

**HOUSE . . . . . No. 1577**

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Bradley H. Jones, Jr.***

*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 improvements.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/18/2023</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>	<i>1/26/2023</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>1/26/2023</i>
<i>Lenny Mirra</i>	<i>2nd Essex</i>	<i>1/26/2023</i>
<i>Kelly W. Pease</i>	<i>4th Hampden</i>	<i>1/31/2023</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/1/2023</i>

**HOUSE . . . . . No. 1577**

By Representative Jones of North Reading, a petition (accompanied by bill, House, No. 1577) of Bradley H. Jones, Jr., and others relative to civil asset forfeiture improvements under the controlled substances law. The Judiciary.

**The Commonwealth of Massachusetts**

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

An Act relative to civil asset forfeiture improvements.

*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 2020 Official Edition, is hereby amended by striking out, in lines 93 through 95,  
3 the words: “the commonwealth shall have the burden of proving to the court the existence of  
4 probable cause” and inserting in place thereof the following: “the commonwealth shall have the  
5 burden of proving to the court beyond a reasonable doubt”.

6 SECTION 2. Subsection (d) of section 47 of said chapter 94C, as so appearing, is hereby  
7 further amended by striking out the second, third and fourth paragraphs, in lines 121 through  
8 159, inclusive, and inserting in place thereof the following: “There shall be established within the  
9 Office of the State Treasurer a Special Public Attorney and Drug Rehabilitation Trust Fund. The  
10 funds deposited into this special fund shall be utilized exclusively to support public attorneys  
11 appointed to defend individuals who can demonstrate an inability to afford representation in civil  
12 asset forfeiture proceedings, as well as to fund drug treatment, mental health treatment,

13 rehabilitation, prevention, and education programs, or any other initiatives aimed at deterring  
14 drug or substance abuse or addressing problems arising from such abuse. In accordance with the  
15 final order of the court, moneys and proceeds from any sales shall be distributed to the Special  
16 Public Attorney and Drug Rehabilitation Trust Fund.

17 SECTION 3. Subsection (f) of section 47 of said chapter 94C, as so appearing, is hereby  
18 amended by striking out, in line 185, the words: “of probable cause” and inserting in place  
19 thereof the following: “of beyond a reasonable doubt”.

20 SECTION 4. Subsection (f) of section 47 of said chapter 94C, as so appearing, is hereby  
21 further amended by striking out, in lines 197 to 203, the last sentence of paragraph (2).

22 SECTION 5. Subsection (k) of section 47 of said chapter 94C, as so appearing, is hereby  
23 amended by striking out, in lines 250 to 258, paragraph (2) in its entirety and inserting in place  
24 thereof the following: (2) The attorney general, each district attorney and each police department  
25 for which the state treasurer has established a special public attorney and drug rehabilitation trust  
26 fund pursuant to subsection (d) shall file an annual report with the treasurer regarding all of the  
27 following: (i) the total amount of money in the trust fund at the beginning and end of the  
28 reporting period; (ii) the total amount of money deposited into the trust fund from civil asset  
29 forfeiture during the reporting period; (iii) the total amount of money distributed from the trust  
30 fund to CPCS and drug rehabilitation programs during the reporting period; (iv) a breakdown of  
31 how the money distributed from the trust fund was used, including specific details on which  
32 CPCS and drug rehabilitation programs received funding and the amounts they received; (v) the  
33 number of cases in which assets were seized and forfeited during the reporting period; (vi) the  
34 value of assets seized and forfeited during the reporting period; (vii) a list of all expenditures

35 made from the trust fund, including the name of the payee, the date of the payment, and the  
36 purpose of the payment; and (viii) a detailed account of the outcomes created by fund such as  
37 results from CPCS involved civil asset forfeiture cases. The report shall be filed not later than  
38 January 31 for the preceding calendar year and shall be a public record.

39 SECTION 6. Section 47 of said chapter 94C, as so appearing, is hereby further amended  
40 by adding the following subsection:- (l) (a) In the event that any property with a value of at least  
41 \$3,000 is seized by a law enforcement agency for possible forfeiture under this chapter, the  
42 seizing agency shall promptly proceed against the contraband article by filing a complaint in the  
43 circuit court within the jurisdiction where the seizure or the offense occurred, paying a filing fee  
44 of at least \$1,000 and depositing a bond of \$1,500 to the clerk of the court. (b) The district  
45 attorney shall impose a mandatory stay on any civil forfeiture proceedings until the criminal case  
46 related to the seized property has been fully adjudicated. (c) The stay shall remain in effect until  
47 the defendant has been convicted, acquitted, or had the charges against them dismissed, or until  
48 the time for prosecution has expired. (d) The stay shall also apply to any appeals of the criminal  
49 case. (e) Unless otherwise expressly agreed to in writing by the parties, the bond shall be payable  
50 to the claimants if the claimants prevail in the forfeiture proceeding and in any appeal.

51 SECTION 7. Section 47 of said chapter 94C, as so appearing, is hereby further amended  
52 by striking out the words “special law enforcement trust fund”, each time it appears, and  
53 inserting in place thereof in each instance the following words: “special public attorney and drug  
54 rehabilitation trust fund”.