

SENATE BILL 468

E4, E2

4lr0633

By: **Senators Shank, Benson, Brinkley, Colburn, Getty, Jacobs, Jennings, and Jones-Rodwell**

Introduced and read first time: January 27, 2014

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Seizure and Forfeiture – Reporting**

3 FOR the purpose of requiring a certain law enforcement agency to report, on an
4 annual basis, certain information about each individual seizure and forfeiture
5 completed by the agency under State or federal forfeiture law; authorizing the
6 Maryland Statistical Analysis Center (MSAC) to require a law enforcement
7 agency to provide relevant information not specified in this Act; requiring a
8 certain law enforcement agency to file a certain report for the agency and the
9 corresponding prosecutor’s office with the MSAC; requiring MSAC to develop a
10 certain form, a process, and deadlines for certain data entry; requiring MSAC to
11 compile certain submissions and issue a certain report; requiring MSAC to
12 make certain reports available in a certain manner; requiring the Governor’s
13 Office of Crime Control and Prevention (GOCCP) to submit a certain report to
14 the Governor, the General Assembly, and each law enforcement agency before a
15 certain date each year; authorizing GOCCP to include on a certain report
16 certain recommendations; requiring GOCCP to report information on law
17 enforcement agencies not in compliance with this Act to the Police Training
18 Commission; requiring the Police Training Commission to contact a certain law
19 enforcement agency and request certain compliance; requiring GOCCP and the
20 Police Training Commission to report certain noncompliance to the Governor
21 and the Legislative Policy Committee of the General Assembly under certain
22 circumstances; authorizing MSAC to recoup certain costs in a certain manner;
23 authorizing a certain law enforcement agency to use forfeiture proceeds to pay
24 the cost of compiling and reporting information required under this Act;
25 defining certain terms; and generally relating to seizure and forfeiture.

26 BY adding to

27 Article – Criminal Procedure

28 Section 13–601 to be under the new subtitle “Subtitle 6. Reporting”

29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2008 Replacement Volume and 2013 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article – Criminal Procedure**

5 **SUBTITLE 6. REPORTING.**

6 **13–601.**

7 (A) (1) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE
8 MEANINGS INDICATED.

9 (2) (I) “ADOPTIVE SEIZURE” MEANS A SEIZURE:

10 1. THAT RESULTED FROM A STATE VIOLATION AND A
11 FEDERAL BASIS FOR FORFEITURE; AND

12 2. FOR WHICH 100% OF THE PRESEIZURE ACTIVITY
13 AND RELATED INVESTIGATIONS WERE PERFORMED BY THE STATE OR LOCAL
14 SEIZING AGENCY BEFORE A REQUEST WAS MADE TO THE FEDERAL
15 GOVERNMENT FOR ADOPTION.

16 (II) “ADOPTIVE SEIZURE” DOES NOT INCLUDE A SEIZURE
17 RESULTING FROM A JOINT STATE AND FEDERAL INVESTIGATION OR TASK
18 FORCE.

19 (3) “GOCCP” MEANS THE GOVERNOR’S OFFICE OF CRIME
20 CONTROL AND PREVENTION.

21 (4) “LAW ENFORCEMENT AGENCY” MEANS A POLICE FORCE, A
22 MULTIJURISDICTIONAL TASK FORCE, A FIRE DEPARTMENT, OR ANY OTHER
23 LOCAL, COUNTY, OR STATE AGENCY THAT HAS THE AUTHORITY UNDER STATE
24 LAW OR OPERATES IN COOPERATION WITH A FEDERAL AGENCY UNDER
25 FEDERAL LAW TO ENGAGE IN SEIZURE AND FORFEITURE.

26 (5) “MSAC” MEANS THE MARYLAND STATISTICAL ANALYSIS
27 CENTER OF GOCCP.

28 (B) ON AN ANNUAL BASIS, EACH LAW ENFORCEMENT AGENCY SHALL
29 REPORT THE FOLLOWING INFORMATION ABOUT EACH INDIVIDUAL SEIZURE AND
30 FORFEITURE COMPLETED BY THE AGENCY UNDER STATE FORFEITURE LAW AND
31 FEDERAL FORFEITURE LAW:

1 **(XIII) VEHICLE PURCHASES;**

2 **(XIV) CANINES, FIREARMS, AND EQUIPMENT, INCLUDING**
3 **TACTICAL GEAR;**

4 **(XV) CAPITAL EXPENDITURES, INCLUDING FURNITURE,**
5 **COMPUTERS, AND OFFICE EQUIPMENT; AND**

6 **(XVI) OTHER USES.**

7 **(C) MSAC MAY REQUIRE A LAW ENFORCEMENT AGENCY TO PROVIDE**
8 **RELEVANT INFORMATION NOT SPECIFIED IN SUBSECTION (B) OF THIS SECTION.**

