

**HOUSE . . . . . No. 2993**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Nicholas A. Boldyga*

*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 relative to civil asset forfeiture data reporting.

PETITION OF:

| NAME:                      | DISTRICT/ADDRESS:  | DATE ADDED:      |
|----------------------------|--------------------|------------------|
| <i>Nicholas A. Boldyga</i> | <i>3rd Hampden</i> | <i>1/19/2023</i> |

**HOUSE . . . . . No. 2993**

By Representative Boldyga of Southwick, a petition (accompanied by bill, House, No. 2993) of Nicholas A. Boldyga relative to civil asset forfeiture data reporting. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3233 OF 2021-2022.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

An Act relative to civil asset forfeiture data reporting.

*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: Section 47 of chapter 94C of the General Laws is hereby amended by  
2 striking out subparagraph (k)(1) and inserting in place thereof the following subparagraph:-

3 (k)(1) The attorney general, each district attorney and each police department for which  
4 the state treasurer has established a special law enforcement trust fund pursuant to subsection (d)  
5 shall file an annual report with the treasurer regarding all assets, monies and proceeds from  
6 assets seized pursuant to this section and held by such fund. The report shall provide itemized  
7 accounting for each seizure and forfeiture, as required by section 47B. The report shall be filed  
8 not later than January 31 for the preceding calendar year and shall be a public record.

9 SECTION 2: Section 24W of chapter 90 of the General Laws is hereby amended by  
10 adding the following paragraphs:-

11 (g) The attorney general, each district attorney and each police department shall file an  
12 annual report with the treasurer regarding all assets, monies and proceeds from assets seized  
13 pursuant to this section and held by such fund. The report shall provide itemized accounting for  
14 each seizure and forfeiture, as required by section 47B. The report shall be filed not later than  
15 January 31 for the preceding calendar year and shall be a public record.

16 (h) The attorney general, each district attorney and each police department for which the  
17 state treasurer has established a special law enforcement trust fund shall file an annual report  
18 with the treasurer regarding all expenditures therefrom, which shall include, but not be limited  
19 to, the following expense categories: personnel contractors equipment training private-public  
20 partnerships inter-agency collaborations; and community grants. The report shall be filed not  
21 later than January 31 for the preceding calendar year and shall be a public record.

22 (i) Annually, not later than March 15, the state treasurer shall file a report with the  
23 executive office of administration and finance and the house and senate committees on ways and  
24 means regarding the aggregate deposits, aggregate expenditures, and ending balances for each  
25 special law enforcement trust fund during the preceding calendar year. The report shall be a  
26 public record.

27 SECTION 3: Section 56 of chapter 265 of the General Laws is hereby amended by  
28 adding the following paragraphs:-

29 (k) The attorney general, each district attorney and each police department shall file an  
30 annual report with the treasurer regarding all assets, monies and proceeds from assets seized

31 pursuant to this section and held by such fund. The report shall provide itemized accounting for  
32 each seizure and forfeiture, as required by section 47B. The report shall be filed not later than  
33 January 31 for the preceding calendar year and shall be a public record.

34 (l) The attorney general, each district attorney and each police department for which the  
35 state treasurer has established a special law enforcement trust fund shall file an annual report  
36 with the treasurer regarding all expenditures therefrom, which shall include, but not be limited  
37 to, the following expense categories: personnel contractors equipment training private-public  
38 partnerships inter-agency collaborations; and community grants. The report shall be filed not  
39 later than January 31 for the preceding calendar year and shall be a public record.

40 (m) Annually, not later than March 15, the state treasurer shall file a report with the  
41 executive office of administration and finance and the house and senate committees on ways and  
42 means regarding the aggregate deposits, aggregate expenditures, and ending balances for each  
43 special law enforcement trust fund during the preceding calendar year. The reports shall be a  
44 public record.

45 SECTION 4: Chapter 94C of the General Laws is hereby amended by adding the  
46 following new section:-

47 Section 47B: Seizure and forfeiture case tracking system and searchable public website.

48 (a) This section is applicable to property seized and forfeited under section 24W of  
49 chapter 90, section 47 of chapter 94C, section 56 of chapter 265, and any other section of the  
50 general laws that authorizes a law enforcement agency to seize property used in the commission  
51 of a criminal offense for forfeiture.

52 (b) The state treasurer shall establish and maintain a case tracking system and searchable  
53 public website that includes the following information about any property seized and forfeited  
54 under state law. The state treasurer shall assign the responsibility to report each element to  
55 relevant agencies, including seizing agencies and district attorneys where appropriate:

56 (1) Name of the law enforcement agency that seized the property;

57 (2) Date of the seizure;

58 (3) Type of property seized: currency or, if property other than currency, a description of  
59 property seized including make, model, and year;

60 (4) Place of seizure;

61 (5) Estimated value of the seizure;

62 (6) Whether the seizure was transferred to federal government;

63 (7) Crime for which suspect was charged;

64 (8) The outcome of suspect's arrest: no charge was filed, charges dropped, acquittal, plea  
65 agreement, jury conviction or other;

66 (9) Criminal case number, if charged;

67 (10) Forfeiture case number;

68 (11) Type of forfeiture proceeding: civil, administrative, criminal or other;

69 (12) If a property owner filed a claim or counterclaim, who filed it: the suspect, innocent  
70 owner, lienholder, other party, or no filing by any party;

- 71 (13) Whether there was a forfeiture settlement or consent agreement;
- 72 (14) Date of the forfeiture order;
- 73 (15) Property disposition: returned to owner, partially returned to owner, sold, destroyed,  
74 retained by a law enforcement agency, or pending disposition;
- 75 (16) Total value of property forfeited including currency and proceeds from sale of non-  
76 currency property (excluding the value of contraband);
- 77 (17) Market value of property forfeited under state law that was retained or donated  
78 (excluding the value of contraband); and
- 79 (18) Estimate of total costs to the state (i) to store property in impound lots or evidence  
80 rooms, (ii) to pay for law enforcement personnel and prosecutors' time and expenses to litigate  
81 forfeiture cases and (iii) cost to sell or dispose of forfeited property.
- 82 (c) If an agency has made no seizures during the previous year, a null report shall be filed  
83 by the agency specifying that it did not engage in seizures or forfeitures during the reporting  
84 period.
- 85 (d) If a law enforcement agency fails to file a report within 30 days after it is due and  
86 there is no good cause as determined by the state treasurer, the agency shall be subject to a civil  
87 fine payable to the General Revenue Fund of \$500 or the equivalent of one-quarter of the  
88 forfeiture proceeds received in the prior year by the agency, whichever is greater.
- 89 (e) The state treasurer may recoup its costs under this section by charging a fee to the law  
90 enforcement agency filing a report. The agency may use forfeiture proceeds to pay the costs of

91 compiling and reporting data under this chapter, and to pay any fees imposed by the state  
92 treasurer.

93 (f) The state treasurer may adopt rules necessary to implement this section.

94 (g) The data and reports compiled and prepared under this section shall public records.

95 SECTION 5. Section 4 shall take effect on January 1, 2022. The remainder of this act  
96 shall take effect upon its passage.