

# STATE OF NEW YORK

9874

## IN ASSEMBLY

February 15, 2018

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 judgement in a  
17 civil forfeiture proceeding pursuant to section thirteen hundred eleven  
18 of the 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  
25 contracted to liquidate such property on behalf of police departments;  
26 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55 (i) Cellular telephones;

56 (ii) Clothing items;

- 1 (iii) Wallets;  
2 (iv) Sets of keys;  
3 (v) Identification documents; and  
4 (vi) Non-perishable peddler property items.

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

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

17 § 2. This act shall take effect immediately.