

By Mr. Stoddart of Natick, petition of Douglas W. Stoddart relative to the forfeiture of certain property under the controlled substances law. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Nine.

AN ACT RELATIVE TO THE FORFEITURE OF CERTAIN PROPERTY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Paragraph (d) of section 47 of chapter 94C of the General
2 Laws, as appearing in the 1992 Official Edition, is hereby
3 amended by striking out the second and third paragraphs and
4 inserting in place thereof the following two paragraphs:—

5 All forfeited currency and monies derived from the sale of for-
6 feited assets, less the above described costs, shall be deposited
7 forthwith into a special law enforcement trust fund, administered
8 by the office of state treasurer. Thereafter, the prosecuting district
9 attorney or attorney general and the city, town or state police
10 attorney or attorney general and the city, town or state police
11 department involved in the seizure may petition the treasurer for
12 use of said funds. The treasurer shall distribute the proceeds in an
13 equitable manner among all petitioning parties consistent with the
14 degree to which the parties were involved in the case which gen-
15 erated the seized property.

16 The treasurer may distribute the money in periodic install-
17 ments. Before any money is distributed, the petitioning party must
18 certify the specific need and amount for each anticipated distribu-
19 tion and shall, at the end of each calendar year, submit to the trea-
20 surer a certified statement as to each actual disbursement for that
21 year. The district attorney or attorney general may expend up to
22 ten percent of the monies and proceeds for drug rehabilitation,
23 drug education and other anti-drug or neighborhood crime watch
24 programs which further law enforcement purposes. Any program

25 seeking to be an eligible recipient of said funds shall file an
26 annual audit report with the local district attorney and attorney
27 general. Such report shall include, but not be limited to, a listing
28 of the assets, liabilities, itemized expenditures, and board of direc-
29 tors of such program. Within ninety days of the close of the fiscal
30 year, each district attorney and the attorney general shall file an
31 annual report with the house and senate committees on ways and
32 means on the use of the monies in the trust fund for the purposes
33 of drug rehabilitation, drug education, and other anti-drug or
34 neighborhood crime watch programs.