

SENATE, No. 4547

STATE OF NEW JERSEY
222nd LEGISLATURE

INTRODUCED SEPTEMBER 28, 2026

Sponsored by:
Senator NILSA I. CRUZ-PEREZ
District 5 (Camden and Gloucester)

SYNOPSIS

Reallocates portion of certain forfeited property as incentive for informants of drug-related offenses and to provide inpatient treatment for certain drug-dependent individuals.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning forfeiture of property, supplementing Title 26
2 of the Revised Statutes, and amending N.J.S.2C:64-1,
3 N.J.S.2C:64-2, and N.J.S.2C:64-6.

4

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

7

8 1. (New section) The Attorney General shall establish a fund
9 to be known as the "Inpatient Drug Rehabilitation Assistance
10 Fund." All moneys received pursuant to paragraph (2) of subsection
11 d. of N.J.S.2C:64-6 and any other moneys appropriated by law shall
12 be deposited into the fund. Moneys in the fund shall be used to
13 provide treatment at a licensed residential drug treatment program
14 which does not operate in a State correctional facility or county jail
15 to New Jersey citizens who cannot afford treatment. The
16 Commissioner of Human Services shall determine eligibility and
17 disbursements from the fund.

18

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

20 2C:64-1. Property Subject to Forfeiture.

21 a. Any interest in the following shall be subject to forfeiture
22 and no property right shall exist in them:

23 (1) Controlled dangerous substances or controlled substance
24 analogs; firearms which are unlawfully possessed, carried, acquired
25 or used; illegally possessed gambling devices; untaxed or otherwise
26 contraband cigarettes or tobacco products; unlawfully possessed
27 container e-liquid; untaxed special fuel; unlawful sound recordings
28 and audiovisual works; and items bearing a counterfeit mark. These
29 shall be designated prima facie contraband.

30 (2) All property which has been, or is intended to be, utilized in
31 furtherance of an unlawful activity, including, but not limited to,
32 conveyances intended to facilitate the perpetration of illegal acts, or
33 buildings or premises maintained for the purpose of committing
34 offenses against the State.

35 (3) Property which has become or is intended to become an
36 integral part of illegal activity, including, but not limited to, money
37 which is earmarked for use as financing for an illegal gambling
38 enterprise.

39 (4) Proceeds of illegal activities, including, but not limited to,
40 property or money obtained as a result of the sale of prima facie
41 contraband as defined by subsection a. (1), proceeds of illegal
42 gambling, prostitution, bribery and extortion.

43 A portion of any property set forth in this subsection that is
44 obtained as a result of a proceeding for a controlled dangerous
45 substance or controlled substance analog violation pursuant to

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 chapter 35 of Title 2C of the New Jersey Statutes, except paragraph
2 (4) of subsection a. of N.J.S.2C:35-10, that proximately results from
3 information provided to an enforcing authority by a person shall be
4 distributed to that person in accordance with paragraph (1) of
5 subsection d. of N.J.S.2C:64-6.

6 (5) An all-terrain vehicle or dirt bike which has been operated
7 on a public street, highway, or right-of-way in violation of section
8 17 of P.L.1973, c.307 (C.39:3C-17) in a municipality that has
9 passed an ordinance declaring that such all-terrain vehicles or dirt
10 bikes so operated pose an immediate threat to the public health,
11 safety, or welfare and designating such vehicles as contraband as
12 authorized by subsection e. of section 1 of P.L.2019, c.505
13 (C.39:3C-35).

14 b. Any article subject to forfeiture under this chapter may be
15 seized by the State or any law enforcement officer as evidence
16 pending a criminal prosecution pursuant to N.J.S.2C:64-4 or, when
17 no criminal proceeding is instituted, upon process issued by any
18 court of competent jurisdiction over the property, except that
19 seizure without such process may be made when not inconsistent
20 with the Constitution of this State or the United States, and when

21 (1) The article is prima facie contraband; or

22 (2) The property subject to seizure poses an immediate threat to
23 the public health, safety or welfare.

24 c. For the purposes of this section:

25 "Items bearing a counterfeit mark" means items bearing a
26 counterfeit mark as defined in section 1 of P.L.1997, c.57 (C.2C:21-
27 32).

28 "Unlawful sound recordings and audiovisual works" means
29 sound recordings and audiovisual works as those terms are defined
30 in section 1 of P.L.1991, c.125 (C.2C:21-21) which were produced
31 in violation of section 1 of P.L.1991, c.125 (C.2C:21-21).

32 "Unlawfully possessed container e-liquid" means container e-
33 liquid as defined in section 2 of P.L.1990, c.39 (C.54:40B-2) that is
34 possessed for retail sale by a person that is not licensed as a vapor
35 business pursuant to section 4 of P.L.2019, c.147 (C.54:40B-3.3).

