

HOUSE No. 1365

The Commonwealth of Massachusetts

PRESENTED BY:

Antonio F. D. Cabral

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to reform drug forfeiture distribution.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>1/17/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/25/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/1/2019</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>1/29/2019</i>

HOUSE No. 1365

By Mr. Cabral of New Bedford, a petition (accompanied by bill, House, No. 1365) of Antonio F. D. Cabral and others relative to reforming drug forfeiture money distribution. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to reform drug forfeiture distribution.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subsection (d) of section 47 of chapter 94C of the General Laws, as
2 appearing in the 2016 Official Edition, is hereby amended by striking out, in lines 121-127,
3 inclusive, the second paragraph and inserting in place thereof the following paragraph:-

4 “The final order of the court shall provide that said monies and the proceeds of any such
5 sale shall be distributed in the following manner: 34 per cent shall be distributed to the Substance
6 Abuse Services Fund established in section 2I of chapter 111, 33 per cent to the prosecuting
7 district attorney or attorney general, and 33 per cent to the city, town, state, or metropolitan
8 district police department involved in the seizure, provided, however, that more than one
9 department was substantially involved in the seizure, the court having jurisdiction of the
10 forfeiture proceeds shall equitably distribute said proceeds among those departments.”.

11 SECTION 2. Said subsection (d), as so appearing, is hereby further amended by adding
12 the following sentence:-

13 “Said department shall expend up to 10 per cent of monies and proceeds for drug
14 rehabilitation, drug education, and other anti-drug or neighborhood crime watch programs that
15 further law enforcement purposes.”.

16 SECTION 3. State Reporting.

17 (a) Amendments. Subsection (d) of section 47 of chapter 94C of the General Laws, as
18 so appearing, is hereby further amended by striking out the last sentence and inserting in place
19 thereof the following sentences:—

20 “On February fifteenth of each year, each district attorney, the attorney general and the
21 secretary of the Executive Office of Public Safety and Security shall post a report on-line
22 detailing the total amounts collected pursuant to subsection (d) of section 47 of chapter 94C and
23 report containing each expenditure made from such amounts. Reports filed with said committees
24 annually on February fifteenth shall detail said deposit and expenditure of all monies for the
25 preceding fiscal year and the current fiscal year through December thirty-first.”.

26 (b) Effective Date. The district attorney, the attorney general and the secretary of the
27 Massachusetts Executive Office of Public Safety and Security shall post the report described in
28 subsection (a) of this section within 90 days of the close of the fiscal year in which this bill is
29 enacted, or the fifteenth of February, whichever is first.

30 SECTION 4. Local Reporting.

31 (a) Subsection (d) of section 47 of chapter 94C of the General Laws, as so appearing,
32 is hereby further amended by adding the following paragraph:-

33 “On February fifteenth of each year, each chief of police of such city or town shall file a
34 detailed report with the division of local services of the department of revenue containing the
35 total amounts collected pursuant to subsection d of section 47 of chapter 94C and each
36 expenditure made from such amounts. The division shall post said reports on line within 60 days
37 of said deadlines. Reports filed with said department annually in February fifteenth shall detail
38 such deposits and expenditures of all monies for the preceding fiscal year and the current fiscal
39 year through December thirty-first.”.

40 (b) Effective Date. The chief of police or such city or town shall file the report
41 described in subsection (a) of this section within 90 days of the close of the fiscal year in which
42 this bill is enacted, or the fifteen of February, whichever is first.