

1 SB191
2 201948-5
3 By Senators Orr, Smitherman, Beasley, Coleman-Madison, Ward,
4 Whatley, Butler and McClendon
5 RFD: Judiciary
6 First Read: 02-APR-19

1 SB191

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4 ENROLLED, An Act,

5 Relating to the Alabama Criminal Justice Information
6 Center; to establish the Alabama Forfeiture Information
7 Reporting Act; to provide reporting requirements for property
8 seized for forfeiture in connection with a crime; to provide
9 certain requirements for the accounting and spending of the
10 proceeds of such forfeitures; and to require the Alabama
11 Criminal Justice Information Center Commission to annually
12 submit a report to the Legislature summarizing seizure and
13 forfeiture activity in the state.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. This act shall be known and may be cited
16 as the Alabama Forfeiture Information Reporting Act.

17 Section 2. (a) All property seized by a state,
18 county, or municipal law enforcement agency for forfeiture in
19 connection with a criminal event shall be reported to the
20 uniform crime reporting system operated by the Alabama State
21 Law Enforcement Agency on behalf of the Alabama Criminal
22 Justice Information Center Commission.

23 (b) The commission shall develop rules for reporting
24 property seized pursuant to this section. Information reported

1 shall include any information required by the commission,
2 including, but not limited to, all of the following:

3 (1) The date of the seizure.

4 (2) The address of the seizure.

5 (3) The name of the law enforcement agency that
6 conducted the seizure.

7 (4) The type of property seized.

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

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

11 (7) A description of the suspected underlying
12 criminal activity which led to the seizure.

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

16 (9) Any and all civil case action numbers assigned
17 in state court.

18 (10) Any known claimants, including title holders of
19 record or lien holders of record.

20 (11) The disposition of the property, including the
21 date of any order.

22 (12) The name of each entity receiving all or any
23 portion of the seized property subject to the forfeiture
24 disposition. If the forfeiture order requires the selling of

1 the property, all proceeds from the sale shall be accounted
2 for by the recipient.

3 (b) The commission shall establish rules for the
4 reporting of property seized in connection with a federal
5 seizure in which seized property is forfeited in federal court
6 to a state, county, or municipal law enforcement agency or
7 when a law enforcement agency receives proceeds from a sale of
8 forfeited property.

9 (c) The commission shall establish restrictions and
10 protections on forfeiture reporting consistent with the
11 sensitivity placed on uniform crime reports through its
12 authority under Section 41-9-594, Code of Alabama 1975.

13 Section 3. (a) Civil asset forfeiture funds or
14 monies are to be maintained consistent with any restrictions
15 set out in the forfeiture laws.

16 (1) All civil asset forfeiture funds or monies
17 derived from the liquidation of civil asset forfeiture funds
18 shall be kept on a separate line item in the budget of any
19 agency that may be awarded such asset funds.

20 (2) Any expenditure of any monies by a law
21 enforcement-related entity from an award of a civil asset
22 forfeiture may only be expended from a line item pursuant to
23 subdivision (1).

24 (b) All civil asset forfeiture proceeds awarded to
25 any state, county, or municipal entity may only be deposited

1 into an account that is audited as other public funds under
2 state law.

3 Section 4. (a) (1) Annually, on or before February 1,
4 the Alabama Criminal Justice Information Center Commission,
5 shall submit to the Speaker of the House of Representatives,
6 President Pro Tempore of the Senate, and Governor a written
7 report that includes all of the following:

8 a. A summary of seizure and forfeiture activity in
9 the state for the preceding fiscal year.

10 b. The type, approximate value, and disposition of
11 the property seized and forfeited.

12 c. The amount of any proceeds received.

13 (2) The summary for data on seizures and forfeitures
14 may be disaggregated by the commission. The aggregate report
15 shall also be made available on the website of the Alabama
16 Criminal Justice Information Center Commission consistent with
17 the format of other reports posted on the commission's
18 website.

19 (b) The Alabama Criminal Justice Information Center
20 Commission may include in the report required under subsection
21 (a) recommendations to improve laws, rules, and policies to
22 better ensure that seizure, forfeiture, and expenditures are
23 done and reported in a manner that is fair to crime victims,
24 innocent property owners, secured interest holders, citizens,
25 law enforcement, and taxpayers.

1 Section 5. Sections 1 and 2 shall become effective
2 immediately, upon approval by the Governor, or its otherwise
3 becoming law and the remaining Sections shall become effective
4 October 1, 2019.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB191

Senate 28-MAY-19

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 30-MAY-19

By: Senator Orr