

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 17-1129.01 Jerry Barry x4341

HOUSE BILL 17-1313

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House Committees
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A BILL FOR AN ACT

101 **CONCERNING CIVIL FORFEITURE REFORM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires the executive director of the department of local affairs (department), after considering the input from specified interested parties, to establish a form for law enforcement agencies, prosecutors, and multijurisdictional task forces (seizing agencies) to use in submitting to the department biannual reports containing specified information on seizures through which the seizing agencies received proceeds from a forfeiture and the use of the proceeds. Based on the reports, the department is to post on its website a searchable database that includes

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

the information contained in the biannual reports and a summary report of the information.

Seizing agencies are required to submit the biannual reports containing information known to the agency by specified dates; except that an agency need not include information if the disclosure of the information could endanger a person or disclose certain confidential information. The executive director of the department may issue civil penalties for failure to file or late filing of the reports.

The bill directs the executive director of the department to submit an annual report to the governor, the attorney general, and the judiciary committees of the general assembly on seizure and forfeiture activity in the state.

The bill prohibits seizing agencies from receiving forfeiture proceeds from the federal government unless the aggregate net equity value of the property and currency seized in the case is in excess of \$50,000 and the federal government commences a forfeiture proceeding that relates to a filed criminal case.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** 16-13-701 as follows:

4 **16-13-701. Reports related to seizures and forfeitures - rules**
5 **- legislative declaration - definitions.** (1) THE GENERAL ASSEMBLY
6 FINDS THAT:

7 (a) UNDER STATE AND FEDERAL FORFEITURE LAWS AND SUBJECT
8 TO THE DUE PROCESS PROVISIONS PROVIDED IN BOTH STATE AND FEDERAL
9 LAW AS APPLICABLE, STATE AND LOCAL LAW ENFORCEMENT AGENCIES ARE
10 AUTHORIZED TO SEIZE MONEY AND OTHER PROPERTY AND TO USE
11 FORFEITURE PROCEEDS AS PERMITTED AND EXPRESSLY LIMITED BY BOTH
12 OPERATION OF STATE AND FEDERAL LAW AND APPLICABLE ASSET
13 FORFEITURE POLICIES AND GUIDELINES;

14 (b) IT IS THE RESPONSIBILITY OF STATE LEGISLATORS TO MONITOR
15 SEIZURES BY LAW ENFORCEMENT AGENCIES, FORFEITURE LITIGATION BY
16 PROSECUTORS, AND THEIR EXPENDITURES OF FORFEITED PROCEEDS WHEN

1 SUCH MONEY IS RECEIVED BY A LAW ENFORCEMENT AGENCY OR
2 PROSECUTOR'S OFFICE; AND

3 (c) THIS SECTION PROVIDES LEGISLATORS AND THE PUBLIC WITH
4 THE INFORMATION NECESSARY FOR BASIC OVERSIGHT OF LAW
5 ENFORCEMENT AGENCIES AND PROSECUTORS' OFFICES THAT SEIZE
6 PROPERTY, OBTAIN THE PROCEEDS OF SUCH SEIZURES THROUGH THE ASSET
7 FORFEITURE PROCESS, AND EXPEND THE PROCEEDS OF SUCH FORFEITURES
8 UNDER BOTH STATE AND FEDERAL LAWS.

9 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
10 REQUIRES:

11 (a) "DEPARTMENT" MEANS THE DEPARTMENT OF LOCAL AFFAIRS
12 CREATED PURSUANT TO SECTION 24-1-125.

13 (b) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
14 THE DEPARTMENT OF LOCAL AFFAIRS.

15 (c) "SEIZING AGENCY" HAS THE SAME MEANING AS DEFINED IN
16 SECTION 16-13-301 (2.7).

