

ASSEMBLY BILL NO. 350—COMMITTEE ON JUDICIARY

MARCH 20, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing forfeiture of property.
(BDR 14-472)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to property; requiring a law enforcement agency to include certain additional information relating to seizures and forfeitures in its annual report to the Office of the Attorney General; requiring the Office of the Attorney General to publish certain reports on its Internet website in a machine-readable format; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each law enforcement agency to annually submit a report to the Office of the Attorney General containing certain information regarding the seizure and forfeiture of property. Existing law additionally requires the Office of the Attorney General to compile such reports and issue an aggregate report of all forfeitures in this State and make such a report available; (1) on its Internet website; and (2) upon request. (NRS 179.1205) This bill requires each law enforcement agency to include certain additional information relating to seizures and forfeitures in the report that the law enforcement agency submits to the Office of the Attorney General. This bill additionally requires the Office of the Attorney General to make the reports relating to seizures and forfeitures that are published on its Internet website available in a machine-readable format.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 179.1205 is hereby amended to read as follows:

179.1205 1. On an annual basis, each law enforcement agency shall report the following information about each individual



seizure and forfeiture completed by the law enforcement agency under state forfeiture law:

(a) Data on seizures and forfeitures, including, without limitation, the:

(1) Date that currency, vehicles, houses or other types of property were seized;

(2) Type of property seized, including, the year, make and model, as applicable;

(3) ~~Type of crime associated with the seizure of the property;~~

~~(4)~~ Market value of the property seized; and

~~[(5) Disposition]~~

(4) *Place of seizure, including whether the property was seized at:*

(I) A residence;

(II) A place of business;

(III) A traffic stop; or

(IV) Any other location.

(b) *Information relating to any judicial proceedings associated with the seizure, including, without limitation:*

(1) The type of crime associated with the seizure of the property;

(2) The crimes, if any, for which the suspect was charged;

(3) The court in which the case was filed and the case number;

(4) The outcome of the criminal proceeding, if any, including whether:

(I) A charge was filed;

(II) The charges were dropped;

(III) The suspect was acquitted;

(IV) There was a plea agreement;

(V) The suspect was convicted by a jury;

(VI) The case is pending; or

(VII) Any other outcome not mentioned in sub-subparagraphs (I) to (VI), inclusive, occurred;

(5) Whether the forfeiture action was completed as a criminal proceeding or a civil proceeding;

(6) Whether a person claimed interest in the property during the proceedings by filing:

(I) A verified answer pursuant to subsection 6 of NRS 179.1171;

(II) An action to claim delivery pursuant to NRS 31.840 and subsection 2 of 179.1171; or

(III) Any other claim to indicate interest in the property which was seized;



(7) *The outcome of any judicial forfeiture proceeding, including whether:*

(I) *The case was dismissed pursuant to subsection 8 of NRS 179.1173;*

(II) *A default judgment was entered pursuant to Rule 55 of the Nevada Rules of Civil Procedure; or*

(III) *A court order was entered pursuant to subsection 5 of NRS 179.1231;*

(8) *Whether a stipulated agreement between the parties regarding the property was reached pursuant to subsection 3 of NRS 179.1171, subsection 9 of NRS 179.1173 or any other provision of law;*

(9) *The disposition of the property following the ~~seizure;~~ forfeiture including whether the property is:*

(I) *Returned to the owner;*

(II) *Partially returned to the owner;*

(III) *Sold;*

(IV) *Destroyed;*

(V) *Retained by a law enforcement; or*

(VI) *Pending disposition; and*

~~[(6) Date]~~

(10) *The date of the disposition of the property.*

~~[(b)]~~ (c) *Data on the use of proceeds, including, without limitation, the:*

(1) *Payment of all outstanding liens on the forfeited property;*

(2) *Payment of reasonable expenses, except personnel costs, of the seizure, storage and maintenance of custody of any forfeited property; and*

(3) *Distribution of proceeds pursuant to NRS 179.118, 179.1187, 179.1233 and 207.500.*

~~[(e)]~~ (d) *Any other information required by the Office of the Attorney General.*

2. The Office of the Attorney General shall develop standard forms, processes and deadlines for the entry of electronic data for the annual submission of the report required by subsection 1.

3. Each law enforcement agency shall file with the Office of the Attorney General the report required by subsection 1. A null report must be filed by a law enforcement agency that did not engage in a seizure or forfeiture during the reporting period. The Office of the Attorney General shall compile the submissions and issue an aggregate report of all forfeitures in this State ~~[]~~, *which includes a summary of the information provided by the law enforcement agencies.*

4. On or before April 1 of each year, the Office of the Attorney General shall make available:



1 (a) On its Internet website, the reports submitted by law
2 enforcement agencies and the aggregate report.

3 (b) Upon request, printed copies of the reports submitted by law
4 enforcement agencies and the aggregate report.

5 5. *The reports made available on the Internet website of the*
6 *Office of the Attorney General pursuant to paragraph (a) of*
7 *subsection 4 must be published in a format which is machine-*
8 *readable. As used in this subsection, “machine-readable” means a*
9 *format by which information or data can be easily processed by a*
10 *computer without human intervention while ensuring no semantic*
11 *meaning is lost.*

12 6. The Office of the Attorney General shall include in the
13 aggregate report information on any law enforcement agencies not
14 in compliance with this section.

