

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Appropriations to which was referred House Bill
3 No. 533 entitled “An act relating to converting civil forfeiture of property in
4 drug-related prosecutions into a criminal process” respectfully reports that it
5 has considered the same and recommends that the report of the Committee on
6 Judiciary be amended in Sec. 2, 18 V.S.A. chapter 84, subchapter 2, in section
7 4247, by striking out subsection (b) in its entirety and inserting in lieu thereof a
8 new subsection (b) to read as follows:

9 (b) The proceeds from the sale of forfeited property, upon exhaustion of all
10 appeals or at the Criminal Division’s discretion, shall be used first to pay
11 restitution to any victim of the underlying crime, then to offset any costs of
12 selling the property, and then, after any liens on the property have been paid in
13 full, applied to payment of seizure, storage, and forfeiture expenses, including
14 animal care expenses related to the underlying violation. Remaining proceeds
15 shall be distributed as follows:

16 (1)(A) 45 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~~
21 State Treasurer is authorized to determine the allocations among the groups

1 listed in subdivision (A) of this subdivision (1), and may only reimburse the
2 prosecutor and law enforcement agencies ~~that participated~~ for their
3 proportionate participation in the prosecution or enforcement effort resulting in
4 the forfeiture for expenses incurred, including controlled drug-buy money,
5 investigation costs, salaries, benefits, overtime, and any other actual expenses
6 for involved personnel. ~~The proceeds shall be held by the Treasurer until the~~
7 ~~Cabinet notifies the Treasurer of the allocation determinations, at which time~~
8 ~~the~~ Upon determination of the allocations, the Treasurer shall ~~forward~~
9 promptly distribute the allocated amounts to the appropriate agency’s operating
10 funds.

11 (2) The remaining 55 percent shall be deposited in the General Fund.

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13 (Committee vote: _____)

14

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Representative _____

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FOR THE COMMITTEE