17 (3) THIS SECTION APPLIES TO PROPERTY SEIZED UNDER THE
18 FOLLOWING:

19 (a) PART 3 OF THIS ARTICLE 13, ABATEMENT OF PUBLIC NUISANCE;

20 (b) PART 5 OF THIS ARTICLE 13, "COLORADO CONTRABAND
21 FORFEITURE ACT";

22 (c) PART 6 OF THIS ARTICLE 13, RECEIPT OF FEDERALLY FORFEITED
23 PROPERTY; AND

24 (d) SECTIONS 18-17-105 AND 18-17-106 OF THE "COLORADO
25 ORGANIZED CRIME CONTROL ACT";

26 (4) (a) THE EXECUTIVE DIRECTOR SHALL ESTABLISH, MAINTAIN,
27 AND AMEND AS NECESSARY AND POST ON THE DEPARTMENT'S WEBSITE A

1 BIENNIAL REPORTING FORM FOR USE BY SEIZING AGENCIES TO REPORT THE
2 INFORMATION REQUIRED BY SUBSECTION (5) OF THIS SECTION. EACH
3 SEIZING AGENCY THAT RECEIVED ANY FORFEITURE PROCEEDS THROUGH
4 EITHER A STATE OR FEDERAL FORFEITURE PROCESS WITHIN THE REPORTING
5 PERIOD SHALL COMPLETE A FORM ON THE DEPARTMENT'S WEBSITE FOR
6 THAT REPORTING PERIOD. IN CREATING THE FORM, THE EXECUTIVE
7 DIRECTOR SHALL CONSIDER THE INPUT FROM THE FOLLOWING:

- 8 (I) THE COLORADO DISTRICT ATTORNEYS' COUNCIL;
- 9 (II) A STATEWIDE ASSOCIATION OF CHIEFS OF POLICE;
- 10 (III) A STATEWIDE ASSOCIATION OF COUNTY SHERIFFS;
- 11 (IV) THE DEPARTMENT OF PUBLIC SAFETY; AND
- 12 (V) THE ATTORNEY GENERAL.

13 (b) IF A SEIZING AGENCY HAS NOT RECEIVED ANY FORFEITURE
14 PROCEEDS DURING A REPORTING PERIOD, IT SHALL SUBMIT A REPORT
15 INDICATING THAT NO FORFEITURE PROCEEDS WERE RECEIVED.

16 (c) ON OR BEFORE OCTOBER 31, 2017, THE EXECUTIVE DIRECTOR
17 SHALL PROVIDE ACCESS TO THE UNIFORM REPORT FORM DEVELOPED
18 PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION FOR SEIZING AGENCIES
19 TO FILE OR UPDATE INFORMATION AS REQUIRED BY THIS SECTION.

20 (5) BASED UPON THE INFORMATION RECEIVED ON THE FORMS
21 SUBMITTED PURSUANT TO SUBSECTION (4) OF THIS SECTION, THE
22 DEPARTMENT SHALL ESTABLISH AND MAINTAIN A SEARCHABLE, PUBLIC
23 ACCESS DATABASE THAT INCLUDES THE FOLLOWING, IF KNOWN AT THE
24 TIME OF REPORTING:

25 (a) INFORMATION FROM EACH CASE IN WHICH AN AGENCY
26 RECEIVED ANY FORFEITURE PROCEEDS SPECIFYING:

