

HOUSE BILL 872

By Lafferty

AN ACT to amend Tennessee Code Annotated, Title 40,
Chapter 33, relative to civil asset forfeiture.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-33-216, is amended by deleting the section and substituting:

(a) By March 1 of each year, the department of safety shall report to the speakers of the senate and the house of representatives, chair of the judiciary committee of the senate, chair of the civil justice committee of the house of representatives, chair of the criminal justice committee of the house of representatives, and to the public on the department's website, a report detailing, for the previous calendar year:

- (1) The total number of seizure cases opened by the department;
- (2) A table of the race, gender, age, and zip code of the residence of the person who possessed the property at the time of seizure;
- (3) The number of seizure cases in which an arrest was made;
- (4) The total number of cases resulting in forfeiture;
- (5) The types of property seized under this part and the totals of each type;
- (6) The amount of currency seized;
- (7) The amount of currency forfeited;
- (8) The total number of cases which resulted in a default by the property owner;

- (9) The total amount of currency, including the mean and median amounts, forfeited as a result of default;
- (10) The total value amount of property, including the mean and median amounts, forfeited as a result of default;
- (11)
 - (A) The total number of cases which resulted in a settlement; and
 - (B) The mean and median amount of time for cases from the date the case was opened by the department to the date the settlement was signed by the administrative law judge;
- (12) The total amount of currency, including the mean and median amounts, forfeited as a result of settlement;
- (13) The total value of property, including the mean and median values, forfeited as a result of settlement;
- (14) The total amount of currency, including the mean and median amounts, returned to the property owner as a result of settlement;
- (15) The total value of property, including the mean and median values, returned to the property owner as a result of settlement;
- (16) The total number of cases resulting in a hearing;
- (17) The total number of hearings resulting in forfeiture of assets, including:
 - (A) The mean and median amounts of time for cases from the date the case was opened by the department to the date an administrative law judge entered a final order of forfeiture of assets after a hearing; and

(B) The mean and median amounts of time for cases from the date the case was opened by the department to the date an administrative law judge entered a final order returning assets after a hearing;

(18) The total amount of currency, including the mean and median amounts, forfeited as a result of a disposition by hearing;

(19) The total value of property, including the mean and median values, forfeited as a result of a disposition by hearing;

(20) The total amount of currency, including the mean and median amounts, returned to the property owner as a result of a disposition by hearing;

(21) The total value of property, including the mean and median values, returned to the property owner as a result of a disposition by hearing; and

(22) How proceeds derived from forfeited assets are used by the department and each individual law enforcement agency.

(b) The department shall include each category of information for the department as a whole and separately for each individual law enforcement agency that opened a forfeiture proceeding with the department in the previous calendar year.

(c) The information reported by the department in subdivision (a)(22) and to the department pursuant to § 40-33-211(a)(2) must be made accessible to the public on the department's website through a prominent link provided on the home page.

SECTION 2. For the purposes of promulgating rules, policies, forms, and procedures and making necessary provisions for the implementation of this act, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2023, the public welfare requiring it.