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3 ORR SUBSTITUTE FOR SB213
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8 SYNOPSIS: Under existing law, the Criminal Justice
9 Information Center Commission is responsible for
10 maintenance of the Alabama Criminal Justice
11 Information Center, which stores and analyzes
12 certain data regarding reported criminal offenses
13 and offenders.

14 This bill would create the Forfeiture
15 Database and Reporting Act.

16 This bill would provide reporting
17 requirements, publication requirements, and certain
18 requirements regarding the accounting of funds
19 derived from civil forfeiture.
20

21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 Relating to civil forfeitures; to require the
26 Criminal Justice Information Center Commission to collect and
27 analyze data relating to forfeiture activities by state and

1 local criminal justice agencies; to require the commission to
2 prepare and submit an annual report containing specified
3 information concerning forfeitures in the state; and to
4 provide requirements regarding the accounting of funds derived
5 from civil forfeiture.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. This act shall be known and may be cited
8 as the Forfeiture Database and Reporting Act.

9 Section 2. The Legislature finds and declares the
10 following:

11 (1) Public safety is preserved by effective
12 deterrence of criminal activity. One invaluable deterrent is
13 the forfeiture of the proceeds of criminal activity and the
14 property used to facilitate criminal activity.

15 (2) Respect for the property rights of law-abiding
16 citizens is important to the state and the forfeiture process
17 must preserve those rights.

18 (3) To maintain the public's trust in law
19 enforcement, the government's power to seize and forfeit
20 private property must be exercised with transparency.

21 (4) While current state civil asset forfeiture
22 procedures are filed and disposed of in a public manner, no
23 state central repository currently exists to provide a
24 statewide database that is easily accessible to policymakers
25 and the public.

1 (5) The effectiveness and fairness of the forfeiture
2 process should be evaluated on a regular basis to maintain the
3 highest standards for the state's law enforcement agencies.

4 Section 3. (a) Through the uniform crime reporting
5 system operated by the Alabama State Law Enforcement Agency
6 (ALEA), the commission shall provide for the collection and
7 analysis of data relating to forfeiture activities by state,
8 county, and municipal criminal justice agencies as defined by
9 Section 41-9-590, within the state, to include the forfeiture
10 of criminal proceeds, instrumentalities, and abandoned
11 property upon the filing of a civil asset forfeiture action
12 pursuant to state law or, if an agreement for a forfeiture
13 action has been initiated, with the federal government. The
14 commission shall modify its uniform crime report to include
15 data related to forfeiture activity.

16 (b) The modification to include data related to
17 forfeiture activity in the crime reporting system shall be
18 implemented no later than January 1, 2019, and shall be
19 subject to the commission's regulatory authority.

20 (c) The information collected pursuant to subsection
21 (a) shall include, but not be limited to, all of the
22 following:

23 (1) The name of the law enforcement agency or
24 multijurisdictional task force that seized the property.

25 (2) The date of the seizure.

26 (3) The type of property seized. If the property is
27 other than currency, a description of the property seized,

1 including make, model, year, or serial or other unique
2 identification number.

3 (4) The location of the seizure.

4 (5) The value of any currency seized.

5 (6) The type of underlying criminal offense that led
6 to the seizure, including whether the offense is under state
7 or federal law, if applicable.

8 (7) Any crime for which the suspect was charged,
9 prior to final civil judgment, including whether the crime
10 charged is under state or federal law, if applicable.

11 (8) The criminal case number and court in which the
12 case was filed, if applicable.

13 (9) The disposition of the defendant's criminal
14 case, if applicable.

15 (10) If forfeiture is sought under federal law,
16 whether it is the result of a joint investigation or adoption.

17 (11) The forfeiture case number and court in which
18 the case was filed, if available.

19 (12) Whether a claim or counterclaim was filed by
20 the suspect or a third party, if applicable.

21 (13) The date of the forfeiture order.

22 (14) Whether there was a forfeiture settlement
23 agreement.

24 (15) The property disposition.

25 (16) The date of the property disposition.

1 (17) The value of the currency forfeited under state
2 law and description of any non-currency forfeited by order of
3 the state court.

4 (d) Each criminal justice agency that does not
5 receive any forfeitures in a calendar year pursuant to the
6 reporting requirements of this section shall notify ALEA by
7 January 31 of the immediately following calendar year.

