





P.L. 2019, CHAPTER 304, *approved January 13, 2020*  
Senate, No. 1963 (*First Reprint*)

1 AN ACT concerning asset forfeiture and supplementing Title 2C of  
2 the New Jersey Statutes.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. For the purposes of P.L. , c. (C. ) (pending before the  
8 Legislature as this bill)<sup>1</sup> [

9 “Quarter” ] , “quarter”<sup>1</sup> means a calendar year quarter as follows:  
10 January 1 through March 31; April 1 through June 30; July 1  
11 through September 30; and October 1 through December 31.

12  
13 2. a. A county prosecutor shall compile and submit to the  
14 Attorney General a quarterly report on the first day of the month  
15 following the end of each quarter containing information pertaining  
16 to each seizure and forfeiture of funds or property by a law  
17 enforcement agency within the county pursuant to N.J.S.2C:64-1 et  
18 seq., N.J.S.2C:41-1 et seq., or P.L.1994, c.121 (C.2C:21-23 et seq.).

19 The quarterly report shall include:

20 (1) specific information on each seizure of property, including,  
21 but not limited to:

22 (a) the law enforcement agency that seized the property;

23 (b) a description of the seized property;

24 (c) the date of seizure;

25 (d) the exact location of the seizure;

26 (e) whether the seizure was during a traffic stop on an interstate  
27 or State highway, and if so, the direction of traffic flow;

28 (f) the amount of funds or estimated value of the seized  
29 property; and

30 (g) the alleged criminal offense associated with the seizure and  
31 whether the offense is pursuant to federal or State law;

32 (2) the disposition of any criminal action related to the seizure,  
33 including whether the defendant was charged with an offense, if  
34 charges were dismissed, and if the defendant was acquitted, entered  
35 into a plea agreement, or was convicted.

36 (3) information on forfeiture of the seized property, including:

**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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SLP committee amendments adopted May 31, 2018.

1 (a) whether the forfeiture involved prima facie contraband or  
2 was enforced by civil action pursuant to N.J.S.2C:64-1 et seq., the  
3 forfeiture was a result of racketeering activity pursuant to  
4 N.J.S.2C:41-1 et seq., the forfeited funds or property were obtained  
5 from an action involving financial facilitation of a crime pursuant to  
6 P.L.1994, c.121 (C.2C:21-23 et seq.), or other crime; whether the  
7 offense is in violation of federal or State law; the criminal case  
8 number; and the court in which the case was filed; and

9 (b) whether a person with a property interest in the seized  
10 property was represented by counsel at the forfeiture proceeding, if  
11 applicable;

12 (4) information on the final disposition of the seized property,  
13 including whether the property was returned to the owner,  
14 destroyed, or sold or retained after forfeiture, and the date of  
15 disposition;

16 (5) information on the estimated value of the forfeited property,  
17 including the gross amount received from the forfeiture, the total  
18 expenses deducted as part of the forfeiture action, and the net  
19 amount received from the forfeiture;

20 (6) whether the forfeiture resulted from an adoptive seizure by a  
21 federal agency or by a joint task force comprised of municipal,  
22 State, and federal law enforcement officers;

23 (7) if a defendant, owner, joint owner, or third party owner filed  
24 a claim or counterclaim;

25 (8) whether the final forfeiture proceeding was criminal, civil-  
26 judicial, or civil-administrative;

27 (9) whether there was a forfeiture settlement agreement;

28 (10) the date of the forfeiture order;

29 (11) the purpose for which any property retained by a law  
30 enforcement agency is used; and

31 (12) any other information required by the Attorney General.

32 b. A county prosecutor shall include in the quarterly report  
33 information concerning any forfeiture funds or property received by  
34 a law enforcement agency within the county as a result of its own  
35 actions, an adoption by a federal agency, or a joint task force  
36 comprised of municipal, State, and federal law enforcement  
37 officers, including the amount of forfeited funds or the estimated  
38 value of forfeited property received by the agency.

39 c. A county prosecutor shall compile and submit to the  
40 Attorney General on a quarterly basis a report on the use of  
41 forfeited funds and property including:

42 (1) the total amount of funds expended, which resulted from  
43 property seized, forfeited, and reported; and

44 (2) the total value of seized and forfeited property held by the  
45 law enforcement agency at the end of the reporting period.

46 d. If a law enforcement agency did not seize any property  
47 during the preceding year, the agency shall file a report specifying

1 that it did not engage in a seizure or forfeiture during the reporting  
2 period.

3 e. A county prosecutor may use proceeds from forfeiture funds  
4 to pay the cost of compiling and reporting seizure and forfeiture  
5 information required pursuant to this section.

6 f. Nothing in this section shall be deemed to require the county  
7 prosecutor to disclose any information that could reasonably  
8 jeopardize the safety of any person or any criminal investigation in  
9 progress. This exception shall be narrowly construed to prevent  
10 disclosure only of information that would be harmful to a bona fide  
11 law enforcement purpose or the public safety.

12

13 3. The Attorney General shall:

14 a. develop an asset forfeiture reporting form to be completed  
15 by a county prosecutor to implement the provisions of section 1 of  
16 P.L. , c. (C. ) (pending before the Legislature as this bill);

17 b. establish and maintain a case tracking system and  
18 searchable database on a website accessible to the public that  
19 includes the information pursuant to section 1 of P.L. , c. (C. )  
20 (pending before the Legislature as this bill); and

21 c. annually submit a summary report to the Legislature  
22 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) and make  
23 the summary report available to the public on the website  
24 established pursuant to subsection b. of this section.

25

26 4. The Attorney General shall electronically notify any law  
27 enforcement agency which has not submitted to the county  
28 prosecutor information pertaining to each seizure and forfeiture of  
29 funds or property pursuant to section 2 of P.L. c. (C. )  
30 (pending before the Legislature as this bill) by the 15<sup>th</sup> day  
31 following the day the county prosecutor submits the quarterly report  
32 to the Attorney General. The agency shall have 15 days from  
33 notification within which to submit the information. A law  
34 enforcement agency that does not comply within 15 days shall  
35 automatically disgorge the property that has been seized or forfeited  
36 and any proceeds resulting from forfeited property obtained by the  
37 agency during the quarter of noncompliance and return the property  
38 or proceeds to the original owner.

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40 5. This act shall take effect on the first day of the seventh  
41 month next following enactment, but the Attorney General may take  
42 any anticipatory administrative action in advance as shall be  
43 necessary for the implementation of this act.