- 27 (I) THE NAME OF THE SEIZING AGENCY AND, IF SEIZED BY A

1 MULTIJURISDICTIONAL TASK FORCE, THE NAME OF THE LEAD AGENCY;
2 (II) THE DATE OF THE SEIZURE;
3 (III) THE PLACE OF THE SEIZURE, WHETHER A HOME, BUSINESS, OR
4 TRAFFIC STOP, AND, IF A TRAFFIC STOP ON AN INTERSTATE OR STATE
5 HIGHWAY, THE DIRECTION OF THE TRAFFIC FLOW, WHETHER EASTBOUND,
6 WESTBOUND, SOUTHBOUND, OR NORTHBOUND;
7 (IV) THE BASIS FOR THE LAW ENFORCEMENT CONTACT;
8 (V) THE TYPE OF PROPERTY SEIZED:
9 (A) IF CURRENCY, THE AMOUNT OF THE CURRENCY; AND
10 (B) IF PROPERTY OTHER THAN CURRENCY, ANY MAKE, MODEL, OR
11 SERIAL NUMBER RELATED TO THE PROPERTY AND THE ESTIMATED NET
12 EQUITY OF THE PROPERTY;
13 (VI) WHETHER A STATE OR FEDERAL CRIMINAL CASE WAS FILED IN
14 RELATION TO THE SEIZURE AND, IF SO, THE COURT IN WHICH THE CASE WAS
15 FILED, THE CASE NUMBER AND CHARGES FILED, AND ANY DISPOSITION OF
16 THE CRIMINAL CASE;
17 (VII) IF FORFEITURE IS SOUGHT UNDER FEDERAL LAW, THE REASON
18 FOR THE FEDERAL TRANSFER, WHETHER ADOPTION, JOINT TASK FORCE, OR
19 OTHER; AND
20 (VIII) INFORMATION RELATING TO ANY FORFEITURE PROCEEDING
21 INCLUDING:
22 (A) THE COURT IN WHICH THE FORFEITURE CASE WAS FILED;
23 (B) THE FORFEITURE CASE NUMBER;
24 (C) IF ANY OWNER OR INTEREST OWNER FILED A COUNTERCLAIM;
25 (D) IF ANY OWNER WAS DETERMINED BY THE COURT TO BE AN
26 INNOCENT OWNER;
27 (E) THE DATE OF THE FORFEITURE ORDER;

1 (F) IF ANY ASSET WAS RETURNED IN WHOLE TO AN OWNER OR
2 INTEREST HOLDER, A DESCRIPTION OF THE ASSET AND THE DATE OF THE
3 RETURN;

4 (G) IF ANY PROPERTY WAS SOLD, THE PROCEEDS RECEIVED FROM
5 THE SALE;

6 (H) IF ANY PROPERTY WAS RETAINED BY A STATE OR LOCAL
7 AGENCY, THE PURPOSE FOR WHICH IT WAS USED;

8 (I) THE DATE OF ANY DISPOSITION OF THE PROPERTY;

9 (J) IF THE PROPERTY WAS DESTROYED BY A STATE OR LOCAL
10 AGENCY, THE DATE OF DESTRUCTION;

11 (K) IF AN ORDER FOR DESTRUCTION WAS ISSUED BY THE FEDERAL
12 GOVERNMENT; AND

13 (L) THE AMOUNT OF ANY PROCEEDS RECEIVED BY THE REPORTING
14 AGENCY; AND

15 (b) INFORMATION FROM EACH SEIZING AGENCY ON THE USE OF
16 FORFEITURE PROCEEDS REPORTED PURSUANT TO THIS SECTION INCLUDING:

17 (I) THE TOTAL AMOUNT OF MONEY EXPENDED IN EACH OF THE
18 FOLLOWING CATEGORIES DURING THE REPORTING PERIOD:

19 (A) DRUG ABUSE, CRIME, AND GANG PREVENTION PROGRAMS;

20 (B) VICTIM SERVICES PROGRAMS;

21 (C) INFORMANT FEES AND CONTROLLED BUYS ON CLOSED CASES;

22 (D) SALARIES, OVERTIME, AND EMPLOYMENT BENEFITS, AS
23 PERMITTED BY LAW;

24 (E) PROFESSIONAL OUTSIDE SERVICES, INCLUDING AUDITING,
25 COURT REPORTING, EXPERT WITNESS AND OUTSIDE COUNSEL FEES, AND
26 MEMBERSHIP FEES PAID TO TRADE ASSOCIATIONS;

27 (F) TRAVEL, MEALS, ENTERTAINMENT, TRAINING CONFERENCES,

1 AND CONTINUING EDUCATION SEMINARS;

2 (G) OPERATING EXPENSES, INCLUDING OFFICE SUPPLIES, POSTAGE,
3 AND ADVERTISING;

4 (H) CAPITAL EXPENDITURES, INCLUDING VEHICLES, FIREARMS,
5 EQUIPMENT, COMPUTERS, AND FURNITURE; AND

6 (I) OTHER EXPENDITURES OF FORFEITURE PROCEEDS; AND

7 (II) THE TOTAL VALUE OF SEIZED AND FORFEITED PROPERTY HELD
8 BY THE SEIZING AGENCY AT THE END OF THE REPORTING PERIOD.

