

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0689.01 Jerry Barry x4341

HOUSE BILL 18-1020

HOUSE SPONSORSHIP

Herod,

SENATE SPONSORSHIP

Neville T. and Kagan,

House Committees

Judiciary
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CIVIL FORFEITURE REFORM, AND, IN CONNECTION**
102 **THEREWITH, CHANGING THE ENTITY REQUIRED TO REPORT ON**
103 **FORFEITURES, EXPANDING THE SCOPE OF THE FORFEITURES TO**
104 **BE REPORTED, ESTABLISHING GRANT PROGRAMS, CHANGING**
105 **THE DISBURSEMENT OF NET FORFEITURE PROCEEDS, AND**
106 **MAKING AN APPROPRIATION.**

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>.)

During the 2017 session, the general assembly enacted a bill

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

involving civil forfeiture requiring seizing agencies to submit reports to the department of local affairs (department). The bill requires reporting agencies rather than seizing agencies to file the reports and defines "reporting agency". The bill also expands the scope of the reports to include seizures related to a local public nuisance law or ordinance.

The 2017 act also prohibited seizing agencies from receiving forfeiture proceeds from the federal government unless the aggregate value of property seized in a case is over \$50,000. The bill establishes the law enforcement assistance grant program in the department of public safety to reimburse seizing agencies for revenue lost because of this prohibition.

The bill establishes the law enforcement community services grant program (program) in the division of local government in the department to provide grants to law enforcement agencies, local governments, and community organizations to improve community services. It establishes a committee to review grant applications and make recommendations on grant awards and establishes a fund from which grants are paid.

Under current law, the net balance of proceeds received from a forfeiture action are divided evenly between the governmental body of the seizing agency and the managed service organization providing behavioral health in the judicial district (MSO). The bill provides that the 50% that went to the MSO is now divided so that the MSO and the new law enforcement community services grant program fund each receive 25%.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-13-701, **amend**
3 (2)(c), (3)(c), (3)(d), (4)(a) introductory portion, (4)(b), (4)(c), (5)(a)
4 introductory portion, (5)(a)(I), (5)(b) introductory portion, (5)(b)(II),
5 (6)(a), (6)(b), (7)(a), (7)(b), and (7)(c); and **add** (3)(e) as follows:

6 **16-13-701. Reports related to seizures and forfeitures -**
7 **legislative declaration - definitions.** (2) As used in this section, unless
8 the context otherwise requires:

9 (c) ~~"Seizing agency" has the same meaning as defined in section~~
10 ~~16-13-301 (2.7).~~ "REPORTING AGENCY" MEANS:

11 (I) ANY STATE OR LOCAL GOVERNMENT ENTITY THAT EMPLOYS A

1 PERSON, OTHER THAN A JUDGE OR MAGISTRATE, WHO IS AUTHORIZED TO
2 EFFECTUATE A FORFEITURE OF REAL OR PERSONAL PROPERTY, PURSUANT
3 TO:

4 (A) PART 3 OF THIS ARTICLE 13, ABATEMENT OF PUBLIC NUISANCE;

5 (B) PART 5 OF THIS ARTICLE 13, "COLORADO CONTRABAND
6 FORFEITURE ACT";

7 (C) PART 6 OF THIS ARTICLE 13, RECEIPT OF FEDERALLY FORFEITED
8 PROPERTY; OR

9 (D) SECTIONS 18-17-105 AND 18-17-106 OF THE "COLORADO
10 ORGANIZED CRIME CONTROL ACT"; OR

11 (II) THE OFFICE OF A DISTRICT ATTORNEY; OR

12 (III) ANY LOCAL GOVERNMENTAL ENTITY CHARGED WITH
13 ENFORCEMENT OF LOCAL LAWS OR ORDINANCES GOVERNING PUBLIC
14 NUISANCES WITHIN ITS LOCAL JURISDICTION THAT OBTAINS PROCEEDS AS
15 A RESULT OF A SEIZURE AND FORFEITURE PURSUANT TO SUCH LAWS OR
16 ORDINANCES.

17 (3) This section applies to property seized under the following:

18 (c) Part 6 of this article 13, receipt of federally forfeited property;

19 and

20 (d) Sections 18-17-105 and 18-17-106 of the "Colorado Organized
21 Crime Control Act"; AND

22 (e) ANY LOCAL PUBLIC NUISANCE LAW OR ORDINANCE.

