

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

INTRODUCED

LLS NO. 17-0173.02 Jerry Barry x4341

SENATE BILL 17-136

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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 division of criminal justice in the department of public safety (division) to establish and maintain a website containing:

- ! Specified information on each criminal forfeiture involving property; and
- ! Specified information on how each governmental agency that received proceeds from forfeitures used those proceeds.

The bill requires each governmental agency involved in seizing

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.

property under forfeiture statutes (seizing agency) to update the information posted on the division's website and establishes consequences if a seizing agency fails to update the website in a timely manner.

The executive director of the department of public safety (executive director) is authorized to adopt rules concerning the website.

The state auditor is required to annually perform a financial audit of seized property and expenditures of forfeiture proceeds and submit a report on the audit to certain committees of the general assembly and to the executive director. The executive director shall submit an annual report to certain committees and officers summarizing seizure and forfeiture activities in the state.

The bill prohibits a seizing agency from transferring or referring seized property to a federal governmental agency for forfeiture litigation unless the property includes currency in excess of \$100,000.

The bill authorizes the division to charge a seizing agency a fee when the seizing agency updates the website to offset the division's costs of developing and maintaining the website. The bill establishes a cash fund for the fees.

The bill clarifies that information and reports developed pursuant to the bill are public records subject to inspection under the "Colorado Open Records Act".

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 - fee -**
5 **cash fund created - rules - legislative declaration - definitions.**

6 (1) THE GENERAL ASSEMBLY FINDS THAT:

7 (a) UNDER STATE AND FEDERAL FORFEITURE LAWS, STATE AND
8 LOCAL LAW ENFORCEMENT AGENCIES ARE AUTHORIZED TO SEIZE MONEY
9 AND OTHER PROPERTY, SUBJECT IT TO FORFEITURE LITIGATION, AND USE
10 THE FORFEITURE PROCEEDS TO FUND THE AGENCY'S BUDGET;

11 (b) IT IS THE RESPONSIBILITY OF STATE LEGISLATORS TO MONITOR
12 SEIZURES BY LAW ENFORCEMENT AGENCIES, FORFEITURE LITIGATION BY
13 PROSECUTORS, AND THEIR EXPENDITURES OF FORFEITED PROCEEDS; AND

1 (c) THIS SECTION PROVIDES LEGISLATORS AND THE PUBLIC WITH
2 THE INFORMATION NECESSARY FOR BASIC OVERSIGHT OF LAW
3 ENFORCEMENT AGENCIES THAT SEIZE PROPERTY AND EXPEND FORFEITURE
4 PROCEEDS UNDER BOTH STATE AND FEDERAL LAWS.

5 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

7 (a) "DIVISION" MEANS THE DIVISION OF CRIMINAL JUSTICE IN THE
8 DEPARTMENT OF PUBLIC SAFETY CREATED PURSUANT TO SECTION
9 24-33.5-502.

10 (b) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
11 THE DEPARTMENT OF PUBLIC SAFETY.

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

14 (3) THIS SECTION APPLIES TO PROPERTY SEIZED UNDER THE
15 FOLLOWING:

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

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

19 (c) PART 6 OF THIS ARTICLE 13, RECEIPT OF FEDERALLY FORFEITED
20 PROPERTY;

21 (d) SECTION 12-47-906, SALE OF LIQUOR SEIZED;

22 (e) SECTION 18-9-208, FORFEITURE OF ANIMALS;

23 (f) SECTION 18-9-309, TELECOMMUNICATIONS CRIME;

24 (g) SECTION 18-12-110, FORFEITURE OF FIREARMS;

