

**2009 Regular Legislative Session**  
**FISCAL ANALYSIS OF PROPOSED LEGISLATION**  
**Prepared by the Oregon Legislative Fiscal Office**

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**MEASURE NUMBER:** SB 356

**STATUS:** A Engrossed

**SUBJECT:** Revises laws relating to civil forfeiture.

**GOVERNMENT UNIT AFFECTED:** Criminal Justice Commission, Oregon State Police, Cities and Counties

**PREPARED BY:** Tim Walker

**REVIEWED BY:** Doug Wilson

**DATE:** March 6, 2009

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**EXPENDITURES:**

See Analysis.

2009-2011

2011-2013

**EFFECTIVE DATE:** On passage.

**GOVERNOR’S BUDGET:** This bill is not anticipated by the Governor’s recommended budget.

**LOCAL GOVERNMENT MANDATE:** This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

**ANALYSIS:** This bill enacts the provisions of Ballot Measure 53, which amended the Oregon Constitution to clarify under what circumstances civil forfeiture can be undertaken, allows state and local law enforcement to share proceeds resulting from participation with federal forfeitures, and allows forfeiture without criminal conviction when the property is a neglected or abused animal.

Proceeds from civil forfeitures would be distributed as follows:

- The seizing agency will pay all expenses associated with liquidating the seized property;
- After all costs are paid, the seizing agency will distribute proceeds according to any restitution orders;
- 10% to the Commission on Children and Families for relief nurseries;
- 20% to the Criminal Justice Commission (CJC) for drug courts;
- 2.5% to CJC for monitoring and oversight;
- 5% for the Illegal Drug Clean-up Fund and;
- The remaining 62.5% to the seizing agency for equipment, education, cash for undercover “buys” and administrative expenses.

CJC will be responsible for training, coordinating, and outreach to law enforcement agencies concerning the provisions of this bill. It is not known at this time the amount of civil forfeitures that may be collected as a result of the Ballot Measure or this bill.