

**BILL SUMMARY**  
2<sup>nd</sup> Session of the 58<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB 3907</b>
<b>Version:</b>	<b>Introduced</b>
<b>Request Number:</b>	<b>10337</b>
<b>Author:</b>	<b>Rep. Kannady</b>
<b>Date:</b>	<b>2/7/2022</b>
<b>Impact:</b>	<b>See analysis below</b>

**Research Analysis**

The proposed committee substitute for HB3907 directs the Attorney General (AG) to create and maintain a public website with information concerning property seized and forfeited under state law. The AG will assign reporting responsible to law enforcement agencies which will result in monthly filings. Failure to submit a timely report is punishable by a civil fine equal to \$500 or 25 percent of the value of the property, whichever is greater.

The website must include a searchable database with the following information:

- Name of the law enforcement agency or state agency that seized the property;
- Date and place of seizure;
- If the place of seizure is at a traffic stop on an interstate or state highway, the direction of the traffic flow;
- Type and description of property seized or forfeited;
- Estimated dollar value of each seizure or forfeiture classified by three major types of property which are currency and near-currency instruments, motor vehicles and other property;
- Suspected criminal offense that was the basis for the seizure;
- Criminal case number or forfeiture case number associated with property;
- Name of the district court where the criminal case or forfeiture case is filed;
- Information on the outcome of the criminal case including, but not limited to, instances where charges are not filed, charges are dropped, acquittals, plea agreements, and jury convictions;
- Information on whether the owner of the property defaulted on the forfeiture claim or the name of the suspect, innocent owner, creditor or other claimant who litigated the forfeiture case;
- Date of court order or date of disposition of property; and
- Status of property disposition, specifically if the property was returned to the owner, the property was partially returned to the owner or if the property was sold, destroyed, retained by a law enforcement agency, or if the property is pending disposition.

The measure also requires the AG to create an annual report summarizing the seizure activities in the state, with information broken down by individual law enforcement agencies. The report must be posted on the website and submitted to the Governor, Speaker and President Pro Tempore with 120 each day of each fiscal year.

Prepared By: Quyen Do

**Fiscal Analysis**

The first proposed committee substitute to the measure creates new law that would require the Attorney General to establish and maintain a case tracking system and searchable public website that includes certain information about asset seizures and forfeitures. This information would be provided by law enforcement agencies making the seizures.

The measure provides that the Attorney General may charge an annual fee to law enforcement agencies making reports. The measure provides that law enforcement agencies may pay this fee out of forfeiture proceeds.

The Office of the Attorney General estimates that startup costs for the case tracking system would be approximately \$750,000, and additional personnel needed to maintain the system would cost an estimated \$110,000 annually, inclusive of benefits.

Upon review, the measure does provide a funding mechanism for these costs. However, the need for additional appropriations would be contingent on the adequacy of law enforcement agency seizure and forfeiture proceeds to cover these costs.

Prepared By: Clayton Mayfield

### **Other Considerations**

None.