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DEC 23 2010

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Senate of Pennsylvania

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TO: ALL SENATORS

FROM: Senator Jane C. Orie

DATE: December 22, 2010

RE: Reform of reporting requirements under forfeiture laws and excess funds to be annually transferred to the General Fund.

A handwritten signature in black ink, appearing to be 'JCO'.

Under several laws, asset forfeiture is provided for and allows the Attorney General and District Attorneys to seize money and property. The proceeds and property can be used in the furtherance of investigating crimes, including expenses related to investigating crimes. The laws also allow for distribution to drug and crime fighting programs, use for the relocation and protection of witnesses, and to be given to nonprofit charitable institutions which provide counseling and other assistance to victims of sexual offenses. According to the most recent asset forfeiture report for the Controlled Substances Act, at the end of the 2007-2008 fiscal year there was a balance in excess of \$18 million.

In 2006 we provided for forfeiture of assets in criminal cases involving sex offenses. Unfortunately, there was no reporting requirement included so it is unclear how much, if any, assets are being forfeited or how they are being spent. There should be a reporting requirement for all forfeiture funds, and these particular funds should be allowed to be used towards the implementation of Megan's Law and any requirements for compliance with the federal Adam Walsh Child Protection and Safety Act of 2006 (Senate Bill 428). Additionally, in some of the provisions audits are required to be submitted to the Attorney General and shall not be disclosed to the public. However, there is no requirement that the audits be reviewed, so I also propose the audits be given to the Auditor General for his review.

I plan on introducing legislation to cover these areas:

- Require reporting and audit of the assets seized in connection with sex offenses (18 P.A.C.S. § 3141), allow for their use with Megan's Law and compliance with the federal Adam Walsh Child Protection and Safety Act, and require an annual report and audit for any other asset forfeiture law where it is not currently required;
- Require more details on the uses of all asset funds, specifically funding of non-law enforcement activities and programs, and that copies of all audits be submitted to the Auditor General for review; and
- At the end of the fiscal year, 50% of the remaining funds in these accounts shall be transferred to the General Fund.

This legislation was proposed last session but was not introduced. The following members had indicated their willingness to co-sponsor last session, Senators Erickson, Eichelberger and Mensch. If you would like to co-sponsor this legislation, please contact Kacie Morrell at 787-6538 or by email at kmorrell@pasen.gov.