

2C:64-6 and 2C:64-7

LEGISLATIVE HISTORY CHECKLIST

**NJSA:** 2C:64-6 and 2C:64-7 (Forfeiture of crime-related property to investigating and arresting agency)

**LAWS OF:** 1985 **CHAPTER:** 110

**Bill No:** S2050

**Sponsor(s):** Graves

**Date Introduced:** July 30, 1984

**Committee:** **Assembly:** Law, Public Safety and Defense  
**Senate:** Law, Public Safety and Defense

**Amended during passage:** Yes Amendments during passage denoted by asterisks.

**Date of Passage:** **Assembly:** Feb. 25, 1985  
**Senate:** Oct. 22, 1984

**Date of Approval:** April 9, 1985

**Following statements are attached if available:**

**Sponsor statement:** Yes Attached: Senate amendments adopted 10-18-84 and 10-22-84 (with statements).

**Committee statement:** **Assembly** No  
**Senate** Yes

**Fiscal Note:** No

**Veto Message:** No

**Message on Signing:** No

**Following were printed:**

**Reports:** No

**Hearings:** No

4-9-85

[THIRD OFFICIAL COPY REPRINT]

## SENATE, No. 2050

## STATE OF NEW JERSEY

INTRODUCED JUNE 28, 1984

By Senator GRAVES

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning property forfeited as a result of certain criminal investigations and amending N. J. S. 2C:64-6 and N. J. S. 2C:64-7.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. N. J. S. 2C:64-6 is amended to read as follows:

2 2C:64-6. Disposal of Forfeited Property. Property which has  
3 been forfeited shall be destroyed if it can serve no lawful purpose  
4 or it presents a danger to the public health, safety or welfare.  
5 All other forfeited property or any proceeds resulting from the  
6 forfeiture and all money seized pursuant to this chapter shall  
7 become the property of the entity funding the [prosecuting]  
8 \*\*\*[enforcement]\*\*\* \*\*\*prosecuting\*\*\* agency [involved]  
9 \*\*\*[that conducted the surveillance, investigation and arrest re-  
9A sulting in the forfeiture]\*\*\* \*\*\*involved\*\*\*. \*\*\*[If more than  
10 one enforcement agency is involved in the surveillance, investigation  
11 and arrest resulting in the forfeiture, then the forfeited property,  
12 any proceeds resulting from the forfeiture, and any money seized  
13 pursuant to this chapter shall become the property of the funding  
14 entity \*[with the largest geographical jurisdiction]\* \*\*[\*whose  
15 expenditures for the surveillance, investigation and arrest were  
16 greatest]\*\*\* \*\*with the highest level of authority, except that if  
17 more than one enforcement agency is involved and all enforcement  
18 agencies involved are funded by entities of the same level of au-  
19 thority, then the forfeited property, any proceeds resulting from  
20 the forfeiture, and any money seized pursuant to this chapter shall  
21 be proportionately divided among the funding entities by the county

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Senate amendments adopted September 13, 1984.

\*\*—Senate amendments adopted October 18, 1984.

\*\*\*—Senate amendments adopted October 22, 1984.

22 prosecutor, based upon the contribution of each funding entity to  
 23 the surveillance, investigation and arrest resulting in the forfei-  
 24 ture\*\*.]\*\*\*

25 \*\*\*The prosecutor or the Attorney General, whichever is prose-  
 26 cuting the case, shall divide the forfeited property, any proceeds  
 27 resulting from the forfeiture of any money seized pursuant to this  
 28 chapter with any other entity where the other entity's law enforce-  
 29 ment agency participated in the surveillance, investigation and  
 30 arrest resulting in the forfeiture, in proportion to the other entity's  
 31 contribution to the surveillance, investigation and arrest resulting  
 32 in the forfeiture.\*\*\*

1 2. N. J. S. 2C:64-7 is amended to read as follows:

