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3 ORR SUBSTITUTE FOR SB191

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8 SYNOPSIS: Under existing law, certain property used in
9 connection with certain crimes is subject to
10 forfeiture.

11 This bill would provide that when a state,
12 county, or municipal law enforcement agency seizes
13 property in connection with a criminal event, the
14 agency would be required to report the seizure to
15 the uniform crime reporting system operated by the
16 Alabama State Law Enforcement Agency on behalf of
17 the Alabama Criminal Justice Information Center
18 Commission.

19 This bill would provide that funds or monies
20 derived from the liquidation of civil asset
21 forfeiture funds would be required to be kept on a
22 separate line item in the budget of any agency that
23 is awarded the asset funds and would provide that
24 the funds may only be deposited into an account
25 that is audited as other public funds are audited
26 under state law.

1 This bill would also require the Alabama
2 Criminal Justice Information Center Commission to
3 annually submit a report to the Legislature
4 summarizing seizure and forfeiture activity in the
5 state.

6
7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to the Alabama Criminal Justice Information
12 Center; to establish the Alabama Forfeiture Information
13 Reporting Act; to provide reporting requirements for property
14 seized for forfeiture in connection with a crime; to provide
15 certain requirements for the accounting and spending of the
16 proceeds of such forfeitures; and to require the Alabama
17 Criminal Justice Information Center Commission to annually
18 submit a report to the Legislature summarizing seizure and
19 forfeiture activity in the state.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. This act shall be known and may be cited
22 as the Alabama Forfeiture Information Reporting Act.

23 Section 2. (a) All property seized by a state,
24 county, or municipal law enforcement agency for forfeiture in
25 connection with a criminal event shall be reported to the
26 uniform crime reporting system operated by the Alabama State

1 Law Enforcement Agency on behalf of the Alabama Criminal
2 Justice Information Center Commission.

3 (b) The commission shall develop rules for reporting
4 property seized pursuant to this section. Information reported
5 shall include any information required by the commission,
6 including, but not limited to, all of the following:

7 (1) The date of the seizure.

8 (2) The address of the seizure.

9 (3) The name of the law enforcement agency that
10 conducted the seizure.

11 (4) The type of property seized.

12 (5) A general description of the property seized.

13 (6) The name of the person or entity, if known, from
14 whom the property was seized.

15 (7) A description of the suspected underlying
16 criminal activity which led to the seizure.

17 (8) Any known arrest, including the date and charge,
18 related to the seizure which occurred prior to a forfeiture
19 final judgment of the seized property.

20 (9) Any and all civil case action numbers assigned
21 in state court.

22 (10) Any known claimants, including title holders of
23 record or lien holders of record.

24 (11) The disposition of the property, including the
25 date of any order.

26 (12) The name of each entity receiving all or any
27 portion of the seized property subject to the forfeiture

1 disposition. If the forfeiture order requires the selling of
2 the property, all proceeds from the sale shall be accounted
3 for by the recipient.

4 (b) The commission shall establish rules for the
5 reporting of property seized in connection with a federal
6 seizure in which seized property is forfeited in federal court
7 to a state, county, or municipal law enforcement agency or
8 when a law enforcement agency receives proceeds from a sale of
9 forfeited property.

10 (c) The commission shall establish restrictions and
11 protections on forfeiture reporting consistent with the
12 sensitivity placed on uniform crime reports through its
13 authority under Section 41-9-594, Code of Alabama 1975.

14 Section 3. (a) Civil asset forfeiture funds or
15 monies are to be maintained consistent with any restrictions
16 set out in the forfeiture laws.

17 (1) All civil asset forfeiture funds or monies
18 derived from the liquidation of civil asset forfeiture funds
19 shall be kept on a separate line item in the budget of any
20 agency that may be awarded such asset funds.

21 (2) Any expenditure of any monies by a law
22 enforcement-related entity from an award of a civil asset
23 forfeiture may only be expended from a line item pursuant to
24 subdivision (1).

25 (b) All civil asset forfeiture proceeds awarded to
26 any state, county, or municipal entity may only be deposited

1 into an account that is audited as other public funds under
2 state law.

3 Section 4. (a) (1) Annually, on or before February 1,
4 the Alabama Criminal Justice Information Center Commission,
5 shall submit to the Speaker of the House of Representatives,
6 President Pro Tempore of the Senate, and Governor a written
7 report that includes all of the following:

8 a. A summary of seizure and forfeiture activity in
9 the state for the preceding fiscal year.

10 b. The type, approximate value, and disposition of
11 the property seized and forfeited.

12 c. The amount of any proceeds received.

13 (2) The summary for data on seizures and forfeitures
14 may be disaggregated by the commission. The aggregate report
15 shall also be made available on the website of the Alabama
16 Criminal Justice Information Center Commission consistent with
17 the format of other reports posted on the commission's
18 website.

19 (b) The Alabama Criminal Justice Information Center
20 Commission may include in the report required under subsection
21 (a) recommendations to improve laws, rules, and policies to
22 better ensure that seizure, forfeiture, and expenditures are
23 done and reported in a manner that is fair to crime victims,
24 innocent property owners, secured interest holders, citizens,
25 law enforcement, and taxpayers.

26 Section 5. Sections 1 and 2 shall become effective
27 immediately, upon approval by the Governor, or its otherwise

1 becoming law and the remaining Sections shall become effective
2 October 1, 2019.