

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

**PREAMENDED**

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

LLS NO. 17-1129.01 Jerry Barry x4341

**HOUSE BILL 17-1313**

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING CIVIL FORFEITURE REFORM.**

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**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.

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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 -** [REDACTED]  
5 **legislative declaration - definitions.** (1) THE GENERAL ASSEMBLY FINDS  
6 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) "DIVISION" MEANS THE DIVISION OF CRIMINAL JUSTICE IN THE  
12 DEPARTMENT OF PUBLIC SAFETY CREATED PURSUANT TO SECTION  
13 24-33.5-502.

14 (b) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF  
15 THE DEPARTMENT OF PUBLIC SAFETY.

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

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

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

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

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

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

27 (4) (a) THE EXECUTIVE DIRECTOR SHALL ESTABLISH, MAINTAIN,

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

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

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

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

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

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

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

- 1 (E) THE DATE OF THE FORFEITURE ORDER;
- 2 (F) IF ANY ASSET WAS RETURNED IN WHOLE TO AN OWNER OR  
3 INTEREST HOLDER, A DESCRIPTION OF THE ASSET AND THE DATE OF THE  
4 RETURN;
- 5 (G) IF ANY PROPERTY WAS SOLD, THE PROCEEDS RECEIVED FROM  
6 THE SALE;
- 7 (H) IF ANY PROPERTY WAS RETAINED BY A STATE OR LOCAL  
8 AGENCY, THE PURPOSE FOR WHICH IT WAS USED;
- 9 (I) THE DATE OF ANY DISPOSITION OF THE PROPERTY;
- 10 (J) IF THE PROPERTY WAS DESTROYED BY A STATE OR LOCAL  
11 AGENCY, THE DATE OF DESTRUCTION;
- 12 (K) IF AN ORDER FOR DESTRUCTION WAS ISSUED BY THE FEDERAL  
13 GOVERNMENT; AND
- 14 (L) THE AMOUNT OF ANY PROCEEDS RECEIVED BY THE REPORTING  
15 AGENCY; AND
- 16 (b) INFORMATION FROM EACH SEIZING AGENCY ON THE USE OF  
17 FORFEITURE PROCEEDS REPORTED PURSUANT TO THIS SECTION INCLUDING:
- 18 (I) THE TOTAL AMOUNT OF MONEY EXPENDED IN EACH OF THE  
19 FOLLOWING CATEGORIES DURING THE REPORTING PERIOD:
- 20 (A) DRUG ABUSE, CRIME, AND GANG PREVENTION PROGRAMS;
- 21 (B) VICTIM SERVICES PROGRAMS;
- 22 (C) INFORMANT FEES AND CONTROLLED BUYS ON CLOSED CASES;
- 23 (D) SALARIES, OVERTIME, AND EMPLOYMENT BENEFITS, AS  
24 PERMITTED BY LAW;
- 25 (E) PROFESSIONAL OUTSIDE SERVICES, INCLUDING AUDITING,  
26 COURT REPORTING, EXPERT WITNESS AND OUTSIDE COUNSEL FEES, AND  
27 MEMBERSHIP FEES PAID TO TRADE ASSOCIATIONS;

1 (F) TRAVEL, MEALS, ENTERTAINMENT, TRAINING CONFERENCES,  
2 AND CONTINUING EDUCATION SEMINARS;

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

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

7 (I) OTHER EXPENDITURES OF FORFEITURE PROCEEDS; AND

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

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

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

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

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

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

25 (7) (a) EACH SEIZING AGENCY, INCLUDING ANY DISTRICT  
26 ATTORNEY OR OTHER PROSECUTOR, THAT RECEIVES OR EXPENDS  
27 FORFEITURE-RELATED MONEY OR PROPERTY SHALL SUBMIT A REPORT WITH