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46

47 Establishes asset forfeiture reporting and transparency  
48 requirements.

**SENATE, No. 1963**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

INTRODUCED FEBRUARY 22, 2018

**Sponsored by:**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Senator DECLAN J. O'SCANLON, JR.**

**District 13 (Monmouth)**

**Co-Sponsored by:**

**Senators Turner and Singleton**

**SYNOPSIS**

Establishes asset forfeiture reporting and transparency requirements.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/22/2018)**

1 AN ACT concerning asset forfeiture and supplementing Title 2C of  
2 the New Jersey Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. For the purposes of P.L. , c. (C. ) (pending before the  
8 Legislature as this bill):

9 “Quarter” means a calendar year quarter as follows: January 1  
10 through March 31; April 1 through June 30; July 1 through  
11 September 30; and October 1 through December 31.

12

13 2. a. A county prosecutor shall compile and submit to the  
14 Attorney General a quarterly report on the first day of the month  
15 following the end of each quarter containing information pertaining  
16 to each seizure and forfeiture of funds or property by a law  
17 enforcement agency within the county pursuant to N.J.S.2C:64-1 et  
18 seq., N.J.S.2C:41-1 et seq., or P.L.1994, c.121 (C.2C:21-23 et seq.).

19 The quarterly report shall include:

20 (1) specific information on each seizure of property, including,  
21 but not limited to:

22 (a) the law enforcement agency that seized the property;

23 (b) a description of the seized property;

24 (c) the date of seizure;

25 (d) the exact location of the seizure;

26 (e) whether the seizure was during a traffic stop on an interstate  
27 or State highway, and if so, the direction of traffic flow;

28 (f) the amount of funds or estimated value of the seized property;  
29 and

30 (g) the alleged criminal offense associated with the seizure and  
31 whether the offense is pursuant to federal or State law;

32 (2) the disposition of any criminal action related to the seizure,  
33 including whether the defendant was charged with an offense, if  
34 charges were dismissed, and if the defendant was acquitted, entered  
35 into a plea agreement, or was convicted.

36 (3) information on forfeiture of the seized property, including:

37 (a) whether the forfeiture involved prima facie contraband or  
38 was enforced by civil action pursuant to N.J.S.2C:64-1 et seq., the  
39 forfeiture was a result of racketeering activity pursuant to  
40 N.J.S.2C:41-1 et seq., the forfeited funds or property were obtained  
41 from an action involving financial facilitation of a crime pursuant to  
42 P.L.1994, c.121 (C.2C:21-23 et seq.), or other crime; whether the  
43 offense is in violation of federal or State law; the criminal case  
44 number; and the court in which the case was filed; and

45 (b) whether a person with a property interest in the seized  
46 property was represented by counsel at the forfeiture proceeding, if  
47 applicable;

- 1 (4) information on the final disposition of the seized property,  
2 including whether the property was returned to the owner,  
3 destroyed, or sold or retained after forfeiture, and the date of  
4 disposition;
- 5 (5) information on the estimated value of the forfeited property,  
6 including the gross amount received from the forfeiture, the total  
7 expenses deducted as part of the forfeiture action, and the net  
8 amount received from the forfeiture;
- 9 (6) whether the forfeiture resulted from an adoptive seizure by a  
10 federal agency or by a joint task force comprised of municipal,  
11 State, and federal law enforcement officers;
- 12 (7) if a defendant, owner, joint owner, or third party owner filed  
13 a claim or counterclaim;
- 14 (8) whether the final forfeiture proceeding was criminal, civil-  
15 judicial, or civil-administrative;
- 16 (9) whether there was a forfeiture settlement agreement;
- 17 (10) the date of the forfeiture order;
- 18 (11) the purpose for which any property retained by a law  
19 enforcement agency is used; and
- 20 (12) any other information required by the Attorney General.
- 21 b. A county prosecutor shall include in the quarterly report  
22 information concerning any forfeiture funds or property received by  
23 a law enforcement agency within the county as a result of its own  
24 actions, an adoption by a federal agency, or a joint task force  
25 comprised of municipal, State, and federal law enforcement  
26 officers, including the amount of forfeited funds or the estimated  
27 value of forfeited property received by the agency.
- 28 c. A county prosecutor shall compile and submit to the  
29 Attorney General on a quarterly basis a report on the use of  
30 forfeited funds and property including:
  - 31 (1) the total amount of funds expended, which resulted from  
32 property seized, forfeited, and reported; and
  - 33 (2) the total value of seized and forfeited property held by the  
34 law enforcement agency at the end of the reporting period.
- 35 d. If a law enforcement agency did not seize any property during  
36 the preceding year, the agency shall file a report specifying that it  
37 did not engage in a seizure or forfeiture during the reporting period.
- 38 e. A county prosecutor may use proceeds from forfeiture funds  
39 to pay the cost of compiling and reporting seizure and forfeiture  
40 information required pursuant to this section.
- 41 f. Nothing in this section shall be deemed to require the county  
42 prosecutor to disclose any information that could reasonably  
43 jeopardize the safety of any person or any criminal investigation in  
44 progress. This exception shall be narrowly construed to prevent  
45 disclosure only of information that would be harmful to a bona fide  
46 law enforcement purpose or the public safety.



- 1       3. The Attorney General shall:
- 2       a. develop an asset forfeiture reporting form to be completed
- 3       by a county prosecutor to implement the provisions of section 1 of
- 4       P.L. , c. (C. ) (pending before the Legislature as this bill);
- 5       b. establish and maintain a case tracking system and
- 6       searchable database on a website accessible to the public that
- 7       includes the information pursuant to section 1 of P.L. , c. (C. )
- 8       (pending before the Legislature as this bill); and
- 9       c. annually submit a summary report to the Legislature
- 10       pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) and make
- 11       the summary report available to the public on the website
- 12       established pursuant to subsection b. of this section.

13

- 14       4. The Attorney General shall electronically notify any law
- 15       enforcement agency which has not submitted to the county
- 16       prosecutor information pertaining to each seizure and forfeiture of
- 17       funds or property pursuant to section 2 of P.L. c. (C. )
- 18       (pending before the Legislature as this bill) by the 15<sup>th</sup> day
- 19       following the day the county prosecutor submits the quarterly report
- 20       to the Attorney General. The agency shall have 15 days from
- 21       notification within which to submit the information. A law
- 22       enforcement agency that does not comply within 15 days shall
- 23       automatically disgorge the property that has been seized or forfeited
- 24       and any proceeds resulting from forfeited property obtained by the
- 25       agency during the quarter of noncompliance and return the property
- 26       or proceeds to the original owner.

