

Fiscal Estimate Narratives

DA 4/24/2017

LRB Number	17-1662/2	Introduction Number	SB-061	Estimate Type	Original
Description forfeiture of property seized in relation to a crime					

Assumptions Used in Arriving at Fiscal Estimate

This bill changes the procedure for forfeiture of property after it has been seized by law enforcement agencies in relation to a crime. Currently, law enforcement agencies may acquire certain property involved in the commission of a crime or seized in relation to a criminal investigation through a forfeiture proceeding. This bill would allow the property to be subject to forfeiture only: (1) after a person has been convicted of the crime related to the forfeiture action; and (2) only if the court finds that the property seized is proportional to the crime committed. If the person is acquitted or the charges dropped, the court must order that the property be returned within 30 days. Additionally, this bill removes the ability for law enforcement agencies to retain a percentage of the proceeds from the sale of forfeited property.

Prosecutors indicated that the most significant fiscal impact would be on law enforcement agencies because agencies would have no financial incentive to seize property to support law enforcement activities. Further, if law enforcement brings fewer seizure actions, prosecutors indicated there would be a decrease in the number of forfeiture referrals to district attorney's offices.

On the other hand, a prosecutor indicated that seizures and forfeitures under the bill will become more complicated and time consuming for District Attorneys due to the need to both: (1) convict a person of a crime related to the forfeiture action; and (2) show whether the property seized is proportional to the crime committed.

As such, the fiscal impacts of this bill on District Attorney's offices are indeterminate.

Long-Range Fiscal Implications

For the reasons stated above, the long term fiscal impact is indeterminate.