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

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

27 (c) IF A SEIZING AGENCY FAILS TO FILE A REPORT REQUIRED BY



1 SUBSECTION (7)(a) OF THIS SECTION WITHIN THIRTY DAYS AFTER THE DATE  
2 THE REPORT IS DUE, THE EXECUTIVE DIRECTOR SHALL SEND NOTICE OF THE  
3 FAILURE TO THE SEIZING AGENCY. IF THE REPORT:

4 (I) IS FILED WITHIN FORTY-FIVE DAYS AFTER THE NOTICE OF  
5 FAILURE IS SENT, THE SEIZING AGENCY SHALL PAY A CIVIL FINE OF FIVE  
6 HUNDRED DOLLARS; OR

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

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

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

24 (I) THE TYPE, APPROXIMATE VALUE, AND DISPOSITION OF ALL  
25 PROPERTY SEIZED;

26 (II) THE AMOUNT OF ANY FORFEITURE PROCEEDS RECEIVED BY THE  
27 STATE AND ANY SUBDIVISION OF THE STATE; AND

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

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

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

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

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

25 (10) THE EXECUTIVE DIRECTOR MAY ADOPT POLICIES AND  
26 PROCEDURES TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

27 (11) NOTWITHSTANDING ANY PROVISION IN ARTICLE 72 OF TITLE

1 24, INFORMATION AND REPORTS PREPARED PURSUANT TO THIS SECTION  
2 ARE PUBLIC RECORDS AND SUBJECT TO INSPECTION PURSUANT TO PART 2  
3 OR 3 OF ARTICLE 72 OF TITLE 24.

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

6 **16-13-306.5. Limitations on receipt of forfeiture payments**  
7 **from federal agencies.** (1) A SEIZING AGENCY OR PARTICIPANT IN ANY  
8 JOINT TASK FORCE OR OTHER MULTIJURISDICTIONAL COLLABORATION  
9 SHALL ACCEPT PAYMENT OR DISTRIBUTION FROM A FEDERAL AGENCY OF  
10 ALL OR A PORTION OF ANY FORFEITURE PROCEEDS RESULTING FROM  
11 ADOPTION OR A JOINT TASK FORCE OR OTHER MULTIJURISDICTIONAL  
12 COLLABORATION ONLY IF THE AGGREGATE NET EQUITY VALUE OF THE  
13 PROPERTY AND CURRENCY SEIZED IN A CASE IS IN EXCESS OF FIFTY  
14 THOUSAND DOLLARS AND A FORFEITURE PROCEEDING IS COMMENCED BY  
15 THE FEDERAL GOVERNMENT AND RELATES TO A FILED CRIMINAL CASE.

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

25 (3) SUBSECTIONS (1) AND (2) OF THIS SECTION SHALL NOT BE  
26 CONSTRUED TO RESTRICT SEIZING AGENCIES FROM COLLABORATING WITH  
27 A FEDERAL AGENCY TO SEIZE PROPERTY THAT THE SEIZING AGENCY HAS

1 PROBABLE CAUSE TO BELIEVE IS THE PROCEEDS OR INSTRUMENTS OF A  
2 CRIME THROUGH AN INTERGOVERNMENTAL JOINT TASK FORCE.

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

5 **16-13-504.5. Limitations on receipt of forfeiture payments**

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

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

24 (3) SUBSECTIONS (1) AND (2) OF THIS SECTION SHALL NOT BE  
25 CONSTRUED TO RESTRICT SEIZING AGENCIES FROM COLLABORATING WITH  
26 A FEDERAL AGENCY TO SEIZE PROPERTY THAT THE SEIZING AGENCY HAS  
27 PROBABLE CAUSE TO BELIEVE IS THE PROCEEDS OR INSTRUMENTS OF A

1 CRIME THROUGH AN INTERGOVERNMENTAL JOINT TASK FORCE.

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

4 **16-13-702. Disposition of forfeited property.** (1) No forfeited  
5 property shall be used nor shall any forfeited proceeds be expended by  
6 any seizing agency to whom section 16-13-701 (~~+~~) applies unless such  
7 use or expenditure has been approved by a committee on disposition of  
8 forfeited property which is created in subsection (2) of this section.

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

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