23 (4) (a) The executive director shall establish, maintain, and amend
24 as necessary and post on the department's website a biannual reporting
25 form for use by ~~seizing~~ REPORTING agencies to report the information
26 required by subsection (5) of this section. Each ~~seizing~~ REPORTING agency
27 that received any forfeiture proceeds through either a state, or federal, OR

1 LOCAL forfeiture process within the reporting period shall complete a
2 form on the department's website for that reporting period. In creating the
3 form, the executive director shall consider the input from the following:

4 (b) If a ~~seizing~~ REPORTING agency has not received any forfeiture
5 proceeds during a reporting period, it shall submit a report indicating that
6 no forfeiture proceeds were received.

7 (c) On or before December 31, 2017, the executive director shall
8 provide access to the uniform report form developed pursuant to
9 subsection (4)(a) of this section for ~~seizing~~ REPORTING agencies to file or
10 update information as required by this section.

11 (5) Based upon the information received on the forms submitted
12 pursuant to subsection (4) of this section, the department shall establish
13 and maintain a searchable, public access database that includes the
14 following, if known at the time of reporting:

15 (a) Information from each case in which ~~an~~ A REPORTING agency
16 received any forfeiture proceeds specifying:

17 (I) The name of the ~~seizing~~ REPORTING agency and, if seized by
18 a multijurisdictional task force, the name of the lead agency;

19 (b) Information from each ~~seizing~~ REPORTING agency on the use
20 of forfeiture proceeds reported pursuant to this section including:

21 (II) The total value of seized and forfeited property held by the
22 ~~seizing~~ REPORTING agency at the end of the reporting period.

23 (6) The department shall also post on the website a summary of
24 information received pursuant to subsection (4) of this section that, to the
25 extent available for the reporting period, describes:

26 (a) The total number of forfeiture actions initiated or administered
27 by each ~~seizing~~ REPORTING agency;

1 (b) The total number of federal judicial or administrative
2 forfeiture actions initiated by a multijurisdictional task force including a
3 federal agency or referred by a ~~seizing~~ REPORTING agency and accepted
4 by the federal government for forfeiture under federal law;

5 (7) (a) Each ~~seizing~~ REPORTING agency, including any district
6 attorney or other prosecutor, that receives or expends forfeiture-related
7 money or property shall submit a report with all the information required
8 pursuant to subsection (5) of this section that is known to the agency at
9 the time of the report on the form developed pursuant to subsection (4)(a)
10 of this section. Commencing July 1, 2017, for the reporting period
11 between July 1 and December 31 of each year, the ~~seizing~~ REPORTING
12 agency shall file the report by June 1 of the following calendar year. For
13 the reporting period between January 1 and June 30, the ~~seizing~~
14 REPORTING agency shall file the report by December 1 of that calendar
15 year. If a ~~seizing~~ REPORTING agency has previously filed a report, but for
16 the reporting period it has not received or expended any forfeiture
17 proceeds, it shall submit a report indicating that fact.

18 (b) Notwithstanding the provisions of this section, if the reporting
19 of any information required by subsection (5) of this section is likely to
20 disclose the identity of a confidential source; disclose confidential
21 investigative or prosecution material that could endanger the life or
22 physical safety of any person; disclose the existence of a confidential
23 surveillance or investigation; or disclose techniques or procedures for law
24 enforcement procedures, investigation, or prosecutions, the ~~seizing~~
25 REPORTING agency is not required to include such information in the
26 report developed pursuant to subsection (4)(a) of this section. The
27 executive director shall include in the form developed pursuant to

1 subsection (4)(a) of this section a box for a ~~seizing~~ REPORTING agency to
2 check if it is not disclosing information pursuant to this subsection (7)(b).

3 (c) If a ~~seizing~~ REPORTING agency fails to file a report required by
4 subsection (7)(a) of this section within thirty days after the date the report
5 is due, the executive director shall send notice of the failure to the ~~seizing~~
6 REPORTING agency. If the report:

7 (I) Is filed within forty-five days after the notice of failure is sent,
8 the ~~seizing~~ REPORTING agency shall pay a civil fine of five hundred
9 dollars; or

10 (II) Is not filed within forty-five days after the notice of failure is
11 sent, the ~~seizing~~ REPORTING agency shall pay a civil fine of the greater of
12 five hundred dollars or an amount equal to fifty percent of the forfeiture
13 proceeds received by the ~~seizing~~ REPORTING agency during the reporting
14 period.

