

**SENATE, No. 1963**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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INTRODUCED FEBRUARY 22, 2018

**Sponsored by:**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Senator DECLAN J. O'SCANLON, JR.**

**District 13 (Monmouth)**

**Co-Sponsored by:**

**Senators Turner and Singleton**

**SYNOPSIS**

Establishes asset forfeiture reporting and transparency requirements.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/22/2018)**

1 AN ACT concerning asset forfeiture and supplementing Title 2C of  
2 the New Jersey Statutes.

3

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

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7 1. For the purposes of P.L. , c. (C. ) (pending before the  
8 Legislature as this bill):

9 "Quarter" means a calendar year quarter as follows: January 1  
10 through March 31; April 1 through June 30; July 1 through  
11 September 30; and October 1 through December 31.

12

13 2. a. A county prosecutor shall compile and submit to the  
14 Attorney General a quarterly report on the first day of the month  
15 following the end of each quarter containing information pertaining  
16 to each seizure and forfeiture of funds or property by a law  
17 enforcement agency within the county pursuant to N.J.S.2C:64-1 et  
18 seq., N.J.S.2C:41-1 et seq., or P.L.1994, c.121 (C.2C:21-23 et seq.).

19 The quarterly report shall include:

20 (1) specific information on each seizure of property, including,  
21 but not limited to:

22 (a) the law enforcement agency that seized the property;

23 (b) a description of the seized property;

24 (c) the date of seizure;

25 (d) the exact location of the seizure;

26 (e) whether the seizure was during a traffic stop on an interstate  
27 or State highway, and if so, the direction of traffic flow;

28 (f) the amount of funds or estimated value of the seized property;  
29 and

30 (g) the alleged criminal offense associated with the seizure and  
31 whether the offense is pursuant to federal or State law;

32 (2) the disposition of any criminal action related to the seizure,  
33 including whether the defendant was charged with an offense, if  
34 charges were dismissed, and if the defendant was acquitted, entered  
35 into a plea agreement, or was convicted.

36 (3) information on forfeiture of the seized property, including:

37 (a) whether the forfeiture involved prima facie contraband or  
38 was enforced by civil action pursuant to N.J.S.2C:64-1 et seq., the  
39 forfeiture was a result of racketeering activity pursuant to  
40 N.J.S.2C:41-1 et seq., the forfeited funds or property were obtained  
41 from an action involving financial facilitation of a crime pursuant to  
42 P.L.1994, c.121 (C.2C:21-23 et seq.), or other crime; whether the  
43 offense is in violation of federal or State law; the criminal case  
44 number; and the court in which the case was filed; and

45 (b) whether a person with a property interest in the seized  
46 property was represented by counsel at the forfeiture proceeding, if  
47 applicable;

- 1 (4) information on the final disposition of the seized property,  
2 including whether the property was returned to the owner,  
3 destroyed, or sold or retained after forfeiture, and the date of  
4 disposition;
- 5 (5) information on the estimated value of the forfeited property,  
6 including the gross amount received from the forfeiture, the total  
7 expenses deducted as part of the forfeiture action, and the net  
8 amount received from the forfeiture;
- 9 (6) whether the forfeiture resulted from an adoptive seizure by a  
10 federal agency or by a joint task force comprised of municipal,  
11 State, and federal law enforcement officers;
- 12 (7) if a defendant, owner, joint owner, or third party owner filed  
13 a claim or counterclaim;
- 14 (8) whether the final forfeiture proceeding was criminal, civil-  
15 judicial, or civil-administrative;
- 16 (9) whether there was a forfeiture settlement agreement;
- 17 (10) the date of the forfeiture order;
- 18 (11) the purpose for which any property retained by a law  
19 enforcement agency is used; and
- 20 (12) any other information required by the Attorney General.
- 21 b. A county prosecutor shall include in the quarterly report  
22 information concerning any forfeiture funds or property received by  
23 a law enforcement agency within the county as a result of its own  
24 actions, an adoption by a federal agency, or a joint task force  
25 comprised of municipal, State, and federal law enforcement  
26 officers, including the amount of forfeited funds or the estimated  
27 value of forfeited property received by the agency.
- 28 c. A county prosecutor shall compile and submit to the  
29 Attorney General on a quarterly basis a report on the use of  
30 forfeited funds and property including:
  - 31 (1) the total amount of funds expended, which resulted from  
32 property seized, forfeited, and reported; and
  - 33 (2) the total value of seized and forfeited property held by the  
34 law enforcement agency at the end of the reporting period.
- 35 d. If a law enforcement agency did not seize any property during  
36 the preceding year, the agency shall file a report specifying that it  
37 did not engage in a seizure or forfeiture during the reporting period.
- 38 e. A county prosecutor may use proceeds from forfeiture funds  
39 to pay the cost of compiling and reporting seizure and forfeiture  
40 information required pursuant to this section.
- 41 f. Nothing in this section shall be deemed to require the county  
42 prosecutor to disclose any information that could reasonably  
43 jeopardize the safety of any person or any criminal investigation in  
44 progress. This exception shall be narrowly construed to prevent  
45 disclosure only of information that would be harmful to a bona fide  
46 law enforcement purpose or the public safety.

- 1       3. The Attorney General shall:
- 2       a. develop an asset forfeiture reporting form to be completed
- 3       by a county prosecutor to implement the provisions of section 1 of
- 4       P.L. , c. (C. ) (pending before the Legislature as this bill);
- 5       b. establish and maintain a case tracking system and
- 6       searchable database on a website accessible to the public that
- 7       includes the information pursuant to section 1 of P.L. , c. (C. )
- 8       (pending before the Legislature as this bill); and
- 9       c. annually submit a summary report to the Legislature
- 10      pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) and make
- 11      the summary report available to the public on the website
- 12      established pursuant to subsection b. of this section.

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

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

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#### STATEMENT

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36      This bill requires county prosecutors to compile and submit to the

37      Attorney General quarterly reports concerning asset seizure and

38      forfeiture by law enforcement agencies within that county.

39      Specifically, these reports are to include information pertaining to

40      each seizure of property; the disposition of any criminal action related

41      to the seizure; information pertaining to the forfeiture of property; the

42      final disposition of the seized property; the value of property seized

43      and forfeited; whether the forfeiture resulted from an adoptive seizure;

44      if a claim or counterclaim was filed by a defendant or property

45      owner; the nature of the final forfeiture proceeding; whether there

46      was a forfeiture settlement agreement; the date of the forfeiture

47      order; the purpose for which any property retained by a law

1 enforcement agency is used; and any other information required by  
2 the Attorney General. The bill also requires county prosecutors to  
3 report information about the amount of forfeiture funds received or the  
4 value of forfeited property by law enforcement agencies in the county,  
5 federal agencies, or joint task forces.

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

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

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

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