

HOUSE BILL NO. 1480

Introduced by

Representatives Satrom, Karls, K. Koppelman

Senators Larson, Luick

1 A BILL for an Act to amend and reenact section 19-03.1-36.8 of the North Dakota Century
2 Code, relating to seizure and forfeiture reporting requirements and property exempt from
3 seizure and forfeiture.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 19-03.1-36.8 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **19-03.1-36.8. Reporting.**

- 8 1. As used in this section, "law enforcement agency" means a nonfederal public agency
9 authorized by law or by a government agency or branch to enforce the law and to
10 conduct or engage in investigations or prosecutions for violations of law, including the
11 authority to conduct or engage in seizure and forfeiture of property or to collaborate
12 with a federal agency under federal law to conduct or engage in seizure and forfeiture
13 of property. The term includes a multijurisdictional task force.
- 14 2. Every civil forfeiture judgment issued by a district court must be made publicly
15 available and include the following information in the findings of fact:
- 16 a. Case number of the forfeiture proceeding and the district court where the case
17 was filed.
- 18 b. Location of the seizure, including whether the location was a residence or
19 business or occurred during a traffic stop.
- 20 c. The crime with which the suspect was charged.
- 21 d. The disposition of the suspect's criminal case.
- 22 e. Who filed a claim or counterclaim for the seized property, ~~if any~~ or whether there
23 was a default in the litigation of the seized property.
- 24 ~~e.f.~~ Date the forfeiture order was issued.

- 1 9. If a law enforcement agency fails to file a report within thirty days after the report is
2 due, the attorney general may compel compliance by any means until the report is
3 filed.
- 4 10. Any property seized with a value of less than fifty dollars is not required to be included
5 in the ~~reporting process~~written report submitted by the attorney general.
- 6 11. A state's attorney may establish a minimum value amount for seizures in the interests
7 of justice and efficient use of governmental resources in the state's attorney's
8 jurisdiction. The minimum value amount may be based on the state's attorney's
9 determination of the:
- 10 a. Type and number of occurrences of offenses that include the seizure of property;
11 and
- 12 b. Average value of seized property less the costs to seize and forfeit the property.