

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 as follows:

7 First: By adding a new section to be Sec. 1 to read as follows:

8 Sec. 1. PURPOSE

9 One of the purposes of this act is to use the forfeiture proceeds deposited
10 into the General Fund pursuant to 18 V.S.A. § 4247(b)(B)(2) for substance use,
11 prevention, and recovery services and programming.

12 Second: In Sec. 2, 18 V.S.A. chapter 84, subchapter 2, in section 4247, by
13 striking out subsection (b) in its entirety and inserting in lieu thereof a new
14 subsection (b) to read as follows:

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

1 (1)(A) 45 percent shall be distributed among:

2 (i) the Office of the Attorney General;

3 (ii) the Department of State’s Attorneys and Sheriffs; and

4 (iii) State and local law enforcement agencies.

5 (B) ~~The Governor’s Criminal Justice and Substance Abuse Cabinet~~

6 State Treasurer is authorized to determine the allocations among the groups

7 listed in subdivision (A) of this subdivision (1), and may only reimburse the

8 prosecutor and law enforcement agencies ~~that participated~~ for their

9 proportionate participation in the prosecution or enforcement effort resulting in

10 the forfeiture for expenses incurred, including controlled drug-buy money,

11 investigation costs, salaries, benefits, overtime, and any other actual expenses

12 for involved personnel. ~~The proceeds shall be held by the Treasurer until the~~

13 ~~Cabinet notifies the Treasurer of the allocation determinations, at which time~~

14 the Upon determination of the allocations, the Treasurer shall ~~forward~~

15 promptly distribute the allocated amounts to the appropriate agency’s operating

16 funds.

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

18 Third: By renumbering the remaining sections to be numerically correct.

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1 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE