

Introduced by

Representatives Becker, Jones, Paur, Pyle, Simons

Senator Myrdal

1 A BILL for an Act to create and enact section 19-03.1-36.9 of the North Dakota Century Code,
2 relating to property exempt from seizure and forfeiture; and to amend and reenact section
3 19-03.1-36.8 of the North Dakota Century Code, relating to seizure and forfeiture reporting
4 requirements.

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

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

8 **19-03.1-36.8. Reporting.**

- 9 1. As used in this section, "law enforcement agency" means a nonfederal public agency
10 authorized by law or by a government agency or branch to enforce the law and to
11 conduct or engage in investigations or prosecutions for violations of law, including the
12 authority to conduct or engage in seizure and forfeiture of property or to collaborate
13 with a federal agency under federal law to conduct or engage in seizure and forfeiture
14 of property. The term includes a multijurisdictional task force.
- 15 2. Every civil forfeiture judgment issued by a district court must be made publicly
16 available and include the following information in the findings of fact:
- 17 a. Case number of the forfeiture proceeding and the district court where the case
18 was filed.
- 19 b. The name of the law enforcement agency that seized the property, or the name of
20 the lead agency if the property was seized by a multijurisdictional task force.
- 21 c. The type and a description of property seized. For property other than currency,
22 the description must include the make, model, and year of the property, as
23 applicable.

- 1 d. Location of the seizure, including whether the location was a residence or
- 2 business or occurred during a traffic stop.
- 3 e. If the seizure occurred during a traffic stop on an interstate or state highway, the
- 4 information must include the direction of the traffic flow.
- 5 f. The crime with which the suspect was charged.
- 6 g. The disposition of the suspect's criminal case.
- 7 h. Who filed a claim or counterclaim for the seized property, if any or whether there
- 8 was a default in the litigation of the seized property.
- 9 e-i. Date the forfeiture order was issued.
- 10 d-j. Whether a forfeiture settlement agreement was reached.
- 11 e-k. The date and the final disposition of the property.
- 12 f-l. Estimated value of the forfeited property.
- 13 g-m. The disposition of the seized property.
- 14 n. Estimate of the total costs accrued by the law enforcement agency for storage
- 15 and disposal of the civilly forfeited property.
- 16 h-o. Amount of any attorney fees awarded to owners of seized and forfeited property.
- 17 3. ~~Annually, a prosecutor who litigates the criminal case and forfeiture proceeding shall~~
- 18 ~~provide to the attorney general a copy of the judgment that includes the information~~
- 19 ~~required under subsection 2 and the total value of the forfeited property held by the~~
- 20 ~~agency at the end of the reporting period~~The attorney general shall establish and
- 21 maintain a report on a public website which includes the information reported under
- 22 subsection 2 and which is available for download. On or before November first of each
- 23 year, the report must be updated to include the information reported under
- 24 subsection 2 for the preceding fiscal year.
- 25 4. By November first of each year, the attorney general shall submit to the legislative
- 26 management and the governor a written report summarizing activity in the state for the
- 27 preceding fiscal year, the type, approximate value, and disposition of any civilly
- 28 forfeited property, and the amount of proceeds received.
- 29 a. Summary data and civilly forfeited property must be disaggregated by agency.
- 30 b. The attorney general shall make the report available on the attorney general's
- 31 website.

- 1 5. The attorney general may recover any costs under this section by withdrawing money
- 2 from the asset forfeiture fund.
- 3 6. A law enforcement agency may use forfeiture proceeds to pay the costs of compiling
- 4 and reporting data under this section.
- 5 7. The data and reports compiled under this section are public information and not
- 6 exempt from disclosure.
- 7 8. The attorney general may require the reporting of additional information not specified
- 8 in this section. The attorney general shall develop standard forms, processes, and
- 9 deadlines for annual submission of forfeiture data by law enforcement agencies.
- 10 9. If a law enforcement agency fails to file a report ~~within thirty days after the report is~~
- 11 ~~due~~by the deadline established by the attorney general, the attorney general may
- 12 compel compliance by any means until the report is filed.

13 **SECTION 2.** Section 19-03.1-36.9 of the North Dakota Century Code is created and
14 enacted as follows:

15 **19-03.1-36.9. Property exempt from seizure and forfeiture.**

- 16 1. Nowithstanding any other provision of law and except as otherwise provided by this
- 17 section, the following property is exempt from seizure and forfeiture by a law
- 18 enforcement agency:
- 19 a. United States currency of fifty dollars or less;
- 20 b. Personal property the seizing officer deems to have a value of fifty dollars or less;
- 21 and
- 22 c. A motor vehicle with a market value of less than one thousand dollars as
- 23 determined by the national automobile dealers association.
- 24 2. The prosecuting attorney may establish a minimum dollar amount larger than provided
- 25 under subsection 1 which applies in the prosecuting attorney's jurisdiction.