

SB123 INTRODUCED



1 SB123
2 QJVD441-1
3 By Senators Orr, Jones
4 RFD: Veterans and Military Affairs
5 First Read: 06-Feb-25



SYNOPSIS:

Under existing law, each law enforcement agency is required to report certain civil asset forfeiture information to the uniform crime reporting system operated by the Alabama Justice Information Commission.

This bill would provide a penalty for a failure to report and would further provide for the requirements of what must be officially published by the commission.

A BILL
TO BE ENTITLED
AN ACT

Relating to civil asset forfeiture; to amend Section 41-9-655.01 and 41-9-655.03, Code of Alabama 1975, to further provide for civil asset forfeiture data reporting; to provide a penalty for a violation; and to further provide for the publishing of data on seizures and forfeitures.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 41-9-655.01 and 41-9-655.03, Code of Alabama 1975, are amended to read as follows:

"§41-9-655.01

(a) All property seized by a state, county, or



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municipal law enforcement agency for forfeiture in connection with a criminal event shall be reported to the uniform crime reporting system operated by the Alabama State Law Enforcement Agency on behalf of the Alabama Justice Information Commission.

(b) The commission shall ~~develop~~adopt rules for reporting property seized pursuant to this section. Information reported shall include any information required by the commission, including, but not limited to, all of the following:

- (1) The date of the seizure.
- (2) The address of the seizure.
- (3) The name of the law enforcement agency that conducted the seizure.
- (4) The type of property seized.
- (5) A general description of the property seized.
- (6) The name of the person or entity, if known, from whom the property was seized.
- (7) A description of the suspected underlying criminal activity that led to the seizure.
- (8) Any known arrest, including the date and charge, related to the seizure which occurred prior to a forfeiture final judgment of the seized property.
- (9) Any and all civil case action numbers assigned in state court.
- (10) Any known claimants, including title holders of record or lien holders of record.
- (11) The disposition of the seized property, including



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the date of any order.

(12) The name of each entity receiving all or any portion of the seized property subject to the forfeiture disposition. If the forfeiture order requires the selling of the property, all proceeds from the sale shall be accounted for by the recipient.

(c) The commission shall establish rules for the reporting of property seized in connection with a federal seizure in which seized property is forfeited in federal court to a state, county, or municipal law enforcement agency or when a law enforcement agency receives proceeds from a sale of forfeited property.

(d) The commission shall establish restrictions and protections on forfeiture reporting consistent with the sensitivity placed on uniform crime reports through its authority under Section 41-9-594.

(e) (1) If a law enforcement agency fails to report all of the information required under subsection (b), the commission shall give notice to the law enforcement agency of its noncompliance.

(2) If the violation is not remedied within 14 calendar days of the giving of notice under subdivision (1), the commission may petition for injunctive and other equitable relief in the circuit court of the county in which the law enforcement agency is located to compel compliance under this section.

(3) Upon a finding that a law enforcement agency has violated this section and not remedied the violation as



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provided in subdivision (2), the court shall order the law enforcement agency to do all of the following:

(1) Comply with this section.

(2) Remit all monies paid to the law enforcement agency pursuant to Section 20-2-93(s) to the State Treasurer to the credit of the General Fund.

(3) Pay to the commission all reasonable attorney fees and other costs incurred in the proceeding."

"§41-9-655.03

(a) ~~(1)~~ Annually, on or before February 1, the Alabama Justice Information Commission, shall submit to the Speaker of the House of Representatives, President Pro Tempore of the Senate, and Governor a written report that includes all of the following:

~~a.~~ (1) A summary of seizure and forfeiture activity in the state for the preceding fiscal year.

~~b.~~ (2) The type, approximate value, and disposition of the property seized and forfeited.

~~c.~~ (3) The amount of any proceeds received.

~~(2)~~ (b) The summary for data on seizures and forfeitures ~~may shall~~ be disaggregated by the commission. The ~~aggregate~~ disaggregated report shall also be made available on the website of the Alabama Justice Information Commission ~~consistent with the format of other reports posted on the commission's website.~~ and shall contain all of the following:

(1) The date of the seizure.

(2) The address of the seizure.

(3) The name of the law enforcement agency that



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conducted the seizure.

(4) The type of property seized.

(5) A general description of the property seized.

(6) The name of the individual or entity, if known,
from whom the property was seized.

(7) A description of the suspected underlying criminal
activity that led to the seizure.

(8) Any known arrest, including the date and charge,
related to the seizure which occurred prior to a forfeiture
final judgment of the seized property.

(9) Any and all civil case action numbers assigned in
state court.

(10) Any known claimants, including title holders of
record or lien holders of record, of the seized property.

(11) The disposition of the seized property, including
the date of any order.

(12) The name of each entity receiving all or any
portion of the seized property subject to the forfeiture
disposition. If the forfeiture order requires the selling of
the property, all proceeds from the sale shall be accounted
for by the recipient.

~~(b)~~ (c) The Alabama Justice Information Commission may
include in the report required under ~~subsection (a)~~ this
section recommendations to improve laws, rules, and policies
to better ensure that seizure, forfeiture, and expenditures
are done and reported in a manner that is fair to crime
victims, innocent property owners, secured interest holders,
citizens, law enforcement, and taxpayers."



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141 Section 2. This act shall become effective on October
142 1, 2025.