27

- 28       5. This act shall take effect on the first day of the seventh
- 29       month next following enactment, but the Attorney General may take
- 30       any anticipatory administrative action in advance as shall be
- 31       necessary for the implementation of this act.

32

33

34

#### STATEMENT

35

36       This bill requires county prosecutors to compile and submit to the

37       Attorney General quarterly reports concerning asset seizure and

38       forfeiture by law enforcement agencies within that county.

39       Specifically, these reports are to include information pertaining to

40       each seizure of property; the disposition of any criminal action related

41       to the seizure; information pertaining to the forfeiture of property; the

42       final disposition of the seized property; the value of property seized

43       and forfeited; whether the forfeiture resulted from an adoptive seizure;

44       if a claim or counterclaim was filed by a defendant or property

45       owner; the nature of the final forfeiture proceeding; whether there

46       was a forfeiture settlement agreement; the date of the forfeiture

47       order; the purpose for which any property retained by a law

1 enforcement agency is used; and any other information required by  
2 the Attorney General. The bill also requires county prosecutors to  
3 report information about the amount of forfeiture funds received or the  
4 value of forfeited property by law enforcement agencies in the county,  
5 federal agencies, or joint task forces.

6 The bill requires county prosecutors to compile and submit to the  
7 Attorney General information concerning the law enforcement purpose  
8 for which forfeiture funds and forfeited property are used. Forfeiture  
9 accounts may be used by a county prosecutor to pay the costs  
10 associated with compiling and submitting the asset forfeiture reports  
11 required under the bill.

12 The county prosecutor would not be required to disclose any  
13 information that could reasonably jeopardize the safety of any  
14 person or any criminal investigation that is in progress. This  
15 exception is to be narrowly construed to prevent disclosure of  
16 information that would be harmful to a bona fide law enforcement  
17 purpose or the public safety.

18 Under the provisions of the bill, the Attorney General is required  
19 to: (1) develop an asset forfeiture form to be completed by county  
20 prosecutors; (2) establish and maintain a case tracking system and  
21 searchable database accessible by the public; and (3) submit an annual  
22 summary report to the Legislature and make the report publicly  
23 available on the Attorney General's website.

24 The bill further requires the Attorney General to electronically  
25 notify any law enforcement agency which has not submitted the  
26 required seizure and forfeiture information to the county prosecutor  
27 by the 15<sup>th</sup> day following the day the county prosecutor is to submit  
28 the quarterly report to the Attorney General. The bill grants the  
29 agency an additional 15 days from receiving this notification to  
30 submit the information. If the agency does not submit the  
31 information within the 15 days, the bill provides for the automatic  
32 disgorgement of any seized or forfeited property or any proceeds  
33 resulting from forfeited property obtained by the agency during the  
34 quarter of noncompliance and return the property or proceeds to the  
35 original owner.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 1963**

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 7, 2019

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 1963.

As reported by the committee, Senate Bill No. 1963 (1R) requires county prosecutors to compile and submit to the Attorney General quarterly reports concerning asset seizure and forfeiture by law enforcement agencies within that county.

The quarterly reports required by the bill are to include information pertaining to each seizure of property; the disposition of any criminal action related to the seizure; information pertaining to the forfeiture of property; the final disposition of the seized property; the value of property seized and forfeited; whether the forfeiture resulted from an adoptive seizure; if a claim or counterclaim was filed by a defendant or property owner; the nature of the final forfeiture proceeding; whether there was a forfeiture settlement agreement; the date of the forfeiture order; the purpose for which any property retained by a law enforcement agency is used; and any other information required by the Attorney General. The bill also requires county prosecutors to report information about the amount of forfeiture funds received or the value of forfeited property by law enforcement agencies in the county, federal agencies, or joint task forces.

This bill requires county prosecutors to compile and submit to the Attorney General information concerning the law enforcement purpose for which forfeiture funds and forfeited property are used. Forfeiture accounts may be used by a county prosecutor to pay the costs associated with compiling and submitting the asset forfeiture reports required by the bill.

The county prosecutor would not be required to disclose any information that could reasonably jeopardize the safety of any person or any criminal investigation that is in progress. This exception is to be narrowly construed to prevent disclosure of information that would be harmful to a bona fide law enforcement purpose or the public safety.

Under the provisions of the bill, the Attorney General is required to: (1) develop an asset forfeiture form to be completed by county prosecutors; (2) establish and maintain a case tracking system and searchable database accessible by the public; and (3) submit an annual

summary report to the Legislature which is to be made publicly available on the Attorney General's website.

The bill further requires the Attorney General to electronically notify any law enforcement agency which has not submitted the required seizure and forfeiture information to the county prosecutor by the 15th day following the day the county prosecutor is required to submit the quarterly report to the Attorney General. The bill grants the agency an additional 15 days following receipt of this notification to submit the information. If the agency does not submit the information within 15 days, the bill provides for the automatic disgorgement of any seized or forfeited property or any proceeds resulting from forfeited property obtained by the agency during the quarter of noncompliance and return of the property or proceeds to the original owner.

As reported by the committee, Senate Bill No. 1963 (1R) is identical to Assembly Bill No 3442 (1R), which was amended and also reported by the committee on this date.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 1963**

# **STATE OF NEW JERSEY**

DATED: DECEMBER 12, 2019

The Assembly Appropriations Committee reports favorably Senate Bill No. 1963 (1R).

This bill requires county prosecutors to compile and submit to the Attorney General quarterly reports concerning asset seizure and forfeiture by law enforcement agencies within that county.

The quarterly reports required by the bill are to include information pertaining to each seizure of property; the disposition of any criminal action related to the seizure; information pertaining to the forfeiture of property; the final disposition of the seized property; the value of property seized and forfeited; whether the forfeiture resulted from an adoptive seizure; if a claim or counterclaim was filed by a defendant or property owner; the nature of the final forfeiture proceeding; whether there was a forfeiture settlement agreement; the date of the forfeiture order; the purpose for which any property retained by a law enforcement agency is used; and any other information required by the Attorney General. The bill also requires county prosecutors to report information about the amount of forfeiture funds received or the value of forfeited property by law enforcement agencies in the county, federal agencies, or joint task forces.

