

1 SB299
2 182406-2
3 By Senator Orr
4 RFD: Governmental Affairs
5 First Read: 09-MAR-17

2
3
4
5
6
7
8 SYNOPSIS: Existing law provides for the manner,
9 method, and procedure for the seizure, forfeiture,
10 condemnation, and disposition of property subject
11 to civil forfeiture.

12 This bill would provide for reporting
13 requirements, publication requirements, and civil
14 penalties.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 Relating to civil forfeitures; to provide for
21 reporting requirements; and to provide for publication
22 requirements; to provide for civil penalties.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. (a) On an annual basis, beginning January
25 1, 2018, every law enforcement agency, multijurisdictional
26 task force, district attorney, or state agency that receives
27 seized or forfeited property or proceeds resulting from the

1 sale of forfeited property, shall submit a written report to
2 the Attorney General no later than January 15 of the following
3 calendar year.

4 (b) Each report required in subsection (a) shall
5 contain an itemized listing of each seizure and forfeiture,
6 including all of the following:

7 (1) For each seizure conducted in the preceding
8 calendar year, all of the following:

9 a. The date and specific location of the seizure,
10 including an address, or proximate intersection, interstate
11 mile marker, if any, and zip code.

12 b. The total amount of seized U.S. or foreign
13 currency, if any.

14 c. Other types of property seized, including
15 vehicles, houses, firearms, and narcotics, and the estimated
16 value of each.

17 d. The storage location of property seized,
18 including funds deposited with a financial institution.

19 e. The felony offense for which an individual was
20 charged, if any, and the date of the charge.

21 f. If no felony conviction, the circumstances and
22 grounds upon which the property was seized.

23 g. A copy of any receipt given to the property owner
24 to catalogue the property seized.

25 h. An itemization of all monetary expenditures
26 associated with the seizure of the property, including storage
27 fees.

1 (2) For each occurrence where seized property was
2 forfeited during the preceding calendar year, all of the
3 following:

4 a. A description of the forfeited property.

5 b. The underlying felony offense, if any, including
6 the court and case number of the offense.

7 c. The court and case number of the forfeiture
8 proceeding.

9 d. The process for disposition of the forfeited
10 property, such as sale or auction, and the total amount of
11 money received from the disposition.

12 e. The identity of each recipient of funds pursuant
13 to subsection (c) of Section 15-5-65, Code of Alabama 1975,
14 and the amount of proceeds received by each.

15 f. An itemization of all monetary expenditures
16 associated with the forfeiture of the property, including
17 storage fees.

18 g. If the property was destroyed, the date and
19 manner on which the property was destroyed.

20 h. The total amount of currency forfeited.

21 i. The total net income from the sale of forfeited
22 property that the entity received.

23 j. A description of the use and expenditure of
24 income from property or currency forfeited, specifying for
25 each expenditure the amount expended and the purpose for which
26 each expenditure was made.

1 k. The total amount of forfeited currency held in a
2 financial institution at the end of the preceding calendar
3 year, including the net income from the sale of forfeited
4 property and any interest earned.

5 (c) (1) Nothing in this section shall prohibit a
6 reporting entity from redacting information that is likely to
7 disclose the identity of a confidential source or confidential
8 investigative or prosecutorial material which could endanger
9 the life or physical safety of a person.

10 (2) A reporting entity that redacts information
11 pursuant to this subsection shall indicate in its annual
12 report when it has redacted information that was otherwise
13 required by subsection (b).

14 (d) By March 1 of each calendar year, the Attorney
15 General shall make available on its website the reports
16 submitted pursuant to subsection (a), as well as an aggregate
17 report prepared by the Attorney General containing data from
18 all reports submitted for the preceding calendar year.

19 (e) The Attorney General shall have the authority to
20 compel compliance with the reporting required in subsection
21 (a) and may develop reporting forms and promulgate rules
22 necessary for the execution and enforcement of this act,
23 including the assessment of a civil penalty in the amount of
24 five hundred dollars (\$500) per violation, plus ten dollars
25 (\$10) per day that the report is overdue. Penalties assessed
26 under this provision shall be payable to the General Fund.

1 (f) Nothing in this act shall be construed as
2 interfering with reporting required by another federal or
3 state law, regulation, or rule.

4 Section 2. This act shall become effective
5 immediately following its passage and approval by the
6 Governor, or its otherwise becoming law.