relevant law enforcement agency:

(A) Name of the law enforcement agency that seized the property or the name of the lead agency, if such property is seized by a multijurisdictional task force;

(B) Date of the seizure;

(C) Type of property seized, such as currency or, if property other than currency, a description of the property seized, including make, model, and year of vehicles involved. Reporting shall not required for seized contraband, including alcohol, drug paraphernalia, and controlled substances;

(D) Location of seizure;

(E) If the seizure occurred during a traffic stop on an interstate or state highway, the direction of the traffic flow;

- 40 (F) Estimated value of property seized;
41 (G) Criminal offense alleged that led to the seizure;
42 (H) Crime for which the suspect was charged;
43 (I) Criminal case number and court in which the case was filed;
44 (J) The outcome of the suspect's criminal case;
45 (K) Forfeiture case number and court in which the case was filed;
46 (L) If a property owner filed a claim or counterclaim, by whom;
47 (M) Type of forfeiture process;
48 (N) Whether the property owner defaulted in the forfeiture litigation;
49 (O) Whether there was a forfeiture settlement agreement;
50 (P) Date of the forfeiture order;
51 (Q) Disposition of the property and whether such property was returned to the owner,
52 partially returned to the owner, sold, destroyed, retained by a law enforcement agency,
53 or if disposition is pending;
54 (R) Date of the property disposition;
55 (S) Total value of the property forfeited under state law, including currency and
56 proceeds from the sale of non-currency property, excluding the value of contraband;
57 (T) Market value of the property forfeited under state law that was retained, destroyed,
58 or donated, excluding the value of contraband;
59 (U) Estimate of total costs to the law enforcement agency:
60 (i) Store seized store property in impound lots or evidence rooms;
61 (ii) Pay for law enforcement personnel's and prosecutors' time and expenses to
62 litigate forfeiture cases; and
63 (iii) To sell or dispose of forfeited property;
64 (V) Amount of the attorney's fees awarded to the property owners, if any; and
65 (W) If any property was retained by a law enforcement agency, the purpose for which
66 it is used.

67 (d) In addition to data reported pursuant to paragraph (2) of subsection (c) of this Code
68 section, the public website established pursuant to paragraph (1) of subsection (c) of this
69 Code section shall also include the following:

70 (1) The total amount of funds expended in each of the following categories that resulted
71 from property seized, forfeited, and reported pursuant to paragraph (2) of subsection (c)
72 of this Code section:

73 (A) Drug abuse, crime, and gang prevention and other community programs;

74 (B) Victim reparations;

75 (C) Investigation costs, including controlled buys, forensics, informant fees, and
76 witness protection;

77 (D) Expenses related to seized property, including storage, maintenance, repairs, and
78 return of seized property;

79 (E) Expenses related to forfeiture litigation, including court fees and expenses related
80 to auditing, discovery, court reporters, printing, postage, filing, witnesses, outside
81 counsel, and attorney's fees awarded to opposing counsel;

82 (F) Agency personnel costs, including salaries, overtime, and benefits, as permitted by
83 law;

84 (G) Agency travel and training, including conferences, continuing education,
85 entertainment, and meals;

86 (H) Agency administrative and operating expenses, including office supplies, postage,
87 printing, utilities, and repairs and maintenance of vehicles and other equipment;

88 (I) Agency capital expenditures, including appliances, canines, computers, equipment,
89 firearms, furniture, and vehicles; and

90 (J) An itemized list of other expenditures of forfeiture proceeds, including payments
91 to trade associations and lobbyists and the transfer of funds to any other law
92 enforcement agencies; and

- 93 (2) The total value of seized and forfeited property held by the law enforcement agency
94 at the end of the reporting period.
- 95 (e) The Office of the Attorney General shall not disclose on the public website established
96 pursuant to subsection (c) of this Code section:
- 97 (1) The names, addresses, contact information, or other personally identifying
98 information of owners, other persons, or business entities; or
- 99 (2) The street address, vehicle identification number, or serial number of any
100 conveyance.
- 101 (f) A law enforcement agency may delay the reporting of a particular asset if the asset was
102 seized from a confidential informant under the agency's confidential informant policy. The
103 delay may continue for as long as the confidential informant cooperates with such agency,
104 after which the agency shall report such asset as required in subsection (c) of this Code
105 section.
- 106 (g) The law enforcement agency that seizes property and prosecutors that litigate related
107 criminal cases and forfeiture proceedings shall update the public website established
108 pursuant to subsection (c) of this Code section as scheduled and for reporting periods
109 established by the Office of the Attorney General. The commander of a multijurisdictional
110 task force may appoint one agency to report its seizures. If an agency has made no seizures
111 during the previous year, a report shall be filed by the agency specifying that it did not
112 engage in seizures or forfeitures pursuant to this chapter during the reporting period.
- 113 (h) The law enforcement agency that expends forfeiture related proceeds shall update the
114 public website established pursuant to subsection (c) of this Code section within 30 days
115 after the end of each fiscal year. The commander of a multijurisdictional task force may
116 appoint one agency to report its expenditures.
- 117 (i) The Office of the Attorney General, 120 days after the close of each fiscal year, shall
118 submit to the Speaker of the House of Representatives, the President of the Senate, and the
119 Governor a written report summarizing activity in the state for the preceding fiscal year;

120 the type, approximate value, and disposition of the property seized; and the amount of any
121 proceeds received or expended at the state and local levels. Such report shall provide a
122 categorized accounting of all proceeds expended. Summary data on seizures, forfeitures,
123 and expenditures of forfeiture proceeds shall be disaggregated by law enforcement agency.
124 The aggregate report shall also be made available on the public website established
125 pursuant to subsection (c) of this Code section website.

126 (j) The Office of the Attorney General may include in its aggregate report provided for in
127 subsection (i) of this Code section recommendations to improve statutes, rules, and policies
128 to better ensure that seizure, forfeiture, and expenditures are carried out and reported in a
129 manner that is fair to crime victims, innocent property owners, secured interest holders,
130 citizens, law enforcement, and taxpayers.

131 (k) If a law enforcement agency fails to file a report within 30 days after it is due and there
132 is no good cause as determined by the Office of the Attorney General, such agency shall
133 be subject to a civil fine, as determined by such office but not to exceed \$500.00, payable
134 to the general fund of the state treasury.

135 (l) The Office of the Attorney General shall make no disbursement of forfeiture proceeds
136 to any law enforcement agency unless and until the agency meets its reporting obligation.

137 (m)(1) The Office of the Attorney General may recoup costs under this Code section by
138 charging a fee to the law enforcement agencies required to report under this section.

139 (2) A law enforcement agency may use forfeiture proceeds to pay the costs of compiling
140 and reporting data under this section and to pay any fees imposed by the Office of the
141 Attorney General.

142 (n) The Office of the Attorney General may adopt rules necessary to implement the
143 provisions of this Code section.

144 (o) The data and reports compiled and prepared pursuant to this Code section shall be
145 deemed public information under Article 4 of Chapter 18 of Title 50 and shall not be
146 exempt from disclosure as provided in this Code section."

147 **SECTION 3.**

148 This Act shall become effective on January 1, 2025.

149 **SECTION 4.**

150 All laws and parts of laws in conflict with this Act are repealed.