8 Section 4. (a) A public report shall be annually
9 prepared by the commission, through the Alabama State Law
10 Enforcement Agency (ALEA), and provided to the Governor,
11 President Pro Tempore of the Senate, and Speaker of the House
12 of Representatives. The report shall summarize the information
13 received pursuant to subsection (a) of Section 5 and shall
14 provide specific underlying information set forth in
15 subsection (b) Section 5 in a manner that does not disclose
16 the identity of any individual. The initial annual report
17 shall be provided to the Governor, President Pro Tempore of
18 the Senate, and Speaker of the House of Representatives no
19 later than the fifth legislative day of the 2020 Legislative
20 Regular Session.

21 (b) The Alabama State Law Enforcement Agency, acting
22 in conjunction with the commission, shall evaluate the cost
23 and feasibility of developing and maintaining a public
24 database regarding forfeiture-related activity. A published
25 report of this evaluation of the cost and feasibility shall be
26 provided to the Legislature and made public no later than
27 April 1, 2019, with an estimate of costs involved, if

1 available. The report may be supplemented at later dates at
2 the discretion of ALEA, and any subsequent reporting regarding
3 cost and feasibility shall be made public.

4 Section 5. (a) The summary information contained in
5 the annual report shall include, but not be limited to,
6 cumulative statewide annual data as well as by criminal
7 justice agencies regarding all of the following:

8 (1) Criminal justice agencies seizing property for
9 forfeiture.

10 (2) Types of property seized.

11 (3) Places of seizure, whether homes, businesses, or
12 locations of traffic stops.

13 (4) Value of currency seized.

14 (5) The alleged criminal offense that led to the
15 seizure, including whether the offense was under state or
16 federal law.

17 (6) Outcomes of criminal cases related to seizure,
18 if applicable.

19 (7) Forfeitures sought under federal law that were
20 the result of joint investigations or adoptions, if known.

21 (8) Total number of claims or counterclaims filed by
22 property owners or third parties.

23 (9) Forfeiture settlement orders.

24 (10) Property dispositions.

25 (11) Cumulative value of currency under state law
26 or, if forfeited under federal law, the cumulative proceeds
27 received from the federal government.

1 (b) The specific data portion of the report shall
2 provide non-identifiable data sufficient to determine the
3 value of currency forfeited, a description of non-currency
4 items, along with an estimated value at the time of the
5 seizure, whether a claim or counterclaim was filed by the
6 suspect or a third party, and the disposition of any criminal
7 charges brought against persons from whom the property was
8 seized.

9 Section 6. (a) Civil asset forfeiture funds or
10 monies shall be maintained consistent with any restrictions
11 set out in state forfeiture laws.

12 (b) All civil asset forfeiture funds or monies
13 derived from the liquidation of civil asset forfeiture funds
14 shall be kept on a separate line item in the budget of any law
15 enforcement agency that may be awarded the asset funds.

16 (c) Any expenditure of any monies by a law
17 enforcement agency from an award of a civil asset forfeiture
18 may only be expended from a line item pursuant to subsection
19 (b).

20 (d) All civil asset forfeiture funds or monies
21 derived from the liquidation of civil asset forfeiture funds
22 shall only be deposited into an account that is publicly
23 audited as other public funds pursuant to state law.

24 (e) Any expenditure of funds subject to this section
25 shall be reported annually to the Alabama State Law
26 Enforcement Agency for inclusion within the report to the
27 Legislature that is required under Section 4. For purposes of

1 the annual report, expenditures shall be reconciled to each
2 law enforcement agency that consumed or expended the funds or
3 that were expended on its behalf.

4 Section 7. The commission shall discharge its duties
5 of collecting data under this act in a manner that maintains
6 the security and confidentiality of individuals whose data is
7 collected under this act. Any data collected under this act
8 shall not identify an individual in any public database by
9 name, specific address, or any other manner that would
10 disclose the identity of the individual.

11 Section 8. (a) If the Alabama State Law Enforcement
12 Agency (ALEA) or the commission is not able to fully implement
13 the provisions of this act by April 1, 2019, the Secretary of
14 ALEA shall send notice to the Governor, President Pro Tempore
15 of the Senate, and Speaker of the House of Representatives
16 that explains the reason for the delay.

17 (b) The Alabama State Law Enforcement Agency shall
18 file any reports required by this act even if this act has not
19 been fully implemented. The report shall also state which
20 provisions of this act have not been implemented in full.

21 (c) Any data collected in the calendar year 2019
22 shall be included within the initial report in 2020, pursuant
23 to Section 3 and Section 4.

24 Section 9. This act shall become effective January
25 1, 2019, following its passage and approval by the Governor,
26 or its otherwise becoming law.