Sponsored by:
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District 31 (Hudson)

Co-Sponsored by:
Assemblywomen Schepisi, Pinkin, DiMaso and Assemblyman Chiaravalloti

SYNOPSIS
Establishes asset forfeiture reporting and transparency requirements.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning asset forfeiture and supplementing Title 2C of the New Jersey Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. For the purposes of P.L. 1995, c.  _____ (pending before the Legislature as this bill):
   “Quarter” means a calendar year quarter as follows: January 1 through March 31; April 1 through June 30; July 1 through September 30; and October 1 through December 31.

2. a. A county prosecutor shall compile and submit to the Attorney General a quarterly report on the first day of the month following the end of each quarter containing information pertaining to each seizure and forfeiture of funds or property by a law enforcement agency within the county pursuant to N.J.S.2C:64-1 et seq., N.J.S.2C:41-1 et seq., or P.L.1994, c.121 (C.2C:21-23 et seq.).
   The quarterly report shall include:
   (1) specific information on each seizure of property, including, but not limited to:
      (a) the law enforcement agency that seized the property;
      (b) a description of the seized property;
      (c) the date of seizure;
      (d) the exact location of the seizure;
      (e) whether the seizure was during a traffic stop on an interstate or State highway, and if so, the direction of traffic flow;
      (f) the amount of funds or estimated value of the seized property; and
      (g) the alleged criminal offense associated with the seizure and whether the offense is pursuant to federal or State law;
   (2) the disposition of any criminal action related to the seizure, including whether the defendant was charged with an offense, if charges were dismissed, and if the defendant was acquitted, entered into a plea agreement, or was convicted.
   (3) information on forfeiture of the seized property, including:
      (a) whether the forfeiture involved prima facie contraband or was enforced by civil action pursuant to N.J.S.2C:64-1 et seq., the forfeiture was a result of racketeering activity pursuant to N.J.S.2C:41-1 et seq., the forfeited funds or property were obtained from an action involving financial facilitation of a crime pursuant to P.L.1994, c.121 (C.2C:21-23 et seq.), or other crime; whether the offense is in violation of to federal or State law; the criminal case number; and the court in which the case was filed; and
      (b) whether a person with a property interest in the seized property was represented by counsel at the forfeiture proceeding, if applicable;
(4) Information on the final disposition of the seized property, including whether the property was returned to the owner, destroyed, or sold or retained after forfeiture, and the date of disposition;

(5) Information on the estimated value of the forfeited property, including the gross amount received from the forfeiture, the total expenses deducted as part of the forfeiture action, and the net amount received from the forfeiture;

(6) Whether the forfeiture resulted from an adoptive seizure by a federal agency or by a joint task force comprised of municipal, State, and federal law enforcement officers;

(7) If a defendant, owner, joint owner, or third party owner filed a claim or counterclaim;

(8) Whether the final forfeiture proceeding was criminal, civil-judicial, or civil-administrative;

(9) Whether there was a forfeiture settlement agreement;

(10) The date of the forfeiture order;

(11) The purpose for which any property retained by a law enforcement agency is used; and

(12) Any other information required by the Attorney General.

b. A county prosecutor shall include in the quarterly report information concerning any forfeiture funds or property received by a law enforcement agency within the county as a result of its own actions, an adoption by a federal agency, or a joint task force comprised of municipal, State, and federal law enforcement officers, including the amount of forfeited funds or the estimated value of forfeited property received by the agency.

c. A county prosecutor shall compile and submit to the Attorney General on a quarterly basis a report on the use of forfeited funds and property including:

(1) The total amount of funds expended, which resulted from property seized, forfeited, and reported; and

(2) The total value of seized and forfeited property held by the law enforcement agency at the end of the reporting period.

d. If a law enforcement agency did not seize any property during the preceding year, the agency shall file a report specifying that it did not engage in a seizure or forfeiture during the reporting period.

