

HB 2861 -- ASSET FORFEITURE

SPONSOR: Lovasco

This bill prohibits law enforcement agencies and prosecuting authorities from referring, transferring, or otherwise relinquishing possession of seized property to a Federal agency for the purpose of the property's forfeiture under Federal law. Law enforcement agencies that participate in a multijurisdictional collaboration must transfer responsibility for the seized property to the State prosecuting authority. A joint task force with a Federal agency may transfer seized property to the United States Department of Justice for forfeiture under Federal law if the seizure includes more than \$50,000 in United States currency. Notice of the transfer must be given to the last known address of the property owner that the property is subject to being transferred no less than 96 hours prior to the transfer.

A law enforcement agency is prohibited from accepting payment of any kind or distribution of forfeiture proceeds from the Federal agency if the seizure did not include more than \$50,000 of United States currency.

This bill does not restrict a law enforcement agency from acting alone or collaborating with another agency, including a Federal agency, to seize contraband or property a law enforcement agency has probable cause to believe is the proceeds or instrument of an offense.

This bill is similar to HCS HB 1613 (2022).