HOUSE DOCKET, NO. 1302 FILED ON: 1/14/2025

HOUSE . . . . . No. 1774

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:
Bradley H. Jones, Jr.	*20th Middlesex*	*1/14/2025*
Kimberly N. Ferguson	*1st Worcester*	*1/15/2025*
Paul K. Frost	*7th Worcester*	*1/31/2025*
Todd M. Smola	*1st Hampden*	*3/10/2025*

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HOUSE . . . . . No. 1774

By Representative Jones of North Reading, a petition (accompanied by bill, House, No. 1774) of Bradley H. Jones, Jr., and others relative to civil asset forfeiture improvements under the controlled substances law. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1577* OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

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:

SECTION 1. Subsection (d) of section 47 of chapter 94C of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 93 through 95, the words: “the commonwealth shall have the burden of proving to the court the existence of probable cause” and inserting in place thereof the following: “the commonwealth shall have the burden of proving to the court beyond a reasonable doubt”.

SECTION 2. Subsection (d) of section 47 of said chapter 94C, as so appearing, is hereby further amended by striking out the second, third and fourth paragraphs, in lines 121 through 159, inclusive, and inserting in place thereof the following: “There shall be established within the Office of the State Treasurer a Special Public Attorney and Drug Rehabilitation Trust Fund. The 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”.