
OLR Bill Analysis

HB 5398

AN ACT PROHIBITING STATE AND LOCAL LAW ENFORCEMENT AGENCIES FROM PROVIDING CERTAIN PROPERTY TO A FEDERAL AGENCY FOR THE PURPOSE OF SUCH PROPERTY'S FORFEITURE.

SUMMARY

This bill generally prohibits state and local law enforcement agencies from referring, transferring, or relinquishing property seized during a lawful search or arrest to a federal agency for the purposes of forfeiting the property to the agency under the federal Controlled Substances Act (i.e., drug offenses). The bill specifies that the ban does not apply when federal law requires the property seizure.

The bill also prohibits state and local law enforcement participating in a joint task force or other multijurisdictional collaboration with a federal agency from accepting payment from the agency. Payment includes, under the bill, the distribution of proceeds from property forfeited to the federal agency as part of the task force or collaboration, unless the property's total value exceeds \$100,000, excluding contraband.

The bill specifies that it does not restrict (1) state and local law enforcement from acting alone or with a federal or other agency to seize contraband or property if there is probable cause to believe it is the proceeds of a criminal offense or was used to commit a criminal offense and (2) federal law enforcement actions. The contraband or property is subject to forfeiture under applicable state or federal laws.

Existing state law limits forfeiture proceedings to property seized during a lawful search that results in an arrest. And it requires the court to deny the state's petition to forfeit property and require the property's return to its owner unless the proceeding results in a conviction (e.g., guilty plea, nolo contendere, guilty verdict).

EFFECTIVE DATE: October 1, 2018

COMMITTEE ACTION

Banking Committee

Joint Favorable

Yea 18 Nay 1 (03/20/2018)