

ASSEMBLY, No. 4122

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 7, 2020

Sponsored by:

Assemblywoman LISA SWAIN

District 38 (Bergen and Passaic)

Assemblyman P. CHRISTOPHER TULLY

District 38 (Bergen and Passaic)

SYNOPSIS

Authorizes Attorney General to use forfeiture funds for public health response during certain declared emergencies.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the disposition of forfeiture funds and
2 amending N.J.S.2C:64-6.

3

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

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

8 2C:64-6. Disposal of Forfeited Property. a. Property which has
9 been forfeited shall be destroyed if it can serve no lawful purpose or
10 it presents a danger to the public health, safety or welfare. All other
11 forfeited property or any proceeds resulting from the forfeiture and
12 all money seized pursuant to this chapter shall become the property
13 of the entity funding the prosecuting agency involved and shall be
14 disposed of, distributed, appropriated and used in accordance with
15 the provisions of this chapter.

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

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

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

40 c. Beginning two years from the date of enactment of
41 P.L.1993, c.227 (C.26:4-100.13 et al.) and in subsequent years, 5%
42 of the proceeds obtained by the Attorney General under the
43 provisions of subsection a. of this section shall be deposited into the
44 Hepatitis Inoculation Fund established pursuant to section 2 of
45 P.L.1993, c.227 (C.26:4-100.13).

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 d. During a period of emergency, the Attorney General is
2 authorized to use or direct the use of the proceeds obtained under
3 the provisions of subsection a. of this section to:

4 (1) purchase medical equipment, including personal protective
5 equipment for medical personnel and first responders, for use in
6 responding to the emergency; and

7 (2) facilitate testing for the illness or health condition for which
8 the emergency was declared.

9 For the purposes of this subsection, a “period of emergency”
10 means a state of emergency or public health emergency, which has
11 been declared by the Governor in response to a public health crisis,
12 including but not limited to an epidemic or a pandemic as declared
13 by the United States Centers for Disease Control and Prevention or
14 the World Health Organization.

15 (cf: P.L.1993, c.227, s.1)

16
17 2. This act shall take effect immediately.

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20 STATEMENT

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22 This bill authorizes the Attorney General to use proceeds
23 obtained under the civil forfeiture law, N.J.S.2C:64-1 et seq., to
24 respond to epidemics, pandemics, and other public health
25 emergencies.

26 Under current law, the proceeds obtained under the civil
27 forfeiture law are limited to law enforcement purposes and
28 designated for the exclusive use of the law enforcement agency
29 which contributed to the surveillance, investigation, arrest or
30 prosecution resulting in the forfeiture. Additionally, five percent of
31 the proceeds received annually by the Attorney General are required
32 by law to be deposited into the Hepatitis Inoculation Fund
33 established pursuant to section 2 of P.L.1993, c.227 (C.26:4-
34 100.13).

35 This bill provides that during a period of emergency, the
36 Attorney General is authorized to use or direct the use of the
37 proceeds obtained under the civil forfeiture law to:

38 (1) purchase medical equipment, including personal protective
39 equipment for medical personnel and first responders for use in
40 responding to the emergency; and

41 (2) facilitate testing for the disease or health condition for which
42 the emergency was declared.

43 The bill defines a “period of emergency” as a state of emergency
44 or public health emergency, which has been declared by the
45 Governor in response to a public health crisis, including but not
46 limited to an epidemic or a pandemic as declared by the United
47 States Centers for Disease Control and Prevention or the World
48 Health Organization.