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

27 (i) SECTION 33-6-102, WILDLIFE; AND

1 (j) SECTION 33-15-104, PARKS AND OUTDOOR RECREATION.
2 (4) THE DIVISION SHALL ESTABLISH AND MAINTAIN A SEARCHABLE
3 PUBLIC WEBSITE THAT INCLUDES:
4 (a) INFORMATION INVOLVING PROPERTY SEIZED BY A SEIZING
5 AGENCY UNDER FEDERAL OR STATE LAW. THE INFORMATION AT A
6 MINIMUM MUST INCLUDE:
7 (I) THE NAME OF THE SEIZING AGENCY THAT SEIZED THE
8 PROPERTY;
9 (II) THE DATE OF THE SEIZURE;
10 (III) THE TYPE OF PROPERTY SEIZED, INCLUDING ANY MAKE,
11 MODEL, YEAR, AND SERIAL NUMBER;
12 (IV) THE LOCATION OF THE SEIZURE, INCLUDING WHETHER THE
13 SEIZURE OCCURRED IN A HOME, AN OFFICE, OR DURING A TRAFFIC STOP,
14 AND, IF DURING A TRAFFIC STOP, THE STREET NAME AND NUMBER WHERE
15 THE SEIZURE OCCURRED AND THE DIRECTION OF TRAFFIC WHEN THE
16 SEIZURE OCCURRED;
17 (V) THE ESTIMATED VALUE OF THE SEIZED PROPERTY;
18 (VI) THE CRIMINAL OFFENSE ALLEGED TO HAVE BEEN COMMITTED
19 THAT LED TO THE SEIZURE;
20 (VII) WHETHER A CRIMINAL CASE WAS FILED RELATING TO THE
21 SEIZED PROPERTY, AND, IF SO, THE CRIME, THE COURT IN WHICH THE
22 CHARGES WERE FILED, THE CRIMINAL CASE NUMBER, AND THE OUTCOME
23 OF THE CHARGE IF AVAILABLE;
24 (VIII) IF THE FORFEITURE WAS NOT PROCESSED UNDER STATE LAW,
25 THE REASON FOR THE FEDERAL TRANSFER;
26 (IX) THE COURT IN WHICH THE FORFEITURE ACTION WAS FILED
27 AND THE FORFEITURE CASE NUMBER;

1 (X) IF A PROPERTY OWNER FILED A CLAIM OR COUNTERCLAIM,
2 WHETHER THE CLAIMANT WAS A SUSPECT, INNOCENT OWNER CLAIMANT,
3 JOINT OWNER, OR OTHER OWNER;

4 (XI) WHETHER THE FINAL FORFEITURE PROCEEDING WAS A
5 CRIMINAL OR CIVIL PROCEEDING;

6 (XII) THE DATE OF THE FORFEITURE ORDER AND WHETHER THERE
7 WAS A SETTLEMENT AGREEMENT RELATED TO THE FORFEITURE;

8 (XIII) THE DISPOSITION OF THE SEIZED PROPERTY, SUCH AS
9 WHETHER IT WAS RETURNED TO THE OWNER, PARTIALLY RETURNED TO THE
10 OWNER, SOLD, DESTROYED, OR RETAINED BY A SEIZING AGENCY;

11 (XIV) THE DATE OF DISPOSITION OF THE PROPERTY;

12 (XV) IF THE SEIZED PROPERTY WAS SOLD, THE PROCEEDS
13 RECEIVED FROM THE SALE;

14 (XVI) AN ESTIMATE OF THE TOTAL COSTS ASSOCIATED WITH ANY
15 SEIZED PROPERTY, INCLUDING THE COSTS TO STORE THE PROPERTY IN
16 IMPOUND LOTS OR EVIDENCE ROOMS, THE COSTS TO PAY FOR LAW
17 ENFORCEMENT PERSONNEL AND PROSECUTORS' TIME AND EXPENSES TO
18 LITIGATE THE FORFEITURE ACTIONS, AND, IF SOLD, THE COSTS OF SALE;
19 AND

20 (XVII) THE AMOUNT OF ANY ATTORNEY FEES AWARDED TO
21 PROPERTY OWNERS; AND

22 (b) INFORMATION FROM EACH SEIZING AGENCY ON THE USE OF
23 FORFEITURE PROCEEDS. THE INFORMATION AT A MINIMUM MUST INCLUDE:

24 (I) THE TOTAL AMOUNT OF FUNDS EXPENDED IN EACH OF THE
25 FOLLOWING CATEGORIES THAT RESULTED FROM REPORTABLE SEIZED
26 PROPERTY AND WERE REPORTED UNDER THIS SECTION:

