

**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

HOUSE SPONSORSHIP

Herod and Humphrey, Lebsock, Van Winkle, Leonard, Coleman, Esgar, Hooton, McKean, Melton, Neville P., Pettersen, Saine, Salazar, Williams D.

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House Committees

Judiciary
Appropriations

Senate Committees

Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING CIVIL FORFEITURE REFORM, AND, IN CONNECTION**
102 **THEREWITH, 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>.)

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

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.*

HOUSE
Amended 3rd Reading
May 3, 2017

HOUSE
Amended 2nd Reading
May 2, 2017

forfeiture and the use of the proceeds. Based on the reports, the department is to post on its website a searchable database that includes 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 -**
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

1 SEIZURES BY LAW ENFORCEMENT AGENCIES, FORFEITURE LITIGATION BY
2 PROSECUTORS, AND THEIR EXPENDITURES OF FORFEITED PROCEEDS WHEN
3 SUCH MONEY IS RECEIVED BY A LAW ENFORCEMENT AGENCY OR
4 PROSECUTOR'S OFFICE; AND

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

11 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
12 REQUIRES:

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

15 (b) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
16 THE DEPARTMENT OF LOCAL AFFAIRS.

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

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

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

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

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

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

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

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

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

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

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

- 27 (a) INFORMATION FROM EACH CASE IN WHICH AN AGENCY

1 RECEIVED ANY FORFEITURE PROCEEDS SPECIFYING:

2 (I) THE NAME OF THE SEIZING AGENCY AND, IF SEIZED BY A
3 MULTIJURISDICTIONAL TASK FORCE, THE NAME OF THE LEAD AGENCY;

4 (II) THE DATE OF THE SEIZURE;

5 (III) THE PLACE OF THE SEIZURE, WHETHER A HOME, BUSINESS, OR
6 TRAFFIC STOP, AND, IF A TRAFFIC STOP ON AN INTERSTATE OR STATE
7 HIGHWAY, THE DIRECTION OF THE TRAFFIC FLOW, WHETHER EASTBOUND,
8 WESTBOUND, SOUTHBOUND, OR NORTHBOUND;

9 (IV) THE BASIS FOR THE LAW ENFORCEMENT CONTACT;

10 (V) THE TYPE OF PROPERTY SEIZED:

11 (A) IF CURRENCY, THE AMOUNT OF THE CURRENCY; AND
12 (B) IF PROPERTY OTHER THAN CURRENCY, ANY MAKE, MODEL, OR
13 SERIAL NUMBER RELATED TO THE PROPERTY AND THE ESTIMATED NET
14 EQUITY OF THE PROPERTY;

15 (VI) WHETHER A STATE OR FEDERAL CRIMINAL CASE WAS FILED IN
16 RELATION TO THE SEIZURE AND, IF SO, THE COURT IN WHICH THE CASE WAS
17 FILED, THE CASE NUMBER AND CHARGES FILED, AND ANY DISPOSITION OF
18 THE CRIMINAL CASE;

19 (VII) IF FORFEITURE IS SOUGHT UNDER FEDERAL LAW, THE REASON
20 FOR THE FEDERAL TRANSFER, WHETHER ADOPTION, JOINT TASK FORCE, OR
21 OTHER; AND

22 (VIII) INFORMATION RELATING TO ANY FORFEITURE PROCEEDING
23 INCLUDING:

24 (A) THE COURT IN WHICH THE FORFEITURE CASE WAS FILED;
25 (B) THE FORFEITURE CASE NUMBER;
26 (C) IF ANY OWNER OR INTEREST OWNER FILED A COUNTERCLAIM;
27 (D) IF ANY OWNER WAS DETERMINED BY THE COURT TO BE AN

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

1 MEMBERSHIP FEES PAID TO TRADE ASSOCIATIONS;

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

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

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

8 (I) OTHER EXPENDITURES OF FORFEITURE PROCEEDS; AND

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

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

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

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

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

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

26 (7) (a) EACH SEIZING AGENCY, INCLUDING ANY DISTRICT
27 ATTORNEY OR OTHER PROSECUTOR, THAT RECEIVES OR EXPENDS

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

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

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

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

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

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

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

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

27 (II) THE AMOUNT OF ANY FORFEITURE PROCEEDS RECEIVED BY THE

1 STATE AND ANY SUBDIVISION OF THE STATE; AND

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

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

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

13 (9) (a) THE OFFICE OF BEHAVIORAL HEALTH SHALL PREPARE AN
14 ANNUAL ACCOUNTING REPORT OF MONEY RECEIVED BY THE MANAGED
15 SERVICE ORGANIZATION PURSUANT TO SECTION 16-13-311 (3)(a)(VII)(B),
16 INCLUDING REVENUES, EXPENDITURES, BEGINNING AND ENDING
17 BALANCES, AND SERVICES PROVIDED. THE OFFICE OF BEHAVIORAL HEALTH
18 SHALL PROVIDE THIS REPORT TO THE HEALTH AND HUMAN SERVICES
19 COMMITTEE OF THE SENATE AND THE PUBLIC HEALTH CARE AND HUMAN
20 SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY
21 SUCCESSOR COMMITTEES.

