

SENATE BILL 643

E2

9lr2645

By: **Senator Klausmeier**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Forfeiture Proceeds – Appropriation Percentage and**
3 **Reporting**

4 FOR the purpose of altering the percentage of proceeds the Governor is required to
5 appropriate to the Maryland Department of Health from certain proceeds deposited
6 in the General Fund from certain forfeitures for the purpose of funding drug
7 treatment and education programs; requiring the Governor's Office of Crime Control
8 and Prevention (GOCCP) to include in a certain report to the Governor and the
9 General Assembly the total amount deposited in the General Fund from certain
10 forfeitures and how the funds were spent; and generally relating to forfeitures.

11 BY repealing and reenacting, with amendments,
12 Article – Criminal Procedure
13 Section 12–405 and 12–602(f)
14 Annotated Code of Maryland
15 (2018 Replacement Volume)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Criminal Procedure**

19 12–405.

20 Notwithstanding any other provision of law, the Governor shall appropriate [20%]
21 **100%** of the proceeds deposited in the General Fund of the State under this subtitle to the
22 Maryland Department of Health for the purpose of funding drug treatment and education
23 programs.

24 12–602.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (f) **(1) GOCCP SHALL INCLUDE IN THE AGGREGATE REPORT THE TOTAL**
2 **AMOUNT FROM FORFEITURES DEPOSITED IN THE GENERAL FUND OF THE STATE**
3 **UNDER § 12-405 OF THIS TITLE THAT WERE APPROPRIATED TO THE MARYLAND**
4 **DEPARTMENT OF HEALTH FOR THE PURPOSE OF FUNDING DRUG TREATMENT AND**
5 **EDUCATION PROGRAMS AND HOW THE FUNDS WERE SPENT.**

6 **(2)** GOCCP may include, with the aggregate report of MSAC,
7 recommendations to the legislature to improve forfeiture statutes to better ensure that
8 forfeiture proceedings are reported and handled in a manner that is fair to crime victims,
9 innocent property owners, secured interest holders, citizens, and taxpayers.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2019.