This bill requires county prosecutors to compile and submit to the Attorney General information concerning the law enforcement purpose for which forfeiture funds and forfeited property are used. Forfeiture accounts may be used by a county prosecutor to pay the costs associated with compiling and submitting the asset forfeiture reports required by the bill.

The county prosecutor would not be required to disclose any information that could reasonably jeopardize the safety of any person or any criminal investigation that is in progress. This exception is to be narrowly construed to prevent disclosure of information that would be harmful to a bona fide law enforcement purpose or the public safety.

Under the provisions of the bill, the Attorney General is required to: (1) develop an asset forfeiture form to be completed by county prosecutors; (2) establish and maintain a case tracking system and searchable database accessible by the public; and (3) submit an annual

summary report to the Legislature which is to be made publicly available on the Attorney General's website.

The bill further requires the Attorney General to electronically notify any law enforcement agency which has not submitted the required seizure and forfeiture information to the county prosecutor by the 15th day following the day the county prosecutor is required to submit the quarterly report to the Attorney General. The bill grants the agency an additional 15 days following receipt of this notification to submit the information. If the agency does not submit the information within 15 days, the bill provides for the automatic disgorgement of any seized or forfeited property or any proceeds resulting from forfeited property obtained by the agency during the quarter of noncompliance and return of the property or proceeds to the original owner.

As reported by the committee, Senate Bill No. 1963 (1R) is identical to Assembly Bill No 3442 (1R), which was also reported by the committee on this date.

**FISCAL IMPACT:**

The Office of Legislative Services (OLS) estimates the bill may result in indeterminate cost and workload increases to the Office of the Attorney General (OAG), county prosecutors, and local law enforcement agencies to establish uniform collection and submission protocols for the information required under this bill.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **SENATE, No. 1963**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 31, 2018

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1963.

As amended and reported by the committee, this bill requires county prosecutors to compile and submit to the Attorney General quarterly reports concerning asset seizure and forfeiture by law enforcement agencies within that county.

The quarterly reports required by the bill are to include information pertaining to each seizure of property; the disposition of any criminal action related to the seizure; information pertaining to the forfeiture of property; the final disposition of the seized property; the value of property seized and forfeited; whether the forfeiture resulted from an adoptive seizure; if a claim or counterclaim was filed by a defendant or property owner; the nature of the final forfeiture proceeding; whether there was a forfeiture settlement agreement; the date of the forfeiture order; the purpose for which any property retained by a law enforcement agency is used; and any other information required by the Attorney General. The bill also requires county prosecutors to report information about the amount of forfeiture funds received or the value of forfeited property by law enforcement agencies in the county, federal agencies, or joint task forces.

The bill requires county prosecutors to compile and submit to the Attorney General information concerning the law enforcement purpose for which forfeiture funds and forfeited property are used. Forfeiture accounts may be used by a county prosecutor to pay the costs associated with compiling and submitting the asset forfeiture reports required by the bill.

The county prosecutor would not be required to disclose any information that could reasonably jeopardize the safety of any person or any criminal investigation that is in progress. This exception is to be narrowly construed to prevent disclosure of information that would be harmful to a bona fide law enforcement purpose or the public safety.

Under the provisions of the bill, the Attorney General is required to: (1) develop an asset forfeiture form to be completed by county prosecutors; (2) establish and maintain a case tracking system and

searchable database accessible by the public; and (3) submit an annual summary report to the Legislature which is to be made publicly available on the Attorney General's website.

The bill further requires the Attorney General to electronically notify any law enforcement agency which has not submitted the required seizure and forfeiture information to the county prosecutor by the 15<sup>th</sup> day following the day the county prosecutor is to submit the quarterly report to the Attorney General. The bill grants the agency an additional 15 days from receiving this notification to submit the information. If the agency does not submit the information within 15 days, the bill provides for the automatic disgorgement of any seized or forfeited property or any proceeds resulting from forfeited property obtained by the agency during the quarter of noncompliance and return of the property or proceeds to the original owner.

COMMITTEE AMENDMENTS:

The committee made a technical amendment to the bill.



# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 1963**

# **STATE OF NEW JERSEY**

DATED: JUNE 11, 2018

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1963 (1R).

This bill requires county prosecutors to compile and submit to the Attorney General quarterly reports concerning asset seizure and forfeiture by law enforcement agencies within that county.

The quarterly reports required by the bill are to include information pertaining to each seizure of property; the disposition of any criminal action related to the seizure; information pertaining to the forfeiture of property; the final disposition of the seized property; the value of property seized and forfeited; whether the forfeiture resulted from an adoptive seizure; if a claim or counterclaim was filed by a defendant or property owner; the nature of the final forfeiture proceeding; whether there was a forfeiture settlement agreement; the date of the forfeiture order; the purpose for which any property retained by a law enforcement agency is used; and any other information required by the Attorney General. The bill also requires county prosecutors to report information about the amount of forfeiture funds received or the value of forfeited property by law enforcement agencies in the county, federal agencies, or joint task forces.

The bill requires county prosecutors to compile and submit to the Attorney General information concerning the law enforcement purpose for which forfeiture funds and forfeited property are used. Forfeiture accounts may be used by a county prosecutor to pay the costs associated with compiling and submitting the asset forfeiture reports required by the bill.

The county prosecutor would not be required to disclose any information that could reasonably jeopardize the safety of any person or any criminal investigation that is in progress. This exception is to be narrowly construed to prevent disclosure of information that would be harmful to a bona fide law enforcement purpose or the public safety.

Under the provisions of the bill, the Attorney General is required to: (1) develop an asset forfeiture form to be completed by county prosecutors; (2) establish and maintain a case tracking system and searchable database accessible by the public; and (3) submit an annual

summary report to the Legislature which is to be made publicly available on the Attorney General's website.

The bill further requires the Attorney General to electronically notify any law enforcement agency which has not submitted the required seizure and forfeiture information to the county prosecutor by the 15th day following the day the county prosecutor is required to submit the quarterly report to the Attorney General. The bill grants the agency an additional 15 days from receiving this notification to submit the information. If the agency does not submit the information within 15 days, the bill provides for the automatic disgorgement of any seized or forfeited property or any proceeds resulting from forfeited property obtained by the agency during the quarter of noncompliance and return of the property or proceeds to the original owner.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates the bill may result in an indeterminate one-time expenditure increase to the Office of the Attorney General (OAG), county prosecutors, and local law enforcement to establish uniform collection and submission protocols for the information required under this bill.

