

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1963

STATE OF NEW JERSEY

DATED: FEBRUARY 7, 2019

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 1963.

As reported by the committee, Senate Bill No. 1963 (1R) 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.

This 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 following receipt of 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.

As reported by the committee, Senate Bill No. 1963 (1R) is identical to Assembly Bill No 3442 (1R), which was amended and also reported by the committee on this date.