



General Assembly

January Session, 2013

**Raised Bill No. 6686**

LCO No. 5112



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

**AN ACT CONCERNING THE ALLOCATION OF SEIZED CRIMINAL ASSETS TOWARD THE PAYMENT OF PAST-DUE CHILD SUPPORT OBLIGATIONS.**

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

1 Section 1. Subsections (c) to (e), inclusive, of section 54-36a of the  
2 general statutes are repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2013*):

4 (c) Unless such seized property is stolen property and is ordered  
5 returned pursuant to subsection (b) of this section or unless such  
6 seized property is adjudicated a nuisance in accordance with section  
7 54-33g, or unless the court finds that such property shall be forfeited or  
8 is contraband, or finds that such property is a controlled drug, a  
9 controlled substance or drug paraphernalia as defined in subdivision  
10 (8), (9) or (20) of section 21a-240, [it] the court shall, at the final  
11 disposition of the criminal action or as soon thereafter as is practical,  
12 or, if there is no criminal action, at any time upon motion of the  
13 prosecuting official of such court, order the return of such property to  
14 its owner within six months upon proper claim therefor, less any

15 amount of past-due child support if the owner of such property is  
16 subject to a support order, as defined in section 52-362, which amount  
17 shall be remitted to payment of such past-due child support.

18 (d) When the court orders the return of the seized property to the  
19 owner, the order shall provide that if the seized property is not  
20 claimed by the owner within six months, the property shall be  
21 destroyed or be given to a charitable or educational institution or to a  
22 governmental agency or institution, except that (1) if such property is  
23 money it shall be remitted to payment of past-due child support if the  
24 owner of such property is subject to a support order, as defined in  
25 section 52-362, and any balance shall be remitted to the state and shall  
26 be deposited in the General Fund, or (2) if such property is a valuable  
27 prize it shall be disposed of by public auction or private sale in which  
28 case the proceeds shall be remitted to payment of past-due child  
29 support if the owner of such property is subject to a support order, as  
30 defined in section 52-362, and any balance shall become the property  
31 of the state and shall be deposited in the General Fund; provided any  
32 person who has a bona fide mortgage, assignment of lease or rent, lien  
33 or security interest in such property shall have the same right to the  
34 proceeds as he had in the property prior to the sale.

35 (e) If such seized property is adjudicated a nuisance or if the court  
36 finds that such property shall be forfeited or is contraband other than a  
37 controlled drug, a controlled substance or drug paraphernalia as  
38 defined in subdivision (8), (9) or (20) of section 21a-240, the court shall  
39 order that such property be destroyed or be given to a charitable or  
40 educational institution or to a governmental agency or institution,  
41 except that (1) if such property is money, the court shall order that it be  
42 remitted to payment of past-due child support if the owner of such  
43 property is subject to a support order, as defined in section 52-362, and  
44 any balance shall be remitted to the state and be deposited in the  
45 General Fund, or (2) if such property is a valuable prize, the court shall  
46 order that it be disposed of by public auction or private sale in which  
47 case the proceeds shall be remitted to payment of past-due child

48 support if the owner of such property is subject to a support order, as  
49 defined in section 52-362, and any balance shall become the property  
50 of the state and shall be deposited in the General Fund; provided any  
51 person who has a bona fide mortgage, assignment of lease or rent, lien  
52 or security interest in such property shall have the same right to the  
53 proceeds as he had in the property prior to sale.

54 Sec. 2. Section 54-36c of the general statutes is repealed and the  
55 following is substituted in lieu thereof (*Effective October 1, 2013*):

56 (a) If there is no criminal action, property seized prior to October 1,  
57 1974, held by law enforcement agencies in connection with a crime,  
58 which has not been claimed by the owner, except property held for  
59 disposition pursuant to section 54-33g, shall, upon notification by the  
60 police authority, be disposed of on the order of the examiner of seized  
61 property if [he] the examiner of seized property obtains the consent of  
62 the prosecuting official of such court. [Property,]