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


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

26 (11) NOTWITHSTANDING ANY PROVISION IN ARTICLE 72 OF TITLE
27 24, INFORMATION, EXCEPT FOR INFORMATION DESCRIBED IN SUBSECTION

1 (7)(b) OF THIS SECTION, AND REPORTS PREPARED PURSUANT TO THIS
2 SECTION ARE PUBLIC RECORDS AND SUBJECT TO INSPECTION PURSUANT TO
3 PART 2 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 
17 (2) SUBSECTION (1) OF THIS SECTION SHALL NOT BE CONSTRUED TO
18 RESTRICT SEIZING AGENCIES FROM COLLABORATING WITH A FEDERAL
19 AGENCY TO SEIZE PROPERTY THAT THE SEIZING AGENCY HAS PROBABLE
20 CAUSE TO BELIEVE IS THE PROCEEDS OR INSTRUMENTS OF A CRIME
21 THROUGH AN INTERGOVERNMENTAL JOINT TASK FORCE.

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

24 **16-13-504.5. Limitations on receipt of forfeiture payments**
25 **from federal agencies.** (1) A SEIZING AGENCY OR PARTICIPANT IN ANY
26 JOINT TASK FORCE OR OTHER MULTIJURISDICTIONAL COLLABORATION
27 SHALL ACCEPT PAYMENT OR DISTRIBUTION FROM A FEDERAL AGENCY OF

1 ALL OR A PORTION OF ANY FORFEITURE PROCEEDS RESULTING FROM
2 ADOPTION OR A JOINT TASK FORCE OR OTHER MULTIJURISDICTIONAL
3 COLLABORATION ONLY IF THE AGGREGATE NET EQUITY VALUE OF THE
4 PROPERTY AND CURRENCY SEIZED IN A CASE IS IN EXCESS OF FIFTY
5 THOUSAND DOLLARS AND A FORFEITURE PROCEEDING IS COMMENCED BY
6 THE FEDERAL GOVERNMENT AND RELATES TO A FILED CRIMINAL CASE.

7 [REDACTED]
8 (2) SUBSECTION (1) OF THIS SECTION SHALL NOT BE CONSTRUED TO
9 RESTRICT SEIZING AGENCIES FROM COLLABORATING WITH A FEDERAL
10 AGENCY TO SEIZE PROPERTY THAT THE SEIZING AGENCY HAS PROBABLE
11 CAUSE TO BELIEVE IS THE PROCEEDS OR INSTRUMENTS OF A CRIME
12 THROUGH AN INTERGOVERNMENTAL JOINT TASK FORCE.

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

15 **16-13-702. Disposition of forfeited property.** (1) No forfeited
16 property shall be used nor shall any forfeited proceeds be expended by
17 any seizing agency to whom section 16-13-701 (~~+~~) applies unless such
18 use or expenditure has been approved by a committee on disposition of
19 forfeited property which is created in subsection (2) of this section.

20 **SECTION 5. Appropriation.** (1) For the 2017-18 state fiscal
21 year, \$84,451 is appropriated to the department of local affairs. This
22 appropriation is from the general fund. To implement this act, the
23 department may use this appropriation as follows:

24 (a) \$24,814 for use by the division of local government for
25 personal services related to local government and community services,
26 which amount is based on an assumption that the division will require an
27 additional 0.5 FTE;

1 (b) \$10,398 for use by the division of local government for
2 operating expenses related to local government and community services;
3 and

4 (c) \$4,753 for the purchase of legal services; and

5 (d) \$44,486 for the purchase of information technology services.

6 (2) For the 2017-18 state fiscal year, \$4,753 is appropriated to the
7 department of law. This appropriation is from reappropriated funds
8 received from the department of local affairs under subsection (1)(c) of
9 this section. To implement this act, the department of law may use this
10 appropriation to provide legal services for the department of local affairs.

11 ==

12 (3) For the 2017-18 state fiscal year, \$44,486 is appropriated to
13 the office of the governor for use by the office of information technology.
14 This appropriation is from reappropriated funds received from the
15 department of local affairs under subsection (1)(d) of this section. To
16 implement this act, the office may use this appropriation to provide
17 information technology services for the department of local affairs.

18 **SECTION 6. Act subject to petition - effective date -**
19 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
20 the expiration of the ninety-day period after final adjournment of the
21 general assembly (August 9, 2017, if adjournment sine die is on May 10,
22 2017); except that, if a referendum petition is filed pursuant to section 1
23 (3) of article V of the state constitution against this act or an item, section,
24 or part of this act within such period, then the act, item, section, or part
25 will not take effect unless approved by the people at the general election
26 to be held in November 2018 and, in such case, will take effect on the
27 date of the official declaration of the vote thereon by the governor.

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