15 **SECTION 2.** In Colorado Revised Statutes, **add** 24-33.5-521 as
16 follows:

17 **24-33.5-521. Law enforcement assistance grant program -**
18 **reports.** (1) (a) THERE IS CREATED IN THE DIVISION THE LAW
19 ENFORCEMENT ASSISTANCE GRANT PROGRAM, REFERRED TO IN THIS
20 SECTION AS THE "GRANT PROGRAM", TO AWARD GRANTS TO SEIZING
21 AGENCIES, AS DEFINED IN SECTION 16-13-301 (2.7), TO REIMBURSE THEM
22 FOR MONEY THAT THE AGENCY WOULD HAVE RECEIVED EXCEPT FOR
23 SECTION 16-13-306.5 OR 16-13-504.5. THE DIVISION SHALL ADMINISTER
24 THE GRANT PROGRAM PURSUANT TO THIS SECTION. SUBJECT TO
25 AVAILABLE APPROPRIATIONS, THE DIVISION SHALL MAKE GRANT
26 PAYMENTS FROM MONEY APPROPRIATED TO THE DIVISION BY THE GENERAL
27 ASSEMBLY FOR THE PROGRAM.

1 (b) THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE, SHALL:

2 (I) DEVELOP POLICIES AND PROCEDURES:

3 (A) FOR SEIZING AGENCIES TO APPLY FOR GRANTS UP TO THE
4 AMOUNT OF MONEY THAT THE AGENCY CAN ESTABLISH THAT IT WOULD
5 HAVE RECEIVED EXCEPT FOR SECTION 16-13-306.5 OR 16-13-504.5;

6 (B) RELATED TO HOW MONEY IS DISBURSED TO SEIZING AGENCIES;

7 (C) RELATED TO HOW MONEY IS ALLOCATED AMONG SEIZING
8 AGENCIES;

9 (D) TO ENSURE THAT GRANT MONEY IS ONLY USED FOR
10 OPERATIONS AND INVESTIGATIONS, TRAINING AND EDUCATION,
11 EQUIPMENT AND SUPPLIES, JOINT LAW ENFORCEMENT AND PUBLIC SAFETY
12 OPERATIONS, SUPPORT OF COMMUNITY-BASED PROGRAMS, OR ANY OTHER
13 PURPOSE THAT WOULD HAVE BEEN PERMISSIBLE UNDER FEDERAL
14 EQUITABLE SHARING GUIDELINES; AND

15 (E) TO ENSURE THAT GRANT MONEY BE USED ONLY TO
16 SUPPLEMENT AND NOT SUPPLANT MONEY RECEIVED BY THE SEIZING
17 AGENCY FROM OTHER SOURCES.

18 (II) REVIEW APPLICATIONS FOR GRANTS FROM SEIZING AGENCIES;
19 AND

20 (III) SELECT SEIZING AGENCIES TO RECEIVE GRANTS AND THE
21 AMOUNT OF THE GRANTS.

22 (c) ANY UNEXPENDED AND UNENCUMBERED MONEY FROM AN
23 APPROPRIATION MADE FOR THE PURPOSES OF THIS SECTION REMAINS
24 AVAILABLE FOR EXPENDITURE BY THE DIVISION IN THE NEXT FISCAL YEAR
25 WITHOUT FURTHER APPROPRIATION.

26 (d) ON OR BEFORE AUGUST 1, 2019, AND EACH AUGUST 1
27 THEREAFTER, EACH LOCAL LAW ENFORCEMENT AGENCY THAT RECEIVES

1 A GRANT SHALL PROVIDE A FINAL REPORT TO THE DIVISION DESCRIBING
2 HOW THE GRANT FUNDS WERE UTILIZED. NOTWITHSTANDING THE
3 PROVISIONS OF SECTION 24-1-136 (11)(a)(I), ON OR BEFORE OCTOBER 1,
4 2019, AND EACH OCTOBER 1 THEREAFTER, THE DIVISION SHALL SUBMIT A
5 SUMMARY OF THE REPORTS TO THE JUDICIARY COMMITTEES OF THE HOUSE
6 OF REPRESENTATIVES AND SENATE, OR TO ANY SUCCESSOR COMMITTEES.

