

House Bill 3151

Sponsored by Representative BARKER; Representatives ESQUIVEL, FREDERICK, KRIEGER, OLSON, J SMITH, WHISNANT, Senators BONAMICI, DINGFELDER, MONNES ANDERSON, PROZANSKI

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes forfeiting agency to use forfeiture proceeds to fund drug treatment.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the use of forfeiture proceeds to fund drug treatment; amending ORS 131A.360; and de-
3 claring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 131A.360 is amended to read:

6 131A.360. (1) The provisions of this section apply only to a forfeiting agency other than the
7 state, and apply only to forfeiture proceeds arising out of prohibited conduct as defined by ORS
8 131A.005 (12)(a).

9 (2) If the forfeiting agency is not a county, the forfeiting agency shall enter into an agreement,
10 under ORS chapter 190, with the county in which the property was seized to provide a portion of
11 the forfeiture proceeds to the county.

12 (3) After entry of a judgment of forfeiture, a forfeiting agency shall first pay from the forfeiture
13 proceeds the costs incurred by seizing and forfeiting agencies in investigating and prosecuting the
14 case, including costs, disbursements and attorney fees as defined in ORCP 68 A, special expenses
15 such as the provision of currency for undercover law enforcement operations, the cost of disabling
16 a hidden compartment in a motor vehicle and the expenses of maintaining the seized property. The
17 forfeiting agency may not pay expenditures made in connection with the ordinary maintenance and
18 operation of a seizing or forfeiting agency under this subsection.

19 (4) After payment of costs under subsection (3) of this section, the forfeiting agency shall:

20 (a) Deduct an amount equal to five percent of the forfeiture proceeds and deposit that amount
21 in the Illegal Drug Cleanup Fund established by ORS 475.495 for the purposes specified in ORS
22 475.495 (5) and (6);

23 (b) Deduct an amount equal to 2.5 percent of the forfeiture proceeds and deposit that amount
24 in the Asset Forfeiture Oversight Account;

25 (c) Deduct an amount equal to 20 percent of the forfeiture proceeds and deposit that amount in
26 the Oregon Criminal Justice Commission Account established under ORS 137.662 for disbursement
27 to drug court programs as described in ORS 3.450; and

28 (d) Deduct an amount equal to 10 percent of the forfeiture proceeds and deposit that amount in
29 the State Commission on Children and Families Account established by ORS 417.733 for disburse-
30 ment to relief nurseries as described in ORS 417.788.

31 (5) If the forfeiting agency has entered into an agreement with a county under subsection (2)

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 of this section, after paying costs under subsection (3) of this section and making the deductions
2 required by subsection (4) of this section, the forfeiting agency shall pay the county the amounts
3 required by the agreement.

4 (6) After making all payments and deductions required by subsections (3), (4) and (5) of this
5 section, the forfeiting agency may use the remaining forfeiture proceeds, including amounts received
6 by a county under subsection (5) of this section or by a any other public body under an intergov-
7 ernmental agreement entered into under ORS 131A.355, only for:

8 (a) The purchase of equipment necessary for the enforcement of laws relating to the unlawful
9 delivery, distribution, manufacture or possession of controlled substances;

10 (b) Currency for undercover law enforcement operations;

11 (c) Drug awareness and drug education programs offered in middle schools and high schools;

12 (d) The expenses of a forfeiting agency in operating joint narcotic operations with other for-
13 feiting agencies pursuant to the terms of an intergovernmental agreement, including paying for
14 rental space, utilities and office equipment; *[and]*

15 (e) Expenses of a district attorney in criminal prosecutions for unlawful delivery, distribution,
16 manufacture or possession of controlled substances, as determined through intergovernmental
17 agreement between the forfeiting agency and the district attorney; **and**

18 **(f) Drug treatment and programs that support drug treatment.**

19 (7) Notwithstanding subsection (6) of this section, growing equipment and laboratory equipment
20 seized by a forfeiting agency that was used, or intended for use, in the manufacturing of controlled
21 substances may be donated to a public school, community college or institution of higher education.

22 (8) A forfeiting agency shall sell as much property as may be needed to make the distributions
23 required by this section. Distributions required under subsection (4) of this section must be made
24 once every three months and are due within 20 days of the end of each quarter. No interest shall
25 accrue on amounts that are paid within the period specified by this subsection.

26 **SECTION 2. This 2011 Act being necessary for the immediate preservation of the public**
27 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
28 **on its passage.**