

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 533
3 entitled “An act relating to converting civil forfeiture of property in drug-
4 related prosecutions into a criminal process” respectfully reports that it has
5 considered the same and recommends that the Senate propose to the House that
6 the bill be amended by striking out all after the enacting clause and inserting in
7 lieu thereof the following:

8 Sec. 1. DRUG-RELATED PROPERTY SEIZURE AND FORFEITURE;
9 WORKING GROUP; REPORT

10 (a) Creation. There is created the Property Seizure and Forfeiture Working
11 Group to study Vermont’s use of property seizure and forfeiture processes
12 under federal and State law for drug-related offenses.

13 (b) Membership. The Working Group shall be composed of the following
14 members:

15 (1) the Chief Judge of the Vermont Superior Court or designee;

16 (2) the Attorney General or designee;

17 (3) the State Treasurer or designee;

18 (4) the Defender General or designee;

19 (5) the Commissioner of Public Safety or designee;

20 (6) the Executive Director of the Department of State’s Attorney and
21 Sheriffs or designee;

1 (7) the President of the Vermont Sheriffs’ Association or designee; and

2 (8) the President of the Institute for Justice or designee;

3 (c) Powers and duties. The Working Group shall study how Vermont law
4 enforcement used federal and State law to seize and forfeit property in drug-
5 related offenses since 2015. In particular, the study shall examine:

6 (1) the date, type, quantity, value, and location of any seized property;

7 (2) the number of State property seizures resulting in federal adoption;

8 (3) forfeiture actions commenced using the State and federal processes,
9 including the date of commencement, type of forfeiture process used, and why
10 the specific forfeiture process was selected;

11 (4) drug offenses related to any State and federal forfeiture actions,
12 including the date the offense is charged and date of final judgment, plea
13 agreement, or other agreement disposing of the matter;

14 (5) whether innocent owners, lienholders, or other interested parties
15 aggrieved by a seizure or forfeiture intervened or otherwise participated in any
16 State and federal forfeiture actions;

17 (6) the outcomes of State and federal forfeiture actions, including the
18 dates of disposition and whether property was forfeited, returned, or otherwise
19 disposed;

1 (7) how and when the proceeds of forfeited property were distributed
2 using the State and federal processes, including the share of proceeds received
3 by any law enforcement agencies and prosecutors’ offices;

4 (8) how any proceeds were used by law enforcement agencies and
5 prosecutors’ offices;

6 (9) any problems, impediments, or issues with the State process,
7 including impacts on the State court system if it is expanded; and

8 (10) any complaints concerning abuse of the State and federal processes
9 by law enforcement agencies or prosecutors’ offices.

10 (d) Report. On or before December 15, 2022, the Working Group shall
11 submit a written report in the form of proposed legislation to the Joint
12 Legislative Justice Oversight Committee.

13 (e) Meetings.

14 (1) The Chief Judge of the Vermont Superior Court or designee shall
15 call the first meeting of the Working Group to occur on or before July 15,
16 2022.

17 (2) The Committee shall select a chair from among its members at the
18 first meeting.

19 (3) A majority of the membership shall constitute a quorum.

20 (4) The Working Group shall cease to exist on January 1, 2023.

1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on July 1, 2022.

3 and that after passage the title of the bill be amended to read: “An act
4 relating to a study of seizure and forfeiture of property in drug-related
5 offenses”

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7 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE

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