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

- 1 (B) VICTIM REPARATIONS;
- 2 (C) INVESTIGATION COSTS, INCLUDING WITNESS PROTECTION,
3 INFORMANT FEES, AND CONTROLLED BUYS;
- 4 (D) SALARIES, OVERTIME, AND EMPLOYMENT BENEFITS, AS
5 PERMITTED BY LAW;
- 6 (E) PROFESSIONAL OUTSIDE SERVICES, INCLUDING AUDITING,
7 COURT REPORTING, EXPERT WITNESS AND OUTSIDE COUNSEL FEES, AND
8 MEMBERSHIP FEES PAID TO TRADE ASSOCIATIONS;
- 9 (F) TRAVEL, MEALS, ENTERTAINMENT, CONFERENCES, AND
10 CONTINUING EDUCATION SEMINARS;
- 11 (G) OPERATING EXPENSES, INCLUDING OFFICE SUPPLIES, POSTAGE,
12 AND ADVERTISING;
- 13 (H) CAPITAL EXPENDITURES, INCLUDING VEHICLES, FIREARMS,
14 EQUIPMENT, COMPUTERS, AND FURNITURE; AND
- 15 (I) OTHER EXPENDITURES OF FORFEITURE PROCEEDS; AND
- 16 (II) THE TOTAL VALUE OF SEIZED AND FORFEITED PROPERTY HELD
17 BY THE SEIZING AGENCY AT THE END OF THE REPORTING PERIOD.
- 18 (5) (a) EACH SEIZING AGENCY, INCLUDING ANY DISTRICT
19 ATTORNEY OR OTHER PROSECUTOR, SHALL UPDATE THE INFORMATION ON
20 THE DIVISION'S WEBSITE REQUIRED BY SUBSECTION (4)(a) OF THIS SECTION
21 BY THE END OF THE MONTH FOLLOWING EACH SEIZURE AND EACH MONTH
22 THEREAFTER UNTIL ALL INFORMATION IS COMPLETE FOLLOWING A FINAL
23 FORFEITURE ORDER OR RETURN OF SEIZED PROPERTY. THE HEAD OF A
24 MULTI-JURISDICTIONAL TASK FORCE SHALL DESIGNATE ONE SEIZING
25 AGENCY TO UPDATE THE WEBSITE AS REQUIRED BY THIS SUBSECTION
26 (5)(a). IF A SEIZING AGENCY MADE NO SEIZURES DURING THE PREVIOUS
27 CALENDAR YEAR, THE SEIZING AGENCY SHALL FILE A REPORT WITH THE

1 DIVISION SPECIFYING THAT IT DID NOT ENGAGE IN ANY SEIZURES OR
2 FORFEITURES DURING THE YEAR BY JANUARY 31 OF THE FOLLOWING YEAR.

3 (b) EACH SEIZING AGENCY THAT RECEIVES OR EXPENDS
4 FORFEITURE-RELATED MONEY OR PROPERTY SHALL UPDATE THE
5 INFORMATION ON THE DIVISION'S WEBSITE REQUIRED BY SUBSECTION
6 (4)(b) OF THIS SECTION BY JANUARY 31, 2018, AND EACH JANUARY 31
7 THEREAFTER. THE HEAD OF A MULTIJURISDICTIONAL TASK FORCE SHALL
8 DESIGNATE ONE SEIZING AGENCY IN THE MULTIJURISDICTIONAL TASK
9 FORCE TO UPDATE THE WEBSITE AS REQUIRED BY THIS SUBSECTION (5)(b).

10 (c) IF A SEIZING AGENCY FAILS TO UPDATE THE WEBSITES
11 ESTABLISHED PURSUANT TO SUBSECTION (4) OF THIS SECTION WITHIN
12 THIRTY DAYS AFTER THE UPDATE IS DUE AND THE EXECUTIVE DIRECTOR
13 FINDS THAT THERE WAS NOT GOOD CAUSE FOR THE DELAY:

14 (I) THE EXECUTIVE DIRECTOR SHALL IMPOSE A CIVIL FINE OF TEN
15 THOUSAND DOLLARS ON THE SEIZING AGENCY, PAYABLE TO THE STATE
16 GENERAL FUND; AND

17 (II) THE SEIZING AGENCY IS INELIGIBLE TO RECEIVE ANY
18 FORFEITED PROPERTY OR ANY PORTION OF ANY FORFEITURE PROCEEDS
19 FROM THE THIRTIETH DAY AFTER THE UPDATE WAS DUE UNTIL THE UPDATE
20 IS FILED. THE EXECUTIVE DIRECTOR SHALL PROMPTLY NOTIFY THE CLERK
21 OF EACH DISTRICT COURT WHEN A SEIZING AGENCY IS INELIGIBLE TO
22 RECEIVE FORFEITED PROPERTY OR PROCEEDS UNDER THIS SUBSECTION
23 (5)(c)(II) AND WHEN THE AGENCY IS AGAIN ELIGIBLE TO RECEIVE SUCH
24 PROPERTY OR PROCEEDS.

