

By: Representatives Brown, Boyd, Eubanks,
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To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1410

1 AN ACT TO CREATE THE ASSET FORFEITURE TRANSPARENCY ACT; TO
2 REQUIRE THE COMMISSIONER OF PUBLIC SAFETY TO MAINTAIN A SEARCHABLE
3 PUBLIC WEBSITE THAT INCLUDES INFORMATION RELATED TO THE SEIZURE
4 AND FORFEITURE OF PROPERTY; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Sections 1 through 4 of this act shall be known
7 and may be cited as the "Asset Forfeiture Transparency Act."

8 **SECTION 2.** The Legislature finds that:

9 (a) Under state and federal forfeiture laws, state and
10 local law enforcement agencies can seize money, vehicles and other
11 property, sell such property, and use the proceeds to fund agency
12 budgets;

13 (b) It is the responsibility of state legislators to
14 monitor forfeiture;

15 (c) It is necessary to provide legislators with the
16 information necessary for basic oversight of members of law
17 enforcement agencies who seize and forfeit private property under
18 state and federal forfeiture laws.



19 **SECTION 3.** (1) This section shall apply to any property
20 seized under the laws of this state or under federal law when a
21 law enforcement agency of this state or a locality cooperates with
22 a federal agency to engage in seizure and forfeiture.

23 (2) The Commissioner of Public Safety shall establish and
24 maintain a searchable public website that includes the following
25 information from closed cases involving property, other than
26 currency, seized by a state or local law enforcement agency under
27 federal or state law:

28 (a) The name of the law enforcement agency that seized
29 the property;

30 (b) A description of each seized property, including
31 but not limited to the make and model; provided; however, that
32 such details shall not be required when publishing them would
33 compromise an ongoing investigation. After the conclusion of the
34 ongoing investigation, the agency shall update its report to
35 include a description of the property seized.

36 (c) The date the law enforcement agency seized the
37 property;

38 (d) The estimated value of the seized property;

39 (e) Whether the suspect was charged with a crime;

40 (f) The criminal offense alleged to have been committed
41 that led to the property's seizure;

42 (g) Whether the criminal offense is under federal or
43 state law;



44 (h) A description of the case's resolution, such as
45 dropped charges, acquittal, plea agreement, jury conviction or
46 other;

47 (i) Whether the forfeiture litigation was completed
48 under civil or criminal procedures;

49 (j) The date of the sale, if the property was sold;

50 (k) Selling expenses associated with the property's
51 sale;

52 (l) The total net proceeds received from the property's
53 sale;

54 (m) The proceeds received by the law enforcement agency
55 from the property's sale;

56 (n) If the property was retained, the purpose for which
57 it was used; however, such details shall not be required when
58 publishing them would compromise an ongoing investigation. After
59 the conclusion of the ongoing investigation, the agency shall
60 update its report to include a description of the property seized.

61 (o) The date of the destruction if the property was
62 destroyed; and

63 (p) The date of the return of the property if the
64 property was returned to an owner or interest holder, by the law
65 enforcement agency, prosecuting authority or by court order.

66 (3) The Commissioner shall establish and maintain a
67 searchable public website that includes the following information



68 from closed cases involving currency seized by a state, county or
69 city law enforcement agency under federal and state law:

70 (a) The name of the law enforcement agency that seized
71 the currency;

72 (b) The amount of currency seized;

73 (c) The date the law enforcement agency seized the
74 currency;

75 (d) Whether the suspect was charged with a crime;

76 (e) The criminal offense alleged to have been committed
77 that led to the currency's seizure;

78 (f) Whether the criminal offense is under federal or
79 state law;

80 (g) A description of the case's resolution, such as
81 dropped charges, acquittal, plea agreement, jury conviction or
82 other;

83 (h) Whether the forfeiture litigation was completed
84 under civil or criminal procedures; and

85 (i) The date of the return of the currency if the
86 currency was returned to an owner or interest holder, by the
87 seizing law enforcement agency, prosecuting authority or by court
88 order.

89 **SECTION 4.** (1) Beginning on July 1, 2017, and on an annual
90 basis thereafter, each law enforcement agency shall report to the
91 Commissioner of Public Safety the information required under
92 Section 3 of this act about seizures and forfeitures initiated or



93 completed by the agency under state or federal forfeiture law for
94 the previous year.

95 (2) The Department of Public Safety may require that
96 information not specified in Section 3 of this act also be
97 reported. The department shall develop standard forms, processes,
98 and deadlines for electronic data entry for annual submission of
99 forfeiture data by law enforcement agencies.

100 (3) The law enforcement agency shall file separate reports
101 for forfeitures completed under state forfeiture law and federal
102 forfeiture law.

103 (4) If a law enforcement agency does not engage in seizures
104 or forfeitures during the reporting period, the agency shall
105 nonetheless still file a report showing no seizures or
106 forfeitures.

107 (5) The Department of Public Safety shall compile the
108 submissions and issue an aggregate report of all forfeitures in
109 the state.

110 (6) By December 31 of each year, the department shall make
111 available on its website the reports submitted by law enforcement
112 agencies and its aggregate report.

113 **SECTION 5.** This act shall take effect and be in force from
114 and after July 1, 2016.

