STATE OF NEW YORK

6403

2023-2024 Regular Sessions

IN SENATE

April 18, 2023

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

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:

Section 1. The executive law is amended by adding a new section 845-e to read as follows:

§ 845-e. Central state database for property seized by law enforcement agencies. 1. The division shall collect information to maintain, on a current basis, a database of all property seized, obtained, or otherwise held by all law enforcement agencies that have the authority to confiscate property during the course of an investigation. Such database shall include:

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

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

(c) The number of registered motor vehicles that have become property retained by a law enforcement agency after a settlement or judgment in a civil forfeiture proceeding pursuant to section thirteen hundred eleven of the civil practice law and rules;

(d) The revenue generated by liquidation of registered motor vehicles that have become retained property, the number of such vehicles liquidated and the entity contracted to liquidate such vehicles on behalf of the law enforcement agency;

(e) The revenue generated by liquidation of retained property, other than registered motor vehicles and U.S. currency, and the entity

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

LBD09671-01-3

contracted to liquidate such property on behalf of a law enforcement agency; and

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

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

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

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

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

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

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

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

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

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

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

(b) The total number of seized property items in the form of registered motor vehicles, disaggregated by:

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

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

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

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

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

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

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

(viii) The number of such vehicles that were returned by the law enforcement agency to vehicle claimants following a dismissal, judgment, or settlement in a civil forfeiture proceeding pursuant to section thirteen hundred eleven of the civil practice law and rules.

(c) The number of the following other items of seized property:
(i) Cellular telephones;
(ii) Clothing items;
(iii) Wallets;
(iv) Sets of keys;
(v) Identification documents; and
(vi) Non-perishable peddler property items.

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

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

§ 2. This act shall take effect immediately.