25 (6) THE DIVISION SHALL CHARGE, AND EACH SEIZING AGENCY
26 SHALL PAY TO THE DIVISION, A FEE WHEN A SEIZING AGENCY UPDATES A
27 WEBSITE AS REQUIRED BY THIS SECTION. EACH SEIZING AGENCY REQUIRED

1 TO UPDATE WEBSITES PURSUANT TO THIS SECTION MAY USE
2 FORFEITURE-RELATED MONEY FROM SEIZURES AND FORFEITURES DONE
3 UNDER STATE LAW TO PAY THE COSTS OF REPORTING. THE HEAD OF ANY
4 MULTIJURISDICTIONAL TASK FORCE MAY ALLOCATE THE COSTS OF
5 UPDATING WEBSITES TO PARTICIPATING AGENCIES IN THE TASK FORCE AT
6 THE HEAD'S SOLE DISCRETION. THE EXECUTIVE DIRECTOR SHALL
7 ESTABLISH BY RULE THE AMOUNT OF THE FEE TO COVER THE DIVISION'S
8 DIRECT AND INDIRECT COSTS IN DEVELOPING AND MAINTAINING THE
9 WEBSITE REQUIRED BY THIS SECTION. THE DIVISION SHALL TRANSMIT ALL
10 MONEY RECEIVED PURSUANT TO THIS SUBSECTION (6) TO THE STATE
11 TREASURER WHO SHALL CREDIT THE MONEY TO THE FORFEITURE
12 REPORTING CASH FUND.

13 (7) THERE IS CREATED IN THE STATE TREASURY THE FORFEITURE
14 REPORTING CASH FUND. THE CASH FUND CONSISTS OF MONEY RECEIVED BY
15 THE DIVISION PURSUANT TO THIS SECTION. MONEY IN THE CASH FUND IS
16 SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE
17 DIVISION TO PAY THE DIRECT AND INDIRECT COSTS OF THIS SECTION. THE
18 STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
19 FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE CASH FUND TO THE
20 CASH FUND. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND
21 UNENCUMBERED MONEY IN THE CASH FUND REMAINS THEREIN AND SHALL
22 NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER
23 FUND.

24 (8) THE STATE AUDITOR SHALL ANNUALLY PERFORM A FINANCIAL
25 AUDIT, UNDER GENERALLY ACCEPTED GOVERNMENT AUDITING
26 STANDARDS, OF RECORDS RELATED TO AN INVENTORY OF PROPERTY
27 SEIZED AND TRANSFERRED TO A SEIZING AGENCY AND THE EXPENDITURE

1 OF FORFEITURE PROCEEDS. NOT LATER THAN DECEMBER 1, 2019, AND
2 EACH DECEMBER 1 THEREAFTER, THE STATE AUDITOR SHALL SUBMIT A
3 COPY OF THE FINAL AUDIT REPORT TO THE LEGISLATIVE AUDIT COMMITTEE
4 OF THE GENERAL ASSEMBLY; THE JUDICIARY COMMITTEES OF THE SENATE
5 AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES; AND
6 THE EXECUTIVE DIRECTOR. NOTWITHSTANDING THE PROVISIONS OF PART
7 1 OF ARTICLE 3 OF TITLE 2, THE FINAL AUDIT REPORT IS A PUBLIC RECORD.

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

15 (I) THE TYPE, APPROXIMATE VALUE, AND DISPOSITION OF ALL
16 PROPERTY SEIZED;

17 (II) THE AMOUNT OF ANY FORFEITURE PROCEEDS RECEIVED BY THE
18 STATE AND ANY SUBDIVISION OF THE STATE; AND

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

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

1 (c) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORT
2 REQUIRED IN THIS SUBSECTION (9) CONTINUES INDEFINITELY.

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

14 (b) PURSUANT TO SECTION 24-1-136 (11)(a)(I), THE REPORT
15 REQUIRED IN THIS SUBSECTION (10) EXPIRES ON FEBRUARY 1, 2021.

16 (11) THE EXECUTIVE DIRECTOR MAY ADOPT RULES TO IMPLEMENT
17 THE PROVISIONS OF THIS SECTION.

