

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 require reporting of property seized and
3 forfeited to the Carl Vinson Institute of Government of the University of Georgia; to provide
4 for a definition; to require the reporting of certain information; to establish a case tracking
5 system and searchable public website of such information; to provide for reporting
6 requirements; to provide for civil penalties; to provide for audits and public information; to
7 provide for a duty of the Attorney General; to provide for rules; to provide for related
8 matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

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

13 "9-16-7.1.

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

15 (1) 'Law enforcement agency' means any governmental entity that has the power to seize
16 property pursuant to Code Section 9-16-6.

17 (2) 'Vinson Institute' means the Carl Vinson Institute of Government of the University
18 of Georgia.

19 (b) The Vinson Institute shall establish and maintain a case tracking system and searchable
20 public website that includes the following information about property seized and forfeited
21 under this chapter:

22 (1) Name of the law enforcement agency that seized the property or, if seized by a
23 multijurisdictional task force, the name of the lead law enforcement agency;

24 (2) Date of the seizure;

25 (3) Type of property seized; provided, however, that if property is other than currency,
26 a description of property seized shall be made, including the make, model, and year of
27 any motor vehicle seized;

28 (4) Place of seizure and whether such place was a home, a business, or a traffic stop;
29 provided, however, that if a traffic stop the interstate or state highway name and the
30 direction of the traffic flow the motor vehicle was traveling;

31 (5) Estimated value of the seizure;

32 (6) Criminal offense alleged that led to the seizure;

33 (7) Crime for which the suspect was charged;

34 (8) Criminal case number and court in which the case was filed;

35 (9) Outcome of the criminal case as to whether no charge was filed, charges dropped,
36 acquittal, plea agreement, jury conviction, or other;

37 (10) Forfeiture case number and court in which the case was filed;

38 (11) If a property owner filed a claim or counterclaim, whether such claim or
39 counterclaim was filed by the suspect, innocent owner, joint owner, or third-party owner;

40 (12) Method of final forfeiture proceeding: criminal, civil-judicial, or
41 civil-administrative;

42 (13) Date of forfeiture order;

43 (14) Whether there was a forfeiture settlement agreement;

- 44 (15) Property disposition, whether returned to the owner, partially returned to the owner,
45 sold, destroyed, retained by a law enforcement agency, or pending disposition;
- 46 (16) Date of property disposition;
- 47 (17) Total value of property forfeited under state law, including currency and proceeds
48 from the sale of noncurrency property, excluding the value of contraband;
- 49 (18) Market value of property forfeited that was retained, destroyed, or donated,
50 excluding the value of contraband;
- 51 (19) Estimate of total costs to the agency to store property in impound lots or evidence
52 rooms, to pay for law enforcement personnel and prosecutors' time and expenses to
53 litigate forfeiture cases, and to sell or dispose of forfeited property;
- 54 (20) Amount of the attorney fees awarded to property owners;
- 55 (21) If any property was retained by a law enforcement agency, the purpose for which
56 it is used; and
- 57 (22) Total value of seized and forfeited property held by the agency at the end of the
58 reporting period.
- 59 (c) On and after January 1, 2022, the law enforcement agency that seizes property and the
60 state attorney who initiates a quasi-judicial forfeiture or files a complaint for forfeiture
61 shall, for each case, update the case tracking system and searchable public website
62 provided for in subsection (b) of this Code section with the information required by the last
63 day of the calendar month following the seizure of property, initiation of a quasi-judicial
64 forfeiture, or filing of a complaint for forfeiture. The commander of a law enforcement
65 agency that is a multijurisdictional task force may appoint one law enforcement agency to
66 make the report required by this subsection. If an agency has made no seizures during the
67 previous calendar month, a null report shall be filed by the agency specifying that it did not
68 engage in seizures or forfeitures under this chapter during the reporting period.
- 69 (d) The Vinson Institute, 120 days after the close of each fiscal year, shall submit to the
70 Speaker of the House of Representatives, the President of the Senate, the Attorney General,

71 and the Governor a written report summarizing the data gathered pursuant to subsection (b)
72 of this Code section for the prior fiscal year, including, but not limited to, the type,
73 approximate value, and disposition of the property seized. The data shall be disaggregated
74 by agency and the aggregate report shall be made available on the website of the Vinson
75 Institute, which may include in its aggregate report recommendations to improve statutes,
76 rules, and policies to better ensure that seizure, forfeiture, and expenditures are done and
77 reported in a manner that is fair to crime victims, innocent property owners, secured
78 interest holders, citizens, law enforcement agencies, and taxpayers.

79 (e) If a law enforcement agency fails to file a report within 30 days after it is due and there
80 is no good cause as determined by the Vinson Institute, the Attorney General shall seek
81 imposition on the law enforcement agency of a civil fine payable to the state treasury of
82 \$500.00 or the equivalent of one-quarter of the forfeiture proceeds received by the agency,
83 whichever is greater.

84 (f) At the request of an elected official, the state auditor shall perform annually a financial
85 audit under the generally accepted government auditing standards of records submitted to
86 the Vinson Institute related to inventory of seized property and expenditures of forfeiture
87 proceeds. A copy of the final audit report shall be submitted to the Vinson Institute no later
88 than 90 days after the end of the fiscal year and shall be made public.

89 (g) The Vinson Institute may recoup its costs under this Code section by charging a fee to
90 each law enforcement agency filing a report.

91 (h) Law enforcement agencies may use forfeiture proceeds to pay the costs of compiling
92 and reporting data under this Code section, and to pay any fees imposed by the Vinson
93 Institute.

94 (i) The Vinson Institute may adopt rules necessary to implement this Code section.

95 (j) The data and reports compiled and prepared under this Code section shall be deemed
96 public information and subject to disclosure."

97 **SECTION 2.**
98 All laws and parts of laws in conflict with this Act are repealed.