9 (6) THE DEPARTMENT SHALL ALSO POST ON THE WEBSITE A
10 SUMMARY OF INFORMATION RECEIVED PURSUANT TO SUBSECTION (4) OF
11 THIS SECTION THAT, TO THE EXTENT AVAILABLE FOR THE REPORTING
12 PERIOD, DESCRIBES:

13 (a) THE TOTAL NUMBER OF FORFEITURE ACTIONS INITIATED OR
14 ADMINISTERED BY EACH SEIZING AGENCY;

15 (b) THE TOTAL NUMBER OF FEDERAL JUDICIAL OR ADMINISTRATIVE
16 FORFEITURE ACTIONS INITIATED BY A MULTIJURISDICTIONAL TASK FORCE
17 INCLUDING A FEDERAL AGENCY OR REFERRED BY A SEIZING AGENCY AND
18 ACCEPTED BY THE FEDERAL GOVERNMENT FOR FORFEITURE UNDER
19 FEDERAL LAW;

20 (c) THE TYPE OF ASSETS SEIZED AND THE TOTAL VALUE OF THE NET
21 PROCEEDS RECEIVED IN ALL REPORTED FORFEITURES; AND

22 (d) THE RECIPIENTS OF ANY FORFEITURE PROCEEDS INCLUDING THE
23 AMOUNT RECEIVED BY EACH AND THE DATE OF RECEIPT.

24 (7) (a) EACH SEIZING AGENCY, INCLUDING ANY DISTRICT
25 ATTORNEY OR OTHER PROSECUTOR, THAT RECEIVES OR EXPENDS
26 FORFEITURE-RELATED MONEY OR PROPERTY SHALL SUBMIT A REPORT WITH
27 ALL THE INFORMATION REQUIRED PURSUANT TO SUBSECTION (5) OF THIS

1 SECTION THAT IS KNOWN TO THE AGENCY AT THE TIME OF THE REPORT ON
2 THE FORM DEVELOPED PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION.
3 COMMENCING JULY 1, 2017, FOR THE REPORTING PERIOD BETWEEN JULY
4 1 AND DECEMBER 31 OF EACH YEAR, THE SEIZING AGENCY SHALL FILE THE
5 REPORT BY JUNE 1 OF THE FOLLOWING CALENDAR YEAR. FOR THE
6 REPORTING PERIOD BETWEEN JANUARY 1 AND JUNE 30, THE SEIZING
7 AGENCY SHALL FILE THE REPORT BY DECEMBER 1 OF THAT CALENDAR
8 YEAR. IF A SEIZING AGENCY HAS PREVIOUSLY FILED A REPORT, BUT FOR
9 THE REPORTING PERIOD IT HAS NOT RECEIVED OR EXPENDED ANY
10 FORFEITURE PROCEEDS, IT SHALL SUBMIT A REPORT INDICATING THAT
11 FACT.

12 (b) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, IF THE
13 REPORTING OF ANY INFORMATION REQUIRED BY SUBSECTION (5) OF THIS
14 SECTION IS LIKELY TO DISCLOSE THE IDENTITY OF A CONFIDENTIAL
15 SOURCE; DISCLOSE CONFIDENTIAL INVESTIGATIVE OR PROSECUTION
16 MATERIAL THAT COULD ENDANGER THE LIFE OR PHYSICAL SAFETY OF ANY
17 PERSON; DISCLOSE THE EXISTENCE OF A CONFIDENTIAL SURVEILLANCE OR
18 INVESTIGATION; OR DISCLOSE TECHNIQUES OR PROCEDURES FOR LAW
19 ENFORCEMENT PROCEDURES, INVESTIGATION, OR PROSECUTIONS, THE
20 SEIZING AGENCY IS NOT REQUIRED TO INCLUDE SUCH INFORMATION IN THE
21 REPORT DEVELOPED PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION.
22 THE EXECUTIVE DIRECTOR SHALL INCLUDE IN THE FORM DEVELOPED
23 PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION, A BOX FOR A SEIZING
24 AGENCY TO CHECK IF IT IS NOT DISCLOSING INFORMATION PURSUANT TO
25 THIS SUBSECTION (7)(b).

