

House Bill 111

By: Representatives Turner of the 21st, Williams of the 168th, Tarvin of the 2nd, Bonner of the 72nd, and Anulewicz of the 42nd

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 9-16-19 of the Official Code of Georgia Annotated, relating to disposition of forfeited property, order of distribution, and annual report, so as to require reporting on property and proceeds forfeited pursuant to the "Georgia Uniform Civil Forfeiture Act" that have any relation to criminal proceedings for which there was an acquittal or dismissal in such criminal proceeding; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 9-16-19 of the Official Code of Georgia Annotated, relating to disposition of forfeited property, order of distribution, and annual report, is amended by revising paragraph (2) of subsection (g) as follows:

"(2) Any law enforcement agency, multijurisdictional task force, district attorney, or state agency receiving property and proceeds forfeited pursuant to this chapter and any income resulting from the sale of forfeited property, including property distributed in kind, shall submit an annual report specifying the property and proceeds forfeited pursuant to this chapter and any income resulting from the sale of forfeited property received during its reporting year and shall clearly identify the use of such property, proceeds, and income, including the specifics of all monetary expenditures and funds on deposit with a financial institution. Such report shall clearly identify whether such property and proceeds have any relation to a criminal proceeding in which there was an acquittal or dismissal; provided, however, that if such acquittal or dismissal occurs after submission of such report, then such acquittal or dismissal shall be reported in the annual report covering the calendar year in which such acquittal or dismissal occurred with reference to such property and proceeds and the annual report in which the related property and proceeds were reported. Such report shall not include any information that is likely to disclose the identity of a confidential source, disclose confidential investigative or ~~prosecution~~

prosecutorial material which could endanger the life or physical safety of any person, disclose the existence of a confidential surveillance or investigation, or disclose techniques and procedures for law enforcement investigations or prosecutions. Such annual report shall be appropriately completed and legible. Such report shall be:

(A) With respect to law enforcement agencies, multijurisdictional task forces, and state agencies:

(i) Submitted on a form promulgated by the Prosecuting Attorneys' Council, as provided in subparagraph (A) of paragraph (3) of this subsection;

(ii) Submitted by each local law enforcement agency to the political subdivision governing its jurisdiction;

(iii) Submitted by multijurisdictional task forces to each political subdivision governing the jurisdictions involved;

(iv) Submitted by state agencies to the state auditor;

(v) Submitted by January 31 each year for the previous calendar year; and

(vi) Copied and submitted to the Carl Vinson Institute of Government of the University of Georgia as provided in Code Section 36-80-21; and

(B) With respect to district attorneys:

(i) Submitted on a form promulgated by the Prosecuting Attorneys' Council, as provided in subparagraph (B) of paragraph (3) of this subsection;

(ii) Submitted by district attorneys to the Prosecuting Attorneys' Council according to the rules and regulations adopted by the Prosecuting Attorneys' Council;

(iii) Submitted to the state auditor;

(iv) Submitted by January 31 each year for the previous calendar year; and

(v) Copied and submitted to the Carl Vinson Institute of Government of the University of Georgia as provided in Code Section 36-80-21."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.