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I N S E N A T E

May 23, 2014

Introduced by Sens. NOZZOLIO, BALL, BONACIC, BOYLE, FELDER, GALLIVAN, GOLDEN, GRIFFO, HANNON, LANZA, LARKIN, LITTLE, MARCELLINO, MARCHIONE, MARTINS, MAZIARZ, O'MARA, RANZENHOFER, RITCHIE, ROBACH, SAVINO, SEWARD, VALESKY, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the civil practice law and rules, in relation to forfeiture allocations

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraphs (e) and (g) of subdivision 2 of section 1349 of
2 the civil practice law and rules, paragraph (e) as added by chapter 655
3 of the laws of 1990 and paragraph (g) as amended by chapter 398 of the
4 laws of 2004, are amended to read as follows:

5 (e) In addition to amounts, if any, distributed pursuant to paragraph
6 (d) of this subdivision, [fifteen] TWENTY-FIVE percent of all moneys
7 realized through forfeiture to the claiming authority in satisfaction of
8 actual costs and expenses incurred in the investigation, preparation and
9 litigation of the forfeiture action, including that proportion of the
10 salaries of the attorneys, clerical and investigative personnel devoted
11 thereto, plus all costs and disbursements taxable under the provisions
12 of this chapter. IF THE ACTUAL COSTS SUBMITTED BY THE CLAIMING AUTHORITY
13 PURSUANT TO THIS PARAGRAPH ARE LESS THAN THE CORPUS OF THE TWENTY-FIVE
14 PERCENT ALLOCATED AND ALLOWABLE FOR REIMBURSEMENT BY THIS SUBDIVISION,
15 THE CLAIMING AUTHORITY MAY RETAIN THE ADDITIONAL MONIES IN A DISTINCT
16 SUBACCOUNT SEGREGATED FROM THE CLAIMING AUTHORITY'S OTHER OPERATING
17 ACCOUNTS, SAID ADDITIONAL MONIES SHALL BE RESTRICTED TO USE BY THE
18 CLAIMING AUTHORITY ONLY FOR INVESTIGATION AND PROSECUTION OF ARTICLE TWO
19 HUNDRED TWENTY OFFENSES OF THE PENAL LAW;

20 (g) [Forty] FIFTY percent of all moneys realized through forfeiture
21 which are remaining after distributions pursuant to paragraphs (a)
22 through (f) of this subdivision, to the chemical dependence service fund
23 established pursuant to section ninety-seven-w of the state finance law;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 S 2. Subparagraphs (i) and (ii) of paragraph (h) of subdivision 2 of
2 section 1349 of the civil practice law and rules, as added by chapter
3 655 of the laws of 1990, are amended to read as follows:

4 (i) [seventy-five] FIFTY percent of such moneys shall be deposited to
5 a law enforcement purposes subaccount of the general fund of the state
6 where the claiming agent is an agency of the state or the political
7 subdivision or public authority of which the claiming agent is a part,
8 to be used for law enforcement use in the investigation of penal law
9 offenses;

10 (ii) the remaining [twenty-five] FIFTY percent of such moneys shall be
11 deposited to a prosecution services subaccount of the general fund of
12 the state where the claiming authority is the attorney general or the
13 political subdivision of which the claiming authority is a part, to be
14 used for the prosecution of ARTICLE TWO HUNDRED TWENTY OFFENSES OF THE
15 penal law [offenses].

16 S 3. This act shall take effect immediately.