26 (c) IF A SEIZING AGENCY FAILS TO FILE A REPORT REQUIRED BY
27 SUBSECTION (7)(a) OF THIS SECTION WITHIN THIRTY DAYS AFTER THE DATE

1 THE REPORT IS DUE, THE EXECUTIVE DIRECTOR SHALL SEND NOTICE OF THE
2 FAILURE TO THE SEIZING AGENCY. IF THE EXECUTIVE DIRECTOR FINDS
3 THAT THERE WAS NOT GOOD CAUSE FOR THE DELAY AND THE REPORT:

4 (I) IS FILED WITHIN FORTY-FIVE DAYS AFTER THE NOTICE OF
5 FAILURE IS SENT, THE EXECUTIVE DIRECTOR SHALL IMPOSE A CIVIL FINE
6 AGAINST THE SEIZING AGENCY OF AN AMOUNT NOT LESS THAN THE
7 GREATER OF FIVE HUNDRED DOLLARS OR AN AMOUNT EQUAL TO
8 TWENTY-FIVE PERCENT OF THE FORFEITURE PROCEEDS RECEIVED BY THE
9 SEIZING AGENCY DURING THE REPORTING PERIOD; OR

10 (II) IS NOT FILED WITHIN FORTY-FIVE DAYS AFTER THE NOTICE OF
11 FAILURE IS SENT, THE EXECUTIVE DIRECTOR SHALL IMPOSE A CIVIL FINE
12 AGAINST THE SEIZING AGENCY OF THE GREATER OF FIVE HUNDRED
13 DOLLARS OR AN AMOUNT EQUAL TO THE FORFEITURE PROCEEDS RECEIVED
14 BY THE SEIZING AGENCY DURING THE REPORTING PERIOD.

15 (d) IF THE DEPARTMENT PURSUES LEGAL ACTION TO ENFORCE THE
16 CIVIL FINES ESTABLISHED PURSUANT TO SUBSECTION (7)(c) OF THIS
17 SECTION AND THE DEPARTMENT PREVAILS IN THE ACTION, THE
18 DEPARTMENT IS ENTITLED TO ITS REASONABLE ATTORNEY FEES AND COSTS
19 RELATED TO THE ACTION.

20 (8) (a) NOT LATER THAN DECEMBER 31, 2019, AND EACH
21 DECEMBER 31 THEREAFTER, THE EXECUTIVE DIRECTOR SHALL SUBMIT A
22 REPORT SUMMARIZING SEIZURE AND FORFEITURE ACTIVITY IN THE STATE
23 FOR THE PRIOR FISCAL YEAR TO THE GOVERNOR; THE ATTORNEY GENERAL;
24 AND THE JUDICIARY COMMITTEES OF THE SENATE AND THE HOUSE OF
25 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. THE REPORT MUST
26 ALSO BE POSTED ON THE DIVISION'S WEBSITE. THE REPORT MUST INCLUDE:

27 (I) THE TYPE, APPROXIMATE VALUE, AND DISPOSITION OF ALL

1 PROPERTY SEIZED;

2 (II) THE AMOUNT OF ANY FORFEITURE PROCEEDS RECEIVED BY THE
3 STATE AND ANY SUBDIVISION OF THE STATE; AND

4 (III) A CATEGORIZED ACCOUNTING OF ALL FORFEITURE PROCEEDS
5 EXPENDED BY THE STATE AND ANY SUBDIVISION OF THE STATE.

6 (b) THE EXECUTIVE DIRECTOR MAY INCLUDE IN THE REPORT
7 PREPARED PURSUANT TO SUBSECTION (8)(a) OF THIS SECTION
8 RECOMMENDATIONS TO IMPROVE STATUTES, RULES, OR POLICIES TO
9 BETTER ENSURE THAT SEIZURES, FORFEITURES, AND EXPENDITURES ARE
10 DONE AND REPORTED IN A MANNER THAT IS FAIR TO CRIME VICTIMS,
11 INNOCENT PROPERTY OWNERS, SECURED INTEREST HOLDERS, CITIZENS,
12 LAW ENFORCEMENT PERSONNEL, AND TAXPAYERS.

