

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1963

STATE OF NEW JERSEY

DATED: JUNE 11, 2018

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1963 (1R).

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.

The quarterly reports required by the bill 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 by 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 which is to be made 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 required 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 IMPACT:

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 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 OAG 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.

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. The OLS notes that this may result in a decrease in revenue currently derived from asset seizure and forfeiture by law enforcement agencies within that county.