7 **SECTION 3.** In Colorado Revised Statutes, **add** 24-32-121 as
8 follows:

9 **24-32-121. Law enforcement community services grant**
10 **program - committee - policies and procedures - fund - rules - report**
11 **- definitions - repeal.** (1) AS USED IN THIS SECTION, UNLESS THE
12 CONTEXT OTHERWISE REQUIRES:

13 (a) "COMMITTEE" MEANS THE LAW ENFORCEMENT COMMUNITY
14 SERVICES GRANT PROGRAM COMMITTEE ESTABLISHED PURSUANT TO
15 SUBSECTION (3)(a) OF THIS SECTION.

16 (b) "DIVISION" MEANS THE DIVISION OF LOCAL GOVERNMENT
17 CREATED PURSUANT TO SECTION 24-32-103.

18 (c) "ELIGIBLE RECIPIENT" MEANS A LAW ENFORCEMENT AGENCY
19 OR A GROUP OF COUNTY OR MUNICIPAL ENTITIES OR COMMUNITY
20 ORGANIZATIONS, SO LONG AS ONE OF THE AGENCIES OR ENTITIES IS A LAW
21 ENFORCEMENT AGENCY.

22 (d) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
23 THE DEPARTMENT OF LOCAL AFFAIRS.

24 (e) "LAW ENFORCEMENT AGENCY" MEANS A COUNTY SHERIFF'S
25 OFFICE, MUNICIPAL POLICE FORCE, THE COLORADO STATE PATROL, OR THE
26 COLORADO BUREAU OF INVESTIGATION.

27 (f) "PROGRAM" MEANS THE LAW ENFORCEMENT COMMUNITY

1 SERVICES GRANT PROGRAM CREATED PURSUANT TO SUBSECTION (2) OF
2 THIS SECTION.

3 (2)(a) THERE IS CREATED IN THE DIVISION THE LAW ENFORCEMENT
4 COMMUNITY SERVICES GRANT PROGRAM TO PROVIDE GRANTS TO LAW
5 ENFORCEMENT AGENCIES, LOCAL GOVERNMENT ENTITIES, AND
6 COMMUNITY ORGANIZATIONS TO IMPROVE SERVICES TO THE COMMUNITIES
7 THROUGH COMMUNITY POLICING AND OUTREACH; DRUG INTERVENTION,
8 PREVENTION, TREATMENT, AND RECOVERY; TECHNOLOGY; TRAINING; AND
9 OTHER COMMUNITY SERVICES.

10 (b) THE DIVISION SHALL ADMINISTER THE PROGRAM AND, SUBJECT
11 TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS PROVIDED IN
12 THIS SECTION. SUBJECT TO AVAILABLE APPROPRIATIONS, GRANTS SHALL
13 BE PAID OUT OF THE FUND CREATED IN SUBSECTION (5) OF THIS SECTION.

14 (c) THE EXECUTIVE DIRECTOR SHALL DEVELOP SUCH POLICIES AND
15 PROCEDURES AS ARE REQUIRED IN THIS SECTION AND SUCH ADDITIONAL
16 POLICIES AND PROCEDURES AS MAY BE NECESSARY TO IMPLEMENT THE
17 PROGRAM. AT A MINIMUM, THE POLICIES AND PROCEDURES MUST SPECIFY
18 THE TIME FRAMES FOR APPLYING FOR GRANTS, THE FORM OF THE GRANT
19 APPLICATION, THE TIME FRAMES FOR DISTRIBUTING GRANT MONEY, AND
20 CRITERIA TO BE USED IN AWARDING AND DENYING GRANTS. THE
21 EXECUTIVE DIRECTOR SHALL DETERMINE THE RECIPIENTS OF GRANTS AND
22 THE AMOUNT OF EACH GRANT.

23 (3)(a) THERE IS CREATED IN THE DIVISION THE LAW ENFORCEMENT
24 COMMUNITY SERVICES GRANT PROGRAM COMMITTEE TO MAKE
25 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR ON THE POLICIES AND
26 PROCEDURES DEVELOPED PURSUANT TO SUBSECTION (2)(c) OF THIS
27 SECTION, REVIEW GRANT APPLICATIONS, AND RECOMMEND WHICH GRANTS

1 SHOULD BE APPROVED. THE COMMITTEE CONSISTS OF THE FOLLOWING
2 MEMBERS:

3 (I) A REPRESENTATIVE OF THE DEPARTMENT OF LOCAL AFFAIRS
4 APPOINTED BY THE EXECUTIVE DIRECTOR WHO SHALL CHAIR THE
5 COMMITTEE;

6 (II) A REPRESENTATIVE OF THE DEPARTMENT OF PUBLIC SAFETY
7 APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
8 SAFETY;

