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H.151

Introduced by Representative Rachelson of Burlington

Referred to Committee on

Date:

Subject: Criminal procedure; forfeiture

Statement of purpose of bill as introduced: This bill proposes to limit judicial forfeiture to circumstances in which a person is convicted of the underlying offense and to deposit all proceeds from the sale of forfeited property, after offset, into the General Fund.

An act relating to limiting the circumstances in which an asset is subject to judicial forfeiture

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 18 V.S.A. § 4243 is amended to read:

§ 4243. JUDICIAL FORFEITURE PROCEDURE

(a) Conviction ~~or agreement~~ required. An asset is subject to forfeiture by judicial determination under section 4241 of this title and 13 V.S.A. § 364 if:

~~(1)~~ a person is convicted of the criminal offense related to the action for forfeiture; ~~or~~



1       ~~(A) of this subdivision (1), and may only reimburse the prosecutor and law~~  
2       ~~enforcement agencies that participated in the enforcement effort resulting in~~  
3       ~~the forfeiture for expenses incurred, including actual expenses for involved~~  
4       ~~personnel. The proceeds shall be held by the Treasurer until the Cabinet~~  
5       ~~notifies the Treasurer of the allocation determinations, at which time the~~  
6       ~~Treasurer shall forward the allocated amounts to the appropriate agency's~~  
7       ~~operating funds.~~

8               ~~(2) The remaining 55 percent shall be deposited in into the General~~  
9       Fund.

10       Sec. 3. EFFECTIVE DATE

11               This act shall take effect on passage.