

SENATE BILL 452

By Bell

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 February 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) The race, gender, age, and zip code of the property owner's residence;
- (3) The number of seizure cases in which an arrest was made at the time of seizure;
- (4) The number of arrests that occurred after the seizure notice was sent to the department of safety;
- (5) The total number of cases resulting in forfeiture;
- (6) The types of property seized under this part and the totals of each type;
- (7) The amount of currency seized;

- (8) The amount of currency forfeited;
- (9) The total number of cases which resulted in a default by the property owner;
- (10) The total amount of currency, including the mean and median amounts, forfeited as a result of default;
- (11) The total value amount of property, including the mean and median amounts, forfeited as a result of default;
- (12)
 - (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 opened to the date of settlement;
- (13) The total amount of currency, including the mean and median amounts, forfeited as a result of settlement;
- (14) The total value of property, including the mean and median values, forfeited as a result of settlement;
- (15) The total amount of currency, including the mean and median amounts, returned to the property owner as a result of settlement;
- (16) The total value of property, including the mean and median values, returned to the property owner as a result of settlement;
- (17) The total number of cases resulting in a hearing;
- (18) The total number of hearings resulting in forfeiture of assets, including:
 - (A) The mean and median amounts of time for cases from the date opened to the date of forfeiture of assets as a result of a disposition by hearing; and

(B) The mean and median amounts of time for cases from the date opened to the date assets were returned to the property owner as a result of a disposition by hearing;

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

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

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

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

(23) The total number of cases resulting in a criminal conviction of the property owner of seized currency or property;

(24) The total amount of currency, including the mean and median amounts, forfeited in criminal conviction of property owner of currency or property;

(25) The total value of property, including the mean and median values, forfeited in criminal conviction of property owner of currency or property; and

(26) How proceeds derived from forfeited assets have been used by 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 pursuant to subdivision (a)(25) 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. Tennessee Code Annotated, Section 40-33-204(b)(1), is amended by adding the following as a new subdivision:

() Whether any criminal charge has been filed against the owner or co-owner of the property or the person in possession of the property at the time of the seizure.

SECTION 3. 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, 2021, the public welfare requiring it.