

## **Department of Planning and Budget**

### **2014 Fiscal Impact Statement**

**1. Bill Number:** SB349S1

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

**2. Patron:** Cosgrove

**3. Committee:** Courts of Justice

**4. Title:** Drugs and paraphernalia forfeited to law enforcement.

**5. Summary:** The proposed legislation provides that seized drugs and drug paraphernalia, the lawful possession of which is not established or the title to which cannot be ascertained, may be forfeited to a law-enforcement agency for research and training purposes. Current law limits such forfeiture to the Department of Forensic Science for research and training purposes.

The substitute bill adds the Department of State police, local police departments and sheriff's offices as law-enforcement agencies that would be allowed, pursuant to a court order, to use forfeited drugs and drug paraphernalia for training purposes. It also provides that the amount of any controlled substance retained by any law-enforcement agency shall not exceed five pounds, or 25 pounds in the case of marijuana or synthetic cannabinoids, and that a written application to the court for controlled or imitation substances, marijuana or synthetic cannabinoids shall certify that the amount requested shall not result in the requesting agency's exceeding the limits allowed.

In addition, the substitute bill provides that a law-enforcement agency that retains any controlled drugs and drug paraphernalia is required to conduct an inventory of such substances with a description and weight of the substance on a monthly basis. It also provides that the agency shall destroy such substance within 12 months of obtaining it as a result of a court order for use in training.

The substitute provides that a report outlining the details of the inventory shall be made to the chief law-enforcement officer of the agency within 10 days of the completion of the inventory, and the agency shall detail the substances that were used for training pursuant to a court order in the immediately preceding fiscal year. Finally, the substitute provides that the destruction of such substance shall be certified to the court along with a statement prepared under oath, reporting a description of the substance destroyed, and the time, place, and manner of destruction.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Tentative. See Item 8.

**8. Fiscal Implications:** The substitute proposal would have no material fiscal impact on the Department of State Police and on the Department of Forensic Services.

**9. Specific Agency or Political Subdivisions Affected:** Department of State Police, Department of Forensic Services, and local police departments and sheriffs offices.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** companion to HB186.

**Date:** 2/12/2014-SB349S1.doc (LAJ)