

HB 331-FN - AS AMENDED BY THE HOUSE

24Feb2021... 0188h

2021 SESSION

21-0409

08/10

HOUSE BILL

331-FN

AN ACT

relative to a forfeiture of personal property.

SPONSORS:

Rep. Sylvia, Belk. 6; Rep. T. Lekas, Hills. 37; Rep. Bean, Belk. 2; Rep. Greene, Hills. 37; Rep. Aron, Sull. 7; Rep. Spillane, Rock. 2; Rep. A. Lekas, Hills. 37

COMMITTEE:

Judiciary

ANALYSIS

This bill limits the conditions under which seized property may be transferred to a federal agency.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to a forfeiture of personal property.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Forfeiture of Personal Property. Amend RSA 617 by inserting after section 12
2 the following new section:

3 617:13 Limiting Adoptions by the Federal Government of Property Seized Under State Law.

4 I. A state or local law enforcement agency shall not offer for transfer or adoption property,
5 seized under state law, to a federal agency for the purpose of forfeiture under the federal Controlled
6 Substances Act, Public Law 91-513, unless the seized property includes more than \$100,000 in
7 United States currency.

8 II. Paragraph I shall only apply to a seizure by a state or local law enforcement agency
9 pursuant to its own authority under state law and without involvement of the federal government in
10 the seizure. Nothing in paragraph I shall be construed to limit state and local law enforcement
11 agencies from participating in a joint task force with the federal government.

12 III. The state or local law enforcement agency shall not accept payment of any kind or
13 distribution of forfeiture proceeds from the federal government if the state or local law enforcement
14 agency violates paragraph I. All proceeds received shall be transferred and deposited to the state's
15 general fund.

16 2 Effective Date. This act shall take effect January 1, 2022.

**HB 331-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to a forfeiture of personal property.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

LOCAL:

Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill limits the conditions under which seized property may be transferred to a federal agency. The Department of Justice indicates the bill prohibits state and local law enforcement agencies from entering into agreements with the federal government to allow the federal government to take custody of property valued at less than \$100,000.00 for the purposes of forfeiting that property pursuant to federal law. In the context of drug-related crimes, the Attorney General’s Office handles all forfeiture proceedings. This bill would increase the number of forfeiture proceedings the Attorney General’s Office must handle because state and local law enforcement would no longer be able to work with the federal government to forfeit money or property. It is not clear how many additional forfeiture cases this bill would create. Therefore, this bill’s fiscal impact is indeterminable.

The New Hampshire Municipal Association states this legislation bars state, county, and municipal law enforcement agencies from entering into agreements with federal agencies to allow the federal government to engage in “adoptive forfeiture”; the process by which the federal government brings a forfeiture case without being involved in building the case except where \$100,000 in U.S. currency is involved, and unless the seizure of the property took place under the auspices of an intergovernmental joint task force. The Association indicates the bill would, presumably, cut some portion of the incoming equitable share due to the restriction on how

municipal law enforcement agency may turn over property to the federal government. The impact on county revenue and expenditures cannot be determined.

AGENCIES CONTACTED:

Departments of Justice, Administrative Services and New Hampshire Municipal Association