

**JOINT COMMITTEE ON THE JUDICIARY
BILL SUMMARY**

BILL NO. H1953

TITLE: An Act relative to civil asset forfeiture

SPONSOR: Rep. Dave M. Rogers and Rep. Carlos Gonzalez

COSPONSORS: None

HEARING DATE: May 6, 2025

PRIOR HISTORY: H1732 (2023-2024)
H4279 (2021-2022)

SENATE BILLS: None

CURRENT LAW: The General Laws permit the forfeiture of property connected to criminal activity. Section 24W of Chapter 90 permits forfeiture of vehicles for drunk driving offenses, Section 47 of Chapter 94C permits forfeiture of property connected to controlled substances crimes and Section 56 of Chapter 265 permits the forfeiture of property related to human trafficking crimes.

In all sections a prosecutor may petition the court to order forfeiture of the property based on a showing of probable cause that the property owner knew or should have known that it was used in violation of the law. The action may be commenced regardless of the value of the property and at any time regardless of the status of related criminal proceedings. There is no right to counsel, even if the property owner is entitled to public representation in a related criminal proceeding. The proceeds obtained through forfeiture proceedings are either under the control of the prosecuting agency in the case or, for controlled substances forfeiture, split between the prosecuting and law enforcement agency involved in the case.

Section 2BBBB of Chapter 29 creates the Commonwealth Substance Abuse Prevention and Treatment Fund.

BILL SUMMARY:

Section 1 – Updates Section 47 of Chapter 94C so that forfeiture proceeds are sent to the Commonwealth Substance Abuse Prevention and Treatment Fund in Section 2BBB of Chapter 29.

Section 2 – Adds to Section 47 a requirement that seizures must have at least a value of \$250.

Section 3 – Changes the Section 47 burden of proof to clear and convincing evidence.

Section 4 - Changes in Section 47 the date for reporting to the Ways and Means Committees from March 31st to January 31st.