

House Bill 110

By: Representatives Scott of the 76<sup>th</sup>, Davis of the 87<sup>th</sup>, and Schofield of the 63<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 16 of Title 9 of the Official Code of Georgia Annotated, the "Uniform  
2 Civil Forfeiture Procedure Act," so as to require reporting of property seized or forfeited to  
3 the Carl Vinson Institute of Government of the University of Georgia; to provide for  
4 definitions; to require the reporting of certain information; to establish a case tracking system  
5 and searchable public website of such information; to provide for a report by the Vinson  
6 Institute; to provide for civil penalties; to provide for audits and public information; to  
7 provide for rules; to provide for the use of certain funds; to provide for related matters; to  
8 repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 16 of Title 9 of the Official Code of Georgia Annotated, the "Uniform Civil  
12 Forfeiture Procedure Act," is amended by adding a new Code section to read as follows:

13 "9-16-7.1.

14 (a) As used in this Code section, the term:

15 (1) 'Law enforcement agency' means any governmental entity that has the power to seize  
16 property pursuant to Code Section 9-16-6.

17 (2) 'Vinson Institute' means the Carl Vinson Institute of Government of the University  
18 of Georgia.

19 (b) The Vinson Institute shall establish and maintain a case tracking system and searchable  
20 public website that includes the following information about property seized or forfeited  
21 under this chapter:

22 (1) The name of the law enforcement agency that seized the property or, if seized by a  
23 multijurisdictional task force, the name of the lead law enforcement agency of such task  
24 force;

25 (2) The date of the seizure;

26 (3) The type of property seized; provided, however, that, for noncurrency property, a  
27 description of property seized shall be given, including the make, model, and year of any  
28 motor vehicle seized;

29 (4) The place of seizure and whether such place was a home, a business, or a traffic stop;  
30 provided, however, that, if the seizure took place at a traffic stop, the interstate or state  
31 highway name and the direction of traffic in which the motor vehicle was traveling shall  
32 be included;

33 (5) The estimated value of the seizure;

34 (6) The alleged criminal offense that led to the seizure;

35 (7) The crime for which the suspect was charged;

36 (8) The criminal case number and the court in which the case was filed;

37 (9) The outcome of the criminal case, including, but not limited to, whether no charge  
38 was filed, charges were dropped, or there was an acquittal, plea agreement, jury  
39 conviction, or other outcome;

40 (10) The forfeiture case number and the court in which the case was filed;

41 (11) If a property owner filed a claim or counterclaim, whether such claim or  
42 counterclaim was filed by the suspect, innocent owner, joint owner, or third-party owner;

- 43 (12) The method of the final forfeiture proceeding, whether criminal, civil-judicial, or  
44 civil-administrative;
- 45 (13) The date of the forfeiture order;
- 46 (14) Whether there was a forfeiture settlement agreement;
- 47 (15) The property disposition, whether returned to the owner, partially returned to the  
48 owner, sold, destroyed, retained by a law enforcement agency, or pending disposition;
- 49 (16) The date of the property disposition;
- 50 (17) The total value of property forfeited under state law, including currency and  
51 proceeds from the sale of noncurrency property, excluding the value of contraband;
- 52 (18) The market value of forfeited property that was retained, destroyed, or donated,  
53 excluding the value of contraband;
- 54 (19) An estimate of the total costs to the law enforcement agency to store the property  
55 in impound lots or evidence rooms, to pay for law enforcement personnel and  
56 prosecutors' time and expenses to litigate forfeiture cases, and to sell or dispose of  
57 forfeited property;
- 58 (20) The amount of attorney fees awarded to property owners;
- 59 (21) If any property was retained by a law enforcement agency, the purpose for which  
60 it is used; and
- 61 (22) The total value of seized or forfeited property held by the agency at the end of the  
62 reporting period.
- 63 (c) On and after January 1, 2024, any law enforcement agency that seizes property and any  
64 state attorney who initiates a quasi-judicial forfeiture or files a complaint for forfeiture  
65 shall, for each case, update the case tracking system and searchable public website  
66 provided for in subsection (b) of this Code section with the information required by the last  
67 day of the calendar month following the seizure of property, initiation of a quasi-judicial  
68 forfeiture, or filing of a complaint for forfeiture. The commander of a multijurisdictional  
69 task force may appoint one law enforcement agency to make the report required by this

70 subsection. If a law enforcement agency has made no seizures during the previous calendar  
71 month, a null report shall be filed by such law enforcement agency specifying that it did  
72 not engage in seizures or forfeitures under this chapter during the reporting period.

73 (d) The Vinson Institute, 120 days after the close of each fiscal year, shall submit to the  
74 Speaker of the House of Representatives, the President of the Senate, the Attorney General,  
75 and the Governor a written report summarizing the data gathered pursuant to subsection (b)  
76 of this Code section for the prior fiscal year, including, but not limited to, the type,  
77 approximate value, and disposition of the property seized. The data shall be disaggregated  
78 by agency and the aggregate report shall be made available on the website of the Vinson  
79 Institute, which may include in its aggregate report recommendations to improve statutes,  
80 rules, and policies to better ensure that seizures, forfeitures, and expenditures are done and  
81 reported in a manner that is fair to crime victims, innocent property owners, secured  
82 interest holders, citizens, law enforcement agencies, and taxpayers.

83 (e) If a law enforcement agency fails to file a report within 30 days after it is due and there  
84 is no good cause as determined by the Vinson Institute, the Attorney General shall seek  
85 imposition on the law enforcement agency of a civil fine of \$500.00 or the equivalent of  
86 one-quarter of the forfeiture proceeds received by the agency, whichever is greater, payable  
87 to the state treasury.

88 (f) At the request of an elected official, the state auditor shall perform annually a financial  
89 audit under the generally accepted government auditing standards of records submitted to  
90 the Vinson Institute related to inventory of seized property and expenditures of forfeiture  
91 proceeds. A copy of the final audit report shall be submitted to the Vinson Institute no later  
92 than 90 days after the end of the fiscal year and shall be made public.

93 (g) The Vinson Institute may recoup its costs under this Code section by charging a fee to  
94 each law enforcement agency filing a report.

- 95 (h) Law enforcement agencies may use forfeiture proceeds to pay the costs of compiling  
96 and reporting data under this Code section and to pay any fees imposed by the Vinson  
97 Institute.
- 98 (i) The Vinson Institute may adopt rules necessary to implement this Code section.
- 99 (j) The data and reports compiled and prepared under this Code section shall be deemed  
100 public information and shall be subject to disclosure."

101

**SECTION 2.**

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