



House of Representatives

General Assembly

File No. 147

February Session, 2000

House Bill No. 5721

House of Representatives, March 21, 2000

The Committee on Public Safety reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

An Act Designating The Military Department As A Law Enforcement Agency For The Purposes Of Drug Enforcement Initiatives.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 27-14 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 The Governor shall be the Captain-General and, as such,
4 commander-in-chief of the militia, and of the National Guard and the
5 naval militia, not in the service of the United States, and may employ
6 it, or any part of it, for the defense or relief of the state or any part of its
7 inhabitants or territory; and shall have all the powers necessary to
8 carry into effect the provisions of this chapter. [He] The Governor shall
9 issue all orders and prescribe all regulations for the organization and
10 government of the organized militia, the National Guard and the naval
11 militia. Such orders and regulations shall not be in conflict with the
12 laws and regulations of the United States. [He] The Governor shall

13 issue all orders and regulations necessary to cause the National Guard
14 and naval militia to conform at all times to the laws and regulations of
15 the United States relating thereto. The Governor may authorize the
16 organized militia or the National Guard to cooperate with federal,
17 state and local officials in the enforcement of the laws of this state or of
18 the United States concerning the manufacture, distribution, sale and
19 possession of narcotics and controlled substances. The organized
20 militia or National Guard is designated a law enforcement agency for
21 purposes of such enforcement, and shall participate in distributions
22 under section 54-36i, as amended by this act.

23 Sec. 2. Section 54-36i of the general statutes is repealed and the
24 following is substituted in lieu thereof:

25 (a) There is established and created an account of the General Fund
26 to be known as the "drug assets forfeiture revolving account" for the
27 purpose of providing funds for substance abuse treatment and
28 education programs and for use in the detection, investigation,
29 apprehension and prosecution of persons for the violation of the laws
30 pertaining to the illegal manufacture, sale, distribution or possession of
31 controlled substances.

32 (b) The account shall consist of the proceeds from the sale of
33 property and moneys received and deposited pursuant to section 54-
34 36h.

35 (c) Moneys in such account shall be distributed as follows: (1)
36 Seventy per cent shall be allocated to the Department of Public Safety,
37 [and] local police departments, the organized militia and the National
38 Guard pursuant to subsection (d) of this section, fifteen per cent of
39 which shall be used for purposes of drug education and eighty-five per
40 cent of which shall be used for the detection, investigation,
41 apprehension and prosecution of persons for the violation of laws
42 pertaining to the illegal manufacture, sale, distribution or possession of
43 controlled substances and for the purposes of police training on gang-

44 related violence as required by section 7-294l, (2) twenty per cent shall
45 be allocated to the Department of Mental Health and Addiction
46 Services for substance abuse treatment and education programs, and
47 (3) ten per cent shall be allocated to the Division of Criminal Justice for
48 use in the prosecution of persons for the violation of laws pertaining to
49 the illegal manufacture, sale, distribution or possession of controlled
50 substances.

51 (d) Expenditures from the account allocated to the Department of
52 Public Safety, [and] local police departments, the organized militia and
53 the National Guard shall be authorized by a panel composed of: (1)
54 The Commissioner of Public Safety or [his] said commissioner's
55 designee, (2) the commander of the state-wide narcotics task force or
56 [his] said commander's designee, and (3) the president of the
57 Connecticut Police Chiefs Association or [his] said president's
58 designee. The panel shall adopt procedures for the orderly
59 authorization of expenditures, subject to the approval of the
60 Comptroller. Such expenditures may be authorized only to the
61 Department of Public Safety, [and] to organized local police
62 departments within this state, to the organized militia and the National
63 Guard. Such expenditures shall be held by the Department of Public
64 Safety, [and] the various organized local police departments, the
65 organized militia and the National Guard in accounts or funds
66 established for that purpose. In no event shall the expenditures be
67 placed in a state or town general fund and in no event shall the
68 expenditures be used for purposes other than those provided in
69 subdivision (1) of subsection (c) of this section. The panel shall ensure
70 the equitable allocation of expenditures to the Department of Public
71 Safety, [or] any local police department, [which] the organized militia
72 or the National Guard to the extent that each entity participated
73 directly in any of the acts which led to the seizure or forfeiture of the
74 property so as to reflect generally the contribution of said department,
75 [or] such local police department, the organized militia or the National
76 Guard in such acts. The panel shall authorize expenditures from the

77 account for the reimbursement of any organized local police
78 department, the organized militia or the National Guard which has
79 used its own funds in the detection, investigation, apprehension and
80 prosecution of persons for the violation of laws pertaining to the illegal
81 manufacture, sale, distribution or possession of controlled substances
82 and which makes application to the panel for reimbursement.

