

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1750

Short Title: LRC Study/"Seized Property".

(Public)

Sponsors: Representative Buchanan.

Referred to: Rules, Calendar, and Operations of the House.

May 25, 2000

A BILL TO BE ENTITLED

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2 **AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO**
3 **STUDY THE LAWS, PROCEDURES, AND ANY OTHER RELEVANT ISSUES**
4 **REGARDING THE SEIZURE, CUSTODY, ACCOUNTING, PRESERVATION,**
5 **AND DISBURSEMENT OF FUNDS AND ANY OTHER PROPERTY THAT IS**
6 **CONFISCATED OR SEIZED AND TO APPROPRIATE FUNDS FOR THAT**
7 **STUDY.**

8 The General Assembly of North Carolina enacts:

9 Section 1. The Legislative Research Commission may study the laws and
10 procedures regarding the seizure, custody, accounting, preservation, and disbursement of
11 funds and other property that is confiscated or seized. In its study the Legislative
12 Research Commission may consider all of the following:

13 (1) The current law, procedures, and practices regarding the identification,
14 accounting, holding and disbursement of seized or confiscated assets
15 and property.

16 (2) The civil liability of counties and municipalities for the wrongful
17 seizure, misapplication, improper accounting, and improper
18 disbursement of seized or confiscated assets, particularly seized
19 automobiles and cash, and the need to clearly define and, where
20 possible, limit the scope of that liability.

1 (3) The need to balance the interests of an accused defendant in retaining
2 ownership and recovering possession of seized assets and property if the
3 defendant is absolved of any criminal wrongdoing and balancing the
4 interests of law enforcement and the court system in permanently
5 removing the items from the ownership of individuals who may
6 wrongfully apply them for criminal gain.

7 (4) Any other relevant issues.
8 Section 2. The Legislative Research Commission may make its findings and
9 recommendations in an interim report to the 2001 General Assembly, Regular Session
10 2002, and may make a final report to the 2003 General Assembly.

11 Section 3. There is appropriated from the General Fund to the General
12 Assembly the sum of twenty-five thousand dollars (\$25,000) for the 2000-2001 fiscal
13 year to implement this act.

14 Section 4. This act becomes effective July 1, 2000.