

**Department of Legislative Services**  
Maryland General Assembly  
2020 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 69  
Judiciary

(Delegate Grammer)

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**Criminal Procedure - Governor's Office of Crime Control and Prevention -  
Reporting of Seizures and Forfeitures**

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This bill alters the publication requirements for an annual report by the Maryland Statistical Analysis Center (MSAC) of the Governor's Office of Crime Control and Prevention (GOCCP) on seizure and forfeiture activity in the State. It changes, from March 1 to September 1, the online publication deadline for MSAC's aggregate report and reports submitted by seizing authorities. The bill also requires seizing authorities to promptly notify MSAC of any changes in the status of seizure and forfeiture information previously reported.

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**Fiscal Summary**

**State Effect:** The bill does not materially affect State operations or finances, as discussed below.

**Local Effect:** The bill does not materially affect local government operations or finances, as discussed below.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Chapters 619 and 658 of 2016 require each seizing authority, in consultation with the corresponding forfeiting authority, to report specified information about each individual seizure and forfeiture completed by the agency under Title 12 of the Criminal Procedure Article (seizures and forfeitures related to controlled dangerous substances violations). The report must also indicate how any funds appropriated to the

authority as a result of forfeiture were spent in the preceding fiscal year. MSAC must compile the information and issue an aggregate report. MSAC must make the aggregate report and the reports submitted by seizing authorities available on its website by March 1 of each year.

GOCCP must also submit the aggregate report to the Governor, the General Assembly, and each seizing authority before September 1 of each year. GOCCP may include recommendations to the legislature to improve forfeiture statutes to better ensure that forfeiture proceedings are reported and handled in a manner that is fair to crime victims, innocent property owners, secured interest holders, citizens, and taxpayers. Pursuant to Chapter 235 of 2019, GOCCP must also include specified information on forfeiture proceeds deposited into the general fund that are appropriated to the Maryland Department of Health to fund drug treatment and education programs.

**Background:** The bill reflects recommendations in MSAC's most recent aggregate report, which was published on September 1, 2019, and includes seizure and forfeiture information from calendar 2018. According to the report, although seizing authorities must report annual information by March 1 of the next calendar year, most cases involving property seizures have not been fully resolved by this deadline, and law enforcement agencies continue to provide updated information through the online reporting portal after March.

The report also notes that the March 1 deadline does not provide sufficient time for MSAC to review the individual reports and correct any errors in data prior to publishing the aggregate report. Finally, it states that establishing a September 1 deadline for online publication will align with the required submission of the aggregate report to the Governor and the General Assembly and ensure consistency.

**State Expenditures:** The bill aligns statutory deadlines with current practice, as GOCCP advises that it currently publishes the individual reports submitted by seizing authorities and the aggregate report on MSAC's website on September 1. Furthermore, because seizing authorities already have the ability in the existing online reporting system to update previously reported data, there is no material impact associated with the requirement to promptly notify MSAC of new information.

**Local Expenditures:** Although the bill establishes a new notification requirement, seizing authorities already track the relevant data and, as noted above, have the ability to update it using an existing online system. Accordingly, any *potential* minimal expenditures to comply with the bill's requirements do not materially impact local finances and operations.

## **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Caroline, Howard, Montgomery, and Prince George's counties; City of Bowie; Governor's Office of Crime Control and Prevention; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - January 17, 2020  
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