

[First Reprint]

SENATE, No. 1963

STATE OF NEW JERSEY
218th LEGISLATURE

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, Singleton and Greenstein

SYNOPSIS

Establishes asset forfeiture reporting and transparency requirements.

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee on May 31, 2018, with amendments.



(Sponsorship Updated As Of: 7/2/2018)

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:

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

8 “Quarter”], “quarter”¹ means a calendar year quarter as follows:
9 January 1 through March 31; April 1 through June 30; July 1
10 through September 30; and October 1 through December 31.

11

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

18 The quarterly report shall include:

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

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

22 (b) a description of the seized property;

23 (c) the date of seizure;

24 (d) the exact location of the seizure;

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

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

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

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

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

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

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLP committee amendments adopted May 31, 2018.

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

1 progress. This exception shall be narrowly construed to prevent
2 disclosure only of information that would be harmful to a bona fide
3 law enforcement purpose or the public safety.

4

5 3. The Attorney General shall:

6 a. develop an asset forfeiture reporting form to be completed
7 by a county prosecutor to implement the provisions of section 1 of
8 P.L. , c. (C.) (pending before the Legislature as this bill);

9 b. establish and maintain a case tracking system and
10 searchable database on a website accessible to the public that
11 includes the information pursuant to section 1 of P.L. , c. (C.)
12 (pending before the Legislature as this bill); and

13 c. annually submit a summary report to the Legislature
14 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) and make
15 the summary report available to the public on the website
16 established pursuant to subsection b. of this section.

17

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

31

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