

1 HB451
2 148038-2
3 By Representatives Johnson (W), Ball, Patterson, McCutcheon,
4 Williams (P), Sanderford and Hall (N & P)
5 RFD: Madison County Legislation
6 First Read: 20-MAR-13

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2 ENROLLED, An Act,

3 Relating to Madison County; to authorize a law
4 enforcement agency to deliver to the circuit clerk certain
5 seized currency that is the subject of a forfeiture
6 proceeding; to require the clerk of court to deposit the
7 currency in a federally insured financial institution; to
8 specify that all or a portion of such currency seized may be
9 deposited; to specify the conditions under which such currency
10 maybe deposited; to specify the conditions of disbursement of
11 the currency; and to provide for disbursement of the interest
12 from deposits to the county general fund.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. (a) Any law enforcement agency of Madison
15 County that is in possession of seized currency which it
16 intends to make part of a forfeiture proceeding in the circuit
17 court, at the election of the law enforcement agency, may
18 deliver the currency to the circuit clerk for deposit with a
19 federally insured financial institution ordinarily and
20 customarily used by the clerk for the holding of funds in the
21 custody of the clerk.

22 (b) Absent an order of the circuit court, no law
23 enforcement agency may be required to deposit seized currency
24 pursuant to the procedure contained in this section. The law
25 enforcement agency may elect to deposit only a portion of

1 currency seized in the manner provided in this section while
2 maintaining the remaining portion of the seized currency in
3 its original form. In determining whether to maintain currency
4 in its original form, the law enforcement agency may consider
5 whether the currency has significant, independent, tangible
6 evidentiary purpose such as, among other factors, the presence
7 of fingerprints, incriminating packaging, the presence of
8 writings or other notations on the currency, or other factors
9 wherein the law enforcement agency may determine that a
10 photograph or video tape of the currency would be insufficient
11 to use as evidence. A law enforcement agency may not deposit
12 and the clerk shall not accept any currency that the law
13 enforcement agency intends to preserve in its physical currency
14 form for evidentiary purposes.

15 (c) All seized currency presented to the clerk for
16 deposit shall be deposited into a federally insured financial
17 institution as soon as practicable after the clerk takes
18 possession of the seized currency. To the extent practicable
19 and reasonably convenient, currency deposited by the clerk
20 into a federally insured financial institution pursuant to
21 this section shall be deposited into an interest bearing
22 account.

23 (d) Currency deposited with the circuit clerk
24 pursuant to this section simultaneously with or following the
25 filing of a complaint seeking civil forfeiture of the

1 deposited funds shall specify the amount of funds presented to
2 the clerk for deposit and the date the funds were presented to
3 the clerk.

4 (e) With respect to each separate deposit of funds
5 pursuant to this section, the clerk shall maintain a record of
6 all of the following:

7 (1) The name of the law enforcement agency making
8 the deposit.

9 (2) The date and amount of the deposit.

10 (3) The interest earned with respect to the deposit.

11 (4) The case number and status of the civil
12 forfeiture action to which the deposit relates.

13 (5) The date and amount of disbursement made
14 pursuant to order of the court in which the forfeiture action
15 is pending.

16 (f) No funds collected pursuant to this section may
17 be disbursed except pursuant to court order which shall
18 specify the manner and amount of the disbursement.

19 (g) Any interest earned on funds subsequently
20 forfeited shall be paid to the General Fund of Madison County.

21 Section 2. This act shall become effective on the
22 first day of the third month following its passage and
23 approval by the Governor, or its otherwise becoming law.