13 (c) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORT
14 REQUIRED IN THIS SUBSECTION (8) CONTINUES INDEFINITELY.

15 (9) (a) THE UNIT IN THE DEPARTMENT OF HUMAN SERVICES THAT
16 ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING
17 THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE ABUSE, SHALL
18 PREPARE AN ANNUAL ACCOUNTING REPORT OF MONEY RECEIVED BY THE
19 MANAGED SERVICE ORGANIZATION PURSUANT TO SECTION 16-13-311
20 (3)(a)(VII)(B), INCLUDING REVENUES, EXPENDITURES, BEGINNING AND
21 ENDING BALANCES, AND SERVICES PROVIDED. THE UNIT IN THE
22 DEPARTMENT OF HUMAN SERVICES THAT ADMINISTERS BEHAVIORAL
23 HEALTH PROGRAMS AND SERVICES, INCLUDING THOSE RELATED TO
24 MENTAL HEALTH AND SUBSTANCE ABUSE, SHALL PROVIDE THIS
25 INFORMATION IN ITS ANNUAL REPORT PURSUANT TO SECTION 27-80-110.

26 (b) PURSUANT TO SECTION 24-1-136 (11)(a)(I), THE REPORT
27 REQUIRED IN THIS SUBSECTION (9) EXPIRES ON FEBRUARY 1, 2021.

1 (10) THE EXECUTIVE DIRECTOR MAY ADOPT RULES TO IMPLEMENT
2 THE PROVISIONS OF THIS SECTION.

3 (11) NOTWITHSTANDING ANY PROVISION IN ARTICLE 72 OF TITLE
4 24, INFORMATION AND REPORTS PREPARED PURSUANT TO THIS SECTION
5 ARE PUBLIC RECORDS AND SUBJECT TO INSPECTION PURSUANT TO PART 2
6 OR 3 OF ARTICLE 72 OF TITLE 24.

7 **SECTION 2.** In Colorado Revised Statutes, **add** 16-13-306.5 as
8 follows:

9 **16-13-306.5. Limitations on receipt of forfeiture payments**
10 **from federal agencies.** (1) A SEIZING AGENCY OR PARTICIPANT IN ANY
11 JOINT TASK FORCE OR OTHER MULTIJURISDICTIONAL COLLABORATION
12 SHALL ACCEPT PAYMENT OR DISTRIBUTION FROM A FEDERAL AGENCY OF
13 ALL OR A PORTION OF ANY FORFEITURE PROCEEDS RESULTING FROM
14 ADOPTION OR A JOINT TASK FORCE OR OTHER MULTIJURISDICTIONAL
15 COLLABORATION ONLY IF THE AGGREGATE NET EQUITY VALUE OF THE
16 PROPERTY AND CURRENCY SEIZED IN A CASE IS IN EXCESS OF FIFTY
17 THOUSAND DOLLARS AND A FORFEITURE PROCEEDING IS COMMENCED BY
18 THE FEDERAL GOVERNMENT AND RELATES TO A FILED CRIMINAL CASE.

19 (2) ALL SEIZING AGENCIES SHALL REFER SEIZED PROPERTY TO THE
20 APPROPRIATE STATE, DISTRICT, COUNTY, OR MUNICIPAL PROSECUTING
21 AUTHORITY FOR FORFEITURE LITIGATION UNDER THIS PART 3 UNLESS THE
22 AGGREGATE NET EQUITY VALUE OF THE SEIZED PROPERTY AND CURRENCY
23 IN A CASE IS IN EXCESS OF FIFTY THOUSAND DOLLARS. IF THE AGGREGATE
24 NET EQUITY VALUE OF THE SEIZED PROPERTY AND CURRENCY IN A CASE IS
25 IN EXCESS OF FIFTY THOUSAND DOLLARS, THE SEIZING AGENCY MAY, BUT
26 IS NOT REQUIRED TO, REFER THE SEIZED PROPERTY TO A FEDERAL AGENCY
27 FOR FORFEITURE LITIGATION UNDER FEDERAL LAW.

