

REVENUE: No revenue impact

FISCAL: May have fiscal impact, statement not yet issued

Action:	Do Pass and Be Referred to the Committee on Ways and Means by prior reference
Vote:	8 - 0 - 1
Yeas:	Barker, Bonamici, Cameron, Flores, Komp, Krieger, Whisnant, Macpherson
Nays:	0
Exc.:	Read
Prepared By:	Ellen Osoinach, Counsel
Meeting Dates:	4/12

WHAT THE MEASURE DOES: Authorizes courts to impose \$50 assessment on persons convicted of specified crimes involving minors. Creates additional list of crimes for which a court may enter a judgment of criminal forfeiture. Dedicates revenue to State Commission on Children and Families (SCCF) Account.

ISSUES DISCUSSED:

- Need for amendment to change “assessment” to “fee”
- Possibility of increasing fee to \$100

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Under current law, a court may enter a judgment of criminal forfeiture against instrumentalities of approximately one hundred and thirty-three crimes. An instrumentality is property that was used, intended to be used, or facilitated the crime of conviction. The court engages in a balancing test to determine what portion of the property should be forfeited. The proceeds from the sale of forfeited property are first used to pay for the administrative costs of the seizing agency and then for restitution to the victim. From the remaining money, the general fund of the political subdivision in which the prosecution occurred receives 80 percent and must distribute half for official law enforcement use and half to drug courts.

HB 3441 authorizes a court to forfeit an instrumentality of nineteen additional crimes, including sex crimes committed against minors, unlawful contact with a child, incest, and giving obscene materials to a minor. The forfeiture proceedings occur in the manner described above with the exception of distribution of proceeds. For the nineteen additional crimes, the court distributes the 80 percent share to the State Treasury for deposit to the credit of the SCCF Account rather than to the general fund of the political subdivision.

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This summary has not been adopted or officially endorsed by action of the committee.