

House Bill 115

By: Representatives Turner of the 21<sup>st</sup> and Tarvin of the 2<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 16 of Title 9 of the Official Code of Georgia Annotated, relating to the  
2 "Uniform Civil Forfeiture Procedure Act," so as to prohibit the outsourcing of forfeiture  
3 litigation to federal agencies as a circumvention to the forfeiture laws of this state; to provide  
4 for a definition; to provide for an exception; to provide for related matters; to repeal  
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 16 of Title 9 of the Official Code of Georgia Annotated, relating to the "Uniform  
9 Civil Forfeiture Procedure Act," is amended by adding a new Code section to read as  
10 follows:

11 "9-16-19.1.

12 (a) As used in this Code section, the term 'law enforcement agency' shall have the same  
13 meaning as provided for under Code Section 9-16-19.

14 (b) No state attorney or law enforcement agency shall transfer or otherwise relinquish  
15 possession of property seized under this chapter or as a result of a forfeiture action brought  
16 pursuant to Title 3, 7, 10, 12, 16, 17, 27, 40, 46, 48, 49, or 52 to a federal agency by way  
17 of adoption of such seized property or other means by the federal agency for the purpose  
18 of such property's forfeiture under the Controlled Substances Act, 21 U.S.C. 801, et seq.

19 (c) No state attorney or law enforcement agency shall accept payment of any kind or  
20 distribution of forfeiture proceeds resulting from a joint task force or other  
21 multijurisdictional collaboration unless the aggregate net equity value of the property and  
22 currency seized in a case, as found by the court, exceeds \$100,000.00, excluding the value  
23 of contraband.

24 (d) Nothing in subsection (b) or (c) of this Code section shall be construed to:

25 (1) Restrict a state attorney or law enforcement agency from acting alone or  
26 collaborating with a federal or other agency to seize property that such state attorney or

27 law enforcement agency has probable cause to believe is the proceeds or instruments of  
28 a crime that subjects such property to forfeiture; or  
29 (2) Prohibit the federal government, acting without involvement of a state attorney or  
30 law enforcement agency, from seizing property and seeking forfeiture under federal law."

31 **SECTION 2.**

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