BDR 14-746
SB 337

EXECUTIVE AGENCY

FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: April 4, 2023

Agency Submitting: Department of Public Safety

Items of Revenue or Expense, or Both	Fiscal Year 2022-23	Fiscal Year 2023-24	Fiscal Year 2024-25	Effect on Future Biennia
Average of Forfeiture Expenditures (Expense)		$239,392	$568,575	$610,272
Total	0	$239,392	$568,575	$610,272

Explanation (Use Additional Sheets of Attachments, if required)

BDR 14-746; SB337 Revises provisions governing the forfeiture of property. This bill seeks to remove a police officers' ability to seize money that may be connected to criminal activity under certain circumstances. At present, currency can be seized without an arrest if other actors are present that would indicate criminal activity. This bill would require an arrest for a "Law subject to forfeiture" in order to take money. This bill also requires that all money forfeited be given to the schools and expressly prohibits law enforcement from using forfeited monies.

Section 25 of the bill states, in part, funds remining after certain expenses, will be deposited into the State Permanent School Fund.
Section 26 of the bill states, in part, a law enforcement agency shall not retain forfeited property for its own use. It also states an agency will not enter into an agreement to transfer or refer to any federal agency property subject to forfeiture or forfeited.

Currently the Department of Public Safety utilizes Forfeiture funds to cover items like: K-9 costs including training, veterinary care expenses, cadet uniforms, other equipment and software purchases and other training. These expense would need to be transferred to the appropriate division's operating budget to be covered by the primary funding source of the agency, generally Highway fund or General fund. The fiscal note listed uses averages over the department.

Name Curtis Palmer

Title ASO IV

GOVERNOR'S OFFICE OF FINANCE COMMENTS

Date Tuesday, April 04, 2023

The agency's response appears reasonable.

Name Amy Stephenson

Title Director