



General Assembly

February Session, 2000

Raised Bill No. 5721

LCO No. 1839

Referred to Committee on Public Safety

Introduced by:
(PS)

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 Section 27-14 of the general statutes is repealed and the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 Section 54-36i of the general statutes is repealed and the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

FIN Committee Vote: Yea 44 Nay 0 JF