S T A T E O F N E W Y O R K

2717

2015-2016 Regular Sessions

I N A S S E M B L Y

January 20, 2015

Introduced by M. of A. PEOPLES-STOKES, CYMBROWITZ, LENTOL, GOTTFRIED, CAHILL -- read once and referred to the Committee on Codes

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

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

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

(e) [In addition to amounts, if any, distributed pursuant to paragraph (d) of this subdivision, fifteen percent of all moneys realized through forfeiture to the claiming authority in satisfaction of actual costs and expenses incurred in the investigation, preparation and litigation of the forfeiture action, including that proportion of the salaries of the attorneys, clerical and investigative personnel devoted thereto, plus all costs and disbursements taxable under the provisions of this chapter] FORTY PERCENT OF ALL MONEYS REALIZED THROUGH FORFEITURE WHICH ARE REMAINING, IF ANY, AFTER DISTRIBUTIONS PURSUANT TO PARAGRAPHS (A) THROUGH (D) OF THIS SUBDIVISION, TO THE CHEMICAL DEPENDENCE SERVICE FUND ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-W OF THE STATE FINANCE LAW;

(f) [In addition to amounts, if any, distributed pursuant to paragraph (d) of this subdivision, five percent of all moneys realized through forfeiture] FIFTEEN PERCENT OF ALL MONEYS REALIZED THROUGH FORFEITURE WHICH ARE REMAINING, IF ANY, AFTER DISTRIBUTIONS PURSUANT TO PARAGRAPHS (A) THROUGH (E) OF THIS SUBDIVISION to the claiming [agent] AUTHORITY, IN ADDITION TO THE AMOUNTS, IF ANY, DISTRIBUTED PURSUANT TO PARAGRAPH (D) OF THIS SUBDIVISION, in satisfaction of actual costs [incurred for protecting, maintaining and forfeiting the property] AND EXPENSES INCURRED IN THE INVESTIGATION, PREPARATION AND LITIGATION OF THE FORFEITURE ACTION, including that proportion of the salaries of THE attorneys,

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

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clerical and investigative personnel devoted thereto, PLUS ALL COSTS AND DISBURSEMENTS TAXABLE UNDER THE PROVISIONS OF THIS CHAPTER;

(g) [Forty percent of all moneys realized through forfeiture which are remaining after distributions pursuant to paragraphs (a) through (f) of this subdivision, to the chemical dependence service fund established pursuant to section ninety-seven-w of the state finance law] FIVE PERCENT OF ALL MONEYS REALIZED THROUGH FORFEITURE WHICH ARE REMAINING, IF ANY, AFTER DISTRIBUTIONS PURSUANT TO PARAGRAPHS (A) THROUGH (E) OF THIS SUBDIVISION TO THE CLAIMING AGENT, IN ADDITION TO THE AMOUNTS, IF ANY, DISTRIBUTED PURSUANT TO PARAGRAPH (D) OF THIS SUBDIVISION, IN SATISFACTION OF ACTUAL COSTS INCURRED FOR PROTECTING, MAINTAINING AND FORFEITING THE PROPERTY INCLUDING THAT PROPORTION OF THE SALARIES OF ATTORNEYS, CLERICAL AND INVESTIGATIVE PERSONNEL DEVOTED THERETO;

S 2. This act shall take effect immediately.