63 (b) If there is no criminal action, property seized on or after October  
64 1, 1974, in connection with a crime for which an inventory need not be  
65 filed and held by law enforcement agencies for six months and which  
66 has not been claimed by the owner, shall be disposed of by an order of  
67 the examiner of seized property if [he] the examiner of seized property  
68 obtains the consent of the prosecuting official of such court. In  
69 disposing of property pursuant to this section, the examiner of seized  
70 property may order that such property be destroyed or be given to a  
71 charitable or educational institution or to a governmental agency or  
72 institution; provided, (1) if such property is money, [he] the examiner  
73 of seized property shall order that it be remitted to payment of past-  
74 due child support if the owner of such property is subject to a support  
75 order, as defined in section 52-362, and that any balance be remitted to  
76 the state and be deposited in the General Fund, or (2) [,] if such  
77 property is a valuable prize, [he] the examiner of seized property shall  
78 order that it be disposed of by public auction or private sale, in which  
79 case the proceeds shall become the property of the state and shall be

80 remitted to payment of past-due child support if the owner of such  
81 property is subject to a support order, as defined in section 52-362, and  
82 any balance shall be deposited in the General Fund; provided any  
83 person who has a bona fide mortgage, assignment of lease or rent, lien  
84 or security interest in such property shall have the same right to the  
85 proceeds as he had in the property prior to sale.

86 Sec. 3. Subsection (f) of section 54-36h of the general statutes is  
87 repealed and the following is substituted in lieu thereof (*Effective*  
88 *October 1, 2013*):

89 (f) The proceeds from any sale of property under subsection (e) of  
90 this section and any moneys forfeited under this section shall be  
91 applied: (1) To payment of the balance due on any lien preserved by  
92 the court in the forfeiture proceedings; (2) to payment of any costs  
93 incurred for the storage, maintenance, security and forfeiture of such  
94 property; [and] (3) to payment of court costs; and (4) to payment of  
95 past-due child support if the owner of such property is subject to a  
96 support order, as defined in section 52-362. The balance, if any, shall be  
97 deposited in the drug assets forfeiture revolving account established  
98 under section 54-36i.

99 Sec. 4. Subsection (f) of section 54-36o of the general statutes is  
100 repealed and the following is substituted in lieu thereof (*Effective*  
101 *October 1, 2013*):

102 (f) The proceeds from any sale of property under subsection (e) of  
103 this section shall be applied: (1) To payment of the balance due on any  
104 lien preserved by the court in the forfeiture proceedings; (2) to  
105 payment of any costs incurred for the storage, maintenance, security  
106 and forfeiture of such property; [and] (3) to payment of court costs;  
107 and (4) to payment of past-due child support if the owner of such  
108 property is subject to a support order, as defined in section 52-362. The  
109 balance, if any, shall be deposited in the privacy protection guaranty  
110 and enforcement account established under section 42-472a.

111 Sec. 5. Subsection (f) of section 54-36p of the general statutes is  
112 repealed and the following is substituted in lieu thereof (*Effective*  
113 *October 1, 2013*):

114 (f) The proceeds from any sale of property under subsection (e) of  
115 this section and any moneys forfeited under this section shall be  
116 applied: (1) To payment of the balance due on any lien preserved by  
117 the court in the forfeiture proceedings; (2) to payment of any costs  
118 incurred for the storage, maintenance, security and forfeiture of any  
119 such property; [and] (3) to payment of court costs; and (4) to payment  
120 of past-due child support if the owner of such property is subject to a  
121 support order, as defined in section 52-362. The balance, if any, shall be  
122 deposited in the General Fund.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	54-36a(c) to (e)
Sec. 2	<i>October 1, 2013</i>	54-36c
Sec. 3	<i>October 1, 2013</i>	54-36h(f)
Sec. 4	<i>October 1, 2013</i>	54-36o(f)
Sec. 5	<i>October 1, 2013</i>	54-36p(f)

**Statement of Purpose:**

To provide that certain seized criminal assets be remitted to the payment of past-due child support when the owner of such property is subject to a support order.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*