

1 S.226

2 Introduced by Senator Vyhovsky

3 Referred to Committee on

4 Date:

5 Subject: Civil seizure and forfeiture; reporting

6 Statement of purpose of bill as introduced: This bill proposes to require the
7 Department of Public Safety, in consultation with the State's law enforcement
8 agencies, to keep detailed records concerning seizures and forfeitures and
9 report accordingly to the Senate and House Committees on Judiciary. This bill
10 also proposes to create a searchable public website with the data so that it is
11 machine-readable. This bill further directs how law enforcement agencies can
12 use any proceeds from the disposition of forfeited property.

13 An act relating to seizure and forfeiture reporting

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 18 V.S.A. § 4248 is amended to read:

16 § 4248. RECORDS

17 (a) ~~Law enforcement departments and agencies, and other State~~
18 ~~departments and agencies that have custody of any property subject to~~
19 ~~forfeiture under this subchapter, or that dispose of such property, shall keep~~
20 ~~and maintain full and complete records including the following:~~

- 1 ~~(1) from whom the property was received;~~
- 2 ~~(2) description of the property, including the exact kinds, quantities, and~~
- 3 ~~forms of the property;~~
- 4 ~~(3) value of the property;~~
- 5 ~~(4) if the property is deposited in an interest bearing account, the~~
- 6 ~~location of the account and the amount of interest;~~
- 7 ~~(5) under what authority the property was held or received or disposed;~~
- 8 ~~(6) to whom the property was delivered;~~
- 9 ~~(7) the date and manner of destruction or disposition of the property~~

10 Annually, on or before December 15, the Department of Public Safety shall
11 report all criminal and civil seizures and forfeitures made by law enforcement
12 agencies under federal and State law to the Senate and House Committees on
13 Judiciary.

14 ~~(b) Those records shall be submitted to the State Treasurer and shall be~~
15 ~~open to inspection by all federal and State departments and agencies charged~~
16 ~~with enforcement of federal and State drug control laws. Persons making final~~
17 ~~disposition or destruction of the property under court order shall report, under~~
18 ~~oath, to the court the exact circumstances of that disposition or destruction and~~
19 ~~a copy of that report shall be sent to the State Treasurer. Law enforcement~~
20 ~~agencies that seize property subject to forfeiture under this subchapter and~~
21 ~~applicable federal drug laws shall maintain complete records for the agency's~~

1 own use and annually submit a report, on or before November 15, to the
2 Department of Public Safety containing information about each seizure,
3 including the following:

4 (1) name of the law enforcement agency, State task force, or federal task
5 force that seized the property;

6 (2) description of the property, including the exact kinds, quantities, and
7 forms of the seized property;

8 (3) date and estimated value of the seized property;

9 (4) under what suspected crime or authority the property was seized;

10 (5) whether the person from whom the property was seized waived
11 ownership as part of an agreement with a prosecutor or law enforcement
12 agency;

13 (6) name of the State or federal office, department, or agency
14 responsible for prosecuting any associated criminal case and the criminal
15 charge filed against the person from whom the property was seized;

16 (7) criminal docket number and court in which the criminal case was
17 filed;

18 (8) name of the State or federal office, department, or agency
19 responsible for prosecuting the property's forfeiture;

20 (9) civil forfeiture docket number and the court in which the civil case
21 was filed;

1 (10) whether the property owner defaulted in the civil forfeiture case;

2 (11) the date and disposition of the property, including whether it was
3 returned to the owner or innocent owner; partially returned to the owner or
4 innocent owner; sold, destroyed, or retained by a law enforcement agency; or
5 is pending disposition; and

6 (12) date and value of the forfeiture proceeds remitted to the law
7 enforcement agency.

8 (c) The Department of Public Safety shall establish a searchable public
9 website in which the data is machine-readable. The Department may adopt
10 rules and establish policies and procedures concerning additional requirements,
11 including forms, instructions, deadlines, fees, penalties, audits, null reports,
12 and a website necessary to implement this section.

13 (d) A law enforcement agency may postpone the reporting of a particular
14 seizure if the property was seized from a confidential informant under the
15 agency's confidential informant policy. Such postponement may continue for
16 as long as the confidential informant cooperates with the law enforcement
17 agency, after which time the agency shall report the seizure as required by this
18 section.

19 (e) The Department of Public Safety may recoup its costs in publishing the
20 report required pursuant to subsection (a) of this section by charging a fee to
21 the law enforcement agency filing the report required by subsection (b) of this

1 section. The law enforcement agency may use forfeiture proceeds to pay the
2 costs of compiling and reporting pursuant to this section and to pay any fees
3 imposed by the Department of Public Safety.

4 Sec. 2. APPLICABILITY

5 Notwithstanding 1 V.S.A. § 214, this act shall apply retroactively to any
6 seizures occurring on and after January 1, 2024.

7 Sec. 3. EFFECTIVE DATE

8 This act shall take effect on January 1, 2024.