

Effective 7/1/2015

24-4-118 Forfeiture reporting requirements.

- (1) On and after January 1, 2016, every state, county, municipal, or other law enforcement agency shall, when transferring the final disposition of any civil or criminal forfeiture matter to the Commission on Criminal and Juvenile Justice as required under this chapter, provide all available data described in Subsection (5), along with the transfer of any applicable forfeited property.
- (2) The Commission on Criminal and Juvenile Justice shall develop a standardized report format that each agency shall use in reporting the data required under this section.
- (3) The Commission on Criminal and Juvenile Justice shall annually, on or before April 30, prepare a summary report of the case data submitted by each agency under Subsection (1) during the prior calendar year.
- (4)
 - (a) If an agency does not comply with the reporting requirements under this section, the Commission on Criminal and Juvenile Justice shall contact the agency and request that the agency comply with the required reporting provisions.
 - (b) If an agency fails to comply with the reporting requirements under this section within 30 days after receiving the request to comply, the Commission on Criminal and Juvenile Justice shall report the noncompliance to the Utah attorney general, the speaker of the House of Representatives, and the president of the Senate.
- (5) The data for any civil or criminal forfeiture matter for which final disposition has been made under Subsection (1) shall include:
 - (a) the agency that conducted the seizure;
 - (b) the case number or other identification;
 - (c) the date or dates on which the seizure was conducted;
 - (d) the number of individuals having a known property interest in each seizure of property;
 - (e) the type of property seized;
 - (f) the alleged offense that was the cause for seizure of the property;
 - (g) the type of enforcement action that resulted in the seizure, including an enforcement stop, a search warrant, or an arrest warrant;
 - (h) whether the forfeiture procedure was civil or criminal;
 - (i) the final disposition of the matter, including whether final disposition was entered by stipulation of the parties, including the amount of property returned to any claimant, by default, by summary judgment, by jury award, or by guilty plea or verdict in a criminal forfeiture; and
 - (j) if the property was transferred to a federal agency or any governmental entity not created under and subject to state law:
 - (i) the date of the transfer;
 - (ii) the name of the federal agency or entity to which the property was transferred;
 - (iii) a reference to which reason under Subsection 24-4-114(1)(a) justified the transfer;
 - (iv) the court or agency where the forfeiture case was heard;
 - (v) the date of the order of transfer of the property; and
 - (vi) the value of the property transferred to the federal agency, including currency and the estimated market value of any tangible property.
- (6) On and after January 1, 2016, every state, county, municipal, or other law enforcement agency shall annually on or before April 30 submit a report for the prior calendar year to the Commission on Criminal and Juvenile Justice which states:
 - (a) whether the agency received an award from the State Asset Forfeiture Grant Program under Section 24-4-117 and, if so, the following information for each award:

- (i) the amount of the award;
 - (ii) the date of the award;
 - (iii) how the award was used or is planned to be used; and
 - (iv) a statement signed by both the agency's executive officer or designee and by the agency's legal counsel, that:
 - (A) the agency has complied with all inventory, policy, and reporting requirements under Section 24-4-117; and
 - (B) all awards were used for crime reduction or law enforcement purposes as specified in the application and that the awards were used only upon approval by the agency's legislative body; and
 - (b) whether the agency received any property, money, or other things of value pursuant to federal law as described in Subsection 24-4-114(2) and, if so, the following information for each piece of property, money, or other thing of value:
 - (i) the case number or other case identification;
 - (ii) the value of the award and the property, money, or other things of value received by the agency;
 - (iii) the date of the award;
 - (iv) the identity of any federal agency involved in the forfeiture;
 - (v) how the awarded property has been used or is planned to be used; and
 - (vi) a statement signed by both the agency's executive officer or designee and by the agency's legal counsel, that the agency has only used the award for crime reduction or law enforcement purposes authorized under Section 24-4-117, and that the award was used only upon approval by the agency's legislative body.
- (7)
- (a) On or before July 1 of each year, the Commission on Criminal and Juvenile Justice shall submit notice of the annual reports in Subsection (3) and Subsection (6), in electronic format, to:
 - (i) the Utah attorney general;
 - (ii) the speaker of the House of Representatives, for referral to any House standing or interim committees with oversight over law enforcement and criminal justice;
 - (iii) the president of the Senate, for referral to any Senate standing or interim committees with oversight over law enforcement and criminal justice; and
 - (iv) each law enforcement agency.
 - (b) The reports described in Subsection (3) and Subsection (6), as well as the individual case data described in Subsection (1) for the previous calendar year, shall be published on the Utah Open Government website at open.utah.gov on or before July 15 of each year.

Enacted by Chapter 134, 2015 General Session