

# SENATE, No. 587

## STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Senator MICHAEL L. TESTA, JR.**

**District 1 (Atlantic, Cape May and Cumberland)**

**SYNOPSIS**

Expands purposes for which civil asset forfeiture funds may be used by law enforcement agency.

**CURRENT VERSION OF TEXT**

As reported by the Senate Law and Public Safety Committee with technical review.



S587 TESTA

2

1 AN ACT concerning civil asset forfeiture and amending  
2 N.J.S.2C:64-6.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. N.J.S.2C:64-6 is amended to read as follows:

8 2C:64-6. Disposal of Forfeited Property.

9 a. Property which has been forfeited shall be destroyed if it can  
10 serve no lawful purpose or it presents a danger to the public health,  
11 safety or welfare. An all-terrain vehicle or dirt bike operated in  
12 violation of section 17 of P.L.1973, c.307 (C.39:3C-17) which has  
13 been forfeited may be destroyed, at the discretion of the entity  
14 funding the prosecuting agency involved. All other forfeited  
15 property or any proceeds resulting from the forfeiture and all money  
16 seized pursuant to this chapter shall become the property of the  
17 entity funding the prosecuting agency involved and shall be  
18 disposed of, distributed, appropriated and used in accordance with  
19 the provisions of this chapter.

20 The prosecutor or the Attorney General, whichever is  
21 prosecuting the case, shall divide the forfeited property, any  
22 proceeds resulting from the forfeiture or any money seized pursuant  
23 to this chapter with any other entity where the other entity's law  
24 enforcement agency participated in the surveillance, investigation,  
25 arrest or prosecution resulting in the forfeiture, in proportion to the  
26 other entity's contribution to the surveillance, investigation, arrest  
27 or prosecution resulting in the forfeiture, as determined in the  
28 discretion of the prosecutor or the Attorney General, whichever is  
29 prosecuting the case. Notwithstanding any other provision of law,  
30 such forfeited property and proceeds shall be used solely for law  
31 enforcement purposes, and shall be designated for the exclusive use  
32 of the law enforcement agency which contributed to the  
33 surveillance, investigation, arrest or prosecution resulting in the  
34 forfeiture.

35 The Attorney General is authorized to promulgate rules and  
36 regulations to implement and enforce the provisions of this act.

37 b. For a period of two years from the date of enactment of  
38 P.L.1993, c.227 (C.26:4-100.13 et al.), **[10%]** 10 percent of the  
39 proceeds obtained by the Attorney General under the provisions of  
40 subsection a. of this section shall be deposited into the Hepatitis  
41 Inoculation Fund established pursuant to section 2 of P.L.1993,  
42 c.227 (C.26:4-100.13).

43 c. Beginning two years from the date of enactment of  
44 P.L.1993, c.227 (C.26:4-100.13 et al.) and in subsequent years,  
45 **[5%]** five percent of the proceeds obtained by the Attorney General

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 under the provisions of subsection a. of this section shall be  
2 deposited into the Hepatitis Inoculation Fund established pursuant  
3 to section 2 of P.L.1993, c.227 (C.26:4-100.13).

4 d. For the purposes of this section, “law enforcement purpose”  
5 means a purpose which is calculated to enhance a law enforcement  
6 agency’s ability to conduct criminal investigations, surveillance,  
7 arrests and prosecutions and to respond more fully to the effects of  
8 crime beyond any amounts allocated by the law enforcement  
9 agency’s annual budget. A law enforcement purpose shall include  
10 expenditures to: defray the costs of protracted or complex  
11 investigations; educate the public in crime prevention techniques;  
12 promote community outreach; provide diversity training for law  
13 enforcement officers; establish and implement minority selection  
14 and recruitment programs; provide additional technical assistance or  
15 expertise, which may include the purchase of surveillance and  
16 undercover transportation and investigation equipment, and  
17 computer hardware and software to enhance the coordination and  
18 sharing of information among the law enforcement agencies of a  
19 county and the State; provide matching funds to obtain federal law  
20 enforcement enhancement grants; or for such other purposes as the  
21 Attorney General may from time to time authorize.

22 (cf: P.L.2021, c.353, s.3)

23

24 2. This act shall take effect immediately.