

HOUSE BILL NO. 1480

Introduced by

Representatives Satrom, Karls, K. Koppelman

Senators Larson, Luick

1 A BILL for an Act to amend and reenact section 19-03.1-36.8 of the North Dakota Century
2 Code, relating to seizure and forfeiture reporting requirements and property exempt from
3 seizure and forfeiture.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 19-03.1-36.8 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **19-03.1-36.8. Reporting.**

8 1. As used in this section, "law enforcement agency" means a nonfederal public agency
9 authorized by law or by a government agency or branch to enforce the law and to
10 conduct or engage in investigations or prosecutions for violations of law, including the
11 authority to conduct or engage in seizure and forfeiture of property or to collaborate
12 with a federal agency under federal law to conduct or engage in seizure and forfeiture
13 of property. The term includes a multijurisdictional task force.

14 2. Every civil forfeiture judgment issued by a district court must be made publicly
15 available and include the following information in the findings of fact:

16 a. Case number of the forfeiture proceeding and the district court where the case
17 was filed.

18 b. Location of the seizure, including whether the location was a residence or
19 business or occurred during a traffic stop.

20 c. The crime with which the suspect was charged.

21 d. The disposition of the suspect's criminal case.

22 e. Who filed a claim or counterclaim for the seized property, ~~if any~~ or whether there
23 was a default in the litigation of the seized property.

24 e.f. Date the forfeiture order was issued.

- 1 d.g. Whether a forfeiture settlement agreement was reached.
- 2 e.h. The date and the final disposition of the property.
- 3 f.i. Estimated value of the forfeited property.
- 4 g.j. Estimate of the total costs accrued by the law enforcement agency for storage
5 and disposal of the civilly forfeited property.
- 6 h.k. Amount of any attorney fees awarded to owners of seized and forfeited property.
- 7 3. ~~Annually, a prosecutor who litigates the criminal case and forfeiture proceeding any law~~
8 enforcement agency that seizes property shall provide to the attorney general a ~~copy~~
9 of the judgment that includes the information required under subsection 2 completed
10 civil asset forfeiture case report form for every seizure and the total value of the
11 forfeited property held by the agency at the end of the reporting period.
- 12 4. By November first of each year, the attorney general shall submit to the legislative
13 management and the governor a written report summarizing activity in the state for the
14 preceding fiscal year, the type, approximate value, and disposition of any civilly
15 forfeited property, and the amount of proceeds received.
16 a. Summary data and civilly forfeited property must be disaggregated by agency.
17 b. The attorney general shall make the report available on the attorney general's
18 website.
19 c. The report must include the case reports provided by the law enforcement
20 agencies.
- 21 5. The attorney general may recover any costs under this section by withdrawing money
22 from the asset forfeiture fund.
- 23 6. A law enforcement agency may use forfeiture proceeds to pay the costs of compiling
24 and reporting data under this section.
- 25 7. The data and reports compiled under this section are public information and not
26 exempt from disclosure.
- 27 8. The attorney general may require the reporting of additional information not specified
28 in this section. The attorney general shall develop standard forms, processes, and
29 deadlines for annual submission of forfeiture data by law enforcement agencies.

- 1 9. If a law enforcement agency fails to file a report within thirty days after the report is
2 due, the attorney general may compel compliance by any means until the report is
3 filed.
- 4 10. Any property seized with a value of less than fifty dollars is not required to be included
5 in the ~~reporting process~~written report submitted by the attorney general.
- 6 11. A state's attorney may establish a minimum value amount for seizures in the interests
7 of justice and efficient use of governmental resources in the state's attorney's
8 jurisdiction. The minimum value amount may be based on the state's attorney's
9 determination of the:
- 10 a. Type and number of occurrences of offenses that include the seizure of property;
11 and
- 12 b. Average value of seized property less the costs to seize and forfeit the property.