

ASSEMBLY, No. 509

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JAY WEBBER

District 26 (Essex, Morris and Passaic)

Assemblyman ERIK PETERSON

District 23 (Hunterdon, Somerset and Warren)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Co-Sponsored by:

**Assemblywomen Schepisi, Pinkin, DiMaso and Assemblyman
Chiaravalloti**

SYNOPSIS

Establishes asset forfeiture reporting and transparency requirements.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning asset forfeiture and supplementing Title 2C of
2 the New Jersey Statutes.

3

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

6

7 1. For the purposes of P.L. , c. (C.) (pending before the
8 Legislature as this bill), “quarter” means a calendar year quarter as
9 follows: January 1 through March 31; April 1 through June 30;
10 July 1 through September 30; and October 1 through December 31.

11

12 2. a. A county prosecutor shall compile and submit to the
13 Attorney General a quarterly report on the first day of the month
14 following the end of each quarter containing information pertaining
15 to each seizure and forfeiture of funds or property by a law
16 enforcement agency within the county pursuant to N.J.S.2C:64-
17 1 et seq., N.J.S.2C:41-1 et seq., or P.L.1994, c.121 (C.2C:21-
18 23 et seq.).

19 The quarterly report shall include:

20 (1) specific information on each seizure of property, including,
21 but not limited to:

22 (a) the law enforcement agency that seized the property;

23 (b) a description of the seized property;

24 (c) the date of seizure;

25 (d) the exact location of the seizure;

26 (e) whether the seizure was during a traffic stop on an interstate
27 or State highway, and if so, the direction of traffic flow;

28 (f) the amount of funds or estimated value of the seized
29 property; and

30 (g) the alleged criminal offense associated with the seizure and
31 whether the offense is pursuant to federal or State law;

32 (2) the disposition of any criminal action related to the seizure,
33 including whether the defendant was charged with an offense, if
34 charges were dismissed, and if the defendant was acquitted, entered
35 into a plea agreement, or was convicted.

36 (3) information on forfeiture of the seized property, including:

37 (a) whether the forfeiture involved prima facie contraband or
38 was enforced by civil action pursuant to N.J.S.2C:64-1 et seq., the
39 forfeiture was a result of racketeering activity pursuant to
40 N.J.S.2C:41-1 et seq., the forfeited funds or property were obtained
41 from an action involving financial facilitation of a crime pursuant to
42 P.L.1994, c.121 (C.2C:21-23 et seq.), or other crime; whether the
43 offense is in violation of to federal or State law; the criminal case
44 number; and the court in which the case was filed; and

45 (b) whether a person with a property interest in the seized
46 property was represented by counsel at the forfeiture proceeding, if
47 applicable;

- 1 (4) information on the final disposition of the seized property,
2 including whether the property was returned to the owner,
3 destroyed, or sold or retained after forfeiture, and the date of
4 disposition;
- 5 (5) information on the estimated value of the forfeited property,
6 including the gross amount received from the forfeiture, the total
7 expenses deducted as part of the forfeiture action, and the net
8 amount received from the forfeiture;
- 9 (6) whether the forfeiture resulted from an adoptive seizure by a
10 federal agency or by a joint task force comprised of municipal,
11 State, and federal law enforcement officers;
- 12 (7) if a defendant, owner, joint owner, or third party owner filed
13 a claim or counterclaim;
- 14 (8) whether the final forfeiture proceeding was criminal, civil-
15 judicial, or civil-administrative;
- 16 (9) whether there was a forfeiture settlement agreement;
- 17 (10) the date of the forfeiture order;
- 18 (11) the purpose for which any property retained by a law
19 enforcement agency is used; and
- 20 (12) any other information required by the Attorney General.
- 21 b. A county prosecutor shall include in the quarterly report
22 information concerning any forfeiture funds or property received by
23 a law enforcement agency within the county as a result of its own
24 actions, an adoption by a federal agency, or a joint task force
25 comprised of municipal, State, and federal law enforcement
26 officers, including the amount of forfeited funds or the estimated
27 value of forfeited property received by the agency.
- 28 c. A county prosecutor shall compile and submit to the
29 Attorney General on a quarterly basis a report on the use of
30 forfeited funds and property including:
 - 31 (1) the total amount of funds expended, which resulted from
32 property seized, forfeited, and reported; and
 - 33 (2) the total value of seized and forfeited property held by the
34 law enforcement agency at the end of the reporting period.
- 35 d. If a law enforcement agency did not seize any property
36 during the preceding year, the agency shall file a report specifying
37 that it did not engage in a seizure or forfeiture during the reporting
38 period.
- 39 e. A county prosecutor may use proceeds from forfeiture funds
40 to pay the cost of compiling and reporting seizure and forfeiture
41 information required pursuant to this section.
- 42 f. Nothing in this section shall be deemed to require the county
43 prosecutor to disclose any information that could reasonably
44 jeopardize the safety of any person or any criminal investigation in
45 progress. This exception shall be narrowly construed to prevent
46 disclosure only of information that would be harmful to a bona fide
47 law enforcement purpose or the public safety.

1 enforcement agency is used; and any other information required by the
2 Attorney General. The bill also requires county prosecutors to report
3 information about the amount of forfeiture funds received or the value
4 of forfeited property by law enforcement agencies in the county,
5 federal agencies, or joint task forces.

6 This bill requires county prosecutors to compile and submit to the
7 Attorney General information concerning the law enforcement purpose
8 for which forfeiture funds and forfeited property are used. Forfeiture
9 accounts may be used by a county prosecutor to pay the costs
10 associated with compiling and submitting the asset forfeiture reports
11 required by the bill.

12 The county prosecutor would not be required to disclose any
13 information that could reasonably jeopardize the safety of any person
14 or any criminal investigation that is in progress. This exception is to be
15 narrowly construed to prevent disclosure of information that would be
16 harmful to a bona fide law enforcement purpose or the public safety.

17 Under the provisions of the bill, the Attorney General is required
18 to: (1) develop an asset forfeiture form to be completed by county
19 prosecutors; (2) establish and maintain a case tracking system and
20 searchable database accessible by the public; and (3) submit an annual
21 summary report to the Legislature which is to be made publicly
22 available on the Attorney General's website.

23 The bill further requires the Attorney General to electronically
24 notify any law enforcement agency which has not submitted the
25 required seizure and forfeiture information to the county prosecutor by
26 the 15th day following the day the county prosecutor is required to
27 submit the quarterly report to the Attorney General. The bill grants the
28 agency an additional 15 days following receipt of this notification to
29 submit the information. If the agency does not submit the information
30 within 15 days, the bill provides for the automatic disgorgement of any
31 seized or forfeited property or any proceeds resulting from forfeited
32 property obtained by the agency during the quarter of noncompliance
33 and return of the property or proceeds to the original owner.