

ASSEMBLY, No. 5022

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 19, 2020

Sponsored by:

Assemblyman ANTWAN L. MCCLELLAN
District 1 (Atlantic, Cape May and Cumberland)

Co-Sponsored by:

Assemblyman Simonsen

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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. 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
17 prosecuting the case, shall divide the forfeited property, any
18 proceeds resulting from the forfeiture or any money seized pursuant
19 to this chapter with any other entity where the other entity's law
20 enforcement agency participated in the surveillance, investigation,
21 arrest or prosecution resulting in the forfeiture, in proportion to the
22 other entity's contribution to the surveillance, investigation, arrest
23 or 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 for law
27 enforcement purposes, and shall be designated for the exclusive use
28 of the law enforcement agency which contributed to the
29 surveillance, investigation, arrest or prosecution resulting in the
30 forfeiture.

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

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

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

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

2. This act shall take effect immediately.

This bill expands the purposes for which civil asset forfeiture funds may be used by a law enforcement agency.

A civil asset forfeiture proceeding is an action by the government seeking ownership of personal property either used as an instrumentality of a crime or the fruits of criminal activity. Under current law, forfeiture proceeds are required to be designated for the exclusive use of the law enforcement agency that contributed to the surveillance, investigation, arrest, or prosecution resulting in the forfeiture and are required to be used solely for law enforcement purposes.

“Law enforcement purpose” is defined under current law, pursuant to Standard Operating Procedures established by the Attorney General, to mean: a purpose which is calculated to enhance a law enforcement agency’s ability to conduct criminal investigations, surveillance, arrests and prosecutions and to respond more fully to the effects of crime beyond any amounts allocated by the law enforcement agency’s annual budget. A law enforcement purpose includes expenditures to defray the costs of protracted or complex investigations; to educate the public in crime prevention techniques; to provide additional technical assistance or expertise, which may include the purchase of surveillance and undercover transportation and investigation equipment, and computer hardware and software to enhance the coordination and sharing of

1 information among the law enforcement agencies of a county and
2 the State; to provide matching funds to obtain Federal law
3 enforcement enhancement grants; or for such other purposes as the
4 Attorney General may from time to time authorize.

5 This bill codifies and expands the definition of “law enforcement
6 purpose” to include promoting community outreach; providing
7 diversity training for law enforcement officers; and establishing and
8 implementing minority selection and recruitment programs.