9 **(D) (1) EACH LAW ENFORCEMENT AGENCY SHALL FILE WITH MSAC**
10 **THE REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION FOR THE LAW**
11 **ENFORCEMENT AGENCY AND THE CORRESPONDING PROSECUTOR'S OFFICE.**

12 **(2) THE LAW ENFORCEMENT AGENCY SHALL FILE SEPARATE**
13 **REPORTS FOR FORFEITURES COMPLETED UNDER STATE FORFEITURE LAW AND**
14 **FEDERAL FORFEITURE LAW.**

15 **(3) A NULL REPORT SHALL BE FILED BY A LAW ENFORCEMENT**
16 **AGENCY THAT DID NOT ENGAGE IN SEIZURES OR FORFEITURES DURING THE**
17 **REPORTING PERIOD.**

18 **(E) (1) MSAC SHALL DEVELOP A STANDARD FORM, A PROCESS, AND**
19 **DEADLINES FOR ELECTRONIC DATA ENTRY FOR ANNUAL SUBMISSION OF**
20 **FORFEITURE DATA BY LAW ENFORCEMENT AGENCIES.**

21 **(2) MSAC SHALL COMPILE THE SUBMISSIONS AND ISSUE AN**
22 **AGGREGATE REPORT OF ALL FORFEITURES IN THE STATE.**

23 **(F) (1) BY MARCH 1 OF EACH YEAR, MSAC SHALL MAKE AVAILABLE**
24 **ON MSAC'S WEB SITE THE REPORTS SUBMITTED BY LAW ENFORCEMENT**
25 **AGENCIES AND MSAC'S AGGREGATE REPORT.**

26 **(2) GOCCP SHALL SUBMIT THE AGGREGATE REPORT TO THE**
27 **GOVERNOR, THE GENERAL ASSEMBLY, AS PROVIDED IN § 2-1246 OF THE**
28 **STATE GOVERNMENT ARTICLE, AND EACH LAW ENFORCEMENT AGENCY**
29 **BEFORE SEPTEMBER 1 OF EACH YEAR.**

1 **(G) GOCCP MAY INCLUDE, WITH MSAC'S AGGREGATE REPORT,**
2 **RECOMMENDATIONS TO THE LEGISLATURE TO IMPROVE FORFEITURE**
3 **STATUTES TO BETTER ENSURE THAT FORFEITURE PROCEEDINGS ARE**
4 **REPORTED AND HANDLED IN A MANNER THAT IS FAIR TO CRIME VICTIMS,**
5 **INNOCENT PROPERTY OWNERS, SECURED INTEREST HOLDERS, CITIZENS, AND**
6 **TAXPAYERS.**

7 **(H) (1) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE**
8 **REPORTING PROVISIONS OF THIS SECTION, GOCCP SHALL REPORT THE**
9 **NONCOMPLIANCE TO THE POLICE TRAINING COMMISSION.**

10 **(2) THE POLICE TRAINING COMMISSION SHALL CONTACT THE**
11 **LAW ENFORCEMENT AGENCY AND REQUEST THAT THE AGENCY COMPLY WITH**
12 **THE REQUIRED REPORTING PROVISIONS.**

13 **(3) IF THE LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH**
14 **THE REQUIRED REPORTING PROVISIONS WITHIN 30 DAYS AFTER BEING**
15 **CONTACTED BY THE POLICE TRAINING COMMISSION, GOCCP AND THE**
16 **POLICE TRAINING COMMISSION JOINTLY SHALL REPORT THE NONCOMPLIANCE**
17 **TO THE GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE OF THE**
18 **GENERAL ASSEMBLY.**

19 **(I) (1) MSAC MAY RECOUP ITS COSTS BY CHARGING A FEE TO LAW**
20 **ENFORCEMENT AGENCIES THAT ENGAGE IN SEIZURES OR FORFEITURES**
21 **DURING THE REPORTING PERIOD.**

22 **(2) A LAW ENFORCEMENT AGENCY MAY USE FORFEITURE**
23 **PROCEEDS TO PAY THE COST OF COMPILING AND REPORTING DATA UNDER THIS**
24 **SUBTITLE, INCLUDING ANY FEE IMPOSED BY MSAC.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2014.