The OLS finds that there may be indeterminate one-time cost and workload increases to State, county, and law enforcement agencies attributable to the time required to establish uniform collection and submission protocols for the information required under this bill.

The bill requires the OAG to facilitate the program by: developing an asset forfeiture form to be completed by county prosecutors; establishing and maintaining a case tracking system and searchable database accessible by the public; and submitting an annual summary report to the Legislature and making it publicly available on the Attorney General's website. The OAG also is required to execute certain penalties for non-compliant counties.

This bill requires quarterly reporting by county prosecutors to the OAG regarding asset seizure and forfeiture by law enforcement agencies and permits forfeiture accounts to be utilized by county prosecutors to offset the costs associated with compiling and submitting the asset forfeiture reports required by the bill.

If one or more of the 21 county prosecutor's offices does not compile and submit the required information to the Attorney General, the bill provides for the automatic disgorgement of any seized or forfeited property or any proceeds resulting from forfeited property obtained by the agency during the quarter. The OLS notes that this may result in a decrease in revenue currently derived from asset seizure and forfeiture by law enforcement agencies within that county.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## SENATE, No. 1963

### STATE OF NEW JERSEY 218th LEGISLATURE

DATED: JUNE 13, 2018

#### SUMMARY

**Synopsis:** Establishes asset forfeiture reporting and transparency requirements.

**Type of Impact:** One-time expenditure increases to the State and local governments.

**Agencies Affected:** Department of Law and Public Safety; all counties and law enforcement agencies.

#### Office of Legislative Services Estimate

Fiscal Impact	
<b>One-Time State Expenditure Increase</b>	Indeterminate
<b>One-Time Local Expenditure Increase</b>	Indeterminate

- The Office of Legislative Services (OLS) estimates the bill may result in an indeterminate one-time expenditure increase to the Office of the Attorney General (OAG), county prosecutors, and local law enforcement to establish uniform collection and submission protocols for the information required under this bill.
- The OLS finds that there may be indeterminate one-time cost and workload increases to State, county, and law enforcement agencies attributable to the time required to establish uniform collection and submission protocols for the information required under this bill.
- The bill requires the Office of the Attorney General (OAG) to facilitate the program by: developing an asset forfeiture form to be completed by county prosecutors; establishing and maintaining a case tracking system and searchable database accessible by the public; and submitting an annual summary report to the Legislature and making it publicly available on the Attorney General's website. The OAG also is required to execute certain penalties for non-compliant counties.
- This bill requires quarterly reporting by county prosecutors to the Office of the Attorney General regarding asset seizure and forfeiture by law enforcement agencies and permits forfeiture accounts to be utilized by county prosecutors to offset the costs associated with compiling and submitting the asset forfeiture reports required by the bill.

## **BILL DESCRIPTION**

This bill requires quarterly reporting by county prosecutors, to the Office of the Attorney General, of asset seizure and forfeiture by law enforcement agencies within that county.

Under the provisions of the bill, the Attorney General is required to: (1) develop an asset forfeiture form to be completed by county prosecutors; (2) establish and maintain a case tracking system and searchable database accessible by the public; and (3) submit an annual summary report to the Legislature which is to be made publicly available on the Attorney General's website.

The bill requires county prosecutors to compile and submit to the Attorney General specific information in the quarterly reports as detailed in the bill. Forfeiture accounts may be used by a county prosecutor to pay the costs associated with compiling and submitting the asset forfeiture reports required by the bill.

The bill further requires the Attorney General to electronically notify any law enforcement agency which has not submitted the required seizure and forfeiture information to the county prosecutor by the 15th day following the day the county prosecutor is to submit the quarterly report to the Attorney General. The bill grants the agency an additional 15 days from receiving this notification to submit the information. If the agency does not submit the information within 15 days, the bill provides for the automatic disgorgement of any seized or forfeited property or any proceeds resulting from forfeited property obtained by the agency during the quarter of noncompliance and return of the property or proceeds to the original owner.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates the bill may result in an indeterminate one-time expenditure increase to the OAG, county prosecutors, and local law enforcement to establish uniform collection and submission protocols for the information required under this bill.

State and Local Expenditures: The OLS finds that there may be an indeterminate one-time cost and workload increases to State, county, and law enforcement agencies attributable to the time required to establish uniform collection and submission protocols for the information required under this bill.

Depending on the OAG's resource allocation policies, the additional workload may or may not cause an indeterminate one-time expenditure increase.

The counties may offset any cost incurred by complying with the provisions of this bill with forfeiture funds which are permitted under the bill to be utilized by county prosecutors to offset the costs associated with compiling and submitting the asset forfeiture reports.

Local Revenue Decreases: The OLS recognizes that if one or more of the 21 county prosecutor's offices does not compile and submit the required information to the Attorney General, the bill provides for the automatic disgorgement of any seized or forfeited property or any proceeds resulting from forfeited property obtained by the agency during the quarter. This may result in a

decrease in revenue currently derived from asset seizure and forfeiture by law enforcement agencies within that county

*Section: Law and Public Safety*

*Analyst: Kristin Brunner Santos  
Senior Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# ASSEMBLY, No. 3442

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MARCH 5, 2018

**Sponsored by:**

**Assemblyman JAY WEBBER**

**District 26 (Essex, Morris and Passaic)**

**Assemblyman ERIK PETERSON**

**District 23 (Hunterdon, Somerset and Warren)**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**Co-Sponsored by:**

**Assemblywomen Schepisi, Pinkin, DiMaso and Assemblyman Chiaravalloti**

**SYNOPSIS**

Establishes asset forfeiture reporting and transparency requirements.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/8/2019)**

1 AN ACT concerning asset forfeiture and supplementing Title 2C of  
2 the New Jersey Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. For the purposes of P.L. , c. (C. ) (pending before the  
8 Legislature as this bill):

9 “Quarter” means a calendar year quarter as follows: January 1  
10 through March 31; April 1 through June 30; July 1 through  
11 September 30; and October 1 through December 31.