9 (III) A REPRESENTATIVE OF THE DEPARTMENT OF LAW APPOINTED
10 BY THE ATTORNEY GENERAL;

11 (IV) THE FOLLOWING PERSONS APPOINTED BY THE GOVERNOR:

12 (A) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF
13 DISTRICT ATTORNEYS;

14 (B) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF
15 COUNTY SHERIFFS;

16 (C) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF CHIEFS
17 OF POLICE;

18 (D) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF LAW
19 ENFORCEMENT OFFICERS;

20 (E) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF
21 COUNTIES;

22 (F) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF
23 MUNICIPALITIES;

24 (G) A REPRESENTATIVE OF A DRUG TREATMENT PROVIDER;

25 (H) A REPRESENTATIVE OF A NONPROFIT ORGANIZATION THAT
26 ADVOCATES FOR CIVIL LIBERTIES; AND

27 (I) FOUR ADDITIONAL MEMBERS WHO ARE NOT MEMBERS OF ANY

1 OF THE ENTITIES DESCRIBED IN SUBSECTIONS (2)(b)(IV)(A) TO
2 (2)(b)(IV)(H) OF THIS SECTION, BUT WHO REPRESENT COMMUNITY
3 ORGANIZATIONS THAT PROVIDE SERVICES TO THE COMMUNITY AND
4 REPRESENT THE DIVERSE GEOGRAPHIC AREAS AND THE ETHNIC AND
5 RACIAL DIVERSITY AND GENDER BALANCE WITHIN THE STATE;

6 (V) A MEMBER OF THE SENATE APPOINTED BY THE PRESIDENT OF
7 THE SENATE; AND

8 (VI) A MEMBER OF THE HOUSE OF REPRESENTATIVES APPOINTED
9 BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

10 (b) THE MEMBERS APPOINTED PURSUANT TO SUBSECTION
11 (3)(a)(IV) OF THIS SECTION SERVE TERMS OF FOUR YEARS; EXCEPT THAT
12 THE MEMBERS FIRST APPOINTED PURSUANT TO SUBSECTIONS
13 (3)(a)(IV)(A), (3)(a)(IV)(C), (3)(a)(IV)(E), AND (3)(a)(IV)(G) SHALL
14 SERVE TERMS OF TWO YEARS; AND THE MEMBERS FIRST APPOINTED
15 PURSUANT TO SUBSECTIONS (3)(a)(IV)(B), (3)(a)(IV)(D), (3)(a)(IV)(F),
16 AND (3)(a)(IV)(H) SHALL SERVE TERMS OF THREE YEARS.

17 (c) EXCEPT FOR THE LEGISLATIVE MEMBERS, MEMBERS OF THE
18 COMMITTEE DO NOT RECEIVE COMPENSATION OR REIMBURSEMENT FOR
19 EXPENSES INCURRED FOR SERVING ON THE COMMITTEE.

20 (4) TO RECEIVE A GRANT, AN ELIGIBLE RECIPIENT MUST SUBMIT AN
21 APPLICATION TO THE DIVISION IN ACCORDANCE WITH POLICIES AND
22 PROCEDURES DEVELOPED PURSUANT TO SUBSECTION (2)(c) OF THIS
23 SECTION.

24 (5) (a) THE DIVISION MAY SEEK, ACCEPT, AND EXPEND GIFTS,
25 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
26 PURPOSES OF THIS SECTION. THE DIVISION SHALL TRANSMIT ALL MONEY
27 RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE

1 TREASURER, WHO SHALL CREDIT THE MONEY TO THE LAW ENFORCEMENT
2 COMMUNITY SERVICES GRANT PROGRAM FUND CREATED PURSUANT TO
3 SUBSECTION (5)(b) OF THIS SECTION.

4 (b) THE LAW ENFORCEMENT COMMUNITY SERVICES GRANT
5 PROGRAM FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS
6 OF MONEY TRANSFERRED TO THE FUND PURSUANT TO SECTION 16-13-311,
7 ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR
8 TRANSFER TO THE FUND, AND ANY GIFTS, GRANTS, OR DONATIONS
9 RECEIVED BY THE DIVISION. SUBJECT TO ANNUAL APPROPRIATION BY THE
10 GENERAL ASSEMBLY, THE DIVISION MAY ONLY EXPEND MONEY FROM THE
11 FUND FOR THE GRANTS AWARDED PURSUANT TO THIS SECTION AND FOR UP
12 TO FIVE PERCENT OF THE MONEY IN THE FUND FOR THE DIRECT AND
13 INDIRECT COSTS INCURRED IN ADMINISTERING THE PROGRAM. ANY
14 UNEXPENDED AND UNENCUMBERED MONEY FROM AN APPROPRIATION
15 MADE FOR THE PURPOSES OF THIS SECTION REMAINS AVAILABLE FOR
16 EXPENDITURE BY THE DIVISION IN THE NEXT FISCAL YEAR WITHOUT
17 FURTHER APPROPRIATION.