1 (3) SUBSECTIONS (1) AND (2) OF THIS SECTION SHALL NOT BE
2 CONSTRUED TO RESTRICT SEIZING AGENCIES FROM COLLABORATING WITH
3 A FEDERAL AGENCY TO SEIZE PROPERTY THAT THE SEIZING AGENCY HAS
4 PROBABLE CAUSE TO BELIEVE IS THE PROCEEDS OR INSTRUMENTS OF A
5 CRIME THROUGH AN INTERGOVERNMENTAL JOINT TASK FORCE.

6 **SECTION 3.** In Colorado Revised Statutes, **add** 16-13-504.5 as
7 follows:

8 **16-13-504.5. Limitations on receipt of forfeiture payments**
9 **from federal agencies.** (1) A SEIZING AGENCY OR PARTICIPANT IN ANY
10 JOINT TASK FORCE OR OTHER MULTIJURISDICTIONAL COLLABORATION
11 SHALL ACCEPT PAYMENT OR DISTRIBUTION FROM A FEDERAL AGENCY OF
12 ALL OR A PORTION OF ANY FORFEITURE PROCEEDS RESULTING FROM
13 ADOPTION OR A JOINT TASK FORCE OR OTHER MULTIJURISDICTIONAL
14 COLLABORATION ONLY IF THE AGGREGATE NET EQUITY VALUE OF THE
15 PROPERTY AND CURRENCY SEIZED IN A CASE IS IN EXCESS OF FIFTY
16 THOUSAND DOLLARS AND A FORFEITURE PROCEEDING IS COMMENCED BY
17 THE FEDERAL GOVERNMENT AND RELATES TO A FILED CRIMINAL CASE.

18 (2) ALL SEIZING AGENCIES SHALL REFER SEIZED PROPERTY TO THE
19 APPROPRIATE STATE, DISTRICT, COUNTY, OR MUNICIPAL PROSECUTING
20 AUTHORITY FOR FORFEITURE LITIGATION UNDER THIS PART 5 UNLESS THE
21 AGGREGATE NET EQUITY VALUE OF THE SEIZED PROPERTY AND CURRENCY
22 IN A CASE IS IN EXCESS OF FIFTY THOUSAND DOLLARS. IF THE AGGREGATE
23 NET EQUITY VALUE OF THE SEIZED PROPERTY AND CURRENCY IN A CASE IS
24 IN EXCESS OF FIFTY THOUSAND DOLLARS, THE SEIZING AGENCY MAY, BUT
25 IS NOT REQUIRED TO, REFER THE SEIZED PROPERTY TO A FEDERAL AGENCY
26 FOR FORFEITURE LITIGATION UNDER FEDERAL LAW.

27 (3) SUBSECTIONS (1) AND (2) OF THIS SECTION SHALL NOT BE

1 CONSTRUED TO RESTRICT SEIZING AGENCIES FROM COLLABORATING WITH
2 A FEDERAL AGENCY TO SEIZE PROPERTY THAT THE SEIZING AGENCY HAS
3 PROBABLE CAUSE TO BELIEVE IS THE PROCEEDS OR INSTRUMENTS OF A
4 CRIME THROUGH AN INTERGOVERNMENTAL JOINT TASK FORCE.

5 **SECTION 4.** In Colorado Revised Statutes, 16-13-702, **amend**
6 (1) as follows:

7 **16-13-702. Disposition of forfeited property.** (1) No forfeited
8 property shall be used nor shall any forfeited proceeds be expended by
9 any seizing agency to whom section 16-13-701 (~~†~~) applies unless such
10 use or expenditure has been approved by a committee on disposition of
11 forfeited property which is created in subsection (2) of this section.

12 **SECTION 5. Act subject to petition - effective date -**
13 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
14 the expiration of the ninety-day period after final adjournment of the
15 general assembly (August 9, 2017, if adjournment sine die is on May 10,
16 2017); except that, if a referendum petition is filed pursuant to section 1
17 (3) of article V of the state constitution against this act or an item, section,
18 or part of this act within such period, then the act, item, section, or part
19 will not take effect unless approved by the people at the general election
20 to be held in November 2018 and, in such case, will take effect on the
21 date of the official declaration of the vote thereon by the governor.

22 (2) This act applies to seizures conducted on or after the
23 applicable effective date of this act.