12

13 2. a. A county prosecutor shall compile and submit to the  
14 Attorney General a quarterly report on the first day of the month  
15 following the end of each quarter containing information pertaining  
16 to each seizure and forfeiture of funds or property by a law  
17 enforcement agency within the county pursuant to N.J.S.2C:64-1 et  
18 seq., N.J.S.2C:41-1 et seq., or P.L.1994, c.121 (C.2C:21-23 et seq.).

19 The quarterly report shall include:

20 (1) specific information on each seizure of property, including,  
21 but not limited to:

22 (a) the law enforcement agency that seized the property;

23 (b) a description of the seized property;

24 (c) the date of seizure;

25 (d) the exact location of the seizure;

26 (e) whether the seizure was during a traffic stop on an interstate  
27 or State highway, and if so, the direction of traffic flow;

28 (f) the amount of funds or estimated value of the seized  
29 property; and

30 (g) the alleged criminal offense associated with the seizure and  
31 whether the offense is pursuant to federal or State law;

32 (2) the disposition of any criminal action related to the seizure,  
33 including whether the defendant was charged with an offense, if  
34 charges were dismissed, and if the defendant was acquitted, entered  
35 into a plea agreement, or was convicted.

36 (3) information on forfeiture of the seized property, including:

37 (a) whether the forfeiture involved prima facie contraband or  
38 was enforced by civil action pursuant to N.J.S.2C:64-1 et seq., the  
39 forfeiture was a result of racketeering activity pursuant to  
40 N.J.S.2C:41-1 et seq., the forfeited funds or property were obtained  
41 from an action involving financial facilitation of a crime pursuant to  
42 P.L.1994, c.121 (C.2C:21-23 et seq.), or other crime; whether the  
43 offense is in violation of to federal or State law; the criminal case  
44 number; and the court in which the case was filed; and

45 (b) whether a person with a property interest in the seized  
46 property was represented by counsel at the forfeiture proceeding, if  
47 applicable;

1 (4) information on the final disposition of the seized property,  
2 including whether the property was returned to the owner,  
3 destroyed, or sold or retained after forfeiture, and the date of  
4 disposition;

5 (5) information on the estimated value of the forfeited property,  
6 including the gross amount received from the forfeiture, the total  
7 expenses deducted as part of the forfeiture action, and the net  
8 amount received from the forfeiture;

9 (6) whether the forfeiture resulted from an adoptive seizure by a  
10 federal agency or by a joint task force comprised of municipal,  
11 State, and federal law enforcement officers;

12 (7) if a defendant, owner, joint owner, or third party owner filed  
13 a claim or counterclaim;

14 (8) whether the final forfeiture proceeding was criminal, civil-  
15 judicial, or civil-administrative;

16 (9) whether there was a forfeiture settlement agreement;

17 (10) the date of the forfeiture order;

18 (11) the purpose for which any property retained by a law  
19 enforcement agency is used; and

20 (12) any other information required by the Attorney General.

21 b. A county prosecutor shall include in the quarterly report  
22 information concerning any forfeiture funds or property received by  
23 a law enforcement agency within the county as a result of its own  
24 actions, an adoption by a federal agency, or a joint task force  
25 comprised of municipal, State, and federal law enforcement  
26 officers, including the amount of forfeited funds or the estimated  
27 value of forfeited property received by the agency.

28 c. A county prosecutor shall compile and submit to the  
29 Attorney General on a quarterly basis a report on the use of  
30 forfeited funds and property including:

31 (1) the total amount of funds expended, which resulted from  
32 property seized, forfeited, and reported; and

33 (2) the total value of seized and forfeited property held by the  
34 law enforcement agency at the end of the reporting period.

35 d. If a law enforcement agency did not seize any property  
36 during the preceding year, the agency shall file a report specifying  
37 that it did not engage in a seizure or forfeiture during the reporting  
38 period.

39 e. A county prosecutor may use proceeds from forfeiture funds  
40 to pay the cost of compiling and reporting seizure and forfeiture  
41 information required pursuant to this section.

42 f. Nothing in this section shall be deemed to require the county  
43 prosecutor to disclose any information that could reasonably  
44 jeopardize the safety of any person or any criminal investigation in  
45 progress. This exception shall be narrowly construed to prevent  
46 disclosure only of information that would be harmful to a bona fide  
47 law enforcement purpose or the public safety.





1 order; the purpose for which any property retained by a law  
2 enforcement agency is used; and any other information required by  
3 the Attorney General. The bill also requires county prosecutors to  
4 report information about the amount of forfeiture funds received or the  
5 value of forfeited property by law enforcement agencies in the county,  
6 federal agencies, or joint task forces.

7 The bill requires county prosecutors to compile and submit to the  
8 Attorney General information concerning the law enforcement purpose  
9 for which forfeiture funds and forfeited property are used. Forfeiture  
10 accounts may be used by a county prosecutor to pay the costs  
11 associated with compiling and submitting the asset forfeiture reports  
12 required under the bill.

13 The county prosecutor would not be required to disclose any  
14 information that could reasonably jeopardize the safety of any  
15 person or any criminal investigation that is in progress. This  
16 exception is to be narrowly construed to prevent disclosure of  
17 information that would be harmful to a bona fide law enforcement  
18 purpose or the public safety.

19 Under the provisions of the bill, the Attorney General is required  
20 to: (1) develop an asset forfeiture form to be completed by county  
21 prosecutors; (2) establish and maintain a case tracking system and  
22 searchable database accessible by the public; and (3) submit an annual  
23 summary report to the Legislature and make the report publicly  
24 available on the Attorney General's website.

25 The bill further requires the Attorney General to electronically  
26 notify any law enforcement agency which has not submitted the  
27 required seizure and forfeiture information to the county prosecutor  
28 by the 15<sup>th</sup> day following the day the county prosecutor is to submit  
29 the quarterly report to the Attorney General. The bill grants the  
30 agency an additional 15 days from receiving this notification to  
31 submit the information. If the agency does not submit the  
32 information within the 15 days, the bill provides for the automatic  
33 disgorgement of any seized or forfeited property or any proceeds  
34 resulting from forfeited property obtained by the agency during the  
35 quarter of noncompliance and return the property or proceeds to the  
36 original owner.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 3442**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 7, 2019

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 3442.

As amended and reported by the committee, Assembly Bill No. 3442 requires county prosecutors to compile and submit to the Attorney General quarterly reports concerning asset seizure and forfeiture by law enforcement agencies within that county.