36 "Untaxed special fuel" means diesel fuel, No. 2 fuel oil and
37 kerosene on which the motor fuel tax imposed pursuant to
38 R.S.54:39-1 et seq. is not paid that is delivered, possessed, sold or
39 transferred in this State in a manner not authorized pursuant to
40 R.S.54:39-1 et seq. or P.L.1938, c.163 (C.56:6-1 et seq.).
41 (cf: P.L.2021, c.353, s.2)

42
43 3. N.J.S.2C:64-2 is amended to read as follows:

44 2C:64-2. Forfeiture Procedures; Prima Facie Contraband.

45 Except as provided in N.J.S.2C:35-21, prima facie contraband
46 shall be retained by the State until entry of judgment or dismissal of
47 the criminal proceeding, if any, arising out of the seizure.
48 Thereafter, prima facie contraband shall be forfeited to the entity

1 funding the prosecuting agency involved, subject to the rights of
2 owners and others holding interests pursuant to **【section 2C:64-5】**
3 N.J.S.2C:64-5 and subsection a. of N.J.S.2C:64-1.
4 (cf: P.L.1987, c.106, s.17)
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6 4. N.J.S.2C:64-6 is amended to read as follows:

7 2C:64-6. Disposal of Forfeited Property.

8 a. Property which has been forfeited shall be destroyed if it can
9 serve no lawful purpose or it presents a danger to the public health,
10 safety or welfare. An all-terrain vehicle or dirt bike operated in
11 violation of section 17 of P.L.1973, c.307 (C.39:3C-17) which has
12 been forfeited may be destroyed, at the discretion of the entity
13 funding the prosecuting agency involved. **【All】** Except as provided
14 in subsection e. of this section, all other forfeited property or any
15 proceeds resulting from the forfeiture and all money seized pursuant
16 to this chapter shall become the property of the entity funding the
17 prosecuting agency involved and shall be disposed of, distributed,
18 appropriated and used in accordance with the provisions of this
19 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 percent of the proceeds
39 obtained by the Attorney General under the provisions of subsection
40 a. of this section shall be deposited into the Hepatitis Inoculation
41 Fund established pursuant to section 2 of P.L.1993, c.227 (C.26:4-
42 100.13).

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, five
45 percent of the proceeds obtained by the Attorney General under the
46 provisions of subsection a. of this section shall be deposited into the
47 Hepatitis Inoculation Fund established pursuant to section 2 of
48 P.L.1993, c.227 (C.26:4-100.13).

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

19 e. A portion of the proceeds of any property under subsection
20 a. of N.J.S.2C:64-1 that is obtained as a result of a proceeding for a
21 violation involving a controlled dangerous substance or controlled
22 substance analog as set forth in chapter 35 of Title 2C of the New
23 Jersey Statutes, except paragraph (4) of subsection a. of
24 N.J.S.2C:35-10, that proximately results from information provided
25 to an enforcing authority shall be distributed as follows:

26 (1) Ten percent of the proceeds shall be paid to the person who
27 provides the information leading to the proceeding provided for in
28 subsection a. of N.J.S.2C:64-1. If more than one person is entitled
29 to a portion of the proceeds under this subsection, the Attorney
30 General shall determine the portion, not to exceed a total of 10
31 percent of the proceeds, that each person shall receive.

32 (2) Five percent of the proceeds shall be deposited into the
33 "Inpatient Drug Rehabilitation Assistance Fund" established
34 pursuant to section 1 of P.L. c. (C.) (pending before the
35 Legislature as this bill).

36 (cf: P.L.2023, c.228, s.1)

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38 5. (New section) The Attorney General, in consultation with
39 the Commissioner of Human Services, shall promulgate rules and
40 regulations, pursuant to the "Administrative Procedure Act,"
41 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the
42 purposes of this act.

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44 6. This act shall take effect on the first day of the third month
45 following the date of enactment, but the Attorney General and the
46 Commissioner of Human Services may take such anticipatory
47 administrative action in advance thereof as shall be necessary for
48 the implementation of this act.

STATEMENT

This bill reallocates certain forfeiture funds to provide a financial incentive to informants in drug-related cases and provide financial assistance for inpatient drug treatment for those who cannot afford it.

Under current law, proceeds from forfeited property are to be used solely for law enforcement purposes and are to be designated for the exclusive use of the law enforcement agency that contributed to the surveillance, investigation, arrest, or prosecution resulting in the forfeiture. This bill would reallocate a portion of the proceeds from forfeited property obtained from a proceeding for a drug-related offense that arises out of information provided by an informant. The remaining proceeds would be distributed in accordance with current law.

Under the bill, a person who provides information that leads to a proceeding for a drug-related crime is entitled to 10 percent of the proceeds of any property forfeited as a result of that action.

In addition, the bill establishes the "Inpatient Drug Rehabilitation Assistance Fund." Five percent of the proceeds from property that is forfeited from a drug-related offense because of information provided by an informant will be deposited into the fund. The fund is to be used to provide treatment at a licensed residential drug treatment program to New Jersey citizens who cannot afford treatment. Eligibility and assistance from the fund will be determined by the Commissioner of Human Services.