

By: Representatives Brown, Boyd, Eubanks,
Hopkins, Bomgar

To: Judiciary B

HOUSE BILL NO. 1410
(As Sent to Governor)

1 AN ACT TO CREATE THE ASSET FORFEITURE TASK FORCE ACT; TO
2 CREATE THE ASSET FORFEITURE TRANSPARENCY TASK FORCE; TO PROVIDE
3 FOR THE MEMBERSHIP OF THE TASK FORCE; TO PROVIDE THE DUTIES OF THE
4 TASK FORCE; TO PROVIDE STAFF TO ASSIST THE TASK FORCE; AND FOR
5 RELATED PURPOSES.

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

7 **SECTION 1.** This act shall be known and may be cited as the
8 "Asset Forfeiture Task Force Act."

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

10 (a) Under state and federal forfeiture laws, state law
11 enforcement agencies can seize money, vehicles, and other
12 property, have them sold and use the proceeds to fund agency
13 budgets.

14 (b) It is the responsibility of the Legislature to
15 monitor forfeiture because of the funds involved and the impact of
16 these practices on enforcement of local and state criminal justice
17 laws; and

18 (c) It is necessary to provide the Legislature with
19 information for basic oversight of law enforcement agencies that



20 seize and forfeit private property under state and federal
21 forfeiture laws.

22 **SECTION 3.** (1) There is created the Forfeiture Transparency
23 Task Force to address the lack of transparency in certain civil
24 and criminal seizures, forfeitures and disposition of real and
25 personal property. The task force shall be composed of the
26 following thirteen (13) members:

27 (a) The Chairman of the Judiciary "A" Committee of the
28 House of Representatives, or a designee. Any person designated to
29 serve in the absence of the Chairman shall be appointed in
30 writing, and no other person may serve as a designee;

31 (b) The Chairman of the Judiciary "A" Committee of the
32 Senate, or a designee. Any person designated to serve in the
33 absence of the Chairman shall be appointed in writing, and no
34 other person may serve as a designee;

35 (c) The Chairman of the Judiciary "B" Committee of the
36 House of Representatives, or a designee. Any person designated to
37 serve in the absence of the Chairman shall be appointed in
38 writing, and no other person may serve as a designee;

39 (d) The Chairman of the Judiciary "B" Committee of the
40 Senate, or a designee. Any person designated to serve in the
41 absence of the Chairman shall be appointed in writing, and no
42 other person may serve as a designee;

43 (e) The President of the Mississippi Prosecutors
44 Association;



45 (f) The President of the Mississippi Sheriffs'
46 Association;

47 (g) The President of the Mississippi Association of
48 Chiefs of Police;

49 (h) The State Defender of the Office of State Public
50 Defender;

51 (i) The Director of the Mississippi Justice Institute
52 at the Mississippi Center for Public Policy;

53 (j) The Director/Managing Attorney of the Mississippi
54 Office of the Southern Poverty Law Center;

55 (k) The Director of the Mississippi Bureau of
56 Narcotics;

57 (l) The Chief Justice of the Supreme Court of
58 Mississippi, or a designee. Any person designated to serve in the
59 absence of the Chief Justice shall be appointed in writing, and no
60 other person may serve as a designee; and

61 (m) The Mississippi Attorney General, or a designee.
62 Any person designated to serve in the absence of the Attorney
63 General shall be appointed in writing, and no other person may
64 serve as a designee.

65 (2) The task force shall conduct its first meeting no later
66 than June 15, 2016. At its first meeting, the task force shall
67 elect a chairman and a vice chairman from its membership and shall
68 adopt rules for transacting its business and keeping records. The
69 Chief Justice of the Mississippi Supreme Court, or his designee,



70 shall preside at the first meeting until such chairman is elected.
71 Members shall serve without additional compensation for
72 participation in the task force.

73 (3) The duties of the task force shall be to: (a) review all
74 civil asset forfeiture laws and make recommendations to the
75 Legislature for amendments to Mississippi civil asset forfeiture
76 laws that protect innocent property owners; (b) assure greater
77 transparency; and (c) provide greater due process while ensuring
78 that assets used or obtained through unlawful practices are
79 removed from the possession of criminals.

80 (4) The task force shall collect and review information
81 involving the seizure of property by a state or local law
82 enforcement agency under state law, or as part of a collaboration
83 with the federal government under federal law. The task force
84 shall determine the specific information needed and shall make its
85 request to each law enforcement agency and/or administrative
86 office of court no later than August 15, 2016. Each law
87 enforcement agency and administrative office of court shall
88 cooperate fully with the task force, and shall compile and furnish
89 the information no later than thirty (30) days from the date of
90 request. The task force shall report to the Chairman of the
91 Senate and House Judiciary "A" and "B" Committees any agency or
92 administrative office that does not fully comply with the request.

93 (5) The task force shall report its findings and
94 recommendations by December 1, 2016, and make them available to



95 the Governor, Lieutenant Governor, Speaker of the House of
96 Representatives, the Chairman of the Judiciary "A" and Judiciary
97 "B" Committees of the House and Senate. Additional reports may be
98 made by the task force.

99 (6) The Joint Committee on Performance Evaluation and
100 Expenditure Review shall make available a copy of the task force's
101 report, findings and recommendations on its public website by
102 December 31, 2016.

103 (7) The Joint Committee on Performance Evaluation and
104 Expenditure Review shall provide staff to assist the task force in
105 carrying out its duties required by this section.

106 (8) This section shall stand repealed on June 30, 2017.

107 **SECTION 4.** This act shall take effect and be in force from
108 and after its passage.

