

STATE OF NEW YORK

6403

2023-2024 Regular Sessions

IN SENATE

April 18, 2023

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the executive law, in relation to the creation of a database for property seized by certain law enforcement agencies

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-e
2 to read as follows:

3 § 845-e. Central state database for property seized by law enforcement
4 agencies. 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 law enforcement agencies that have the authority to confis-
7 cate property during the course of an investigation. Such database
8 shall include:

9 (a) The dollar amount of U.S. currency that has become property
10 retained by a law enforcement agency after a settlement agreement
11 entered into between the agency and claimants for such currency;

12 (b) The dollar amount of U.S. currency returned by a law enforcement
13 agency to the claimant following a dismissal, judgment, or settlement in
14 a civil forfeiture proceeding pursuant to section thirteen hundred elev-
15 en of the civil practice law and rules;

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

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

24 (e) The revenue generated by liquidation of retained property, other
25 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 a law enforcement
2 agency; and

3 (f) The amount of U.S. currency obtained by a law enforcement agency
4 through disbursement pursuant to federal and/or state forfeiture laws.

5 2. Each head of a state or local law enforcement agency shall transmit
6 to the division, no later than January fifteenth annually, and in a form
7 and manner prescribed by the division, an itemized report containing the
8 property obtained by such law enforcement agency. Such report shall
9 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 the law enforcement agency after a settlement agreement
22 entered into between the law enforcement agency and claimants for such
23 currency;

24 (vi) The dollar amount of such U.S. currency that has become property
25 retained by the law enforcement agency after a judgment in a civil
26 forfeiture proceeding;

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

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

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

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

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

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

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

43 (v) The number of such vehicles that have become property retained by
44 the law enforcement agency after a settlement or judgment in a civil
45 forfeiture proceeding;

46 (vi) The number of such vehicles that have become property retained by
47 the law enforcement agency because no person retrieved such vehicle
48 within the applicable legal period;

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

53 (viii) The number of such vehicles that were returned by the law
54 enforcement agency to vehicle claimants following a dismissal, judgment,
55 or settlement in a civil forfeiture proceeding pursuant to section thir-
56 teen hundred eleven of the civil practice law and rules.

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

2 (i) Cellular telephones;

3 (ii) Clothing items;

4 (iii) Wallets;

5 (iv) Sets of keys;

6 (v) Identification documents; and

7 (vi) Non-perishable peddler property items.

8 3. The division shall post on the division's website on an annual
9 basis, no later than September first of each year, a report providing
10 the data on seized property and retained property pursuant to this
11 section for the preceding calendar year, which shall include the infor-
12 mation provided by law enforcement agencies pursuant to subdivision two
13 of this section.

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

20 § 2. This act shall take effect immediately.