18 (c) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
19 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
20 FUND TO THE FUND. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED
21 AND UNENCUMBERED MONEY IN THE FUND REMAINS IN THE FUND AND
22 SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY
23 OTHER FUND.

24 (6) ON AND AFTER DECEMBER 1, 2019, THE DEPARTMENT OF
25 LOCAL AFFAIRS SHALL INCLUDE A SUMMARIZED REPORT OF THE ACTIVITIES
26 OF THE PROGRAM IN THE DEPARTMENT'S ANNUAL PRESENTATION TO THE
27 COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203.

1 NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORTING
2 REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE INDEFINITELY.

3 (7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
4 THE DIVISION IS NOT REQUIRED TO IMPLEMENT THE PROGRAM UNTIL
5 SUFFICIENT FUNDS ARE RECEIVED IN THE FUND CREATED IN SUBSECTION
6 (5) OF THIS SECTION.

7 **SECTION 4.** In Colorado Revised Statutes, 16-13-311, **amend**
8 (3)(a) introductory portion and (3)(a)(VII) as follows:

9 **16-13-311. Disposition of seized personal property.** (3) (a) If
10 the prosecution prevails in the forfeiture action, the court shall order the
11 property forfeited. Such order ~~shall perfect~~ PERFECTS the state's right and
12 interest in and title to such property and ~~shall relate~~ RELATES back to the
13 date when title to the property vested in the state pursuant to section
14 16-13-316. Except as otherwise provided in subsection (3)(c) of this
15 section, the court shall also order such property to be sold at a public sale
16 by the law enforcement agency in possession of the property in the
17 manner provided for sales on execution, or in another commercially
18 reasonable manner. Property forfeited pursuant to this section or proceeds
19 therefrom ~~shall~~ MUST be distributed or applied in the following order:

20 (VII) The balance shall be delivered, upon order of the court, as
21 follows:

22 (A) Fifty percent to the general fund of the governmental body or
23 bodies with budgetary authority over the seizing agency for public safety
24 purposes or, if the seizing agency was a multijurisdictional task force,
25 fifty percent to be distributed in accordance with the appropriate
26 intergovernmental agreement; ~~and~~

27 (B) ~~The remaining amount~~ TWENTY-FIVE PERCENT to the managed

1 service organization contracting with the office of behavioral health in the
2 department of human services serving the judicial district where the
3 forfeiture proceeding was prosecuted to fund detoxification and substance
4 use disorder treatment. Money appropriated to the managed service
5 organization must be in addition to, and not be used to supplant, other
6 funding appropriated to the office of behavioral health; AND

7 (C) TWENTY-FIVE PERCENT TO THE LAW ENFORCEMENT
8 COMMUNITY SERVICES GRANT PROGRAM FUND, CREATED PURSUANT TO
9 SECTION 24-32-121 (5).

10 **SECTION 5. Appropriation.** For the 2018-19 state fiscal year,
11 \$1,487,821 is appropriated to the department of public safety for use by
12 the division of criminal justice. This appropriation is from the marijuana
13 tax cash fund created in section 39-28.8-501 (1), C.R.S., and is based on
14 an assumption that the division will require an additional 0.8 FTE. To
15 implement this act, the division may use this appropriation for the law
16 enforcement assistance grant program.

17 **SECTION 6. Act subject to petition - effective date -**
18 **applicability.** (1) This act takes effect September 1, 2018; except that,
19 if a referendum petition is filed pursuant to section 1 (3) of article V of
20 the state constitution against this act or an item, section, or part of this act
21 within the ninety-day period after final adjournment of the general
22 assembly, then the act, item, section, or part will not take effect unless
23 approved by the people at the general election to be held in November
24 2018 and, in such case, will take effect on the date of the official
25 declaration of the vote thereon by the governor.

26 (2) Section 4 of this act applies to court orders entered on and
27 after the applicable effective date of this act.