The quarterly reports required by the amended bill are to include information pertaining to each seizure of property; the disposition of any criminal action related to the seizure; information pertaining to the forfeiture of property; the final disposition of the seized property; the value of property seized and forfeited; whether the forfeiture resulted from an adoptive seizure; if a claim or counterclaim was filed by a defendant or property owner; the nature of the final forfeiture proceeding; whether there was a forfeiture settlement agreement; the date of the forfeiture order; the purpose for which any property retained by a law enforcement agency is used; and any other information required by the Attorney General. The amended bill also requires county prosecutors to report information about the amount of forfeiture funds received or the value of forfeited property by law enforcement agencies in the county, federal agencies, or joint task forces.

This amended bill requires county prosecutors to compile and submit to the Attorney General information concerning the law enforcement purpose for which forfeiture funds and forfeited property are used. Forfeiture accounts may be used by a county prosecutor to pay the costs associated with compiling and submitting the asset forfeiture reports required by the amended bill.

The county prosecutor would not be required to disclose any information that could reasonably jeopardize the safety of any person or any criminal investigation that is in progress. This exception is to be narrowly construed to prevent disclosure of information that would be harmful to a bona fide law enforcement purpose or the public safety.

Under the provisions of the amended bill, the Attorney General is required to: (1) develop an asset forfeiture form to be completed by county prosecutors; (2) establish and maintain a case tracking system and searchable database accessible by the public; and (3) submit an

annual summary report to the Legislature which is to be made publicly available on the Attorney General's website.

The amended bill further requires the Attorney General to electronically notify any law enforcement agency which has not submitted the required seizure and forfeiture information to the county prosecutor by the 15th day following the day the county prosecutor is required to submit the quarterly report to the Attorney General. The amended bill grants the agency an additional 15 days following receipt of this notification to submit the information. If the agency does not submit the information within 15 days, the amended bill provides for the automatic disgorgement of any seized or forfeited property or any proceeds resulting from forfeited property obtained by the agency during the quarter of noncompliance and return of the property or proceeds to the original owner.

As amended and reported by the committee, Assembly Bill No. 3442 is identical to Senate Bill No. 1963 (1R), which also was reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee made a technical amendment to the bill.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 3442**

# **STATE OF NEW JERSEY**

DATED: DECEMBER 12, 2019

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3442 (1R).

This bill requires county prosecutors to compile and submit to the Attorney General quarterly reports concerning asset seizure and forfeiture by law enforcement agencies within that county.

The quarterly reports required by the bill are to include information pertaining to each seizure of property; the disposition of any criminal action related to the seizure; information pertaining to the forfeiture of property; the final disposition of the seized property; the value of property seized and forfeited; whether the forfeiture resulted from an adoptive seizure; if a claim or counterclaim was filed by a defendant or property owner; the nature of the final forfeiture proceeding; whether there was a forfeiture settlement agreement; the date of the forfeiture order; the purpose for which any property retained by a law enforcement agency is used; and any other information required by the Attorney General. The bill also requires county prosecutors to report information about the amount of forfeiture funds received or the value of forfeited property by law enforcement agencies in the county, federal agencies, or joint task forces.

This bill requires county prosecutors to compile and submit to the Attorney General information concerning the law enforcement purpose for which forfeiture funds and forfeited property are used. Forfeiture accounts may be used by a county prosecutor to pay the costs associated with compiling and submitting the asset forfeiture reports required by the bill.

The county prosecutor would not be required to disclose any information that could reasonably jeopardize the safety of any person or any criminal investigation that is in progress. This exception is to be narrowly construed to prevent disclosure of information that would be harmful to a bona fide law enforcement purpose or the public safety.

Under the provisions of the bill, the Attorney General is required to: (1) develop an asset forfeiture form to be completed by county prosecutors; (2) establish and maintain a case tracking system and searchable database accessible by the public; and (3) submit an annual summary report to the Legislature which is to be made publicly available on the Attorney General's website.

The bill further requires the Attorney General to electronically notify any law enforcement agency which has not submitted the required seizure and forfeiture information to the county prosecutor by the 15th day following the day the county prosecutor is required to submit the quarterly report to the Attorney General. The bill grants the agency an additional 15 days following receipt of this notification to submit the information. If the agency does not submit the information within 15 days, the bill provides for the automatic disgorgement of any seized or forfeited property or any proceeds resulting from forfeited property obtained by the agency during the quarter of noncompliance and return of the property or proceeds to the original owner.

As reported by the committee, Assembly Bill No. 3442 (1R) is identical to Senate Bill No. 1963 (1R), which also was reported by the committee on this date.

**FISCAL IMPACT:**

The Office of Legislative Services (OLS) estimates the bill may result in indeterminate cost and workload increases to the Office of the Attorney General (OAG), county prosecutors, and local law enforcement agencies to establish uniform collection and submission protocols for the information required under this bill.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 3442

### STATE OF NEW JERSEY 218th LEGISLATURE

DATED: DECEMBER 16, 2019

#### SUMMARY

- Synopsis:** Establishes asset forfeiture reporting and transparency requirements.
- Type of Impact:** Expenditure increases to the State and local governments.
- Agencies Affected:** Department of Law and Public Safety; Counties; local law enforcement agencies.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Expenditure Increase</b>		Indeterminate	
<b>Local Expenditure Increase</b>		Indeterminate	

- The Office of Legislative Services (OLS) estimates the bill may result in indeterminate cost and workload increases to the Office of the Attorney General (OAG), county prosecutors, and local law enforcement agencies to establish uniform collection and submission protocols for the information required under this legislation.
- The bill requires the OAG to facilitate the program by developing an asset forfeiture form to be completed by county prosecutors; establishing and maintaining a case tracking system and searchable database accessible by the public; and submitting an annual summary report to the Legislature and making it publicly available on the Attorney General's website. The OAG also is required to execute certain penalties for non-compliant counties.
- This bill requires quarterly reporting by county prosecutors to the OAG regarding asset seizure and forfeiture by law enforcement agencies and authorizes county prosecutors to utilize forfeiture accounts to offset the costs associated with compiling and submitting the asset forfeiture reports required by the bill.

## **BILL DESCRIPTION**

This bill requires quarterly reporting by county prosecutors, to the Office of the Attorney General, of asset seizure and forfeiture by law enforcement agencies within that county.

Under the provisions of the bill, the Attorney General is required to: (1) develop an asset forfeiture form to be completed by county prosecutors; (2) establish and maintain a case tracking system and searchable database accessible by the public; and (3) submit an annual summary report to the Legislature which is to be made publicly available on the Attorney General's website.

