

FISCAL NOTE

June 21, 2017

Bill No:	SB 8	Printer's No:	719	Sponsor:	Folmer (R)
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COST / (SAVINGS)

Fund (s)	2016-17	2017-18
General Fund	\$0	See "FISCAL IMPACT"

SUMMARY: This bill would amend Titles 4 (Amusements), 18 (Crimes and Offenses), 30 (Fish), 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) providing for the seizure and forfeiture of property related to criminal offenses.

ANALYSIS: Senate Bill 8 would require the seizure and forfeiture of property used in the commission of a crime, including terrorism, theft of telecommunication services, sexual assault, as well as others as defined under this act. Property would also be seized for violation of the Controlled Substances Act. Upon seizure of property, the law enforcement authority would be required to place the property in a secure area and either remove the property or require the district attorney or Attorney General to take custody of the property, while removing it to an appropriate location for disposition. Law enforcement would also be required to issue a receipt to the person in possession of the property. All property forfeited under this act, would be transferred to the custody of the district attorney or the Attorney General, based on jurisdiction. The district attorney or the Attorney General would be permitted to retain the property for official use or sell any forfeited property not required to be destroyed by law. Proceeds from the sale would be used to pay for expenses related to the proceedings for forfeiture and sale, including expenses incurred from seizure, maintenance of custody advertising and court costs. Sale of forfeited property to any employees of a law enforcement office would be prohibited.

Forfeited cash or proceeds of property transferred to the custody of a district attorney must be placed in an operating fund, without restriction. A like amount would be distributed for the enforcement of or prevention of a violation of the Controlled Substance, Drug, Device and Cosmetic Act. The funds would be maintained in an account or accounts separate from other revenues of the office.

Additionally, cash and proceeds of forfeited property transferred to the custody of the district attorney or Attorney General would be used for the enforcement of or prevention of violations of the Controlled Substance, Drug, Device and Cosmetic Act. In appropriate cases, the district attorney and the Attorney General may designate proceeds from the forfeited property to be utilized by community-based drug and crime-fighting programs, as well as relocation and protection of witnesses in criminal cases.

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All counties in the commonwealth would be required to conduct and submit an annual audit of all forfeited property and proceeds obtained by September 30 of each year to the OAG. The Attorney General and each district attorney would be required to maintain and create appropriate records to account for the property forfeited in a fiscal year and the use made of the property forfeited. The Attorney General would be required to maintain proceeds from property forfeited to the OAG in an account or accounts separate from any other account maintained by the OAG. The Attorney General would also be required to annually submit a report to the Appropriations and Judiciary Committee of the House and Senate specifying the forfeited property or proceeds of the forfeited property obtained during the fiscal year. The OAG would be required to notify the committees of any county that failed to submit an audit by November 30 of each year. The proceeds or future proceeds from forfeited property would be in addition to any appropriation made to the OAG.

Property, money or other things of value received by a state law enforcement authority may not be used for contributions to political campaigns, expenses related to judicial trainings or for the purchase of alcoholic beverages. State law enforcement agencies are also prohibited from referring seized property to a Federal agency.

This act would be effective July 1, 2017 or immediately whichever is later.

FISCAL IMPACT: The OAG would incur a one-time cost of approximately \$450,000 to establish a new tracking system, as this act requires the OAG to report a significant amount of information about each asset seized and forfeited. Additionally, several commonwealth agencies, including PSP, OAG and the Pennsylvania Board of Probation and Parole (PBPP) would experience a revenue loss of 5 to 10 percent in augmentations and counties depending on the number of successful petitions to the Pennsylvania Court of Common Pleas and property returned.