

Enrolled Senate Bill 27

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber, M.D., for Oregon Criminal Justice Commission)

CHAPTER

AN ACT

Relating to asset forfeiture reporting; amending ORS 131.600, 131A.450 and 131A.455; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 131.600 is amended to read:

131.600. (1) A seizing agency and any agency that receives forfeited property or proceeds from the sale of forfeited property under ORS 131.550 to 131.600 shall maintain written documentation of each sale, decision to retain, transfer or other disposition of forfeited property.

(2)(a) As soon as practicable following the seizure of property for criminal forfeiture, forfeiture counsel shall file with the Asset Forfeiture Oversight Advisory Committee an electronic report that describes the property seized and the circumstances of the seizure.

(b) As soon as practicable following entry of judgment under ORS 131.588, forfeiture counsel shall file with the committee an electronic report describing the judgment and the manner in which any forfeited property and the proceeds from any sales of forfeited property were distributed.

(3) Law enforcement agencies shall supply to forfeiture counsel all information requested by forfeiture counsel that is necessary for the preparation of the electronic reports required by subsection (2) of this section.

(4) Political subdivisions of this state that receive forfeiture proceeds under ORS 131.594 shall submit an electronic report to the committee for any **calendar** year in which those proceeds are received. The report must **be submitted no later than January 31 of the following year and must** describe how **the** proceeds received by the political subdivision have been or will be used. *[Reports shall be submitted each December 15 for the preceding fiscal year of the political subdivision.]*

(5) The committee may require forfeiture counsel or a political subdivision to include in the electronic reports **described in this section** any additional information requested by the committee.

(6) The committee shall develop and make available electronic forms for the purposes of the reports described in this section.

SECTION 2. ORS 131A.450 is amended to read:

131A.450. (1) All forfeiting agencies shall maintain written documentation of each seizure for forfeiture made under the provisions of this chapter, sale of seized or forfeited property under this chapter, decision to retain property forfeited under the provisions of this chapter, transfer of prop-

erty forfeited under this chapter and other dispositions of property seized for forfeiture or forfeited under the provisions of this chapter.

(2)(a) As soon as practicable following the seizure of property for civil forfeiture, forfeiture counsel shall file with the Asset Forfeiture Oversight Advisory Committee an electronic report that describes the property seized and the circumstances of the seizure.

(b) As soon as practicable following the entry of judgment under this chapter, forfeiture counsel shall file with the committee an electronic report describing the judgment and the manner in which any forfeited property and the proceeds from any sales of forfeited property were distributed.

(3) Law enforcement agencies shall supply to forfeiture counsel all information requested by forfeiture counsel that is necessary for the preparation of the electronic reports required by subsection (2) of this section.

(4) Public bodies that receive forfeiture proceeds under ORS 131A.360 (2) and 131A.365 (4) shall submit an electronic report to the committee for any **calendar** year in which those proceeds are received. The report must **be submitted no later than January 31 of the following year and must** describe how **the** proceeds received by the public body have been or will be used. [*Reports shall be submitted each December 15 for the preceding fiscal year of the public body.*]

(5) The committee may require forfeiture counsel or a political subdivision to include in the electronic reports **described in this section** any additional information requested by the committee.

(6) The committee shall develop and make available electronic forms for the purposes of the reports described in this section.

SECTION 3. ORS 131A.455 is amended to read:

131A.455. (1) The Asset Forfeiture Oversight Advisory Committee is created. The committee consists of 10 members to be appointed as follows:

(a) The President of the Senate and the Speaker of the House of Representatives shall appoint four legislators to the committee. Two shall be Senators appointed by the President. Two shall be Representatives appointed by the Speaker.

(b) The Governor shall appoint three members to the committee.

(c) The Attorney General shall appoint three members to the committee.

(2) The term of a legislative member of the committee shall be two years. The term of all other members shall be four years. Members of the committee may be reappointed. If a vacancy occurs on the committee for any reason during the term of membership, the official who appointed the member to the vacant position shall appoint a new member to serve the remainder of the term. A member of the committee may be removed from the committee at any time by the official who appointed the member.

(3)(a) The members of the committee shall select from among themselves a chairperson and vice chairperson.

(b) The committee shall meet at such times and places as determined by the chairperson.

(4) Legislative members shall be entitled to payment of compensation and expense reimbursement under ORS 171.072, payable from funds appropriated to the Legislative Assembly.

(5) The committee shall:

(a) Prepare reports detailing the number and nature of forfeitures carried out under this chapter and ORS 131.550 to 131.600, including the disposition and use of the proceeds from the forfeitures. The reports shall be submitted on or before [*March 31*] **April 30** of each year to the Speaker of the House of Representatives, President of the Senate, Attorney General and Governor.

(b) In consultation with forfeiture counsel, review and, if necessary, modify the reports required from forfeiture counsel and public bodies to ensure that information necessary for oversight is being obtained and is gathered in an efficient and effective manner.

(c) Make any recommendations it deems necessary to increase the effectiveness, fairness and efficiency of forfeiture actions brought under this chapter and ORS 131.550 to 131.600.

(d) Make any recommendations for additional legislation governing forfeiture actions brought under this chapter and ORS 131.550 to 131.600.

(e) Conduct studies or other activities as necessary to accomplish the purposes of this subsection.

(6) The executive director of the Oregon Criminal Justice Commission shall provide the committee with staff, subject to funds available for that purpose.

(7) For purposes of this section, "forfeiture counsel" includes forfeiture counsel as defined in ORS 131.550.

SECTION 4. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Passed by Senate February 7, 2013

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House March 5, 2013

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2013

Approved:

.....M,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2013

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Kate Brown, Secretary of State