

CHAPTER 304

AN ACT concerning asset forfeiture and supplementing Title 2C of the New Jersey Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.2C:64-10 “Quarter” defined.

1. For the purposes of P.L.2019, c.304 (C.2C:64-10 et seq.), “quarter” means a calendar year quarter as follows: January 1 through March 31; April 1 through June 30; July 1 through September 30; and October 1 through December 31.

C.2C:64-11 Report to Attorney General.

2. a. A county prosecutor shall compile and submit to the Attorney General a quarterly report on the first day of the month following the end of each quarter containing information pertaining to each seizure and forfeiture of funds or property by a law enforcement agency within the county pursuant to N.J.S.2C:64-1 et seq., N.J.S.2C:41-1 et seq., or P.L.1994, c.121 (C.2C:21-23 et seq.).

The quarterly report shall include:

- (1) specific information on each seizure of property, including, but not limited to:
 - (a) the law enforcement agency that seized the property;
 - (b) a description of the seized property;
 - (c) the date of seizure;
 - (d) the exact location of the seizure;
 - (e) whether the seizure was during a traffic stop on an interstate or State highway, and if so, the direction of traffic flow;
 - (f) the amount of funds or estimated value of the seized property; and
 - (g) the alleged criminal offense associated with the seizure and whether the offense is pursuant to federal or State law;
- (2) the disposition of any criminal action related to the seizure, including whether the defendant was charged with an offense, if charges were dismissed, and if the defendant was acquitted, entered into a plea agreement, or was convicted.
- (3) information on forfeiture of the seized property, including:
 - (a) whether the forfeiture involved prima facie contraband or was enforced by civil action pursuant to N.J.S.2C:64-1 et seq., the forfeiture was a result of racketeering activity pursuant to N.J.S.2C:41-1 et seq., the forfeited funds or property were obtained from an action involving financial facilitation of a crime pursuant to P.L.1994, c.121 (C.2C:21-23 et seq.), or other crime; whether the offense is in violation of federal or State law; the criminal case number; and the court in which the case was filed; and
 - (b) whether a person with a property interest in the seized property was represented by counsel at the forfeiture proceeding, if applicable;
- (4) information on the final disposition of the seized property, including whether the property was returned to the owner, destroyed, or sold or retained after forfeiture, and the date of disposition;
- (5) information on the estimated value of the forfeited property, including the gross amount received from the forfeiture, the total expenses deducted as part of the forfeiture action, and the net amount received from the forfeiture;
- (6) whether the forfeiture resulted from an adoptive seizure by a federal agency or by a joint task force comprised of municipal, State, and federal law enforcement officers;
- (7) if a defendant, owner, joint owner, or third party owner filed a claim or counterclaim;

(8) whether the final forfeiture proceeding was criminal, civil-judicial, or civil-administrative;

(9) whether there was a forfeiture settlement agreement;

(10) the date of the forfeiture order;

(11) the purpose for which any property retained by a law enforcement agency is used; and

(12) any other information required by the Attorney General.

b. A county prosecutor shall include in the quarterly report information concerning any forfeiture funds or property received by a law enforcement agency within the county as a result of its own actions, an adoption by a federal agency, or a joint task force comprised of municipal, State, and federal law enforcement officers, including the amount of forfeited funds or the estimated value of forfeited property received by the agency.

c. A county prosecutor shall compile and submit to the Attorney General on a quarterly basis a report on the use of forfeited funds and property including:

(1) the total amount of funds expended, which resulted from property seized, forfeited, and reported; and

(2) the total value of seized and forfeited property held by the law enforcement agency at the end of the reporting period.

d. If a law enforcement agency did not seize any property during the preceding year, the agency shall file a report specifying that it did not engage in a seizure or forfeiture during the reporting period.

e. A county prosecutor may use proceeds from forfeiture funds to pay the cost of compiling and reporting seizure and forfeiture information required pursuant to this section.

f. Nothing in this section shall be deemed to require the county prosecutor to disclose any information that could reasonably jeopardize the safety of any person or any criminal investigation in progress. This exception shall be narrowly construed to prevent disclosure only of information that would be harmful to a bona fide law enforcement purpose or the public safety.

C.2C:64-12 Responsibilities of Attorney General.

3. The Attorney General shall:

a. develop an asset forfeiture reporting form to be completed by a county prosecutor to implement the provisions of section 1 of P.L.2019, c.304 (C.2C:64-10);

b. establish and maintain a case tracking system and searchable database on a website accessible to the public that includes the information pursuant to section 1 of P.L.2019, c.304 (C.2C:64-10); and

c. annually submit a summary report to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) and make the summary report available to the public on the website established pursuant to subsection b. of this section.

C.2C:64-13 Notification to enforcement agency.

4. The Attorney General shall electronically notify any law enforcement agency which has not submitted to the county prosecutor information pertaining to each seizure and forfeiture of funds or property pursuant to section 2 of P.L.2019, c.304 (C.2C:64-11) by the 15th day following the day the county prosecutor submits the quarterly report to the Attorney General. The agency shall have 15 days from notification within which to submit the

information. A law enforcement agency that does not comply within 15 days shall automatically disgorge the property that has been seized or forfeited and any proceeds resulting from forfeited property obtained by the agency during the quarter of noncompliance and return the property or proceeds to the original owner.

5. This act shall take effect on the first day of the seventh month next following enactment, but the Attorney General may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved January 13, 2020.