

1 HB451
2 148038-1
3 By Representatives Johnson (W), Ball, Patterson, McCutcheon,
4 Williams (P), Sanderford and Hall (N & P)
5 RFD: Madison County Legislation
6 First Read: 20-MAR-13

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Madison County; to authorize a law
14 enforcement agency to deliver to the circuit clerk certain
15 seized currency that is the subject of a forfeiture
16 proceeding; to require the clerk of court to deposit the
17 currency in a federally insured financial institution; to
18 specify that all or a portion of such currency seized may be
19 deposited; to specify the conditions under which such currency
20 maybe deposited; to specify the conditions of disbursement of
21 the currency; and to provide for disbursement of the interest
22 from deposits to the county general fund.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. (a) Any law enforcement agency of Madison
25 County that is in possession of seized currency which it
26 intends to make part of a forfeiture proceeding in the circuit
27 court, at the election of the law enforcement agency, may

1 deliver the currency to the circuit clerk for deposit with a
2 federally insured financial institution ordinarily and
3 customarily used by the clerk for the holding of funds in the
4 custody of the clerk.

5 (b) Absent an order of the circuit court, no law
6 enforcement agency may be required to deposit seized currency
7 pursuant to the procedure contained in this section. The law
8 enforcement agency may elect to deposit only a portion of
9 currency seized in the manner provided in this section while
10 maintaining the remaining portion of the seized currency in
11 its original form. In determining whether to maintain currency
12 in its original form, the law enforcement agency may consider
13 whether the currency has significant, independent, tangible
14 evidentiary purpose such as, among other factors, the presence
15 of fingerprints, incriminating packaging, the presence of
16 writings or other notations on the currency, or other factors
17 wherein the law enforcement agency may determine that a
18 photograph or video tape of the currency would be insufficient
19 to use as evidence. A law enforcement agency may not deposit
20 and the clerk shall not accept any currency that the law
21 enforcement agency intends to preserve in its physical currency
22 form for evidentiary purposes.

23 (c) All seized currency presented to the clerk for
24 deposit shall be deposited into a federally insured financial
25 institution as soon as practicable after the clerk takes
26 possession of the seized currency. To the extent practicable
27 and reasonably convenient, currency deposited by the clerk

1 into a federally insured financial institution pursuant to
2 this section shall be deposited into an interest bearing
3 account.

4 (d) Currency deposited with the circuit clerk
5 pursuant to this section simultaneously with or following the
6 filing of a complaint seeking civil forfeiture of the
7 deposited funds shall specify the amount of funds presented to
8 the clerk for deposit and the date the funds were presented to
9 the clerk.

10 (e) With respect to each separate deposit of funds
11 pursuant to this section, the clerk shall maintain a record of
12 all of the following:

13 (1) The name of the law enforcement agency making
14 the deposit.

15 (2) The date and amount of the deposit.

16 (3) The interest earned with respect to the deposit.

17 (4) The case number and status of the civil
18 forfeiture action to which the deposit relates.

19 (5) The date and amount of disbursement made
20 pursuant to order of the court in which the forfeiture action
21 is pending.

22 (f) No funds collected pursuant to this section may
23 be disbursed except pursuant to court order which shall
24 specify the manner and amount of the disbursement.

25 (g) Any interest earned on funds subsequently
26 forfeited shall be paid to the General Fund of Madison County.

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.