2 2C:64-7. Vesting of Title in Forfeited Property. Title to prop-  
 3 erty forfeited under this chapter shall [have vested] *vest* in the  
 4 entity funding the [prosecuting] \*\*\*[enforcement]\*\*\* \*\*\*prose-  
 5 cuting\*\*\* agency [involved] \**[that conducted]*\* \*\**[whose ex-*  
 6 *penditures were greatest for]*\*\* \*\*\**[that conducted]*\*\* the sur-  
 7 *veillance, investigation and arrest resulting in the forfeiture]*\*\*\*  
 8 \*\*\*involved\*\*\* at the time the item was utilized illegally, or, in the  
 8A case of proceeds, when received. \*\*\**[If more than one enforce-*  
 9 *ment agency is involved in the surveillance, investigation and ar-*  
 10 *rest resulting in the forfeiture, then title to the forfeited property,*  
 11 *including motor vehicles, shall vest in the funding entity* \**[with the*  
 12 *largest geographical jurisdiction]*\* \*\**[whose expenditures for*  
 13 *the surveillance, investigation and arrest were greatest]*\*\* \*\**with*  
 14 *the highest level of authority, except that if more than one enforce-*  
 15 *ment agency is involved and all enforcement agencies involved are*  
 16 *funded by entities of the same level of authority, then the county*  
 17 *prosecutor shall formulate an agreement among the funding en-*  
 18 *tities about the way in which the title to the forfeited property,*  
 19 *including motor vehicles, or the proceeds from the sale of forfeited*  
 20 *property, including motor vehicles, shall be divided among the fund-*  
 21 *ing entities, based upon the contribution of each funding entity to*  
 22 *the surveillance, investigation and arrest resulting in the forefei-*  
 23 *ture\*\*.]\*\*\**

24 \*\*\*If another entity's law enforcement agency has participated  
 25 in the surveillance, investigation and arrest resulting in the for-  
 26 feiture, then the prosecutor or the Attorney General, whichever is  
 27 prosecuting the case, shall vest title to forfeited property, including  
 28 motor vehicles, by dividing the forfeited property with the other  
 29 entity in proportion to the other entity's contribution to the sur-  
 30 veillance, investigation and arrest resulting in the forfeiture. If

31 *the property, including motor vehicles, cannot be divided as re-*  
32 *quired by this section, then the prosecutor or the Attorney General,*  
33 *whichever is prosecuting the case, shall sell the property, including*  
34 *motor vehicles, and the proceeds of the sale shall be divided with*  
35 *the other entity in proportion to the other entity's contribution to*  
36 *the surveillance, investigation and arrest resulting in the forfeit-*  
37 *ure.\*\*\**

1 3. This act shall take effect immediately.

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8 *agency is involved in the surveillance, investigation and arrest*  
9 *resulting in the forfeiture, then title to the forfeited property,*  
10 *including motor vehicles, shall vest in the funding entity with the*  
11 *largest geographical jurisdiction.*

1 3. This act shall take effect immediately.

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#### STATEMENT

Under current law, property forfeited or money seized as the result of a criminal investigation becomes the property of the governmental entity that funded the prosecuting agency. This arrangement often proves inequitable to municipalities, who frequently participate in criminal investigations, expend a great deal of time and money, and yet recover nothing if property involved in the crime is forfeited.

This bill would alter the current statutory arrangement by allocating the forfeited property and money to the governmental entity funding the enforcement agency that conducted the surveillance, investigation and arrest resulting in the forfeiture.

If more than one enforcement agency is involved in the surveillance, investigation, and arrest, the forfeited property and money becomes the property of the funding entity with the largest geographical jurisdiction. For example, if the State, a county, and a municipality were involved, all forfeited property would become the property of the State. If a county and a municipality were involved, all forfeited property would become the property of the county. Only if a municipality were solely involved would all forfeited property become the property of the municipality.

