

ASSEMBLY, No. 649

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblyman ANTWAN L. MCCLELLAN
District 1 (Atlantic, Cape May and Cumberland)
Assemblywoman ANGELA V. MCKNIGHT
District 31 (Hudson)
Senator MICHAEL L. TESTA, JR.
District 1 (Atlantic, Cape May and Cumberland)
Senator TROY SINGLETON
District 7 (Burlington)

Co-Sponsored by:

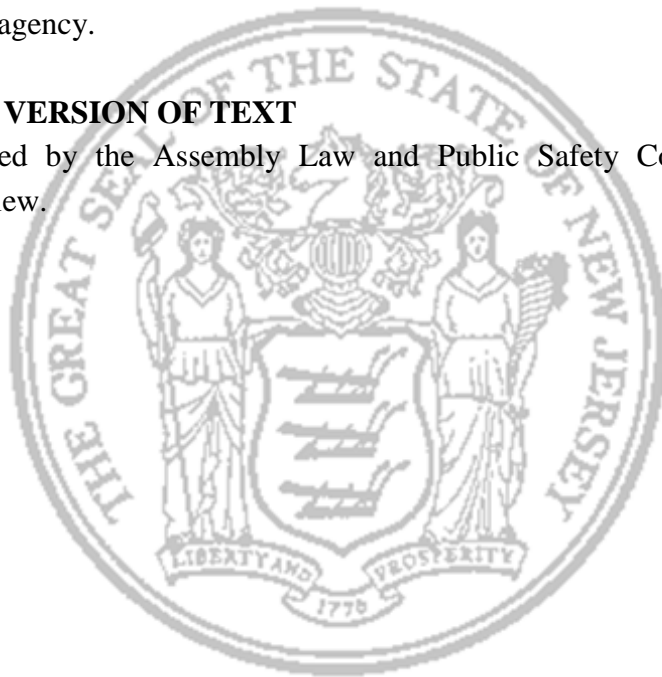
Assemblyman Simonsen, Assemblywomen Swift, Sawyer and Senator Turner

SYNOPSIS

Expands purposes for which civil asset forfeiture funds may be used by law enforcement agency.

CURRENT VERSION OF TEXT

As reported by the Assembly Law and Public Safety Committee with technical review.



(Sponsorship Updated As Of: 12/11/2023)

1 AN ACT concerning civil asset forfeiture and amending
2 N.J.S.2C:64-6.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. N.J.S.2C:64-6 is amended to read as follows:

8 2C:64-6. Disposal of Forfeited Property.

9 a. Property which has been forfeited shall be destroyed if it can
10 serve no lawful purpose or it presents a danger to the public health,
11 safety or welfare. An all-terrain vehicle or dirt bike operated in
12 violation of section 17 of P.L.1973, c.307 (C.39:3C-17) which has
13 been forfeited may be destroyed, at the discretion of the entity
14 funding the prosecuting agency involved. All other forfeited
15 property or any proceeds resulting from the forfeiture and all money
16 seized pursuant to this chapter shall become the property of the
17 entity funding the prosecuting agency involved and shall be
18 disposed of, distributed, appropriated and used in accordance with
19 the provisions of this chapter.

20 The prosecutor or the Attorney General, whichever is
21 prosecuting the case, shall divide the forfeited property, any
22 proceeds resulting from the forfeiture or any money seized pursuant
23 to this chapter with any other entity where the other entity's law
24 enforcement agency participated in the surveillance, investigation,
25 arrest or prosecution resulting in the forfeiture, in proportion to the
26 other entity's contribution to the surveillance, investigation, arrest
27 or prosecution resulting in the forfeiture, as determined in the
28 discretion of the prosecutor or the Attorney General, whichever is
29 prosecuting the case. Notwithstanding any other provision of law,
30 such forfeited property and proceeds shall be used solely for law
31 enforcement purposes, and shall be designated for the exclusive use
32 of the law enforcement agency which contributed to the
33 surveillance, investigation, arrest or prosecution resulting in the
34 forfeiture.

35 The Attorney General is authorized to promulgate rules and
36 regulations to implement and enforce the provisions of this act.

37 b. For a period of two years from the date of enactment of
38 P.L.1993, c.227 (C.26:4-100.13 et al.), **[10%]** 10 percent of the
39 proceeds obtained by the Attorney General under the provisions of
40 subsection a. of this section shall be deposited into the Hepatitis
41 Inoculation Fund established pursuant to section 2 of P.L.1993,
42 c.227 (C.26:4-100.13).

43 c. Beginning two years from the date of enactment of
44 P.L.1993, c.227 (C.26:4-100.13 et al.) and in subsequent years,

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 **[5%]** five percent of the proceeds obtained by the Attorney General
2 under the provisions of subsection a. of this section shall be
3 deposited into the Hepatitis Inoculation Fund established pursuant
4 to section 2 of P.L.1993, c.227 (C.26:4-100.13).

5 d. For the purposes of this section, “law enforcement purpose”
6 means a purpose which is calculated to enhance a law enforcement
7 agency’s ability to conduct criminal investigations, surveillance,
8 arrests and prosecutions and to respond more fully to the effects of
9 crime beyond any amounts allocated by the law enforcement
10 agency’s annual budget. A law enforcement purpose shall include
11 expenditures to: defray the costs of protracted or complex
12 investigations; educate the public in crime prevention techniques;
13 promote community outreach; provide diversity training for law
14 enforcement officers; establish and implement minority selection
15 and recruitment programs; provide additional technical assistance or
16 expertise, which may include the purchase of surveillance and
17 undercover transportation and investigation equipment, and
18 computer hardware and software to enhance the coordination and
19 sharing of information among the law enforcement agencies of a
20 county and the State; provide matching funds to obtain federal law
21 enforcement enhancement grants; or for such other purposes as the
22 Attorney General may from time to time authorize.

23 (cf: P.L.2021, c.353, s.3)

24

25 2. This act shall take effect immediately.