

SENATE AMENDMENTS TO SENATE BILL 430

By COMMITTEE ON JUDICIARY

April 11

1 On page 1 of the printed bill, line 2, after “131A.005” insert “and 131A.360”.

2 On page 3, delete lines 4 through 8 and insert:

3 “**SECTION 2.** ORS 131A.360 is amended to read:

4 “131A.360. (1) The provisions of this section apply only to a forfeiting agency other than the
5 state, and apply only to forfeiture proceeds arising out of prohibited conduct as defined by ORS
6 131A.005 (12)(a).

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

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

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

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

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

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

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

29 “(5) If the forfeiting agency has entered into an agreement with a county under subsection (2)
30 of this section, after paying costs under subsection (3) of this section and making the deductions
31 required by subsection (4) of this section, the forfeiting agency shall pay the county the amounts
32 required by the agreement.

33 “(6) After making all payments and deductions required by subsections (3), (4) and (5) of this
34 section, the forfeiting agency may use the remaining forfeiture proceeds, including amounts received
35 by a county under subsection (5) of this section or by a any other public body under an intergov-

1 ernmental agreement entered into under ORS 131A.355, only for:

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

4 “(b) Currency for undercover law enforcement operations;

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

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

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

12 **“(f) A Court Appointed Special Advocate Volunteer Program.**

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

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

20 **“SECTION 3. The amendments to ORS 131A.005 by section 1 of this 2011 Act apply to**
21 **conduct occurring on or after the effective date of this 2011 Act.**

22 **“SECTION 4. This 2011 Act being necessary for the immediate preservation of the public**
23 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
24 **on its passage.”.**

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