

Department of Planning and Budget

2016 Fiscal Impact Statement

1. Bill Number: SB 423

House of Origin	<input type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input checked="" type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input checked="" type="checkbox"/>	Enrolled

2. Patron: Howell

3. Committee: Passed both houses

4. Title: Asset forfeiture

5. Summary:

The proposed legislation would make several changes in the statutes related to asset forfeiture, as follows:

- Waiver—Prohibits any agency seizing property or any other law enforcement agency to request, require, or induce a property owner to waive his interest in or rights to the property until an information has been filed.
- Electronic filing—Provides an attorney for the Commonwealth the option to notify the Department of Motor Vehicles in an electronic format, rather than by certified mail, as now required, of the seizure of a motor vehicle.
- Forfeiture stay—Authorizes a court to stay a forfeiture proceeding related to a warrant, in addition to any proceedings related to an indictment or information, as currently authorized.
- Annual report—Requires the Department of Criminal Justice Service to submit annually to the Governor and the General Assembly a report on all forfeiture proceeds and distributions.

6. Budget Amendment Necessary: None.

7. Fiscal Impact Estimates: Final. See Item 8.

8. Fiscal Implications:

DCJS currently requires all agencies participating in the asset forfeiture program to submit a report annually listing the proceeds received and the uses made of the proceeds. To meet the requirement in the proposed legislation, DCJS will need to require local and state agencies to include more detail in their annual reports, such as information on non-drug related forfeitures, and then will need to compile the information into a report for the Governor and General Assembly. It is expected that all agencies involved can comply with the reporting requirement in the proposed legislation with existing resources. Consequently, the legislation is not expected to have any fiscal impact.

9. Specific Agency or Political Subdivisions Affected:

Department of Criminal Justice Services
Commonwealth's attorneys
Department of Motor Vehicles
State and local law enforcement agencies
Circuit courts

10. Technical Amendment Necessary: None.

11. Other Comments: Identical to HB 771, which has also been enrolled.

Date: 3/3/2016

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