The bill requires county prosecutors to compile and submit to the Attorney General specific information in the quarterly reports as detailed in the bill. Forfeiture accounts may be used by a county prosecutor to pay the costs associated with compiling and submitting the asset forfeiture reports required by the bill.

The bill further requires the Attorney General to electronically notify any law enforcement agency which has not submitted the required seizure and forfeiture information to the county prosecutor by the 15th day following the day the county prosecutor is to submit the quarterly report to the Attorney General. The bill grants the agency an additional 15 days from receiving this notification to submit the information. If the agency does not submit the information within 15 days, the bill provides for the automatic disgorgement of any seized or forfeited property or any proceeds resulting from forfeited property obtained by the agency during the quarter of noncompliance and return of the property or proceeds to the original owner.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

State and Local Expenditures: The OLS estimates the bill may result in indeterminate cost and workload increases to the OAG, county prosecutors, and local law enforcement agencies to establish uniform collection and submission protocols for the information required under this legislation.

Depending on the OAG's resource allocation policies, the additional workload may or may not augment State administrative expenditures.

The county prosecutors utilize proceeds from forfeiture funds to offset the costs associated with compiling and submitting the asset forfeiture reports required by the bill.

Local Revenue Decreases: The OLS recognizes that if one or more of the 21 county prosecutor's offices does not compile and submit the required information to the Attorney General, the bill provides for the automatic disgorgement of any seized or forfeited property or any proceeds resulting from forfeited property obtained by the agency during the quarter. This may result in a decrease in revenue currently derived from asset seizure and forfeiture by law enforcement agencies within that county.



*Section: Law and Public Safety*

*Analyst: Kristin Brunner Santos  
Senior Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# Governor Murphy Signs Legislation Mandating Comprehensive Disclosure and Transparency Requirements for Civil Asset Forfeiture

01/13/2020

**TRENTON** – Governor Phil Murphy today signed legislation (S1963) mandating comprehensive disclosure and transparency requirements for the system of civil asset forfeiture.

“New Jersey law enforcement agencies currently have no permanent statutory requirement to disclose civil asset forfeitures,” **said Governor Murphy**. “This legislation would boost confidence in our justice system by requiring county prosecutors to track and report data on this practice. Allowing the public to understand how assets are being seized, where seized funds go, and where forfeited property is going is a huge step forward for transparency and accountability.”

Under the bill, county prosecutors would submit quarterly reports to the Attorney General detailing seizure and forfeiture activities by law enforcement agencies within their county. S1963 would also require specifying the law enforcement agency involved in a confiscation; date, description, and details of a seizure; the amount of funds or estimated value of a property; the alleged criminal offense associated with a seizure; and whether the defendant was charged with an offense and if those charges were ultimately dismissed or the defendant was acquitted, among other information.

Using this data, the Attorney General would be required to create an online searchable database of civil asset forfeitures across New Jersey. Law enforcement agencies that fail to comply with the mandate would be required to return seized property or proceeds resulting from forfeited property.

“As of right now, New Jersey has no reporting requirements for law enforcement agencies regarding property seizures, which has resulted in lacking transparency and protections for property owners,” **said Assemblywoman Angela McKnight**. “With this law the people of New Jersey and our state officials will finally have access to much needed data concerning which agencies are profiting from property seizures, what is being taken, and how the proceeds are being used.”

“Everyone – law enforcement, watchdog groups, and, most importantly, our residents – benefits from the confidence and accountability that transparency provides,” **said Assemblyman Jay Webber**. “The only way we ultimately can police the process of asset forfeiture is through honest and comprehensive tracking, reporting, and public accessibility of the facts of forfeiture. This legislation will make New Jersey a national leader in asset forfeiture transparency.”

“It’s un-American to take people’s property under the premise that it was gained through criminal activity when a person has not been convicted of a crime,” **said Assemblyman Erik Peterson**. “When homes, cars, money, and other property worth millions of dollars are seized every year, there must be adequate controls in place to prevent abuses. There’s no uniform seizure policy across the state making the reporting in this bill necessary. It shines a light on who is taking assets and ensures the money is used benefit taxpayers.”

“Civil forfeiture has an extremely high potential for abuse, and it’s nearly impossible to challenge – and yet it remains one of the most opaque practices in law enforcement. Now, New Jersey takes the important step of shining a light on civil asset forfeiture through increased transparency and reporting, which we hope will be the first step among many to curb its use and rein in the harms it inflicts. This law moves our state closer to curtailing and ultimately ending the use of civil forfeiture and the racially disparate over-policing it encourages, disproportionately occurring in communities that are already some of New Jersey’s most vulnerable. We applaud Gov. Murphy for signing this law, and we commend the Legislature for passing it,” **said ACLU-NJ Policy Director Sarah Fajardo**.

“We applaud Governor Murphy and the legislature on taking this step toward reforming civil asset forfeiture in

New Jersey," **said Tony Howley, State Director of the Americans for Prosperity and AFP Foundation.** "We look forward to continue working with a broad coalition of organizations to further ensure that our liberties, private property, and civil rights are protected."

"We believe the Civil Asset Forfeiture bill signed by Governor Murphy today takes steps toward achieving a goal of fairness and equal justice in civil asset forfeiture proceedings, particularly for those with low income and limited means – who are unfortunately vulnerable and the hardest hit by these laws," **said Akil Roper, Vice President and Assistant General Counsel Legal Services of New Jersey.** "The loss of property can disrupt employment, healthcare, family and other obligations and personal freedom. Disproportionate impact on racial minorities is also likely, given the higher rates of arrest for persons of color and its frequent employ in urban areas. Asset forfeiture litigants often have to go unrepresented, navigating a complex civil legal system which requires filing formal answers with costly fees, submitting evidence and making legal arguments."

"By itself, improved transparency cannot fix the fundamental problems with civil forfeiture—namely, the property rights abuses it permits and the temptation it creates to police for profit," **said Jennifer McDonald, Senior Research Analyst at the Institute for Justice.** "This bill is vitally important for bringing forfeiture activity and spending into the light of day and an important first step on the road towards comprehensive forfeiture reform."

With today's signing, New Jersey becomes the 34th state in the nation to pass civil asset forfeiture reform and the 24th state specifically instituting disclosure and transparency requirements.