

STATE OF NEW YORK

2130--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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;

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

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1 (e) The revenue generated by liquidation of retained property, other
2 than registered motor vehicles and U.S. currency, and the entity
3 contracted to liquidate such property on behalf of a law enforcement
4 agency; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55 (viii) The number of such vehicles that were returned by the law
56 enforcement agency to vehicle claimants following a dismissal, judgment,

1 or settlement in a civil forfeiture proceeding pursuant to section thir-
2 teen hundred eleven of the civil practice law and rules.

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

4 (i) Cellular telephones;

5 (ii) Clothing items;

6 (iii) Wallets;

7 (iv) Sets of keys;

8 (v) Identification documents; and

9 (vi) Non-perishable peddler property items.

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

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

22 § 2. This act shall take effect immediately.