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**GLENN A. GRANT, J.A.D.**  
Acting Administrative Director of the Courts

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April 25, 2018


Frank Haines  
Legislative Budget and Finance Officer  
Office of Legislative Services  
State House Annex  
P.O. Box 068  
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Subj: Responses to Follow-up Questions from April 17, 2018  
Senate Budget Committee Hearing

Dear Mr. Haines:

This letter is in reply to the April 17, 2018 letter from Senator Paul A. Sarlo, as Chair of the Senate Budget Committee, following up on the Judiciary's April 17, 2018 hearing before the Committee. Please contact me if the Committee would like any additional information on this or any other subject. Thank you.

Very truly yours,



Glenn A. Grant, J.A.D.

Acting Administrative Director of the Courts

Enclosure

cc: Senator Paul A. Sarlo, Chairman  
David Ridolfino, Office of Management and Budget  
Eugene Lepore, Senate Democratic Office  
Luke Wolff, Senate Democratic Office  
Christopher Emigholz, Senate Republican Office  
Anne Raughley, Office of Legislative Services

**Senator O'Scanlon:**

- **Please provide the committee with the Judiciary's viewpoint on civil asset forfeiture. What is the value of the civil forfeitures made in the State during the past fiscal year? How many of these forfeitures made by law enforcement were ultimately related to the cases being heard? How many were ultimately retained by State and local government agencies, and how many are returned to the owners?**

A civil forfeiture is an action by the government seeking ownership of personal property either used as an instrumentality of a crime or the fruits of criminal activity. Examples of such personal property are money or a vehicle. A forfeiture proceeding must normally be instituted by the State within 90 days of the seizure for property, unless the property forfeited is considered to be "prima facie contraband" such as a firearm or controlled dangerous substances. See *N.J.S.A. 2C:64-3*. The Attorney General or a county prosecutor on behalf of the State initiates a forfeiture action by filing a verified complaint in the Superior Court in the Civil Part or Special Civil Part of the Law Division, depending on the value of the property at issue. The Special Civil Part is limited to cases in which the amount demanded is \$15,000 or less. The verified complaint must describe with particularity the property that is the subject of the action and the reason for the forfeiture. The court may grant a request to stay a forfeiture matter until the underlying criminal case is concluded.

In each of the calendar years 2016 and 2017, there were around 3,700 forfeiture actions filed statewide respectively. Less than 300 cases were filed in the Civil Part and over 3,400 cases were filed in the Special Civil Part in each of those years. While the Judiciary maintains statistics on the number of forfeiture actions filed, Senator O'Scanlon's specific questions are more appropriately directed to the Attorney General.