Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

Part I: Measure Information

Bill Request #: 957						
Bill #: HB 430						
Document ID #: 4214						
Bill Subject/Title: An Act relating to law enforcement seizure of money or property.						
Sponsor: Representative Jerry T. Miller						
Unit of Government: X City X County X Urban-County Unified Local						
X Charter County X Consolidated Local X Government						
Office(s) Impacted: Local Law Enforcement						
Requirement: <u>X</u> Mandatory Optional						
Effect on Powers & Duties: X Modifies Existing X Adds New Eliminates Existing						

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 430 amends KRS 218A.440 to require all law enforcement agencies to file asset seizure reporting forms with the Justice and Public Safety Cabinet (JPSC) within 30 days following the close of each fiscal year. Each form should declare whether or not the agency seized money or property pursuant to KRS 218A.415.

The JPSC shall develop an asset seizure reporting form to be completed by law enforcement agencies. Each law enforcement agency that seized money or property must report those seizures for the preceding fiscal year using this form.

This form shall also require a detailed listing for all previous fiscal years of any money or property that has yet to be disposed.

Within 90 days of the close of the fiscal year, JPSC shall notify any law enforcement agency that has not yet filed an asset seizure reporting form that they must comply with the reporting requirements within 30 days. Agencies failing to do so shall be referred to the

Attorney General for civil action. Non-compliant agencies shall be liable to the state for the full value of all property and money seized.

Impacts of HB 430 on local law enforcement agencies and local governments is as follows:

If local law enforcement fails to submit the asset seizure forms, the agency and respective local government would be subject to legal action and all the costs associated with those actions as well as lost proceeds from the sale of property. Law enforcement agencies retain 85 percent of sale proceeds for use in law enforcement activities.

This proposal also amends KRS 15.440 to require compliance of local law enforcement agencies with asset seizure reporting in order to maintain eligibility for the Law Enforcement Foundation Program Fund (LEFP).

The potential of not being eligible for LEFP funds could have a substantial impact on noncompliant law enforcement agencies.

The fiscal impact is indeterminable. The frequency of failing to comply is expected to be low to none, however, for those agencies who do not comply, the financial impact of lost resources, including LEFP, and incurred legal costs could be high.

Part III: Differences to Local Government Mandate Statement from Prior Versions

The Part II section above pertains to the bill as introduced and there are not any prior introduced versions of the bill to complete the Part III section.

Data Source(s): <u>LRC Staff</u>

Preparer:	Mark Offerman	Reviewer:	KHC	Date:	2/25/19
------------------	---------------	------------------	-----	-------	---------