S2050 (1985)

SENATE LAW, PUBLIC SAFETY AND DEFENSE  
COMMITTEE

STATEMENT TO

**SENATE, No. 2050**

with Senate committee amendments

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**STATE OF NEW JERSEY**

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DATED: SEPTEMBER 13, 1984

As amended, Senate Bill No. 2050 makes changes to N. J. S. 2C:64-6 and N. J. S. 2C:64-7, which deal with property and money forfeited as a result of a criminal investigation, so that the forfeited property and money are allocated to the governmental entity that conducted the surveillance, investigation and arrest resulting in the forfeiture.

If more than one enforcement agency is involved in the surveillance, investigation, and arrest, the forfeited property and money becomes the property of the funding entity whose expenditures for the surveillance, investigation and arrest were the greater.

Under current law, property forfeited or money seized as the result of a criminal investigation becomes the property of the governmental entity that funded the prosecuting agency. This arrangement often proves inequitable to municipalities, who frequently participate in criminal investigations, expend a great deal of time and money, and yet recover nothing if property involved in the crime is forfeited.

10-18-89

Senate Amendments

to

Senate Bill No. 2050 OCR

Amend:

Page	Sec.	Line

tribution of each funding entity to the surveillance, investigation and arrest resulting in the forfeiture"

STATEMENT

Under current law, property forfeited or money seized as the result of a criminal investigation becomes the property of the governmental entity funding the prosecuting agency. This arrangement often proves to be inequitable to municipalities, who expend time and money to participate in criminal investigations, yet recover nothing if property or money is forfeited.

S 2050 OCR changes the current law so that forfeited property and money are allocated to the governmental entity funding the enforcement agency that conducted the surveillance, investigation and arrest resulting in the forfeiture. S 2050 OCR further establishes that if more than one enforcement agency is involved, then the forfeited property and money are allocated to the funding entity whose expenditures for the surveillance, investigation and arrest were the greatest.

These amendments change the procedure contained in S 2050 OCR for disposing of forfeited property and money when more than one enforcement agency is involved. According to these amendments, if more than one enforcement agency is involved,

Senate Amendments

to

Senate Bill No. 2050 OCR

Amend:

Page

Sec.

Line

forfeited property and money are allocated to the funding entity with the highest level of authority. For example, if a county and a municipality were involved, the forfeited property and money would be allocated to the county.

The amendments further establish that if more than one enforcement agency is involved and all enforcement agencies involved are of the same level of authority (if two municipalities are involved, for example), then the forfeited property and money will be divided proportionately among the funding entities, based upon the contribution of each funding entity to the surveillance, investigation and arrest resulting in the forfeiture. Forfeited property, including motor vehicles, may be sold and the proceeds of the sale may be divided among the funding entities, if a proportionate division of the property itself cannot be accomplished.



to

Senate Bill No. 2050 (2nd OCR)

10-22-84

Amend:

Page

Sec.

Line

General, whichever is prosecuting the case, shall vest title to forfeited property, including motor vehicles, by dividing the forfeited property with the other entity in proportion to the other entity's contribution to the surveillance, investigation and arrest resulting in the forfeiture. If the property, including motor vehicles, cannot be divided as required by this section, then the prosecutor or the Attorney general, whichever is prosecuting the case, shall sell the property, including motor vehicles, and the proceeds of the sale shall be divided with the other entity in proportion to the other entity's contribution to the surveillance, investigation and arrest resulting in the forfeiture."

STATEMENT

Under current law, property forfeited or money seized as the result of a criminal investigation becomes the property of the governmental entity funding the prosecuting agency. This arrangement often proves to be inequitable to municipalities, who expend time and money to participate in criminal investigations, yet recover nothing if property or money is forfeited.

S 2050 2nd OCR changes the current law so that forfeited property and money are allocated

to

Amend:

Page	Sec.	Line
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to the governmental entity funding the enforcement agency that conducted the surveillance, investigation and arrest resulting in the forfeiture.

These amendments require that forfeited property and money be allocated to the prosecuting agency. The amendments also require that the prosecuting agency divide the forfeited money and property with any other entity whose law enforcement agency participated in the surveillance, investigation, and arrest that led to the forfeiture, in proportion to that entity's contribution to the surveillance, investigation and arrest.