

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## SENATE, No. 1963

### STATE OF NEW JERSEY 218th LEGISLATURE

DATED: JUNE 13, 2018

#### SUMMARY

**Synopsis:** Establishes asset forfeiture reporting and transparency requirements.

**Type of Impact:** One-time expenditure increases to the State and local governments.

**Agencies Affected:** Department of Law and Public Safety; all counties and law enforcement agencies.

#### Office of Legislative Services Estimate

Fiscal Impact	
<b>One-Time State Expenditure Increase</b>	Indeterminate
<b>One-Time Local Expenditure Increase</b>	Indeterminate

- The Office of Legislative Services (OLS) estimates the bill may result in an indeterminate one-time expenditure increase to the Office of the Attorney General (OAG), county prosecutors, and local law enforcement to establish uniform collection and submission protocols for the information required under this bill.
- The OLS finds that there may be indeterminate one-time cost and workload increases to State, county, and law enforcement agencies attributable to the time required to establish uniform collection and submission protocols for the information required under this bill.
- The bill requires the Office of the Attorney General (OAG) to facilitate the program by: developing an asset forfeiture form to be completed by county prosecutors; establishing and maintaining a case tracking system and searchable database accessible by the public; and submitting an annual summary report to the Legislature and making it publicly available on the Attorney General's website. The OAG also is required to execute certain penalties for non-compliant counties.
- This bill requires quarterly reporting by county prosecutors to the Office of the Attorney General regarding asset seizure and forfeiture by law enforcement agencies and permits forfeiture accounts to be utilized by county prosecutors to offset the costs associated with compiling and submitting the asset forfeiture reports required by the bill.

## **BILL DESCRIPTION**

This bill requires quarterly reporting by county prosecutors, to the Office of the Attorney General, of asset seizure and forfeiture by law enforcement agencies within that county.

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 which is to be made publicly available on the Attorney General's website.

The bill requires county prosecutors to compile and submit to the Attorney General specific information in the quarterly reports as detailed in the bill. Forfeiture accounts may be used by a county prosecutor to pay the costs associated with compiling and submitting the asset forfeiture reports required by the bill.

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 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 of the property or proceeds to the original owner.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates the bill may result in an indeterminate one-time expenditure increase to the OAG, county prosecutors, and local law enforcement to establish uniform collection and submission protocols for the information required under this bill.

State and Local Expenditures: The OLS finds that there may be an indeterminate one-time cost and workload increases to State, county, and law enforcement agencies attributable to the time required to establish uniform collection and submission protocols for the information required under this bill.

Depending on the OAG's resource allocation policies, the additional workload may or may not cause an indeterminate one-time expenditure increase.

The counties may offset any cost incurred by complying with the provisions of this bill with forfeiture funds which are permitted under the bill to be utilized by county prosecutors to offset the costs associated with compiling and submitting the asset forfeiture reports.

Local Revenue Decreases: The OLS recognizes that if one or more of the 21 county prosecutor's offices does not compile and submit the required information to the Attorney General, 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. This may result in a

decrease in revenue currently derived from asset seizure and forfeiture by law enforcement agencies within that county

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This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).