

1 Introduced by House Committee on Judiciary
2 Referred to Committee on
3 Date:
4 Subject: Criminal procedure; judicial forfeiture; disposition of property
5 Statement of purpose of bill as introduced: This bill proposes to limit judicial
6 forfeiture proceedings to circumstances in which the person is convicted of the
7 underlying criminal offense; deposit all proceeds from the sale of forfeited
8 property, after offset, into the General Fund; direct the Treasurer to report
9 annually to the General Assembly with comprehensive data regarding
10 instances of civil asset seizure and forfeiture in this State by law enforcement;
11 and direct the Joint Legislative Justice Oversight Committee to study the issue
12 of civil forfeiture during the 2021 legislative interim.

13 An act relating to limiting the circumstances under which an asset is subject
14 to judicial forfeiture

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

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

17 § 4243. JUDICIAL FORFEITURE PROCEDURE

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

1 ~~(B) The Governor’s Criminal Justice and Substance Abuse Cabinet is~~
2 ~~authorized to determine the allocations among the groups listed in subdivision~~
3 ~~(A) of this subdivision (1), and may only reimburse the prosecutor and law~~
4 ~~enforcement agencies that participated in the enforcement effort resulting in~~
5 ~~the forfeiture for expenses incurred, including actual expenses for involved~~
6 ~~personnel. The proceeds shall be held by the Treasurer until the Cabinet~~
7 ~~notifies the Treasurer of the allocation determinations, at which time the~~
8 ~~Treasurer shall forward the allocated amounts to the appropriate agency’s~~
9 ~~operating funds.~~

10 ~~(2) The remaining 55 percent shall be deposited in the General Fund~~
11 ~~split between the Vermont Criminal Justice Council and the Victims~~
12 ~~Compensation Fund established pursuant to 13 V.S.A. § 5359.~~

13 Sec. 3. 32 V.S.A. § 110a is added to read:

14 § 110a. ASSET FORFEITURE ANNUAL REPORT

15 (a) Annually, on or before February 1, the Treasurer shall report to the
16 General Assembly data regarding the number of unique instances of civil asset
17 forfeiture in Vermont by law enforcement, the type of property forfeited, the
18 disposition of the property or proceeds from the sale of the property, and, if
19 discernable, how the property or proceeds are subsequently used by the
20 receiving entity.

1 (5) to develop standards and guidelines regarding federal adoption of
2 forfeiture cases;

3 (6) the current distribution of proceeds from the sale of forfeited
4 property ensures proceeds after actual costs are used to fund law enforcement
5 training and victims' compensation; and

6 (7) the civil forfeiture process in Vermont ensures due process for
7 defendants, achieves fairness in disbursements, and protects innocent property
8 owners from loss.

9 (b) The Committee shall develop any recommendations as a result of its
10 work pursuant to subsection (a) of this section into draft legislation for
11 introduction in the 2022 legislative session.

12 Sec. 5. EFFECTIVE DATE

13 This act shall take effect on passage.