1	H.151
2	Introduced by Representative Rachelson of Burlington
3	Referred to Committee on
4	Date:
5	Subject: Criminal procedure; forfeiture
6	Statement of purpose of bill as introduced: This bill proposes to limit judicial
7	forfeiture to circumstances in which a person is convicted of the underlying
8	offense and to deposit all proceeds from the sale of forfeited property, after
9	offset, into the General Fund.
10 11	An act relating to limiting the circumstances in which an asset is subject to judicial forfeiture
12	It is hereby enacted by the General Assembly of the State of Vermont:
13	Sec. 1. 18 V.S.A. § 4243 is amended to read:
14	§ 4243. JUDICIAL FORFEITURE PROCEDURE
15	(a) Conviction or agreement required. An asset is subject to forfeiture by
16	judicial determination under section 4241 of this title and 13 V.S.A. § 364 if:
17	(1) a person is convicted of the criminal offense related to the action for
18	forfeiture <del>; or</del>

1	(2) a person enters into an agreement with the prosecutor under which
2	he or she is not charged with a criminal offense related to the action for
3	forfeiture.
4	* * *
5	Sec. 2. 18 V.S.A. § 4247 is amended to read:
6	§ 4247. DISPOSITION OF PROPERTY
7	(a) Whenever property is forfeited and delivered to the State Treasurer
8	under this subchapter, the State Treasurer shall, no sooner not earlier than
9	90 days of after the date the property is delivered, sell the property at a public
10	sale held under 27 V.S.A. chapter 13.
11	(b) The proceeds from the sale of forfeited property shall be used first to
12	offset any costs of selling the property, and then, after any liens on the property
13	have been paid in full, applied to payment of seizure, storage, and forfeiture
14	expenses, including animal care expenses related to the underlying violation.
15	Remaining proceeds shall be distributed as follows:
16	(1)(A) Forty five percent shall be distributed among:
17	(i) the Office of the Attorney General;
18	(ii) the Department of State's Attorneys and Sheriffs; and
19	(iii) State and local law enforcement agencies.
20	(B) The Governor's Criminal Justice and Substance Abuse Cabinet is
21	authorized to determine the allocations among the groups listed in subdivision

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.