

SB123 INTRODUCED



1 SB123
2 QJVD441-1
3 By Senators Orr, Jones
4 RFD: Veterans and Military Affairs
5 First Read: 06-Feb-25



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SYNOPSIS:

Under existing law, each law enforcement agency is required to report certain civil asset forfeiture information to the uniform crime reporting system operated by the Alabama Justice Information Commission.

This bill would provide a penalty for a failure to report and would further provide for the requirements of what must be officially published by the commission.

A BILL
TO BE ENTITLED
AN ACT

Relating to civil asset forfeiture; to amend Section 41-9-655.01 and 41-9-655.03, Code of Alabama 1975, to further provide for civil asset forfeiture data reporting; to provide a penalty for a violation; and to further provide for the publishing of data on seizures and forfeitures.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 41-9-655.01 and 41-9-655.03, Code of Alabama 1975, are amended to read as follows:

"§41-9-655.01

(a) All property seized by a state, county, or



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29 municipal law enforcement agency for forfeiture in connection
30 with a criminal event shall be reported to the uniform crime
31 reporting system operated by the Alabama State Law Enforcement
32 Agency on behalf of the Alabama Justice Information
33 Commission.

34 (b) The commission shall ~~develop~~adopt rules for
35 reporting property seized pursuant to this section.
36 Information reported shall include any information required by
37 the commission, including, but not limited to, all of the
38 following:

39 (1) The date of the seizure.

40 (2) The address of the seizure.

41 (3) The name of the law enforcement agency that
42 conducted the seizure.

43 (4) The type of property seized.

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

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

47 (7) A description of the suspected underlying criminal
48 activity that led to the seizure.

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

52 (9) Any and all civil case action numbers assigned in
53 state court.

54 (10) Any known claimants, including title holders of
55 record or lien holders of record.

56 (11) The disposition of the seized property, including



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57 the date of any order.

58 (12) The name of each entity receiving all or any
59 portion of the seized property subject to the forfeiture
60 disposition. If the forfeiture order requires the selling of
61 the property, all proceeds from the sale shall be accounted
62 for by the recipient.

63 (c) The commission shall establish rules for the
64 reporting of property seized in connection with a federal
65 seizure in which seized property is forfeited in federal court
66 to a state, county, or municipal law enforcement agency or
67 when a law enforcement agency receives proceeds from a sale of
68 forfeited property.

69 (d) The commission shall establish restrictions and
70 protections on forfeiture reporting consistent with the
71 sensitivity placed on uniform crime reports through its
72 authority under Section 41-9-594.

73 (e) (1) If a law enforcement agency fails to report all
74 of the information required under subsection (b), the
75 commission shall give notice to the law enforcement agency of
76 its noncompliance.

77 (2) If the violation is not remedied within 14 calendar
78 days of the giving of notice under subdivision (1), the
79 commission may petition for injunctive and other equitable
80 relief in the circuit court of the county in which the law
81 enforcement agency is located to compel compliance under this
82 section.

83 (3) Upon a finding that a law enforcement agency has
84 violated this section and not remedied the violation as



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85 provided in subdivision (2), the court shall order the law
86 enforcement agency to do all of the following:

87 (1) Comply with this section.

88 (2) Remit all monies paid to the law enforcement agency
89 pursuant to Section 20-2-93(s) to the State Treasurer to the
90 credit of the General Fund.

91 (3) Pay to the commission all reasonable attorney fees
92 and other costs incurred in the proceeding."

93 "§41-9-655.03

94 (a) ~~(1)~~ Annually, on or before February 1, the Alabama
95 Justice Information Commission, shall submit to the Speaker of
96 the House of Representatives, President Pro Tempore of the
97 Senate, and Governor a written report that includes all of the
98 following:

99 ~~a.~~ (1) A summary of seizure and forfeiture activity in
100 the state for the preceding fiscal year.

101 ~~b.~~ (2) The type, approximate value, and disposition of
102 the property seized and forfeited.

103 ~~c.~~ (3) The amount of any proceeds received.

104 ~~(2)~~ (b) The summary for data on seizures and forfeitures
105 ~~may shall~~ be disaggregated by the commission. The ~~aggregate~~
106 disaggregated report shall also be made available on the
107 website of the Alabama Justice Information Commission
108 ~~consistent with the format of other reports posted on the~~
109 ~~commission's website.~~ and shall contain all of the following:

110 (1) The date of the seizure.

111 (2) The address of the seizure.

112 (3) The name of the law enforcement agency that



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113 conducted the seizure.

114 (4) The type of property seized.

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

116 (6) The name of the individual or entity, if known,
117 from whom the property was seized.

118 (7) A description of the suspected underlying criminal
119 activity that led to the seizure.

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

123 (9) Any and all civil case action numbers assigned in
124 state court.

125 (10) Any known claimants, including title holders of
126 record or lien holders of record, of the seized property.

127 (11) The disposition of the seized property, including
128 the date of any order.

129 (12) The name of each entity receiving all or any
130 portion of the seized property subject to the forfeiture
131 disposition. If the forfeiture order requires the selling of
132 the property, all proceeds from the sale shall be accounted
133 for by the recipient.

134 ~~(b)~~ (c) The Alabama Justice Information Commission may
135 include in the report required under ~~subsection (a)~~ this
136 section recommendations to improve laws, rules, and policies
137 to better ensure that seizure, forfeiture, and expenditures
138 are done and reported in a manner that is fair to crime
139 victims, innocent property owners, secured interest holders,
140 citizens, law enforcement, and taxpayers."



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141 Section 2. This act shall become effective on October
142 1, 2025.