

STATE OF NEW YORK

2130

2019-2020 Regular Sessions

IN ASSEMBLY

January 22, 2019

Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to the creation of a database for property seized by police departments

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The executive law is amended by adding a new section 845-c
2 to read as follows:

3 § 845-c. Central state database for property seized by police depart-
4 ments. 1. The division shall collect information to maintain, on a
5 current basis, a database of all property seized, obtained, or otherwise
6 held by all police departments during the course of an investigation.
7 Such database shall include:

8 (a) The dollar amount of U.S. currency that has become property
9 retained by police departments after a settlement agreement entered into
10 between police departments and claimants for such currency;

11 (b) The dollar amount of U.S. currency returned by police departments
12 to the claimant following a dismissal, judgment, or settlement in a
13 civil forfeiture proceeding pursuant to section thirteen hundred eleven
14 of the civil practice law and rules;

15 (c) The number of registered motor vehicles that have become property
16 retained by police departments after a settlement or judgment in a civil
17 forfeiture proceeding pursuant to section thirteen hundred eleven of the
18 civil practice law and rules;

19 (d) The revenue generated by liquidation of registered motor vehicles
20 that have become retained property, the number of such vehicles liqui-
21 dated and the entity contracted to liquidate such vehicles on behalf of
22 police departments;

23 (e) The revenue generated by liquidation of retained property, other
24 than registered motor vehicles and U.S. currency, and the entity

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

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1 contracted to liquidate such property on behalf of police departments;
2 and

3 (f) The amount of U.S. currency obtained by police departments through
4 disbursement from police departments of justice pursuant to federal
5 forfeiture laws.

6 2. Each head of a state or local police department shall transmit to
7 the division, no later than January fifteenth annually, and in a form
8 and manner prescribed by the division, an itemized report containing the
9 property obtained by such police department. Such report shall contain:

10 (a) The total amount of seized property in the form of U.S. currency,
11 disaggregated by:

12 (i) The dollar amount of such U.S. currency classified and held for
13 safekeeping, noting the dollar amount returned to claimants;

14 (ii) The dollar amount of such U.S. currency classified and held as
15 arrest evidence, noting the dollar amount returned to claimants;

16 (iii) The dollar amount of such U.S. currency held for forfeiture,
17 noting the dollar amount returned to claimants;

18 (iv) The dollar amount of such U.S. currency held as investigatory
19 evidence, noting the dollar amount returned to claimants;

20 (v) The dollar amount of such U.S. currency that has become property
21 retained by such police department after a settlement agreement entered
22 into between police departments and claimants for such currency;

23 (vi) The dollar amount of such U.S. currency that has become property
24 retained by such police department after a judgment in a civil forfei-
25 ture proceeding;

26 (vii) The dollar amount of such U.S. currency returned by such police
27 department to the claimant following a dismissal, judgment, or settle-
28 ment in a civil forfeiture proceeding pursuant to section thirteen
29 hundred eleven of the civil practice law and rules; and

30 (viii) The dollar amount of such currency that has become retained
31 property because no person retrieved such currency;

32 (b) The total number of seized property items in the form of regis-
33 tered motor vehicles, disaggregated by:

34 (i) The number of such vehicles classified and held for safekeeping
35 and the number of such vehicles returned to claimants;

36 (ii) The number of such vehicles classified and held as arrest
37 evidence and the number of such vehicles returned to claimants;

38 (iii) The number of such vehicles classified and held for forfeiture
39 and the number of such vehicles returned to claimants;

40 (iv) The number of such vehicles classified and held as investigatory
41 evidence and the number of such vehicles returned to claimants;

42 (v) The number of such vehicles that have become property retained by
43 such police department after a settlement or judgment in a civil forfei-
44 ture proceeding;

45 (vi) The number of such vehicles that have become property retained by
46 such police department because no person retrieved such vehicle within
47 the applicable legal period;

48 (vii) The revenue generated by liquidation of such vehicles that have
49 become retained property, the number of such vehicles liquidated and the
50 entity contracted to liquidate such vehicles on behalf of such police
51 department; and

52 (viii) The number of such vehicles that were returned by such police
53 department to vehicle claimants following a dismissal, judgment, or
54 settlement in a civil forfeiture proceeding pursuant to section thirteen
55 hundred eleven of the civil practice law and rules.

56 (c) The number of the following other items of seized property:

- (i) Cellular telephones;
- (ii) Clothing items;
- (iii) Wallets;
- (iv) Sets of keys;
- (v) Identification documents; and
- (vi) Non-perishable peddler property items.

3. The division shall post on the division's website on an annual basis, no later than September first of each year, a report providing the data on seized property and retained property pursuant to this section for the preceding calendar year, which shall include the information provided by police departments pursuant to subdivision two of this section.

4. Upon the failure or refusal to comply with the requirements of subdivision two of this section, the division may apply to the supreme court for an order directed to the person responsible for requiring compliance. Upon such application the court may issue an order requiring compliance, and a failure to comply with such order shall be a contempt of court and punishable as such.

§ 2. This act shall take effect immediately.