

HOUSE AMENDMENTS TO SENATE BILL 373

By COMMITTEE ON JUDICIARY

June 1

1 On page 1 of the printed bill, line 2, delete “and 131A.450” and insert “, 131A.450 and
2 131A.460”.

3 Delete lines 5 through 28.

4 On page 2, delete lines 1 through 18 and insert:

5 “**SECTION 1.** ORS 131.600 is amended to read:

6 “131.600. (1) A seizing agency and any agency that receives forfeited property or proceeds from
7 the sale of forfeited property under ORS 131.550 to 131.600 shall maintain written documentation
8 of each sale, decision to retain, transfer or other disposition of forfeited property.

9 “[*(2) Forfeiture counsel shall report each criminal forfeiture to the Asset Forfeiture Oversight Ad-
10 visory Committee as soon as reasonably possible after the conclusion of criminal forfeiture proceedings,
11 whether or not the forfeiture results in an entry of judgment under ORS 131.588. The committee shall
12 develop and make available forms for the purpose of reporting criminal forfeitures.*]

13 “**(2)(a) As soon as practicable following the seizure of property for criminal forfeiture,
14 forfeiture counsel shall file with the Asset Forfeiture Oversight Advisory Committee an
15 electronic report that describes the property seized and the circumstances of the seizure.**

16 “**(b) As soon as practicable following entry of judgment under ORS 131.588, forfeiture
17 counsel shall file with the committee an electronic report describing the judgment and the
18 manner in which any forfeited property and the proceeds from any sales of forfeited property
19 were distributed.**

20 “(3) Law enforcement agencies shall supply to forfeiture counsel all information requested by
21 forfeiture counsel **that is** necessary for the preparation of the [*report*] **electronic reports** required
22 by subsection (2) of this section.

23 “(4) Political subdivisions of this state that receive forfeiture proceeds under ORS 131.594 shall
24 submit [*a*] **an electronic** report to the committee for any year in which those proceeds are received.
25 [*The committee shall develop and make available forms for the purpose of those reports. The forms
26 must require the political subdivision to report*] **The report must describe** how proceeds received
27 by the political subdivision have been or will be used [*and any other information requested by the
28 committee. A political subdivision shall submit a report required by this subsection by*]. **Reports shall
29 be submitted each** December 15 for the [*last ending*] **preceding** fiscal year of the political subdi-
30 vision.

31 “**(5) The committee may require forfeiture counsel or a political subdivision to include in
32 the electronic reports any additional information requested by the committee. The commit-
33 tee shall develop and make available electronic forms for the purposes of the reports de-
34 scribed in this section.**

35 “**SECTION 2.** ORS 131A.450 is amended to read:

1 “131A.450. (1) All forfeiting agencies shall maintain written documentation of each seizure for
2 forfeiture made under the provisions of this chapter, sale of seized or forfeited property under this
3 chapter, decision to retain property forfeited under the provisions of this chapter, transfer of prop-
4 erty forfeited under this chapter and other dispositions of property seized for forfeiture or forfeited
5 under the provisions of this chapter.

6 “[*(2) Forfeiture counsel shall report each seizure for forfeiture and each forfeiture under the pro-*
7 *visions of this chapter to the Asset Forfeiture Oversight Advisory Committee as soon as reasonably*
8 *possible after the conclusion of forfeiture proceedings. The committee shall develop and make available*
9 *forms for the purpose of reporting forfeitures.*”]

10 “**(2)(a) As soon as practicable following the seizure of property for civil forfeiture,**
11 **forfeiture counsel shall file with the Asset Forfeiture Oversight Advisory Committee an**
12 **electronic report that describes the property seized and the circumstances of the seizure.**

13 “**(b) As soon as practicable following the entry of judgment under this chapter, forfeiture**
14 **counsel shall file with the committee an electronic report describing the judgment and the**
15 **manner in which any forfeited property and the proceeds from any sales of forfeited property**
16 **were distributed.**

17 “(3) Law enforcement agencies shall supply to forfeiture counsel all information requested by
18 forfeiture counsel **that is** necessary for the preparation of the [*report*] **electronic reports** required
19 by subsection (2) of this section.

20 “(4) Public bodies that receive forfeiture proceeds under ORS 131A.360 (2) and 131A.365 (4) shall
21 submit [*a*] **an electronic** report to the [*Asset Forfeiture Oversight Advisory*] committee for any year
22 in which those proceeds are received. [*The committee shall develop and make available forms for the*
23 *purpose of those reports. The forms shall require the public body to report on*] **The report must de-**
24 **scribe** how proceeds received by the public body have been or will be used[, *and such other infor-*
25 *mation as may be requested by the committee*]. Reports shall be submitted each December 15 for the
26 preceding fiscal year of the public body.

27 “**(5) The committee may require forfeiture counsel or a political subdivision to include in**
28 **the electronic reports any additional information requested by the committee. The commit-**
29 **tee shall develop and make available electronic forms for the purposes of the reports de-**
30 **scribed in this section.”**

31 On page 5, delete lines 7 through 9 and insert:

32 “**SECTION 5.** ORS 131A.460 is amended to read:

33 “131A.460. (1) The Asset Forfeiture Oversight Account is established in the State Treasury,
34 separate and distinct from the General Fund.

35 “(2) The following moneys shall be deposited into the State Treasury and credited to the Asset
36 Forfeiture Oversight Account:

37 “(a) Moneys received from a public body under the provisions of ORS 131A.360 and 131A.365;
38 and

39 “(b) Any other moneys appropriated to the Asset Forfeiture Oversight Account.

40 “(3) The State Treasurer may invest and reinvest moneys in the Asset Forfeiture Oversight
41 Account in the manner provided by law. Interest earned by the account shall be credited to the
42 account.

43 “(4) The moneys in the Asset Forfeiture Oversight Account are continuously appropriated to the
44 Oregon Criminal Justice Commission to be used for the expenses of the Asset Forfeiture Oversight
45 Advisory Committee.

1 “(5) *If, at the end of a biennium, the Asset Forfeiture Oversight Account has received amounts*
2 *under the provisions of ORS 131A.360 and 131A.365 that are in excess of 115 percent of the biennial*
3 *expenditure limitation established for expenditures from the account, the Oregon Criminal Justice*
4 *Commission shall refund to each public body that made payment into the account during the biennium*
5 *a pro rata share of the amounts that are in excess of 115 percent of the expenditure limitation for the*
6 *account, based on the amount of forfeiture proceeds paid into the account by the public body. The*
7 *commission is not required to issue any refund under this subsection if the amount of the refund is less*
8 *than \$25.*]

9 “**SECTION 6. This 2011 Act being necessary for the immediate preservation of the public**
10 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
11 **on its passage.**”.