

JOINT COMMITTEE ON THE JUDICIARY
BILL SUMMARY

BILL NO. H1990

TITLE: An Act relative to civil asset forfeiture transparency and data reporting

SPONSOR: Rep. Danilo A. Sena and Rep. Carlos Gonzalez

COSPONSORS: None

HEARING DATE: May 6, 2025

PRIOR HISTORY: H1762 (2023-2024)
H3233 (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.

BILL SUMMARY:

Sections 1 and 3 – Add requirements to Section 24W of chapter 90 and Section 56 of chapter 265 that each district attorney and each police department file annual reports with the Executive Office of Administration and Finance, Senate and House Committees on Ways and Means and the Joint Committee on the Judiciary regarding all of their civil forfeitures. Reports shall include a variety of information, including but not limited to date of seizure, type of goods seized, location of seizure, estimated value of seizure, & nature and outcome of the arrest.

Section 2 – Adds language to Section 47 of Chapter 94C requiring the Executive Office of Administration and Finance to maintain and publish a list of all the items seized with details concerning their disposition. Additionally, it requires an annual report by the Committee on Public Counsel Services to the Senate and House Committees on Ways and Means and the Joint Committee on the Judiciary concerning the amount of civil forfeiture cases under the law.