83 (e) Moneys remaining in the drug assets forfeiture revolving
84 account at the end of a fiscal year shall not revert to the General Fund
85 but shall remain in the revolving account to be used for the purposes
86 set forth in this section.

PS Committee Vote: Yea 22 Nay 0 JF

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

- State Impact:** Potential Significant Revenue Gain
- Affected Agencies:** Military Department, Department of Public Safety
- Municipal Impact:** None

Explanation

State and Municipal Impact:

The passage of this bill would result in a potential revenue gain to the state that could be significant, and in no impact on municipalities. The bill authorizes the organized militia and the National Guard to be part of any federal, state and local drug enforcement initiatives, and makes the Military Department eligible for proceeds from the state and federal drug assets forfeiture funds.

The Military Department’s drug interdiction activities primarily involve operations with the federal government. The federal government cannot award the Military Department proceeds from the forfeitures unless the agency is designated by the state as a law enforcement agency for the purposes of drug enforcement activities. Potential revenues are significant, and would depend on the services provided by the Military Department and the amount of drug assets seizures and forfeitures. For example, the Department of Public Safety (DPS) received \$293,000 in FY 99 and \$154,000 so far in FY 00 from the

federal drug assets forfeiture program. The future revenues obtained by DPS would not be affected.

The Military Department is less of a participant in the state's drug enforcement activities. By statute, 70% of the proceeds of the state's drug assets forfeitures funds must be distributed to the Department of Public Safety and to municipal police departments, and must be used for specified drug and gang education, prevention and enforcement. In FY 99, municipalities received about \$750,000 and DPS received about \$243,000. The bill makes the Military Department eligible for a share of this 70%. This is not anticipated to reduce the moneys currently distributed to the state and local police departments because the allocation of moneys must directly reflect the agency's contribution to the acts that led to the seizures or forfeitures.

OLR BILL ANALYSIS

HB 5721

AN ACT DESIGNATING THE MILITARY DEPARTMENT AS A LAW ENFORCEMENT AGENCY FOR THE PURPOSES OF DRUG ENFORCEMENT INITIATIVES.**SUMMARY:**

This bill designates the organized militia and National Guard as law enforcement agencies when collaborating with state and federal law enforcement authorities to enforce state or federal drug laws. It allows the governor to authorize the militia and Guard to collaborate, and it adds them to the entities that must share money in the Drug Assets Forfeiture Revolving Account. Apparently, the designation also allows the Guard and the organized militia to get money from two federal drug asset forfeiture programs.

EFFECTIVE DATE: October 1, 2000

Drug Assets Forfeiture Revolving Account

This account consists of money from the Drug Assets Forfeiture Program. Current law gives (1) 70% of the money in it to the Department of Public Safety (DPS) and local police departments for drug education, training police on gang violence, and enforcing the drug laws; (2) 20% to the Department of Mental Health and Addiction Services for substance abuse treatment and education; and (3) 10% to the Division of Criminal Justice to prosecute people for drug crimes. The bill requires the National Guard and the organized militia to get a share of the percentage given to the DPS and the police departments and requires them to use the money for the same purposes as these departments.

The money must be distributed according to current procedures. A panel consisting of the public safety commissioner, commander of the statewide narcotics task force, and police chief association president or their designees, must authorize expenditures. The panel must ensure

that allocation to participating entities directly reflects their contribution to the acts that led to seizures or forfeitures. The entities must keep any money allocated to them in separate accounts.

BACKGROUND

Federal Asset Forfeiture Programs

Two federal funds – Department of Justice Assets Forfeiture Fund and the Department of Treasury Forfeiture Fund – give money to law enforcement agencies that help enforce federal drug laws. Apparently, the federal government does not consider the National Guard and the organized militia as law enforcement agencies for this purpose. As with the state program, the amount an entity receives must reflect its contribution to the acts leading to the seizures or forfeitures.

Organized Militia

The organized militia consists of the governor's guards, the state guard, and other military forces the governor designates.

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Report
Yea 22 Nay 0