

# STATE OF NEW YORK

3602

2021-2022 Regular Sessions

## IN ASSEMBLY

January 28, 2021

Introduced by M. of A. ABINANTI, EPSTEIN, SAYEGH, SIMON, GOTTFRIED,  
TAYLOR, BARRON -- read once and referred to the Committee on Govern-  
mental Operations

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 Assem-  
bly, 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.