MEASURE NUMBER:SB 356STATUS: A EngrossedSUBJECT:Revises laws relating to civil forfeiture.GOVERNMENT UNIT AFFECTED:Criminal Justice Commission, Oregon State Police, OregonJudicial Department, Cities and CountiesPREPARED BY:Tim WalkerREVIEWED BY:Doug WilsonDATE:March 31, 2009 <REVISED>

EXPENDITURES:

See Analysis.

EFFECTIVE DATE: On passage.

GOVERNOR'S BUDGET: This bill is not anticipated by the Governor's recommended budget.

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

2009-2011

2011-2013

ANALYSIS: *This fiscal impact statement has been revised due to new information provided by one of the agencies affected by the bill.* This bill enacts the provisions of Ballot Measure 53, which amended the Oregon Constitution to clarify under what circumstances civil forfeiture can be undertaken, allows state and local law enforcement to share proceeds resulting from participation with federal forfeitures, and allows forfeiture without criminal conviction when the property is a neglected or abused animal.

Proceeds from civil forfeitures would be distributed as follows:

- The seizing agency will pay all expenses associated with liquidating the seized property;
- After all costs are paid, the seizing agency will distribute proceeds according to any restitution orders;
- 10% to the Commission on Children and Families for relief nurseries;
- 20% to the Criminal Justice Commission (CJC) for drug courts;
- 2.5% to CJC for monitoring and oversight;
- 5% for the Illegal Drug Clean-up Fund and;
- The remaining 62.5% to the seizing agency for equipment, education, cash for undercover "buys" and administrative expenses.

CJC will be responsible for training, coordinating, and outreach to law enforcement agencies concerning the provisions of this bill. It is not known at this time the amount of civil forfeitures that may be collected as a result of the Ballot Measure or this bill.

The Oregon Judicial Department anticipates an increase the number of civil forfeiture cases due to the provisions of this bill. The exact number is difficult to project, but OJD has provided estimates for a range of cases from 50 to 400 cases per year. At this rate, OJD projects potential costs of between

\$25,000 and \$197,000 for 18 months in the 2009-11 biennium and between \$33,000 and \$263,000 in the 2011-13 biennium. Over the past ten years there was a high of 1,530 civil forfeiture cases filed and a low of six in 2007. Ballot Measure 3 severely restricted the circumstances under which civil forfeiture could be used and Ballot Measure 53 allows for civil forfeiture, but in a more limited circumstance than pre-Ballot Measure 3.