18 (12) NOTWITHSTANDING ANY PROVISION IN ARTICLE 72 OF TITLE
19 24, INFORMATION AND REPORTS PREPARED PURSUANT TO THIS SECTION
20 ARE PUBLIC RECORDS AND SUBJECT TO INSPECTION PURSUANT TO PART 2
21 OR 3 OF ARTICLE 72 OF TITLE 24.

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

24 **16-13-306.5. Limitations on transfers to federal agencies.**

25 (1) A SEIZING AGENCY SHALL NOT ENTER INTO AN AGREEMENT TO
26 TRANSFER OR REFER PROPERTY SEIZED PURSUANT TO THIS PART 3 TO A
27 FEDERAL AGENCY DIRECTLY, INDIRECTLY, BY ADOPTION, THROUGH AN

1 INTERGOVERNMENTAL JOINT TASK FORCE, OR BY ANY OTHER MEANS,
2 UNLESS THE SEIZED PROPERTY INCLUDES CURRENCY OF THE UNITED
3 STATES IN EXCESS OF ONE HUNDRED THOUSAND DOLLARS.

4 (2) ALL SEIZING AGENCIES SHALL REFER SEIZED PROPERTY TO THE
5 APPROPRIATE STATE, DISTRICT, COUNTY, OR MUNICIPAL PROSECUTING
6 AUTHORITY FOR FORFEITURE LITIGATION UNDER THIS PART 3 UNLESS THE
7 SEIZED PROPERTY INCLUDES CURRENCY OF THE UNITED STATES IN EXCESS
8 OF ONE HUNDRED THOUSAND DOLLARS. IF SEIZED PROPERTY INCLUDES
9 CURRENCY OF THE UNITED STATES IN EXCESS OF ONE HUNDRED
10 THOUSAND DOLLARS, THE SEIZING AGENCY MAY, BUT IS NOT REQUIRED TO,
11 REFER OR TRANSFER THE SEIZED PROPERTY TO A FEDERAL AGENCY FOR
12 FORFEITURE LITIGATION UNDER FEDERAL LAW.

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

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

20 **16-13-504.5. Limitations on transfers to federal agencies.**

21 (1) A SEIZING AGENCY SHALL NOT ENTER INTO AN AGREEMENT TO
22 TRANSFER OR REFER PROPERTY SEIZED PURSUANT TO THIS PART 5 TO A
23 FEDERAL AGENCY DIRECTLY, INDIRECTLY, BY ADOPTION, THROUGH AN
24 INTERGOVERNMENTAL JOINT TASK FORCE, OR BY ANY OTHER MEANS,
25 UNLESS THE SEIZED PROPERTY INCLUDES CURRENCY OF THE UNITED
26 STATES IN EXCESS OF ONE HUNDRED THOUSAND DOLLARS.

27 (2) ALL SEIZING AGENCIES SHALL REFER SEIZED PROPERTY TO THE

1 APPROPRIATE STATE, DISTRICT, COUNTY, OR MUNICIPAL PROSECUTING
2 AUTHORITY FOR FORFEITURE LITIGATION UNDER THIS PART 5 UNLESS THE
3 SEIZED PROPERTY INCLUDES CURRENCY OF THE UNITED STATES IN EXCESS
4 OF ONE HUNDRED THOUSAND DOLLARS. IF SEIZED PROPERTY INCLUDES
5 CURRENCY OF THE UNITED STATES IN EXCESS OF ONE HUNDRED
6 THOUSAND DOLLARS, THE SEIZING AGENCY MAY, BUT IS NOT REQUIRED TO,
7 REFER OR TRANSFER THE SEIZED PROPERTY TO A FEDERAL AGENCY FOR
8 FORFEITURE LITIGATION UNDER FEDERAL LAW.

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

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

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

22 **SECTION 5. Act subject to petition - effective date -**
23 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
24 the expiration of the ninety-day period after final adjournment of the
25 general assembly (August 9, 2017, if adjournment sine die is on May 10,
26 2017); except that, if a referendum petition is filed pursuant to section 1
27 (3) of article V of the state constitution against this act or an item, section,

1 or part of this act within such period, then the act, item, section, or part
2 will not take effect unless approved by the people at the general election
3 to be held in November 2018 and, in such case, will take effect on the
4 date of the official declaration of the vote thereon by the governor.

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