e. A county prosecutor may use proceeds from forfeiture funds to pay the cost of compiling and reporting seizure and forfeiture information required pursuant to this section.

f. Nothing in this section shall be deemed to require the county prosecutor to disclose any information that could reasonably jeopardize the safety of any person or any criminal investigation in progress. This exception shall be narrowly construed to prevent disclosure only of information that would be harmful to a bona fide law enforcement purpose or the public safety.
3. The Attorney General shall:
   a. develop an asset forfeiture reporting form to be completed by a county prosecutor to implement the provisions of section 1 of P.L.  , c.  (C.  ) (pending before the Legislature as this bill);
   b. establish and maintain a case tracking system and searchable database on a website accessible to the public that includes the information pursuant to section 1 of P.L.  , c.  (C.  ) (pending before the Legislature as this bill);
   c. annually submit a summary report to the Legislature pursuant to section 2 of P.L. 1991, c.164 (C.52:14-19.1) and make the summary report available to the public on the website established pursuant to subsection b. of this section.

4. The Attorney General shall electronically notify any law enforcement agency which has not submitted to the county prosecutor information pertaining to each seizure and forfeiture of funds or property pursuant to section 2 of P.L.  , c.  (C.  ) (pending before the Legislature as this bill) by the 15th day following the day the county prosecutor submits the quarterly report to the Attorney General. The agency shall have 15 days from notification within which to submit the information. A law enforcement agency that does not comply within 15 days shall automatically disgorge the property that has been seized or forfeited and any proceeds resulting from forfeited property obtained by the agency during the quarter of noncompliance and return the property or proceeds to the original owner.

5. This act shall take effect on the first day of the seventh month next following enactment, but the Attorney General may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

STATEMENT

This bill requires county prosecutors to compile and submit to the Attorney General quarterly reports concerning asset seizure and forfeiture by law enforcement agencies within that county. Specifically, these reports are to include information pertaining to each seizure of property; the disposition of any criminal action related to the seizure; information pertaining to the forfeiture of property; the final disposition of the seized property; the value of property seized and forfeited; whether the forfeiture resulted from an adoptive seizure; if a claim or counterclaim was filed by a defendant or property owner; the nature of the final forfeiture proceeding; whether there was a forfeiture settlement agreement; the date of the forfeiture
order; the purpose for which any property retained by a law
enforcement agency is used; and any other information required by
the Attorney General. The bill also requires county prosecutors to
report information about the amount of forfeiture funds received or the
value of forfeited property by law enforcement agencies in the county,
federal agencies, or joint task forces.

The bill requires county prosecutors to compile and submit to the
Attorney General information concerning the law enforcement purpose
for which forfeiture funds and forfeited property are used. Forfeiture
accounts may be used by a county prosecutor to pay the costs
associated with compiling and submitting the asset forfeiture reports
required under the bill.

The county prosecutor would not be required to disclose any
information that could reasonably jeopardize the safety of any
person or any criminal investigation that is in progress. This
exception is to be narrowly construed to prevent disclosure of
information that would be harmful to a bona fide law enforcement
purpose or the public safety.

Under the provisions of the bill, the Attorney General is required
to: (1) develop an asset forfeiture form to be completed by county
prosecutors; (2) establish and maintain a case tracking system and
searchable database accessible by the public; and (3) submit an annual
summary report to the Legislature and make the report publicly
available on the Attorney General’s website.

The bill further requires the Attorney General to electronically
notify any law enforcement agency which has not submitted the
required seizure and forfeiture information to the county prosecutor
by the 15th day following the day the county prosecutor is to submit
the quarterly report to the Attorney General. The bill grants the
agency an additional 15 days from receiving this notification to
submit the information. If the agency does not submit the
information within the 15 days, the bill provides for the automatic
disgorgement of any seized or forfeited property or any proceeds
resulting from forfeited property obtained by the agency during the
quarter of noncompliance and return the property or proceeds to the
original owner.