

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING REPORTING REQUIREMENTS RELATED TO CIVIL
5 ASSET FORFEITURE; REQUIRING LAW ENFORCEMENT AGENCIES TO REPORT CIVIL ASSET
6 FORFEITURE DATA; REQUIRING THE DEPARTMENT OF JUSTICE TO COMPILE CIVIL ASSET
7 FORFEITURE DATA; ALLOWING RECOVERY OF REPORTING COSTS; PROVIDING THAT CIVIL ASSET
8 FORFEITURE REPORTS ARE PUBLIC DOCUMENTS; PROVIDING RULEMAKING AUTHORITY; AMENDING
9 SECTION 44-12-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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13 **NEW SECTION. Section 1. Reporting requirements -- seizures and forfeitures.** (1) Each law
14 enforcement agency shall submit an annual report to the department showing each seizure and forfeiture
15 completed by the law enforcement agency. The report must include the following data on seizures and forfeitures:

- 16 (a) the date each item of property was seized;
- 17 (b) a description of the type of property seized, including the year, make, and model of any vehicle,
18 aircraft, or vessel seized;
- 19 (c) the value of the property seized;
- 20 (d) the type of offense associated with the seizure;
- 21 (e) whether a charge by complaint, information, or indictment was filed;
- 22 (f) the outcome of the proceeding, including whether the proceeding resulted in acquittal, conviction,
23 dismissal, or plea agreement;
- 24 (g) whether the proceeding was civil or criminal;
- 25 (h) the name of the court in which the proceeding was initiated and resolved; and
- 26 (i) the manner of disposition of the property, including whether the property was:
27 (i) released to the owner or holder of a security interest;
28 (ii) sold at public auction; or
29 (iii) retained by the law enforcement agency.

30 (2) Each law enforcement agency shall also submit on an annual basis a report to the department

1 showing the total dollar amount of forfeiture funds expended in each of the following categories:

2 (a) abuse prevention programs;

3 (b) witness protection, victim reparations, informant fees, gang programs, and controlled buys;

4 (c) travel, meals, and entertainment;

5 (d) training, conferences, and continuing education seminars;

6 (e) canines, firearms, and equipment, including tactical gear; and

7 (f) any other use of forfeiture proceeds.

8 (3) Each law enforcement agency shall file with the department the reports provided in subsections (1)
9 and (2) for the law enforcement agency and the corresponding prosecutor's office. Separate reports must be filed
10 for forfeitures completed under state and federal law. The law enforcement agency shall notify the department
11 if no forfeitures were completed during any applicable reporting period.

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13 **NEW SECTION. Section 2. Aggregate reports -- reporting procedures -- rulemaking.** (1) The
14 department shall compile the reports submitted by law enforcement agencies under [section 1] and issue an
15 aggregate report of all forfeitures in the state.

16 (2) By October 1 of each year, the department shall make the aggregate report and the reports submitted
17 by law enforcement agencies publically available on its website and distribute written copies of the reports upon
18 request. The aggregate report prepared by the department and any reports submitted under [section 1] are public
19 records subject to public inspection.

20 (3) The department shall by rule develop a standard form, process, and deadlines for the submission
21 of reports by law enforcement agencies. The department may adopt rules to require additional information not
22 specified in [section 1] to be reported.

23

24 **NEW SECTION. Section 3. Reporting costs -- use of forfeiture proceeds.** (1) The department may
25 charge law enforcement agencies a reasonable fee for the submission of reports during the reporting period to
26 recover costs incurred under [section 2].

27 (2) A law enforcement agency may use forfeiture proceeds to recover reporting costs incurred under
28 [section 1], including any fees imposed by the department under this section.

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30 **Section 4.** Section 44-12-101, MCA, is amended to read:

1 **"44-12-101. ~~Definition of controlled substance~~ Definitions.** As used in this chapter, the following
2 definitions apply: "controlled substance" means any substance designated as a dangerous drug pursuant to Title
3 50, chapter 32, parts 1 and 2.

4 (1) "Controlled buy" means the purchase of a controlled substance from a person suspected of being
5 implicated in criminal acts that is initiated, managed, overseen, or participated in by a law enforcement agency.

6 (2) "Controlled substance" means any substance designated as a dangerous drug pursuant to Title 50,
7 chapter 32, parts 1 and 2.

8 (3) "Department" means the department of justice provided for in 2-15-2001.

9 (4) "Law enforcement agency" means a police department, sheriff's office, multi-jurisdictional task force,
10 or other local, county, or state agency that has the authority under state law to seize and forfeit property or that
11 cooperates with a federal agency to seize and forfeit property under federal law."

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13 **NEW SECTION. Section 5. Codification instruction.** [Sections 1 through 3] are intended to be codified
14 as an integral part of Title 44, chapter 12, and the provisions of Title 44, chapter 12, apply to [sections 1 through
15 3].

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17 **NEW SECTION. Section 6. Severability.** If a part of [this act] is invalid, all valid parts that are severable
18 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
19 remains in effect in all valid applications that are severable from the invalid applications.

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21 **NEW SECTION. Section 7. Effective date.** [This act] is effective on passage and approval.

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