

4486

2013-2014 Regular Sessions

I N   S E N A T E

April 3, 2013

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Introduced by Sen. NOZZOLIO -- (at request of the Division of State Police) -- 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 forfeitures

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

1     Section 1. The opening paragraph of subdivision 2 of section 1349 of  
2     the civil practice law and rules, as added by chapter 655 of the laws of  
3     1990, is amended to read as follows:  
4     If any other provision of law expressly governs the manner of disposi-  
5     tion of property subject to the judgment or order of forfeiture, that  
6     provision of law shall be controlling. Upon application by a claiming  
7     agent for reimbursement of moneys directly expended by a claiming agent  
8     in the underlying criminal investigation for the purchase of contraband  
9     which were converted into a non-monetary form or which have not been  
10    otherwise recovered, the court shall direct such reimbursement from  
11    money forfeited pursuant to this article. Upon application of the claim-  
12    ing agent, the court may direct that any vehicles, vessels [or],  
13    aircraft, COMPUTERS, PRINTERS OR COMPUTER MONITORS forfeited pursuant to  
14    this article be retained by the claiming agent for law enforcement  
15    purposes, unless the court determines that such property is subject to a  
16    perfected lien, in which case the court may not direct that the property  
17    be retained unless all such liens on the property to be retained have  
18    been satisfied or pursuant to the court's order will be satisfied. In  
19    the absence of an application by the claiming agent, the claiming  
20    authority may apply to the court to retain such property for law  
21    enforcement purposes. Upon such application, the court may direct that  
22    such property be retained by the claiming authority for law enforcement  
23    purposes, unless the court determines that such property is subject to a  
24    perfected lien. If not so retained, the judgment or order shall direct

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

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1 the claiming authority to sell the property in accordance with article  
2 fifty-one of this chapter, and that the proceeds of such sale and any  
3 other moneys realized as a consequence of any forfeiture pursuant to  
4 this article shall be apportioned and paid in the following descending  
5 order of priority:

6 S 2. This act shall take effect immediately.